THE YORK POTASH HARBOUR FACILITIES ORDER 201X

Planning Statement

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YORKPOTASH
A Sirius Minerals Project

Nathaniel Lichfield & Partners
Planning. Design. Economics.

Harbour Facilities Development Consent Order

Planning Statement
Regulation 5(2)(g) and 6(3)

Document No: 7.1
York Potash Limited

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Executive Summary

Introduction

This Planning Statement has been prepared on behalf of the applicant, York Potash Ltd ('YPL'), and accompanies an application for a Development Consent Order ('DCO') that is being submitted to the Planning Inspectorate. The proposals are for the construction and operation of harbour facilities and associated development at Bran Sands, Teesside ('the application').

The application is being submitted pursuant to Section 24 of the Planning Act 2008 which specifies that the development of 'harbour facilities' where the throughout per year is above 5 million tonnes per annum constitute a Nationally Significant Infrastructure Project ('NSIP').

Background to the Application

The application forms part of the wider York Potash Project ('YP Project') which includes the development of a new mine intended for the winning and working of the only known UK resource of polyhalite (a form of potash and a natural fertiliser) and its ongoing handling and transport to the national and international marketplace. The Harbour Facilities proposals are required to enable the bulk export of polyhalite.

Pre-application Procedures

Pre-application procedures have been carried out in accordance with the requirements of the Planning Act 2008 and secondary legislation governing DCO proposals.

Consultation

A Consultation Report [Document No: 6.1] accompanies the Harbour Facilities DCO application. This explains the early consultation undertaken on the Project since its inception in January 2011 and the statutory consultation in September 2014 undertaken pursuant to Sections 42, 47 and 48 of the Act.

The consultation feedback, the majority of which has been strongly supportive, has informed the scope of the key themes against which the scheme is considered within this Statement.

Environmental Impact Assessment ('EIA')

The scheme comprises an EIA development under Section 10(g) of Schedule 2 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ('the 2009 EIA Regulations') as updated

by the Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012 (March 2012). The scope of the EIA was agreed between YPL and The Planning Inspectorate ('PINS') in January 2014 and an Environmental Statement accompanies the DCO application.

The Site

The site extends to an area of approximately 92.44 hectares from the Wilton International complex north-westwards to Bran Sands on the south bank of the River Tees.

The majority of the area included within the site boundary is undeveloped and is not in use; albeit the boundary is criss-crossed by infrastructure including roads, rail and pipelines. It includes an area of the River Tees that will be subject to dredging activities. A narrow flat and featureless strip of land separates areas of the foreshore from the Bran Sands Lagoon which occupies a large area within the west of the site.

The western areas of the site comprise a strip of land which extends east and south into the Wilton International complex to connect with the separate planning application site boundary for the YP Material Handling Facility. This area comprises largely flat, featureless scrubland.

The Proposed Development

In the event that the DCO is granted, control of development would principally occur with reference to the description of the works in Schedule 1 of the Draft DCO, the limits of deviation imposed by Article 4 and the requirements in Schedule 2 of the DCO [Document 4.1]. The proposed works as identified in Schedule 1 of the Draft DCO are:-

- Works No. 1 – dredging within the River Tees, the creation of a berth pocket and demolition of an existing jetty (and associated infrastructure);
- Works No. 2 - a quay (constructed in two phases) being either (a) of solid construction (comprising a quay wall and reclamation land behind it on the south side of the River Tees) or (b) of open construction comprising a suspended deck supported by piles and a revetment on the re-graded slope on the south side of the River Tees along with the erection of three bridge approaches; and, in addition, ship loaders and associated infrastructure; surge bins and transfer towers; extension, modification or replacement of a pipe connecting Works No. 3 and Works No. 1; and a below ground waste water treatment facility;
- Works No. 3 – lagoon enhancement works and extension, modification or replacement of a pipe and provision of an additional pipe for flow control between the lagoon and Works No. 2;

- Works No. 4 – parallel conveyors on supports to transfer polyhalite from the MHF to the ship loaders and surge bins (situated in Works No 2), including development of transfer stations;
- Works No. 5 – the development of works in association with Works 1-4 and 5-11 including vehicular and pedestrian access, construction space, access for construction and maintenance, conveyor footings and supports, transfer towers, surface and foul water disposal arrangements, signage, lighting, security and acoustic fencing, CCTV, services and security control;
- Works Nos. 6A, 7, 8,10 and 11 – works in various locations within the DCO boundary identified for temporary material storage and preparation and plant areas, temporary parking, temporary offices, temporary stores and temporary lighting, security fencing and gating;
- Works No. 6B – an area for the provision of a substation and car parking;
- Works No. 9 – works to develop a general service building, parking, ancillary infrastructure, below ground waste water storage tank and a substation; and
- Works No. 12 – improvements to the western arm of the A1085 roundabout, including widening the carriageway, construction of a new splitter island, and reconstruction and resurfacing works.

Development Phasing

Construction of the harbour facilities will be phased to coincide with the mineral production output from the proposed mine (the subject of separate minerals planning applications). The initial operations will be capable of accommodating a mineral throughput of up to 6.5 million tonnes per annum ('Mtpa') ('Phase 1'). As the separate mining operations ramp-up over the years following the Phase 1 development, the harbour facilities infrastructure required to receive and transfer the mineral for shipping will be extended and supplemented where necessary to support an end throughput of 13 Mtpa ('Phase 2').

Policy Background

The NPS for Ports was published in January 2012 and all applications for nationally significant port development must be decided in accordance with its policies. Additionally, port development that is likely to affect the marine environment must have regard to The UK Marine Policy Statement (MPS; published in March 2011).

There are other policy documents at a national and local level that supplement and provide site-specific context to the above national policy. These are considered to represent other matters important and relevant to the application. They include the role and need for the

facilities in this location; effects on other commercial operators in the area; the design qualities of the proposals; the economic and social benefits of the scheme; achievement of the principles of sustainable development; and various other environmental matters and material considerations (e.g. biodiversity, tourism and recreation, pollution control, hydrology and flooding, coastal change, transport, waste management and effects on the local landscape, views and heritage).

This policy context establishes a strong in-principle support for new port development in the UK to meet the need for additional port capacity over the next 20 to 30 years. The NPS is clear that such development is fundamental to contributing to long-term economic growth and prosperity and supporting sustainable transport objectives. Determining authorities for any application for port development are therefore encouraged to start their assessment from the position that there is a presumption in favour of granting consent (Paragraph 3.5.2 of the Port NPS).

This general support for the principle of port development creates a clear positive policy context for the consideration of the DCO application. There are, however, a series of other prevailing policy considerations across the relevant planning policy documents and matters raised through the consultation that combine to form an assessment framework against which the detail of the application is assessed within this statement. This assessment is summarised below.

Other Development Considerations

Role of the Harbour Facilities in the YPL Project

The proposed Harbour Facilities will provide the infrastructure to allow for the export of polyhalite. At full production, the Project would supply approximately 4% of the world potassium based fertiliser market. That market is forecast to grow by approximately 60% by 2050 as demand increases to address world nutrient deficiencies and a growing global population.

Given the nature of the global polyhalite market, YPL anticipates that the vast majority of the mineral product from the Dove's Nest Farm minehead will be exported overseas.

Ensuring the appropriate transport infrastructure is in place at the proposed Harbour Facilities to allow for the export of the mined polyhalite is therefore fundamental to the delivery and success of the YP Project. Equally, the proposed Harbour Facilities are essential for efficient, sustainable and economic transport of the product, and consequently central to delivering on key Government transport policy ambitions.

The Need for the Harbour Facilities at Bran Sands

Only Teesside offers the opportunity to create a suitable harbour facility for the YP Project.

Within Teesport, the existing port operations are generally considered to offer limited capacity to accommodate the scale of harbour development proposed by YPL. As a consequence, YP is proposing its own dedicated harbour facility. YPL is therefore able to create a bespoke harbour, maximising operational efficiencies ensuring ship-loading equipment and harbour-side storage are specifically designed to meet the needs of the Project.

Potential Impacts on other Commercial Operators

The potential for impacts on prevailing navigation conditions and the issues arising from dredging and piling have been assessed. Equally, on-shore impacts of construction and operation have been considered.

It is concluded that the successful construction and subsequent operation of the Harbour Facilities would not have a material impact upon the existing operators along the River Tees, with prevailing navigation conditions retained. The protective provisions that will be in place will ensure that existing infrastructure in the area is not harmed.

Design

It is considered that the designs for the Harbour Facilities represent an appropriate balance between functionality and environmental-led design. The proposals will create an efficient and sustainable operation, whilst respecting prevailing site characteristics and surroundings as appropriate.

Social and Economic Benefits

When considered in its own right, it is clear that the Harbour Facilities will deliver some notable economic benefits to Redcar and the surrounding area during the construction and operations stages of the Project through job creation and investment.

When the proposal is considered in the context of the wider YP Project (which can only be realised through the development of the Harbour Facilities) its strategically important contribution towards boosting the local, regional and national economy is fully evident. These wider-ranging benefits include higher levels of job creation (direct, indirect and induced); higher economic output; an increase in exports; higher UK tax revenues; local payment such as royalties; and increased spending in the local economy. In this regard, the economic benefits of the YPL Project are nationally significant, of a scale that is rarely attributed to a single development proposal.

Sustainability

The Harbour Facilities proposals inherently support sustainable development through the promotion of transport of goods by water rather than by road.

YPL is committed to achieving gains across all dimensions of sustainability. This document provides an account of the proposed development across a number of sustainability objectives, and demonstrates that it exhibits sustainable credentials in accordance with policy at all levels.

Other Environmental Matters And Material Considerations

Habitat and Species Regulations Assessment

The nearest European Site to the harbour facilities is the Teesmouth and Cleveland Coast SPA (approximately 1km from the site) which includes both marine and terrestrial habitats. The site is also in proximity to the Teesmouth and Cleveland Coast Ramsar Site which comprises a range of habitats (sand and mudflats, rocky shore, saltmarsh, freshwater marsh and sand dunes).

The Harbour Facilities DCO application includes a Habitat Regulations Assessment [Document No: 6.3] that provides the survey data that Natural England has advised is required to enable an Appropriate Assessment to be undertaken. It is predicated that the proposed Harbour Facilities, with the implementation of proposed measures to mitigate the impact of construction noise and visual disturbance, and habitat enhancement works that are proposed in the Bran Sands Lagoon, would not affect the structure and function of the SPA or Ramsar site.

Health Considerations

The NPS makes specific reference to the potential impact of changes in the population on local facilities (e.g. transport, recreational facilities) which may by themselves gives rise to health impacts. The assessment of the socio-economic effects of the development identifies that the direct effects arising from increased demand for labour during the construction and operational phases are not significant and are therefore unlikely to give rise to the types of population change anticipated by the NPS.

Security Considerations

The harbour facilities are categorised as an ‘Other Bulk’ facility which is generally considered to be the least sensitive in terms of security requirements.

During the operation of the facility, YPL will identify a Port Facility Security Officer who will be responsible for the security of the development. In the event that the security level rises, the facility will be designed to be suitably adaptable to address any particular concerns. Also, for reasons of health and safety, YPL will maintain a closed site in relation to those areas immediately adjacent to the port operations.

Biodiversity and Geology

The development proposals include appropriate mitigation to ensure that the potential effects on biodiversity and geology from the operation of the Harbour Facilities are minimised. The scheme includes habitat enhancement works (including enhancement works to Bran Sands Lagoon) which will have a significantly beneficial effect for important species of waterbirds which make use of the area.

Flood Risk, Water Quality and Coastal Change

Full and appropriate consideration has been given to issues associated with flood risk, water quality and coastal change. The assessment has shown that the proposed Harbour Facilities would have a negligible or localised effect that is capable of being addressed through mitigation measures built into the DCO or through the operation of the development.

Traffic and Transport

The use of water to transport goods during the construction and operation of the development and the use of the overhead conveyor system to transport the product from the MHF to the Harbour Facilities are major contributing factors to the conclusion that the scheme will give rise to limited effects on the local highway network. Further, the development would result in a negligible impact on commercial navigation and no additional measures would be required to accommodate the development beyond normal safety measures that would be policed by the Harbour Master.

Air Quality and Emissions

As road traffic generation is predicted to be low, the assessment concludes that any effects on air quality due to road vehicle emissions would not be significant. A similar conclusion is reached when an assessment is carried out of the effects on air quality of vehicles from the Harbour Facilities and other development and proposals in the surrounding area.

The impact of emissions from vessels using the Harbour Facilities, both during its construction and operation has been assessed as negligible. Finally, detailed consideration has been given to the potential effects arising from the overhead conveyor system including the potential for

dust and particulate matter generation. This risk is considered to be minimal and any impacts on local air quality would not be significant.

Noise and Vibration

Equally, the overall effects in respect of noise and vibration arising from the scheme are anticipated to be negligible.

Landscape and Visual Effects

The assessment concludes that the development is in keeping with the landscape character of the area.

In terms of visual impact, views towards the site are relatively limited as they are obstructed by existing industrial structures and infrastructure, raised landforms and by screen planting. However, local views to the conveyor corridor are possible from nearby residential areas at Dormanstown, the A1085, the Redcar to Middlesbrough Railway and from public rights of way. Distant views to the footprint of the proposed port terminal are possible from beaches and dunes across the mouth of the Tees estuary. This potential impact has been reduced following careful design of key features, including the design approach to the conveyor, particularly as it crosses the A1085.

Historic Environment

There is a very low risk of harm or loss of local heritage features either above or below ground with the exception of a Dolphin Mooring Bollard located within the proposed berth pocket for the scheme. Details of this will be recorded prior to its demolition. An archaeological watching brief will be in place during the construction period to assist in the event that any further features are identified.

Land Use

The site is not currently allocated for a particular use within an adopted development plan; albeit the Council recognises in strategic policy documents (e.g. Redcar and Cleveland Regeneration Masterplan South Tees Area Spatial Framework, April 2010) that the site is appropriate for new port development. The location of the site adjacent to the River Tees does lend it to the development of Harbour Facilities including those of the nature proposed by the DCO application. It is considered that the development accords with relevant land use planning policy guidance.

Compliance with NPS Key Assessment Principles

The appraisal of the proposed Harbour Facilities against planning policy themes demonstrates the suitability of the proposed facilities. To assist with the consideration of the proposals, information is presented specific

to the key assessment principles listed in paragraph 4.1.1 of the Port NPS, and again, it is shown that the Project complies with the principles, as appropriate.

Conclusion

The proposed Harbour facilities at Bran Sands present an opportunity to deliver on Central Government transport objectives, providing new harbour capacity on the strategically important River Tees. Government sustainable transport objectives establish shipping as the only effective way to move bulk freight and the provision of additional port capacity is seen as key to promoting sustainable growth in the UK economy. The need for new port development is captured within the NPS for Ports that advises determining authorities to start with a presumption in favour of granting consent for applications for port development.

As such, there is highly supportive policy context for the consideration of the application. Further support is derived from a detailed appraisal of the proposed development. The Harbour Facilities that are the subject of the DCO will enable the bulk export of polyhalite from the YP Project, to supply a growing overseas market for this unique and highly effective fertiliser. In doing so, through an array of economic benefits not limited to job creation, investment and export value, the proposals will create an economic benefit that is of national significance, satisfying policy objectives at local, regional and national levels. Furthermore, these benefits can be delivered without prejudice to existing operations from businesses in the vicinity of the site or to important environmental conditions in the wider area.

This Statement therefore demonstrates why the making of the order is desirable in accordance with Regulation 6 (3)(b) of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations (2009).

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1.0 Introduction

Purpose of the Statement

1.1 This Planning Statement has been prepared on behalf of the applicant, York Potash Ltd ('YPL'), and accompanies an application for a Development Consent Order ('DCO') that is being submitted to the Planning Inspectorate. The proposals are for the construction and operation of harbour facilities and associated development at Bran Sands, Teesside ('the application').

1.2 The application is being submitted pursuant to the Planning Act 2008 which establishes a single development consent regime for Nationally Significant Infrastructure Projects ('NSIPs'). Section 24 of the Act specifies that the development of 'harbour facilities' where the throughout per year is above 5 million tonnes per annum constitute an NSIP.

1.3 The application forms part of the wider YP Project which includes the development of a new mine intended for the winning and working of the only known UK resource of polyhalite (a form of potash and a natural fertiliser) and its ongoing handling and transport to the national and international marketplace. Further details of the YP Project, including the consents required to implement the wider scheme, are provided in Section 2.0 of this document.

1.4 The large majority of the application site for the Harbour Facilities falls within the Borough of Redcar and Cleveland ('RCBC'), although a small section (where dredging of the River Tees is proposed) extends into the administrative area of Stockton-on-Tees Borough Council ('STBC').

1.5 The purpose of this report is to bring together necessary information to assist in appraising the development proposals against prevailing planning policy and other material considerations. It should be read in conjunction with other documents submitted with the application for a DCO and which are briefly described in Section 3.0.

1.6 This Statement includes information relevant to Regulation 6 (3)(b) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 by explaining why the making of the order is desirable in the interests of facilitating the efficient and economic transport of goods by sea.

Statement Structure

1.7 This Planning Statement adopts the following structure:-

- Section 2.0 explains the background to the wider YP Project, with reference to the exploration of polyhalite, the evolution of the mine proposals, and the role of the harbour facilities in delivering the overall Project objectives;
- Section 3.0 provides a description of the pre-application procedures that have been followed, including consultation, and specifies the documentation which comprises the application for a DCO;
- Section 4.0 provides a description of the application site and surroundings;
- Section 5.0 sets out a description of the proposed harbour facilities development;
- Section 6.0 details the planning policy context for the application proposals, and outlines the associated key policy themes relevant to the consideration of the application, derived both from this review and the account of the consultation responses detailed in Section 3.0;
- Section 7.0 provides an appraisal of the scheme against these planning policy themes. Initially consideration is given to the need for the development and, linked to this, the particular benefits of, and requirement for, the location of the development at Teesside. The potential for the proposed Harbour Facilities to deliver sustainable development, with regard to economic, environmental and social criteria is appraised, along with an account of other material planning considerations relevant to the DCO application; and
- Section 8.0 summarises the key issues identified and draws overall conclusions.

2.0 Background to the Application

2.1 The application for a DCO for the Harbour Facilities, and applications for various other aspects of the wider York Potash Project, is the product of a complex scheme development process that commenced over 4 years ago. In broad terms, this started with initial exploration works that aimed to establish the potential of the North Yorkshire area to accommodate mining activities, for the winning and working of potash; followed by the consideration of options and alternatives to both access the mineral and to then transport it to the marketplace; and concluding with the evolution of detailed proposals through design development and consultation that are now the subject of various applications submitted for consideration and determination.

2.2 This section provides an overview of this process, establishing the context for the form of development for which a DCO is sought. It also includes information on the development history of the application site.

YPL

2.3 YPL is a wholly owned subsidiary of Sirius Minerals Plc and is a Potash Development Company listed on the Alternative Investment Market ('AIM') of the London Stock Exchange. Its primary focus is the development of the 'York Potash Project' in North Yorkshire.

Potash/Polyhalite

2.4 As referred to above, the proposed harbour facilities are required for the export of polyhalite that is a particular form of potash that will be sourced from a proposed mine development, with a mine head located at Dove's Nest Farm, near Sneaton.

2.5 Potash is the collective term used for any mined and manufactured salts that contain potassium in water-soluble form. Potassium (P), together with nitrogen (N) and phosphorous (P), are the three main nutrients required by plants to grow. The application of Potash as a fertiliser is well established globally, delivering a number of acknowledged benefits including:-

1. Increasing yield and quality of agricultural produce;
2. Encouraging healthy plant growth by enhancing, for example, the ability of plants to resist diseases and insect attacks;
3. Helping the development of a strong and healthy root system and improving the efficiency of nitrogen and phosphorus use by optimising the uptake and synthesis of these other nutrients;
4. Activating large numbers of enzyme systems vital to the survival of plants; and

5. Through enhancing yield and quality of agricultural produce, having a knock-on benefit in livestock nutrition.

2.6 The application of fertilisers is of course common practice across the world and an integral part of maintaining and increasing crop yields year on year. However, with a global population continuing to increase and with it a need to satisfy a rising demand for food, fertilisers play an essential and increasingly important role in global agriculture.

2.7 Polyhalite is a particular form of Potash and has a number of unique and additional benefits over the more commonly applied potassium chloride variant. Specifically, it is a natural blend of four macro-nutrients needed for all plant growth (potassium, sulphur, magnesium and calcium). This allows a more balanced fertilisation base and it can be used without any further chemical processing. This quality makes polyhalite particularly valuable to those farm operations adopting an organic fertiliser regime, as it has an ability to act as a stand-alone fertiliser or be combined with other nutrients/elements, both chemically or physically, in compound NPK fertilisers adding to its versatility.

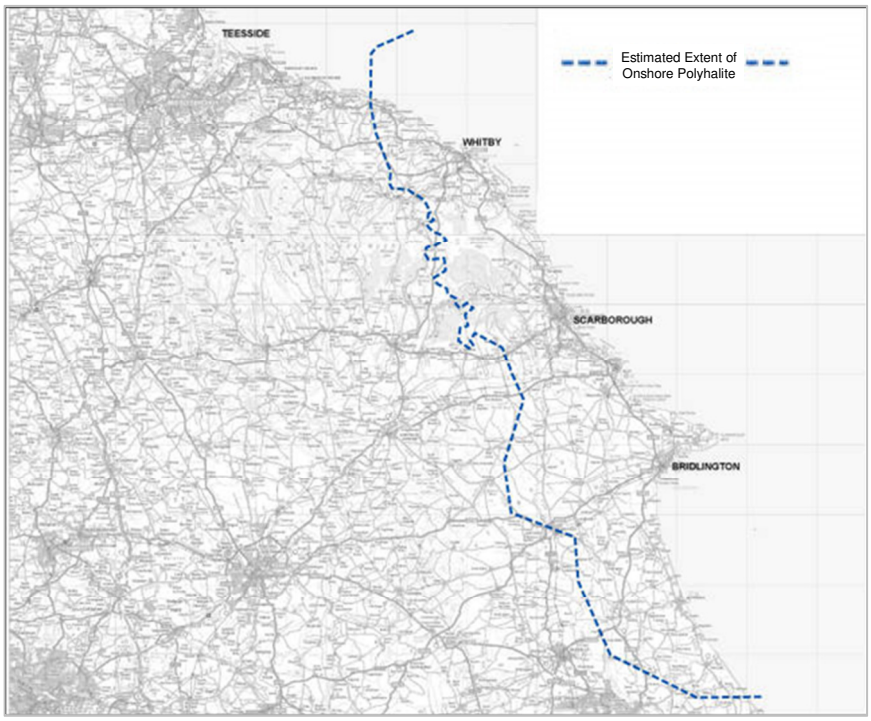
2.8 There are various other unique qualities of polyhalite (when used as a fertiliser), for example a linked reduced need to apply nitrogen products to crops and an opportunity to reduce the amount of irrigation applied.

2.9 It is estimated that at full production, the YP Project would supply approximately 4% of the world potassium based fertiliser market. That market is forecast to grow by 60% by 2050, with the main markets overseas. Key target markets for the Project are the USA, Brazil, China, Central America, Africa and Europe.

Distribution of Polyhalite

2.10 In terms of the availability of the mineral, polyhalite is found in ancient marine deposits where sea water has been concentrated due to a prolonged evaporation.

Figure 2.1 Estimated Extent of Onshore Polyhalite in the UK



2.11 In the UK, the only known resource is found onshore along a relatively small distance of coastline in North Yorkshire and is also present in large offshore areas beneath the North Sea extending towards northern Europe.

2.12 In 2010, YPL engaged in an extensive review of previous exploration results and potash mining activities in the North Yorkshire area with the objective of establishing the potential of the area to sustain a potash mine.

2.13 Following this review, YPL began a programme of exploratory drilling in the summer of 2011 to identify the extent of the resource. Assessment of the various drilling results by SRK Consultancy (UK) Ltd ('SRK') (a leading company in providing independent assessments of exploration projects) led to the verification of the presence of the world's largest and highest grade polyhalite resource in areas within and surrounding Dove's Nest Farm. It is currently estimated that the quantity of polyhalite accessible from this location would support the 'life' of a mine for a period in excess of 100 years.

The York Potash Project

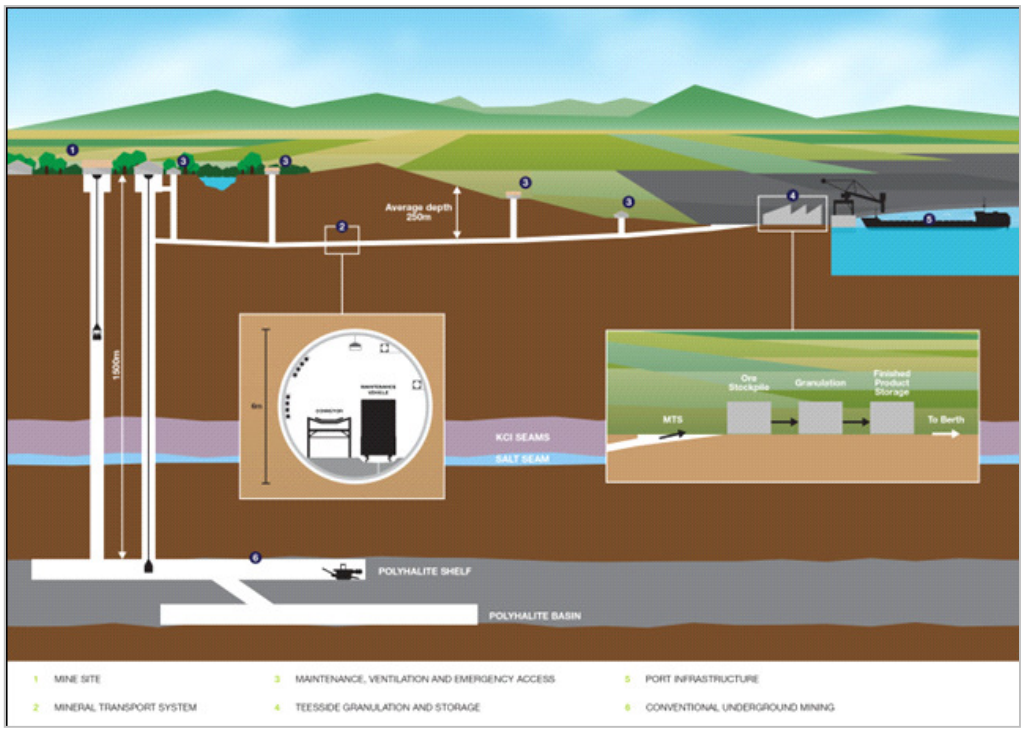
2.14 The Project comprises the following key elements:-

1. An underground Mine, with surface infrastructure at Dove's Nest Farm and Haxby Plantation, Sneatonthorpe;
2. A Mineral Transport System ('MTS'), primarily consisting of a 36.5km long tunnel, containing a series of linked conveyor belts that will

transport the polyhalite from an underground point at the Minehead beneath Dove's Nest Farm, to Wilton at Teesside, including three intermediate surface sites along the route to provide access for tunnel construction, ongoing maintenance, ventilation and emergency access;

3. A Materials Handling Facility ('MHF'), comprising a granulation and storage facility at Wilton International Complex that will receive and handle the polyhalite transported via the MTS, preparing it for onward transport; and
4. Harbour Facilities at Teesside linked to the MHF by a conveyor system (the subject of the DCO and this Planning Statement). The Harbour Facilities are clearly an essential component of the Project given the overseas nature of the predicted polyhalite markets.

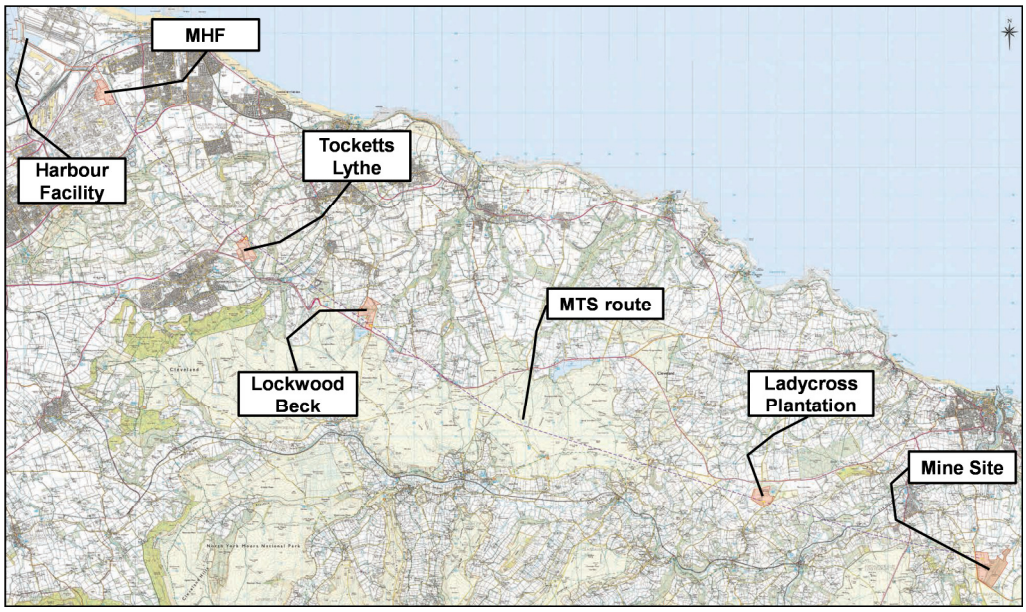
Figure 2.2 Diagrammatic Overview of the York Potash Project



Source: YPL

2.15 The locations of the main elements of the Project are shown below:-

Figure 2.3 Plan showing the broad location of each of the Project elements



Source: NLP

2.16 Other developments associated with the Project include:-

1. A Temporary Park & Ride facility to transport construction workers to the mine construction site. This is proposed at land to the south of Stainsacre Lane, directly opposite the existing Whitby Industrial Estate, south east of Whitby. The option to provide a construction worker village at the site is also provided for; and
2. A Mine Operations Park & Ride facility, west of Whitby. This would involve the creation of additional car parking spaces for mine workers as part of the existing Cross Butts Park & Ride Facility and allow for the provision of a private bus connection directly to the Minehead at Dove's Nest Farm.

2.17 The Project is a scheme of national strategic importance and its cross-boundary status as well as the varied nature of the constituent components adds to the level of complexity. This complexity is not restricted to operational factors, but also applies to the consenting regime in place that both guides and dictates the necessary applications required to allow for the full implementation of the project.

2.18 Table 2.1 provides a summary of the main Project elements, along with the various planning consents being sought for each part of the Project. This approach has been the subject of extensive pre-application consultation with The Planning Inspectorate, RCBC, STBC and North York Moors National Park Authority ('NYMNPA').

Table 2.1 The Project consenting regimes

Determining Authority/ Authorities	Project Element	Consenting Regime/ Method	Timetable
NYMNPA and RCBC	Mine and MTS	County matter application for minerals development	Submission: September 2014
RCBC	MHF	County matter application for minerals development	Submission: September 2014
Secretary of State	Harbour Facilities	Development Consent Order Application	Submission: March 2015
Scarborough Borough Council	Construction Worker Park & Ride Facility and Construction Village	Planning Application	Submission: January 2015
NYMNPA	Whitby Operations Park & Ride Facility	Planning Application	Submission: December 2014

Source: NLP

2.19 The status of these applications is explained in the Project Position Statement [Document No: 7.3].

2.20 Prior to submitting these applications, YPL was granted a Marine License from The Marine Management Organisation (MMO) in January 2013 (License No: L/2013/00027). This permits the offshore extraction of polyhalite beneath the sea bed by YPL, and covers a defined area, in excess of 500 square kilometres, within the North Sea directly off the coast between Whitby and south of Scarborough.

Summary

2.21 The Harbour Facilities, which are the subject of this Planning Statement, form part of a larger strategic development known as the York Potash Project. Its development will enable the winning and working; transport; handling; and bulk export of polyhalite; a resource which will assist in addressing the needs of a growing global population, and associated rising demand for food, through its role as a multi-nutrient fertiliser with an essential and increasingly important role in global agriculture.

2.22 The wider Project is being taken forward through the submission of a series of applications for different elements of the development. Within this context, the application for a DCO should be considered both as a singular development, whilst also acknowledging its role as an integral part of the wider YP Project.

3.0 Pre-Application Procedures

3.1 Pre-application procedures have been carried out in accordance with the requirements of the Planning Act 2008 and secondary legislation governing DCO proposals. This has involved extensive consultation throughout, from project inception to pre-submission. Key issues arising during this process have greatly assisted the design evolution of the emerging Harbour Facilities proposals. This section describes the processes adopted by the applicant and its advisory team to bring forward the Harbour Facilities proposals.

Harbour Facilities as a Nationally Significant Infrastructure Project

3.2 The process for examining and determining applications for NSIPs was established under the Planning Act (2008). NSIPs comprise large projects that support the economy and vital public services.

3.3 The 2008 Act identifies the construction of harbour facilities as constituting a NSIP where it is:-

1. in England and Wales or in waters adjacent to England and Wales up to the seaward limits of the territorial sea, and
2. expected to be capable of handling the embarkation or disembarkation of at least the relevant quantity of material per year.

3.4 The 'relevant quantity' is defined by the Act as:-

1. in the case of facilities for container ships, 500,000 Twenty-foot Equivalent Units ('TEU');
2. in the case of facilities for roll-on/roll-off (or 'ro-ro') ships, 250,000 units;
3. in the case of facilities for cargoes ships of any other description, 5 million tonnes; and
4. in the case of facilities for more than one of the types of ships mentioned in (1) to (3), an equivalent quantity of material.

3.5 In the context of the above criteria, the proposed Harbour Facilities constitute a NSIP; being in England and where the quantity of material to be handled exceeds the threshold established in (3) above regarding facilities for cargo ships.

Consultation

3.6 The Consultation Report [Document No: 6.1] which accompanies this application provides detailed information on consultation activity undertaken as the Harbour Facilities proposals have developed. A brief

summary of the pre-application consultation, publicity, and other pre-application procedures is provided below.

The Approach to Consultation

3.7 With the YPL Project comprising a number of different components, subject to different consenting regimes, associated consultation across the Project has not been confined to a single exercise, designed to accord with only DCO requirements. Instead consultation on the wider Project, but including the Harbour Facilities, has been ongoing since the project inception in 2011, and this early consultation has greatly assisted with informing all interested parties on the nature of each element of the Project, as well as providing opportunities for the YPL Project team to understand and address potential concerns.

3.8 This earlier consultation has been augmented by more recent consultation specifically focused on the Harbour Facilities carried out in compliance with the requirements of the 2008 Act. The two combined exercises have ensured a high level of project appreciation amongst the local community and the various statutory consultees.

3.9 Details of these two 'stages' of consultation are summarised below.

Non-Statutory Consultation (January 2011 to September 2014)

3.10 In January 2011, the company announced its intention to establish a polyhalite mine and publically launched details of the project. This was pre-empted by a series of briefings provided to the relevant local authorities to ensure they were fully aware of the emerging proposals. A series of communication initiatives were also put in place to coincide with the Project's announcement. These included the launch of a project website; setting up a community helpline; using the national and local press to update the community and disseminate information more widely; and providing briefing letters to a wide range of stakeholders with an interest in the Project. Whilst the concept of harbour facilities was not specifically identified and consulted on at the launch stage, the intent to provide onward transportation of the final product from Teesside was noted; the route of the (then) pipeline transport option was shown, linking the proposed minehead site at Dove's Nest Farm to the Wilton area.

3.11 Pre-application public consultations on the mine and the (then) DCO mineral pipeline proposal were held in September and November 2012 respectively. These included a large number of public exhibitions (13 in total) and attracted in the region of 1,250 responses. Whilst the focus of these consultations was primarily on the mine and pipeline proposals, the consultation material did however explain the need to provide a connection between the proposed mine and Wilton where the MHF and harbour facilities would be located. Related to this, information was

presented on a proposal to use the port facilities in this area to export the finished mineral product.

3.12 A further series of public consultation activities were recently held over the period from June to September 2014 to present the latest mine, MTS and MHF proposals. This centred on ten public exhibitions held in the Whitby, Scarborough and Redcar areas local to the different project components. The public exhibitions were attended by 765 people and 1,780 survey responses were received. The information presented confirmed that more details on the Harbour Facilities would be available for consultation separately. It did, however, include some information relevant to assist consultees in their understanding of YPL's intentions for the harbour, including its proposed location centred on Bran Sands and its linkages with the proposed MHF at Wilton International complex.

Statutory Consultation

3.13 Following on from this scheme wide consultation activity, and within the context of an appreciation of the YP Project, formal harbour-specific consultation commenced in September 2014. A consultation exercise pursuant to Section 42 of the 2008 Planning Act was undertaken. This invited comments on the draft Harbour Facilities proposals as part of the iterative design development process. The information issued to consultees included both a Preliminary Environmental Report ('PER') and Summary of Proposals Document [Document No: 7.2]. The latter included information about YPL; the Project; the need for polyhalite and its global importance; the Harbour Facilities proposals, and its operational characteristics; the design options; the key environmental topics that were being assessed regarding the potential impacts of the proposal; the arrangements for providing comments; and, the next steps for development of the proposal towards the submission of the DCO application.

3.14 A total of 45 organisations responded to the Section 42 consultation and a full account of all of the comments and YPL's response to the issues raised as part of the process is detailed in the Consultation Report [Document No: 6.1]. In summary, however, and relevant to inform Section 7.0 of this Planning Statement that appraises the project against prevailing policy, the following consultation responses 'themes' are identified:-

1. *Potential impacts on existing infrastructure assets* – the location of existing assets directly adjacent to, and in some cases within, the application site boundary of the DCO has resulted in a number of responses from landowners, operators and agents. The nature of the responses have primarily sought confirmation on the construction, operation and maintenance of the proposed harbour development and, related to this, what provisions are to be put in place, where appropriate, to safeguard existing infrastructure assets in perpetuity;

2. *Biodiversity and habitats* – several bodies (including Natural England and the Marine Management Organisation) provided comments on the need to ensure adequate protection is given to the environmentally sensitive habitats in the area, including Teesmouth and Cleveland Coast Special Protection Area (SPA), a European-level designated site, Teesmouth and Cleveland Coast Ramsar site and a number of Sites of Special Scientific Interest (SSSIs);
3. *Contamination* – comments were received relating to the previously proposed use of the Bran Sands landfill site as a laydown area for construction materials and car parking (note this is no longer proposed as part of the development);
4. *Highways* – the Highways Agency (HA) requested that the construction period be planned to avoid traffic peaks and road works on the highways network. It requested that a construction transport management plan is prepared to assist, and this should include measures to reduce construction traffic. Related to this, it stated that the Transport Assessment to accompany the application should demonstrate that the impact of the development can be suitably accommodated within the operating capacity of the Strategic Road Network;
5. *Cultural heritage* - English Heritage (EH) commented that the construction and operation of the MHF and related infrastructure (which YPL interprets as including development works associated with the mineral conveyor linking the MHF to Bran Sands) should have regard to any potential impacts on the Kirkleatham Conservation Area. It was also recommended that YPL liaises closely with RCBC regarding the potential impacts on archaeological/palaeo-environmental material recovered in the course of the proposed dredging activities;
6. *Tourism and recreation* - RCBC highlighted the potential impact of the proposal on public rights of way in the vicinity of the application site and the need for suitable measures to be put in place to mitigate any potential disturbance;
7. *Investment and employment* - The Homes and Community Agency (HCA) emphasised the importance of the proposed development to the Teesside economy and the potential new employment opportunities it will bring; expressing its support for the development.
8. *Cumulative impact* - NYMNPA raised the potential for cumulative environmental impacts between the proposed Harbour Facilities and other parts of the YP Project, as well as other plans and projects in the area, and the need for these to be fully assessed. In particular, it referred to the potential for cumulative transport and ecology and habitats impacts; and
9. *Public health and safety considerations* – health and safety issues were raised by a number of consultees regarding potential impacts

associated with the proposed operating equipment and Electro-Magnetic Fields; and the need to ensure the harbour is fit for use and the safety of vessel navigation is not compromised.

3.15 Consultation has also been undertaken pursuant to Section 47 of the 2008 Planning Act. A Statement of Community Consultation ('SOCC') setting out the process for engaging with the local community was prepared and agreed with RCBC and STBC in September 2014 prior to commencement of the consultation. As part of the process, in September 2014, members of the public were consulted on the PER and Summary of Proposals Document [Document No: 7.2], referred to above in relation to the Section 42 consultation. The information was made available on the Project website (www.yorkpotash.co.uk) and four public exhibitions were held on separate days at two different venues in Redcar. A total of 84 people attended the events. Separate meetings were also held with local businesses and a presentation was given to Members of RCBC's Planning Committee.

3.16 The Consultation Report [Document No: 6.1] explains that a total of 107 survey responses were received from the public. These expressed significant levels of support for the overall YP Project and the Harbour Facilities component. The majority of the responses refer to the significant economic benefits associated with the level of investment proposed and a number of comments support the use of Bran Sands for the Harbour Facilities given the prevailing industrial character of the area and the existing port operations.

3.17 Notwithstanding this, a small number of comments received raised some issues regarding the potential impacts of the harbour proposal. Again, these comments are relevant within this document to inform the assessment undertaken in Section 7.0. Comments raised relate to the following:-

1. *Conveyor bridge over the A1085* – a comment was received that the final designs need to ensure that vehicles carrying abnormal loads can pass beneath the conveyor bridge rather than having to be re-routed. The visual impact of the bridge and the need for more justification of the design was also raised in some comments;
2. *Use of the existing Northumbrian Water Jetty* – a response received raised the potential capacity issues of this existing facility and questioned the viability of using it during the early phases of production when smaller volumes of mineral production are anticipated. It suggested an alternative would be to simply store the product on the Bran Sands site until the overall production levels increase (note that proposals no longer involve the use of the existing Northumbrian Water Jetty facility); and
3. *General operations queries* – one consultee raised a number of questions regarding the proposed operations, including whether there are any airborne health risks associated with dust emissions,

the types of ship loaders to be used, and if a stock area will be provided for loading the vessels.

3.18 The application was publicised pursuant to Section 48 of the Planning Act 2008. This included publication of a press notice in nationally and locally circulated newspapers. The consultation under this section was timed to coincide with the Section 42 consultation exercise.

3.19 The Consultation Report [Document No: 6.1] considers each of the issues raised through the Section 42, 47 and 48 consultations. It describes how these have been taken into account in developing the proposals and the environmental assessment work that now form the basis of the DCO application. In terms of this report, and as referred to above, the feedback from the consultation activities inform the scope of the assessment undertaken in Section 7.0. This provides an account of the DCO proposals within the context of prevailing policy and other material considerations.

Environmental Impact Assessment ('EIA')

3.20 Due to the scale and nature of the harbour facilities proposals, it is considered that the scheme comprises an EIA development under Section 10(g) of Schedule 2 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 ('the 2009 EIA Regulations') as updated by the Infrastructure Planning (Environmental Impact Assessment) (Amendment) Regulations 2012 (March 2012).

3.21 Section 10 relates to infrastructure projects including at (g) construction of harbours and port installations. An EIA to consider the likely significant effects of the development has therefore been carried out. Where significant adverse impacts on the environment are identified, the ES proposes mitigation measures to prevent and reduce these effects.

3.22 Information from the EIA is set out in an Environmental Statement ('ES') [Documents Nos: 6.4 to 6.7] which is submitted with the application for a DCO.

3.23 To confirm the scope of the EIA, the applicant submitted a request in December 2013 to the Planning Inspectorate to provide an EIA scoping opinion under regulation 8 of the 2009 EIA Regulations. The Planning Inspectorate issued its Scoping Opinion in January 2014 which confirmed its agreement that the EIA should address the following issues:-

1. Hydrodynamic and sedimentary regime;
2. Hydrology, hydrogeology and land quality;
3. Marine sediment and water quality;
4. Marine ecology;
5. Marine and coastal ornithology;

6. Terrestrial ecology;
7. Fisheries and fishing activity;
8. Transport;
9. Air quality;
10. Noise and vibration;
11. Archaeology and heritage;
12. Commercial navigation;
13. Coastal protection and flood defence;
14. Infrastructure;
15. Socio-economics;
16. Landscape and visual character;
17. Recreation and access;
18. Cumulative impact assessment;
19. Water Framework Directive; and
20. Potential impacts of decommissioning.

3.24 The Planning Inspectorate confirmed the scoping opinion had been formed after taking into account the 2009 EIA Regulations, the nature and scale of the proposed development, the nature of the receiving environment and current best practice in the preparation of Environmental Statements. In accordance with its duty under Regulation 8(6) of the EIA Regulations, the Planning Inspectorate consulted widely on the scoping opinion and provided a full list of consultees that responded to the formal request for a scoping opinion, along with relevant correspondence received.

The Application Submission

3.25 The iterative process of assessment, consultation and design development has resulted in the scheme that is the subject of this DCO application. This process has included various refinements to the application documentation that have been made following an initial submission of the Harbour Facilities DCO application in December 2014. These refinements were principally to provide additional clarification of aspects of the proposal. They have been discussed with the Planning Inspectorate to ensure that sufficient information on the form of the proposals is available for consideration as part of the application which this Planning Statement accompanies.

3.26 In addition, and to assist the Planning Inspectorate in its consideration of the application, a comprehensive package of information is submitted as detailed on the Document List [Document No: 1.4].

4.0 The Site and Surroundings

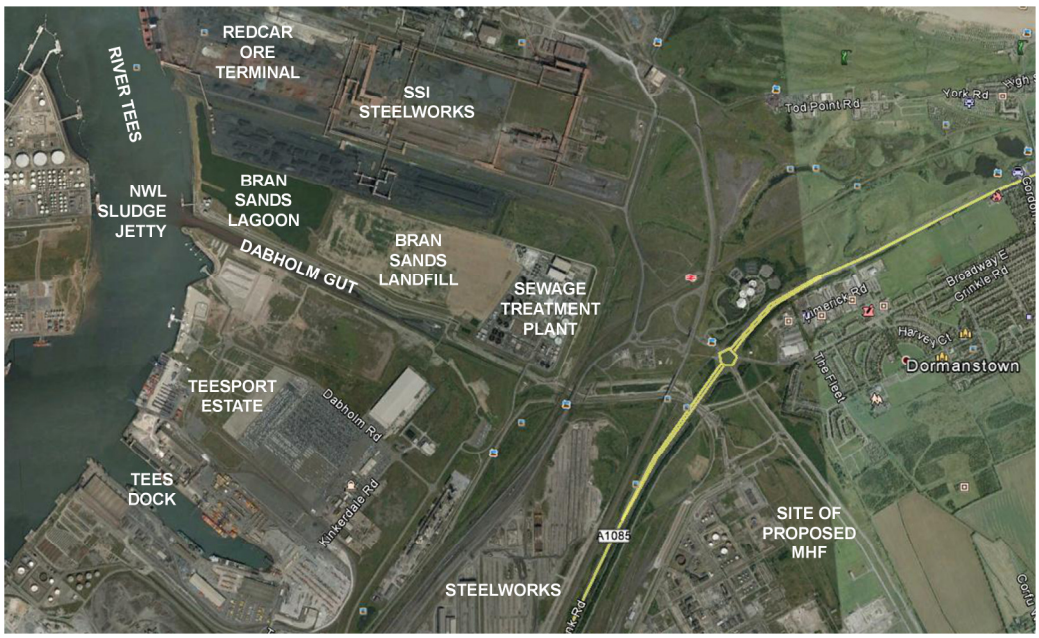
4.1 This section describes the site and its surroundings. Appendix 1 provides a plan identifying the location of the site and its boundary [also provided as Document No: 3.1]. As referred to in Section 1.0, the site is located largely within the administrative boundary of RCBC, with a small area extending into the administrative area of STBC (where dredging is proposed in the River Tees).

Context & Surroundings

4.2 The site is located adjacent to the Redcar Bulk Terminal Facility and fronts onto the River Tees. The estuarine Tees lies between the towns of Stockton-on-Tees, Hartlepool, Redcar, Middlesbrough and Billingham and the wider area is a well-established deep-water port.

4.3 The Tees Valley area has a longstanding industrial heritage and remains one of the UK's main manufacturing regions. The built areas surrounding the site are heavily industrialised. The NWL Treatment Plant is located directly adjacent to the site, the SSI Steel Works is to the north and the wider Teesport Industrial Estate further to the south. The location of these industrial areas relative to the site is shown in Figure 4.1 below.

Figure 4.1 Bran Sands – Neighbouring Industrial Uses



Source: YPL

4.4 Teesport is located further south along the river. This was first established in the 1960s and has grown to become one of the busiest ports in the UK and amongst the biggest in Western Europe. It is one of the few natural deep water tidal facilities in the UK. It includes 'roll-

on/roll-off' bulk facilities and the Tees Dock Bulk terminal operated by Cleveland Potash for the distribution of potash and salt.

4.5 To the east, located approximately 250m away, is located the small residential area of Dormanstown.

4.6 The nearest road access to the site is via the A1085 (trunk road) further to the east. A railway line that provides a passenger service between Middlesbrough and Saltburn runs from the south-west to the north-east and lies adjacent to the eastern boundary of the application site. The nearest passenger station is British Steel Redcar located approximately 400m east of Bran Sands. Both of these transport corridors dissect a section of the application site in between Wilton International complex and Bran Sands.

The Site

4.7 The site extends to an area of approximately 92.44 hectares from the Wilton International complex north-westwards to Bran Sands on the south bank of the River Tees.

4.8 The majority of the area included within the boundary is undeveloped and is not in use; albeit the boundary is criss-crossed by infrastructure including roads, rail and pipelines as described further below.

4.9 Within the broad site boundary is an 'inset' area which is excluded from the site that is the subject of this DCO. This comprises an area of the Bran Sands site which is in part occupied by a sewage treatment works. The remainder of this area forms part of a wider site formally operated by ICI as the Bran Sands landfill. This use ceased in 2007 at which time the waste facility was capped and the surface re-profiled.

4.10 The boundary for the site includes an area of the River Tees that will be subject to dredging activities.

4.11 A narrow flat and featureless strip of land separates areas of the foreshore from the Bran Sands Lagoon which occupies a large area within the west of the site. A number of other water bodies are also present, including Dabholm Gut, a drainage channel on the southern boundary of the site into which the local area drains, which includes a small jetty and pumping station adjacent to the estuary. The disused Northumbria Water Ltd ('NWL') sludge jetty occupies a discrete western portion of the site fronting on to the River Tees.

4.12 A pipe corridor runs along the south western boundary of the site. The pipe corridor is currently leased to SembCorp. A further corridor of land extends along the northern boundary of the lagoon and follows the northern boundary of the former Bran Sands landfill site and the existing sewage treatment works before heading south and meeting the pipe corridor immediately to the east of the passenger railway line.

4.13 A small section of public footpath enters the Bran Sands site from the south and heads in a north-westerly direction before terminating south of Dabholm Gut. A section of the Teesdale Way enters the application site running in a north-easterly direction parallel to the A1085 in between Wilton International complex and Bran Sands. Access and rights of way plans are in included in the DCO application [Document No: 2.3A to 2.3C].

4.14 The western areas of the site comprise a strip of land which extends east and south to connect into the planning application site boundary for the MHF (see Section 2.0). The strip of land is criss-crossed by a number of infrastructure corridors comprising:-

1. national railway (passenger line);
2. access road bridge for Sahaviriya Steel Industries UK;
3. national power grid lines;
4. three minor access roads (providing access to various facilities within the Wilton Industrial Estate and Bran Sands area);
5. a hot metal rail route; and
6. the A1085 trunk road.

4.15 These transport corridors are shown on the Conveyor Route Plans [Document Nos: 3.3A – 3.3O].

4.16 The small area of the application site that extends south into Wilton International complex is largely undeveloped. A watercourse, known as The Mill Race, runs south to north partially within the application site and extends northwards towards the A1085. The remainder of the area comprises largely flat, featureless scrubland.

Development History

4.17 RCBC has undertaken a review of the planning history of the application site following a request from YPL. This is presented at Appendix 2.

4.18 The significant majority of the planning applications previously considered for land within the application site relate to the development of infrastructure, including various pipelines and associated works.

4.19 At Bran Sands, much of the planning history relates to the NWL sewage treatment works. Also, the information confirms that permission was granted for the doming and capping of the completed landfill site on 31 July 2001. Details have not been provided by the Council regarding the development history of the lagoon.

4.20 There is limited development planning history on the application site within the Wilton International complex. Planning permission was granted in April 2006 for the erection of a Paper Recycling Facility. This permission was not implemented and has since expired. Further to the

north, within the harbour application boundary between Wilton International complex and the A1085, planning permission was granted in July 2013 for the construction of Anaerobic Digestion and Combined Heat & Power Plant. This permission has not been implemented. Beyond this area to the north, on land adjacent to but outside the site boundary, planning permission was granted for a Solid Fuel Processing Plant in September 2013. This permission has been implemented.

5.0 The Proposed Development

5.1 This section provides a description of the nature of the proposed development which is the subject of this DCO application. The key features of the harbour facilities comprise:-

1. The construction and operation of a quay structure on the River Tees at Bran Sands to facilitate the mooring of vessels in the estuary, directly adjacent to the onshore harbour facilities, and to allow ship loader access to the vessels;
2. Dredging of the river channel approach (to a depth of -16.95m AOD) and the creation of a berthing area (to a maximum length of 490m, width of 51m and depth of -18.85m AOD);
3. Habitat enhancement works to Bran Sands Lagoon;
4. The construction of up to 2 ship loaders (up to a maximum height of 60m AOD) on the quay structure to load the mineral product onto ships for onward transportation;
5. The erection of surge bins (up to a maximum height of 35m) to provide ship loading flow management of the mineral product;
6. A conveyor system to transport the polyhalite connecting the harbour with the MHF within the Wilton International complex, which includes an enclosed conveyor bridge crossing over the A1085 and transfer towers (up to a maximum height of 30m);
7. Ancillary infrastructure and accommodation (both temporary facilities for the construction period and facilities for the operation of the harbour facilities); and
8. Works to a roundabout on the A1085 to provide vehicular access to the main site.

5.2 The proposed works are defined in full in the following documents submitted with the application and which should be read in conjunction with this Planning Statement:-

1. Draft DCO [Document No: 4.1];
2. Explanatory Memorandum [Document No: 4.2];
3. Works Plans [Document Nos: 2.2 to 2.2F] ; and
4. Environmental Statement Section 3 ('Description of the Proposed Harbour Facilities')[Document No: 6.4].
5. Parameters Table [Document 6.9] (also included in Section 3 of the Environmental Statement)

5.3 Further application information is also available on a range of other plans, drawings and sections that have also been assessed in the preparation of the DCO application documentation [Document Nos: 3.1

to 3.12 and 3.14]. The plans are listed in the Document List [Document No 1.4].

Proposed Works Specified by Draft DCO

5.4 In the event that the DCO is granted, control of development would principally occur with reference to the description of the works in Schedule 1 of the Draft DCO; and the requirements in Schedule 2 of the DCO.

5.5 The proposed works as identified in Schedule 1 of the Draft DCO [Document 4.1]are briefly described below::-

- Works No. 1 – dredging within the River Tees, the creation of a berth pocket and demolition of an existing jetty (and associated infrastructure);
- Works No. 2 - a quay (constructed in two phases) being either (a) of solid construction (comprising a quay wall and reclamation land behind it on the south side of the River Tees) or (b) of open construction comprising a suspended deck supported by piles and a revetment on the re-graded slope on the south side of the River Tees along with the erection of three bridge approaches; and, in addition, ship loaders and associated infrastructure; surge bins and transfer towers; extension, modification or replacement of a pipe connecting Works No. 3 and Works No. 1; and a below ground waste water treatment facility;
- Works No. 3 – lagoon enhancement works and extension, modification or replacement of a pipe and provision of an additional pipe for flow control between the lagoon and Works No. 2;
- Works No. 4 – parallel conveyors on supports to transfer polyhalite from the MHF to the ship loaders and surge bins (situated in Works No 2), including development of transfer stations;
- Works No. 5 – the development of works in association with Works 1-4 and 5-11 including vehicular and pedestrian access, construction space, access for construction and maintenance, conveyor footings and supports, transfer towers, surface and foul water disposal arrangements, signage, lighting, security and acoustic fencing, CCTV, services and security control;
- Works Nos. 6A, 7, 8,10 and 11 – works in various locations within the DCO boundary identified for temporary material storage and preparation and plant areas, temporary parking, temporary offices, temporary stores and temporary lighting, security fencing and gating;
- Works No. 6B – an area for the provision of a substation and car parking;

- Works No. 9 – works to develop a general service building, parking, ancillary infrastructure, below ground waste water storage tank and a substation; and
- Works No. 12 – improvements to the western arm of the A1085 roundabout, including widening the carriageway, construction of a new splitter island, and reconstruction and resurfacing works.

Development Phasing

5.6 Construction of the Harbour Facilities will be phased to coincide with the mineral production output from the proposed mine (the subject of a separate minerals application) [see Document No: 7.3].

5.7 The initial operations will be capable of accommodating a mineral throughput of 6.5 million tonnes per annum ('Mtpa') ('Phase 1'). As the separate mining operations ramp-up over the years following the Phase 1 development, the Harbour Facilities infrastructure required to receive and transfer the mineral for shipping will be extended and supplemented where necessary to support an end throughput of 13 Mtpa ('Phase 2').

5.8 Vessel numbers using the Harbour Facilities will similarly increase during the two phases of development. Further information on anticipated numbers and Phase 1 and 2 are provided in the Environmental Statement Section 3 ('Description of the Proposed Harbour Facilities') [Document No: 6.4].

5.9 It is assumed that the construction of the harbour facilities would commence in January 2017, with completion of the Phase 1 works expected in July 2018. Phase 2 works are programmed to commence within 6 years of completion of the Phase 1 works. It is the intention that all works will be completed and the Harbour Facilities will be operating at full capacity by 2024.

Degree of Flexibility

5.10 The development is a significant undertaking to be brought forward over a number of years on a site subject to a series of unusual characteristics and complex ongoing operations. This inevitably requires a degree of flexibility to be built into the form of development (the subject of this DCO) which will allow YPL the ability to adapt the detail of the development as it is brought forward. To that end, and whilst the applicants have sought to finalise as much detail of the project as possible, the application seeks some flexibility to be maintained. This is achieved in two ways:-

1. by establishing and fixing a number of clearly defined key scheme parameters or development envelopes; and/or

2. by establishing clear options for key components of the development and establishing how a choice will be made in bringing forward the detailed design.

5.11 Both these principles encapsulate the scheme's concept and will form the envelope within which future detailed design proposals will need to accord. They have been established with reference to the PINS Advice Note 9 entitled *'Using the Rochdale Envelope'* (Version 2, April 2012). The degree of detail is sufficient to enable proper assessment of the scheme through EIA to take place as described in the Environmental Statement [Document No: 6.4 and 6.5].

5.12 The key areas where flexibility has been incorporated into the proposed development is as follows:-

1. Dredging – creation of maximum envelopes for each Phase within which capital dredging of parts of the River Tees will be required to create both the berth pocket (to a maximum length of 490m, width of 51m and depth of -18.85m OD) and a suitable approach channel (to a depth of -16.95m OD), and any works necessary in the construction of the quay;
2. Quay Structure Parameters and Operations – identification of two options – the open quay structure (to a maximum length of 486m and width of 28m) and the solid quay structure (to a maximum length of 486m and width of 28m) described above. Maximum built parameters delivered in the draft DCO will enable the construction of either option;
3. Harbour facility buildings and structures – zones of development have been established within which new temporary and operational buildings and structures and surge bins and transfer towers will be located and constructed and are shown on the Works Plans [Document Nos: 2.2 to 2.2F]. Surge bins will be to a maximum height of 35m and diameter of 7.5m and transfer towers will be to a maximum height of 30m and 7.5m square; and
4. Primary Conveyor System – whilst the form of the conveyor (two parallel belt conveyors running in a single elevated conveyor bridge) is established, a route corridor has been identified with maximum height parameters, including maximum bridge heights across the A1085, within which the final route of the system and precise location of any transfer stations will eventually be brought forward. This includes two possible options within the Bran Sands site to allow for the conveyor to run to the north or south of the sewage treatment works/lagoon areas.

6.0 Policy Background

6.1 This section of the Statement provides a comprehensive review of the national planning policy relevant to the harbour facilities proposal.

Planning Policy Framework

6.2 Section 104(2) of the Planning Act 2008 sets out the matters to be taken into account in regard to applications for a DCO for NSIPs as:-

1. the national policy statement ('NPS') for the development to which the application relates;
2. any local impact report[1];
3. *"any matters prescribed in relation to development of the description to which the application relates"*; and
4. any other matters considered important and relevant.

6.3 The NPS for ports was published in January 2012 and all applications for nationally significant port development must be decided in accordance with its policies. Additionally, port development that is likely to affect the marine environment must have regard to The UK Marine Policy Statement (MPS; published in March 2011). These documents provide the national policy basis against which the Harbour Facilities application should be determined.

6.4 In addition, there are other policy documents at national and local levels that supplement and provide site-specific context to the above national policy. These have the potential to comprise matters considered important and relevant to the application (i.e. point 4 above).

6.5 At the national level, The National Planning Policy Framework (NPPF, 2012) provides guidance on sustainable development more generally. Similarly, the National Planning Practice Guidance (NPPG, 2014) provides relevant details on the assessment of design considerations, for example.

6.6 As referred to in (2) above, the assessment of local impacts will be a relevant consideration in determining the appropriateness or otherwise of this application. Given the cross boundary nature of the proposals, the statutory development plan documents for RCBC and STBC therefore represent relevant policy considerations.

6.7 It is acknowledged that this planning policy context is extensive. There are similarities in a number of the policy objectives, particularly in terms of the principles of sustainable development and the scope of the

[1] Local Impact Report defined under Section 60(3) of the Planning Act 2008 as *"a report [submitted by any relevant local authority] in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)"*

environmental issues that must be assessed for this type of major development at this location. Rather than list all of these policies and, in doing so, repeat a number of the policy objectives, the review in this section focusses on the "primary" national policy framework provided by the NPS and MPS; these being the key documents against which proposals for new port development should be assessed. A full account of other material national and local policy is provided in Appendix 3.

6.8 Both "sets" of policy have been considered in identifying the prevailing policy themes at the end of this section that are relevant to the appraisal of the application.

NPS for Ports

6.9 The NPS sets out the Government's conclusions on the need for new port infrastructure, considering the current place of ports in the national economy; the available evidence on future demand; and, the options for meeting future needs. It explains to planning decision-makers the approach they should take in considering proposals, including the main issues to be addressed to ensure that future development is fully sustainable, as well as the weight to be given to the need for new port infrastructure and to the positive and negative impacts such development may bring. The main aspects of the NPS relevant to the Harbour Facilities application are summarised below.

Need for, and Role of, Port Development

6.10 Paragraph 3.1.4 acknowledges the importance of shipping as:-

"the only effective way to move the vast majority of freight in and out of the UK" and notes that *"the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy"* [paragraph 3.1.4].

6.11 Paragraph 3.3.1 states that the Government seeks to:

1. Encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exports cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;
2. Allow judgements about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and
3. Ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.

6.12 In order to help meet the requirements of the Government's policies on sustainable port development, paragraph 3.3.3 states that new port infrastructure should also:-

1. Contribute to local employment, regeneration and development;
2. Ensure competition and security of supply;
3. Preserve, protect and where possible improve marine and terrestrial biodiversity;
4. Minimise emissions of greenhouse gases;
5. Be well designed, functionally and environmentally;
6. Be adapted to the impacts of climate change;
7. Minimise use of greenfield land;
8. Provide high standards of protection for the natural environment;
9. Ensure that access to and condition of heritage assets are maintained and improved where necessary; and
10. Enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged.

6.13 Additionally, the Government wishes to see port development support the fundamental aim of improving economic, social and environmental welfare through sustainable development (Paragraph 3.3.6). To achieve this, paragraph 3.3.5 states that port development should, where possible:-

1. Be an engine for economic growth;
2. Support sustainable transport by offering more efficient transport links with lower external costs; and
3. Support sustainable development by providing additional capacity for the development of renewable energy.

6.14 The NPS lists in paragraph 3.4.8 a number of developments where additional container port development has been granted in recent years, including at Teesport in 2008. It notes that notwithstanding these, there may be opportunities for other developers to bring forward proposals for alternative or additional developments that satisfy demand that these consented developments are not meeting, as well as a continuing requirement for further new container capacity to meet anticipated longer term growth. In this context, it notes that:-

"the capacity needed to provide for competition, flexibility and resilience can be delivered by the market and is likely to exceed what might be implied by a simple aggregation of demand nationally" (Paragraph 3.4.8).

6.15 Similarly, the NPS sees the market as being the driving force for where port development should be located, rather than the government dictating where it should go. It states that port development:-

"must be responsive to changing commercial demands…with developers bringing forward applications for port developments where they consider them to be commercially viable" (Paragraph 3.4.12).

6.16 Summarising the principle of further port development in the UK, the NPS states that there:-

"…is a compelling need for substantial additional port capacity over the next 20-30 years…Excluding the possibility of providing additional capacity for the movement of goods and commodities through new port development would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to consumers. It would also limit the local and regional economic benefits that new developments might bring. Such an outcome would be strongly against the public interest" (Paragraph 3.4.16).

6.17 The NPS goes on to establish a set of criteria that decision makers should accept in determining the need for future port capacity (Paragraph 3.5.1). This can be summarised as follows:-

1. Development should cater for long-term growth in volumes of imports and exports by sea for all commodities;
2. It should support the development of offshore sources of renewable energy;
3. It should offer a sufficiently wide range of facilities at a variety of locations;
4. It should ensure effective competition among ports and provide resilience in the national infrastructure; and
5. It should make a potential contribution to regional and local economies.

6.18 In this context, and acknowledging the level and urgency of need for infrastructure, the NPS states that the determining authority:-

"should start with a presumption in favour of granting consent to applications for ports development" (Paragraph 3.5.2).

Assessment Principles

6.19 Section 4 (Paragraph 4.1.1) of the NPS identifies the key assessment principles of relevance to planning decision makers in considering applications for port development. These can be summarised as follows:-

1. The applicant's assessment should be consistent with statutory requirements under UK and EU legislation;
2. The assessment should account for all of the Government's objectives for transport;

3. The applicant's assessment could follow the standard framework designed by the DfT and recommended to all port applicants ('*A Project Appraisal Framework for Ports*', 2005);
4. The applicant's assessment should take account of other relevant UK policies and plans, including the Marine Policy Statement (March 2011);
5. The assessment should be informed by the material points raised by Section 42 consultees; and
6. Information sought from the applicant should be proportionate to the scale of the proposed development and associated impacts.

6.20 The NPS then goes on to provide more detailed guidance on the topics that will normally apply to the assessment of port development. Those of relevance to this application are summarised below.

(i) Benefits and impacts

6.21 Where a proposal for port infrastructure is in accordance with the NPS, the suggested benefits, including the contribution that the scheme would make to the national, regional or more local need for the infrastructure, must be weighed against anticipated adverse impacts, including cumulative impacts (Paragraph 4.4.2). Substantial weight should be given to the positive impacts associated with economic development (Paragraph 4.3.5).

(ii) Economic impacts

6.22 At the national level, the NPS recognises the contribution that ports can make to enhancing gross national product though international trade. At the regional and local level, the economic benefits are noted, including contributing to regeneration and creating employment opportunities.

6.23 In cases where a port development affects a protected habitat, and in the absence of alternative solutions, the NPS encourages the decision-maker to consider whether there are any imperative reasons of overriding public interest in allowing the development to proceed. The NPS states that:-

"the decision-maker should give substantial weight to the positive impacts associated with economic development" (Paragraph 4.3.5).

(iii) Commercial impacts

6.24 NPS states that it may be necessary to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators. In the case where adverse impacts would arise (e.g. through increased traffic generation), the NPS advises that the adequacy of the mitigation proposed should be considered (Paragraph 4.4.2).

(iv) Competition

6.25 Similar to the previous point, the NPS states that decision makers may need to make judgements as to whether possible adverse impacts would arise from the impact of a port development on other commercial operators. In some cases, particularly if port developments are occurring in parallel, it may be necessary to make some assessment of the effects of competition in assessing the demand on inland access links and on the phasing of road, rail and other infrastructure demands (paragraph 4.5.1).

(v) Tourism

6.26 The NPS notes that impacts on tourism from port development will need to be considered if, for example, it severs or diverts footpaths or bridleways or has a detrimental impact on the surrounding landscape or seascape (Paragraph 4.6.2).

(vi) Environmental Impact Assessment

6.27 The NPS draws attention to the provisions of the European Environmental Impact Assessment Directive[2] that requires a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative effects of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. In this context, the NPS states that decision-makers should ensure that likely significant effects at all stages of the project have been adequately assessed and should request further information where necessary (Paragraph 4.7.1).

(vii) Habitats and Species Regulations Assessment

6.28 Prior to granting a development consent order, the NPS states that the decision-maker must, under the Habitats and Species Regulations, consider whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects (Paragraph 4.8.1).

(viii) Alternatives

6.29 The NPS explains that for relevant developments, applicants are obliged to include in the Environmental Statement factual information about the main alternatives studied (paragraph 4.9.2). This should include an indication of the main reasons for the applicant's choice, taking into

[2] Council Directive 85/337/EEC (and subsequent amendment) as codified in Council Directive 2011/92/EU (and since amended by Directive 2014/52/EU)

account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility. Specific reference should be made in the application material where alternatives are considered under the habitats Directive.

(ix) Good design

6.30 In assessing applications, the NPS explains that port infrastructure developments should be sustainably designed and, having regard to regulatory and other constraints, be as attractive, durable and adaptable as they can be. In doing so, development proposals should demonstrate functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it is to be located) as far as possible. It notes that whilst there may be no or limited choice in the physical appearance of some port infrastructure, there may be opportunities for the applicant to demonstrate good design relative to the existing landscape character, landform and vegetation (Paragraph 4.10.3).

6.31 Related to these points, the NPS notes that applicants should demonstrate how the design process has been conducted and how the proposed design has evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected (Paragraph 4.10.4).

(x) Pollution control and other environmental regulatory regimes

6.32 In assessing proposed development in the context of pollution effects, the NPS notes that the focus should be on whether the development itself is an acceptable use of the land and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. In this regard, it states that the decision should be based on the assumption that the relevant pollution control regime or other environmental regulatory regimes will be properly applied and enforced (Paragraph 4.11.3).

(xi) Climate change and adaption

6.33 The NPS states that limited weight should be attached to the estimated likely net carbon emissions performance of port developments. It notes that good design can minimise greenhouse gas emissions, and new developments should be designed with a view to fuel efficiency in the operation of buildings and of outdoor plant and machinery, as well as with the maximum use of renewable energy sources. Where renewable energy is not planned to be used for a major port development, the NPS states that the reasons should be scrutinised (Paragraphs 4.12.6 - 4.12.8).

6.34 It is noted that new port infrastructure will typically be long-term investments that will remain in place over a number of decades, in the

face of changing climate change. In this regard, the NPS states that development proposals must consider the impacts of climate change when planning the location, design and operation of new port infrastructure (Paragraph 4.13.6).

(xii) Health considerations

6.35 The NPS notes that new port developments may also affect the composition, size and proximity of the local population and in doing so may have direct health impacts – for example impacting on transport or the use of open space for recreation and physical activity (Paragraph 4.16.3).

(xiii) Security considerations

6.36 The NPS states that Government policy is to ensure that, where possible, proportionate protective security measures should be designed into new infrastructure projects at an early stage in the project development (section 4.17.3).

(xiv) Biodiversity and geological conservation

6.37 It is stated that, where applicable, the Environmental Statement should clearly set out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity (Paragraph 5.1.4). Further, the proposals should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests (Paragraph 5.1.5).

(xv) Flood risk

6.38 The NPS notes that a Flood Risk Assessment ('FRA') should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account (section 5.2.4).

(xvi) Coastal change

6.39 The construction of a port development may involve dredging, dredge spoil deposition, marine landing facility construction and flood and coastal protection measures, which could result in direct effects on the coastline, seabed, heritage assets and marine ecology and biodiversity. Additionally, indirect changes to the coastline and sea bed might arise as a result of a hydrodynamic response to some of these direct changes. The NPS notes that where relevant coastal, geomorphological and sediment transfer modelling should be undertaken to predict and understand impacts and help identify relevant mitigating or compensatory measures (Section 5.3.4).

(xvii)Traffic and transport impacts

6.40 The NPS notes that certain projects are likely to have significant transport implications and, therefore, applications should include a transport assessment. As part of the process, applicants are encouraged to consult the Highways Agency and/or the relevant highway authority, as appropriate, on the assessment and mitigation. In this regard, the assessment should distinguish between the construction, operation and decommissioning projects stages as appropriate. Where appropriate, the applicant is encouraged to prepare a travel plan, including demand management measures to mitigate transport impacts. Measures to reduce the need for parking at the site should be considered as part of the proposals (Paragraphs 5.4.4 – 5.4.5).

Other Assessment Criteria

6.41 The NPS provides guidance on a range of other important environmental topics relevant to the assessment of port development. Rather than repeat the full details of these, the main headings and key issues are summarised below and are considered in the context of the policy appraisal of the Harbour Facilities provided in Section 7.0 of this Statement:

1. **Waste management** – proposals should set out the arrangements to minimise the volume of waste produced and the volume sent for disposal (Paragraph 5.5.4);
2. **Water quality and resources** – an assessment should be undertaken of the existing status of, and impacts of, the proposed project on water quality, water resources and the physical characteristics of the water environment. In determining applications, impacts on the water environment will need to be given more weight where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive (Paragraph 5.6.5);
3. **Air quality and emissions** – where the project is likely to have adverse effects on air quality, the applicant should take an assessment of the impacts. In determining the application, consideration should be given to whether mitigation measures are needed both for operational and construction emissions over and above any that may form part of the project application (Paragraph 5.7.8);
4. **Dust, odour, artificial light, smoke, steam and insect infestation** – the application should assess the potential for insect infestation and emissions of odour, dust, steam, smoke and artificial light that could have a detrimental impact on amenity (Paragraph 5.8.1);
5. **Noise and vibration** – the NPS recognises that noise and vibration effects can impact on amenity and ecology interests. Development

proposals should therefore include a noise and vibration assessment and, linked to this, demonstrate good design through, for example, containing noise within buildings and structures wherever possible, through the optimisation of plant layout to minimise noise emissions etc. (Paragraph 5.10.8);

6. **Landscape and visual impacts** – the NPS notes that the landscape and visual effects of proposed development will vary on a case-by-case basis according to the type of development, its location and the landscape setting of the proposed development. In this context, reference to landscape should be taken as covering seascape and townscape, where appropriate. The Environmental Statement forming part of the application should include a landscape and visual assessment and include the effects during the construction and operations stage. The NPS states that projects need to be carefully designed, having regard to siting, operations and other relevant considerations, with the aim of minimising harm to the landscape (Paragraph 5.11.6);
7. **Historic environment** – the guidance explains that the construction, operation and decommissioning of port infrastructure has the potential to result in adverse impacts on the historic environment. Development proposals should therefore ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood. The aim should be to avoid or minimise conflict between conservation of the significance of assets and the proposals for development (Paragraph 5.12.11);
8. **Land use** – the guidance recognises that port infrastructure development will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. The NPS states that the re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used (Paragraph 5.13.3). Existing and proposed uses on and near the project needs to be considered as part of the assessment of the project (Paragraph 5.13.5); and
9. **Socio-economic impacts** – in considering the application, regard will be had to the potential socio-economics impacts of new port development identified by the applicant and from any other sources that the decision-maker considers to be both relevant and important to its decision (Paragraph 5.14.7).

The UK Marine Policy Statement

6.42 The UK Marine Policy Statement (MPS, March 2011) provides the framework for marine planning and sets out the policy objectives for key

activities taking place in the marine environment. Those considered relevant to this proposal are outlined below.

Overarching Economic, Social and Environmental Considerations

6.43 The UK MPS identifies that properly planned developments in the marine area can provide environmental and social benefits as well as drive economic development, provide opportunities for investment and generate export and tax revenues. It notes that the marine planning system will help to promote these benefits in contributing to the achievement of sustainable development. The MPS states, therefore, that there will be a presumption in favour of sustainable development in the marine planning system (Paragraph 2.5.2).

6.44 In addition, Paragraph 2.5.5 states that marine planning should contribute to securing sustainable economic growth both in regeneration areas and areas that already benefit from strong local economies.

Ports and Shipping

6.45 The MPS states that port development and shipping activity give rise to significant national, regional and local social and economic benefits. Adverse environmental impacts arising from both are similar to those from any coastal development (Paragraph 3.4.8).

6.46 More specifically, regarding the determination of DCO applications for port development, the MPS notes that consideration should be given to the national, regional or more local need for the infrastructure, against expected adverse effects including cumulative impacts. In England, reference should be made to interpretations of need as set out in the Ports NPS (Paragraph 3.4.11).

6.47 In terms of shipping, the MPS notes that development should seek to minimise any negative impacts on shipping activity, freedom of navigation and navigational safety. This should account for the need to protect the efficiency and resilience of continuing port operations, as well as further port development (Paragraph 3.4.7).

Environmental Considerations

6.48 The MPS notes that there are a wide range of legislative provisions (and other biodiversity and ecologically relevant obligations) at the international and national level that marine planning authorities should take into account in considering development proposals. These include the Marine Strategy Framework Directive (MSFD) (Directive 2008/56/EC), Water Framework Directive (WFD) (Directive 2000/60/EC), Habitats Directive and Wild Birds Directive.

6.49 In recognition of these legislative provisions, and similar to the approach adopted in the NPS, the MPS identifies a range of environmental topics that marine planning authorities in their assessment of the proposals need to consider. These comprise:-

1. **Marine ecology and biodiversity** – as a general principle, development should aim to avoid harm to marine ecology, biodiversity and geological conservation interests, including through location, mitigation and consideration of alternatives. Where significant harm is unavoidable, the MPS states that appropriate compensatory measures should be sought (Paragraph 2.6.1.3);
2. **Air quality** - marine planning authorities should be satisfied that air quality impacts have been taken into account (Paragraph 2.6.2.2);
3. **Noise** - marine planning authorities should take a strategic overview of man-made noise sources and assess the potential cumulative effects of noise and vibration across sensitive receptors in the marine area, balanced against potential socio-economic benefits and the protection to wildlife that can be achieved through acoustic deterrent devices (Paragraph 2.6.3.4);
4. **Ecological and chemical water quality and resources** - development should demonstrate that it will not cause a deterioration in status of any water to which the WFD applies, or prevent compliance with any WFD obligation, and is consistent with the requirements of daughter directives of the WFD including those on priority substances and groundwater (Paragraph 2.6.4.3);
5. **Seascape** – consideration should be given at a strategic level to the visual, cultural, historical and archaeological impacts not just for those coastal areas that are particularly important for seascape, but for all coastal areas. In addition, any wider social and economic impacts of a development or activity on coastal landscapes and seascapes should be considered. The existing character and quality of the seascape, how highly it is valued and its capacity to accommodate change specific to any development are also relevant considerations (Paragraph 2.6.5.4);
6. **Historic environment** – account should be taken of the impacts on any identified heritage assets (or the potential for such assets to be discovered), and consider how they are to be managed (Paragraph 2.6.6.6);
7. **Climate change adaption and mitigation** – an assessment should be undertaken of likely and potential impacts from climate change and their implications for the location or timing of development (Paragraph 2.6.7.7);
8. **Coastal change and flooding** – marine planning authorities should be satisfied that activities and developments will themselves be resilient to risks of coastal change and flooding and will not have an unacceptable impact on coastal change (Paragraph 2.6.8.4);

9. **Marine protected areas** - regard should be given to how developments may impact upon the conservation objectives or management arrangements of any relevant marine protected areas (Section 3.1);
10. **Marine dredging and disposal** – the MPS requires that in considering an application, decision makers undertake a detailed evaluation of the potential adverse effects of any dredging activity or deposit on the marine ecosystem and others using the sea (Paragraph 3.6.7);
11. **Fisheries** – the MPS emphasises the importance of considering the potential social and economic impacts of developments on fishing activity, including the potential displacement of fish stocks;
12. **Surface water management and waste water treatment and disposal** – the requirements for new or extended waste water collection and treatment facilities and measures to manage surface water are bound by EU legislative requirements and should seek to minimise impacts and co-exist with other existing marine activities (Paragraph 3.10.5); and
13. **Tourism and recreation** – potential impacts on tourism and recreation in the marine environment and the benefits that these bring to the economy and local communities should be considered (Paragraph 3.11.5).

Summary of Key Issues

6.50 This policy review establishes a strong in-principle support for new port development in the UK to meet the need for additional port capacity over the next 20 to 30 years. The NPS is clear that such development is fundamental to contributing to long-term economic growth and prosperity and supporting sustainable transport objectives. These policy objectives are regarded as having substantial weight in the determination of applications for these types of development, to the extent that determining authorities are encouraged to start their assessment from the position that there is a presumption in favour of granting consent.

6.51 This strong support for port development creates a clear positive policy context for the consideration of the application. There are, however, a series of other policy considerations against which the applications should properly be assessed to enable robust conclusions to be drawn on the application's appropriateness or otherwise. The prevailing policies across the various documents (including those summarised in Appendix 3) establish a number of consistent themes that are considered to combine to form a framework for assessing the application. These have been identified having regard to satisfying the relevant legal, environmental and social constraints and objectives,

including the relevant European Directives and corresponding national regulations.

6.52 Equally, and as described in Section 3.0 of this Planning Statement, the extensive consultation on the application raised a series of comments that contribute towards identifying key issues relevant to this assessment. This also acknowledges that the NPS (paragraph 4.1.1) explicitly identifies Section 42 responses from consultees as relevant to the assessment of the merits of a scheme.

6.53 These themes are summarised in Table 6.1.

Table 6.1 Summary of key policy themes

Policy Theme/ Objective	Policy Source(s)
1. What is the role of the Harbour Facilities and why are they needed at this location?	NPS: Paragraphs 3.3.1, 3.3.3, 3.3.5, 3.4.9, 3.4.12, 3.4.16, 3.5.1, 3.5.2 and 4.9.2 MPS: Paragraph 3.4.11 NPPF: Paragraph 31 National Planning Practice Guidance ('NPPG'): (Reference ID: 27-001-20140306) and (ID 27-221-20140306) RCBC: Core Strategy Development Plan Document ('CSDPD') Policy CS4 RCBC: CSDPD Policy CS8 RCBC: CSDPD Policy CS10 RCBC: Regeneration Masterplan Delivery Plan Section 4 RCBC: South Tees Area Spatial Framework ('STASPF') ST3 RCBC: STASF Section 1.1 RCBC: STASF Section 1.2 RCBC: STASF Section 1.3 RCBC: STASF Section 1.4 RCBC: STASF Section 3.1 STBC: CS Policy CS2 Tees Valley Joint Minerals and Waste Joint Core Strategy (TVMWJCS): Policies MWC1, MWC10 and MWC11.
	Consultee Comments
	The comments raised the potential impacts of the Harbour Facilities, rather than specifically questioning its role and the need for the harbour at this location. The appraisal of the impacts against the other policy themes is outlined below (Themes 3 and 6).

Policy Theme/ Objective	Policy Source(s)
2. Are there likely to be impacts on other commercial operators in the area?	NPS: Paragraphs 4.42 and 4.51 MPS: Paragraph 3.4.7 TVMWJCS: Policy MWC11
	Consultee Comments
	Landowners and operators in the area sought confirmation of the proposed construction, operation and maintenance of the Harbour Facilities to ensure the protection of their assets (e.g. underground pipelines, roads, railway lines etc.). The need to ensure the harbour remains fit for use and to avoid compromising the safety of vessel navigation was also raised.
3. What are the design qualities of the development proposals?	NPS: Paragraphs 4.10.3-4.10.4, 4.12.6-4.12.8, 4.17.3 NPPG: Reference ID: 26-001-20140306 RCBC: CSDPD Policy CS20 RCBC: Development Plan DPD ('DPDPD') Policy DP3
	Consultee Comments
	Linked to (2) above, RCBC asked for evidence to support the proposed routing of the mineral conveyor above the A1085. A few comments from the public through the Section 47 consultation noted the potential visual impact of the mineral conveyor and the need for more design justification to support its inclusion in the harbour scheme. Further refinement of the application documentation has taken place to respond to comments made by the Planning Inspectorate and to provide greater clarity and certainty on the form and design of the proposals.
4. What are the economic and social benefits of the scheme?	NPS: Paragraphs 4.3.5 and 5.14.1-5.14.9 MPS: Paragraph 2.5.5 NPPF: Paragraphs 19-21 and 29 RCBC: STASF Sections 2 and 3 STBC: CS Policy CS4
	Consultee Comments
	The HCA emphasised the importance of the proposed development to the Teesside economy and the potential new employment opportunities it will bring.

Policy Theme/ Objective	Policy Source(s)
	The economic and social benefits of the proposals were a consistent theme throughout the majority of the comments received from the local community through the Section 47 consultation.
5. Will the development achieve the principles of sustainable development?	NPS: Paragraphs 3.3.1-3.38, 4.12.6-4.12.8, 4.13.6 MPS: Paragraphs 2.1.1 (and Box 1), 2.5, 2.6 NPPF: Paragraphs 14, 29, 31, 93, 96 and 99 NPPG: Reference ID: 6-001-20140306 and 18a-001-20140306 R&CBC: CSDPD Policy CS1 R&CBC: CSDPD Policy CS21 R&CBC: DPDPD Policies DP2 and DP3 STBC: CS Policy CS2 STBC: CS Policy CS3 TVMWJCS: Policies MWC1 and MWC10
	Consultee Comments
	No specific response on sustainability although comments did seek to support the economic merits of the scheme whilst ensuring a reduced environmental impact.
6. Other environmental matters and material considerations i.e. habitats directive, biodiversity, habitats and species, tourism and recreation, pollution control (air quality, noise and vibration, dust, odour, light and insect infestation), hydrology and flood risk, coastal change, traffic and transport, waste management, landscape and visual impacts, cultural heritage and land use.	EC Council Directive 92/43/EEC and 2009/147/EC NPS: Paragraphs 3.3.1, 4.6.2, 4.7.1, 4.8.1, 4.11.3, 4.16.3, 5.1.4, 5.1.5, 5.2.4, 5.3.4, 5.4.4, 5.4.5, 5.5.4, 5.6.5, 5.7.8, 5.8.1, 5.10.8, 5.11.6, 5.12.11, 5.13.3 and 5.13.5 MPS: Paragraphs 2.6.1.3, 2.6.2.2, 2.6.3.4, 2.6.4.3, 2.6.5.4, 2.6.6.6, 2.6.7.7, 2.6.8.4, 3.1, 3.6.7, 3.10.5 and 3.11.5 NPPF: Paragraphs 100, 103, 118, 121, 123, 124, 125, 128 and 135 NPPG: Reference ID: 7-001-20140306 RCBC: CSDPD Policies CS2, CS22, CS24, CS25 and CS26 RCBC: DPDPD Policies DP6, DP7, DP9, DP10 and DP11 STBC: CS Policies CS2, CS3 and CS10 STBC: Strategic Flood Risk Assessment TVMWJCS: Policies MWC1 and MWC10 TV Joint Minerals and Waste

Policy Theme/ Objective	Policy Source(s)
	Development Plan Document (TVJMWDPD): Policy MWP1
	Consultee Comments
	Several environmental organisations highlighted the important of ensuring adequate protection is given to the Teesmouth and Cleveland Coast SPA and Ramsar site and SSSIs in the area and delivering biodiversity enhancements wherever possible. Contamination issues associated with the previous landfill use of Bran Sands; highways impacts related to increases in traffic movements and the relationship of the mineral conveyor to the A1085; potential heritage impacts on the Kirkleatham Conservation Area and archaeological/paleo-environmental material during the dredging process; and the tourism effects on the use of public rights of way in the area were also raised as potential issues.
7. Does the submission accord with the key considerations for determining applications outlined in paragraph 4.1.1 of the Port NPS?	NPS: Paragraph 4.1.1 MPS: Paragraph 1.3.2 NPPF: Paragraph 3

6.54 This Planning Statement continues with a review of each of these key planning themes, initially identifying specific policy requirements, followed by an appraisal of the application proposals' performance against each criterion.

7.0 Planning Considerations

7.1 The approach of this Section is to initially assess the proposed development against a framework of policy and consultation derived issues relevant to the consideration of the proposed Harbour Facilities. The objective of this approach is to assist with providing an understanding of how the proposals comply with the Port NPS, MPS and prevailing Development Plan policy, with appropriate references made to the NPPF and other material considerations. It is also the aim to provide a response to those material issues raised during consultation.

7.2 Following on from this initial review, reference is then made specifically to the over-arching Assessment Principles as defined in the NPS and detailed in paragraph 6.19 above, that provide clear guidance for planning decision makers on relevant matters in the consideration of proposals for harbour schemes. This report provides an assessment of the scheme against these Assessment Principles, with the findings of the initial assessment (Items 1 to 6) informing this concluding appraisal. Such a comprehensive approach ensures this report provides a robust account of the appropriateness of the Bran Sands proposals.

7.3 It is not the purpose of the policy quotes provided below to present a definitive account of all policy, as this is provided in Section 6.0 and Appendix 3. Instead, key quotes are repeated where appropriate to give an understanding of the main policy objectives and themes, to inform the subsequent account of the proposal's performance.

Theme 1: What is the role of the Harbour Facilities and why are they needed at this location?

Summary of Key Policy Objectives and Themes

"Given the level and urgency of need for infrastructure of the types covered…the IPC should start with a presumption in favour of granting consent to applications for ports development."
(NPS – Paragraph 3.5.2)

"There may therefore be opportunities for other developers to bring forward proposals for alternative or additional developments that satisfy demand…"
(NPS – Paragraph 3.4.9)

"*…the Government does not wish to dictate where port development should occur. Port development must be responsive to changing commercial demands, and the Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable*".
(NPS – Paragraph 3.4.12)

"*The continued development and expansion of the chemical, steel and port industries will be supported.*"
(R&CBC: Core Strategy DPD Policy CS10)

"*The expansion of the Port and the logistics sector that it supports is considered to be a key priority within the South Tees Spatial Framework…Land immediately to the north east of Teesport is a recently capped landfill site that could offer the opportunity to increase river access and provide critical port infrastructure.*" (R&CBC: South Tees Area Spatial Framework Policy ST3)

7.4 The NPS is clear that there is a compelling need for additional port development in the UK. In determining applications, decision makers are encouraged to accept that such development is required, for example, to meet long-term forecast growth in imports and exports; contribute to providing a wider range of facilities at a variety of locations; and to ensure effective competition among ports and resilience in the national infrastructure. This positive context is brought together in the overriding requirement for determining authorities to start with a presumption in favour of granting consent to applications for port developments. This presumption remains central to the consideration of the YPL Harbour Facilities DCO, and the benefits described above that justify such a positive policy position (i.e. supporting imports and exports, improving port facilities and encouraging competition) all apply to the current proposals.

7.5 Within this supportive context, it is acknowledged that the proposed Harbour Facilities are perhaps not a "typical" port operation (i.e. where the port operator services a range of different clients with varying goods and commodities and import and export needs). The Harbour Facilities proposed are required to meet the needs of a single project, involving the export of one type of cargo – polyhalite.

7.6 As such, alongside the NPS presumption in support of port development it is relevant to have regard to the specific role of the proposed Harbour Facilities in the YP Project, to understand the wider benefits of the proposals. Linked to this point, it is also relevant to understand why the Harbour Facilities are required to be located at Bran Sands, rather than elsewhere.

(i) The Role of the Harbour Facilities in the YPL Project

7.7 As referred to above, the proposed Harbour Facilities are required to allow for the export of polyhalite. In brief the YP Project involves the winning and working of polyhalite from the proposed minehead at Dove's Nest Farm, near Sneaton; the onward transport of the mined material from the minehead to Wilton International complex via an underground conveyor system; the preparation of the polyhalite for export at the proposed MHF; and finally the transport of the product to the Harbour and subsequent transfer to vessels for export.

7.8 It is anticipated that the proposed Harbour Facilities will accommodate bulk carriers of up to 85,000 DWT, with a range of smaller vessels also servicing the Project. The ES (Section 3) confirms that at peak production when estimated extraction from the mine would be 13Mtpa, the total number of vessels using the Harbour Facilities will be approximately 191 per annum. Export market targets for the polyhalite are the USA, Brazil, China, Central America, Africa and Europe, with the predicted market of the product anticipated to be particularly strong, given the multi-nutrient nature of the fertiliser.

7.9 As explained earlier in this Statement, polyhalite is a valuable source of major plant nutrients that can be used to produce multi-nutrient fertiliser products or as a straight product. At full production, the Project would supply approximately 4% of the world potassium based fertiliser market. That market is forecast to grow by approximately 60% by 2050 as demand increases to address world nutrient deficiencies and a growing global population.

7.10 The strength of the market is borne out by the fact that the applicant has already secured commitments from international buyers for the large scale supply of polyhalite, despite the fact that planning permission or DCO consent has not as yet been secured for any of the component *'parts'* of the project. These market commitments include agreements with companies in the USA and China, and Memoranda of Understanding, Framework Sales Agreements and letters of interest

with companies in Europe, Africa, Latin America, South America and the South East.

7.11 Given the nature of the global polyhalite market, YPL anticipates that the vast majority of the mineral product from the Dove's Nest Farm minehead will be exported overseas. It is estimated that approximately 125,000 tonnes of the first 6.5Mtpa and 175,000 tonnes of the first 13Mtpa will be sold in the UK market, with the remainder exported. Ensuring the appropriate transport infrastructure is in place at the proposed Harbour to allow for the export of the mined polyhalite is therefore fundamental to the delivery and success of the YP Project. Equally, the proposed Harbour Facilities are essential for efficient, sustainable and economic transport of the product, and consequently central to delivering on key Government transport policy ambitions.

(ii) The Need for the Harbour Facilities at Bran Sands

7.12 The pivotal role of the Harbour Facilities in the export of the polyhalite establishes the need for the facilities, but the requirement for them to be located at Bran Sands is of course linked to the necessary location of the Dove's Nest Farm minehead. The proposed minehead facility is located above the UK's only known onshore polyhalite resource. It is estimated that polyhalite extends along a relatively small distance of coastline in North Yorkshire broadly between the village of Boulby in the North and Winesteads near Kingston upon Hull in the South (as shown earlier in Figure 2.1).

7.13 Across this area, there are a series of mining constraints that combine to limit the opportunities for minehead development. A full account of these constraints is provided within an Alternative Sites Assessment Document (ASA, September 2014) that has been prepared and submitted to accompany the mine and MTS applications that are currently before NYMNPA and RCBC [see Document No: 7.3, Appendix 7]. Details are not repeated here, other than to note that no preferable alternative minehead development sites to the YPL proposed site at Dove's Nest Farm are identified.

7.14 With the minehead location a fixed requirement, and the clear necessity to gain access to harbour facilities established (alternative transport options to seaborne export are not credible given the bulk, dry nature of the product), the options for harbour locations are again limited. The ASA document referred to above also considered the availability of harbour facilities across the polyhalite catchment area and identified only Teesside and Hull as offering sufficient capacity to accommodate the necessary vessel size. Of these two options, Teesside is considerably nearer to the minehead site (40km compared to 95km (direct distances)), whilst at Hull, the focus for bulk handling facilities is around Immingham, on the south of the Humber. As a consequence, for any method of transporting the mined polyhalite from the proposed

Minehead at Dove's Nest Farm (tunnel/pipeline/railway or road) there would be a likely requirement to travel further south and cross the Humber.

7.15 The Report highlighted that there are also a range of geological features and ground conditions between Dove's Nest Farm and Hull that would make installing the MTS (the preferred method of transporting the mined polyhalite from the mine to the harbour facility) both extremely challenging from an engineering perspective and costly. Associated environmental impacts would also be multiplied.

7.16 Given these characteristics, the ASA concludes that Hull does not represent a realistic alternative to accommodate the required Harbour Facilities for the YPL Project.

7.17 In contrast, the River Tees and the South Tees area more generally offer a number of benefits from a harbour operations perspective; not least the ability to establish stronger links with the mine and its associated development given its relative proximity in comparison to Hull. The River Tees and Teesport are firmly established as key assets for driving economic growth in the area and the expansion of the Port is considered to be a key priority within RCBC's development plan documents.

7.18 Within Teesport, the existing port operations are generally considered to offer limited capacity to accommodate the scale of harbour development proposed by YPL. Early discussions with PD Ports, operators of Teesport, indicated that the permanent nature of the facilities required; the scale of harbour-side facilities necessary; and the number of vessels required all suggested that YPL's operations could not be readily accommodated without prejudicing existing operations. It is acknowledged that there are, however, a number of developments in the early phases of construction or in the "pipeline" that will add capacity to the Port. Those earmarked for development in the area that were considered by YPL prior to selecting Bran Sands as the preferred location were the Northern Gateway Container Terminal (NGCT), Queen Elizabeth II Berth (QEII) and No.1 Quay within Tees Dock.

7.19 PD Ports secured planning permission to redevelop the former Shell Oil refinery in February 2008 and create a new container facility (the NGCT) that would increase the operating capacity of Teesport. This facility on the southern bank of the River Tees is in the early phases of development. However, as a container facility, it is incompatible with the requirements of YPL that of course involves the transport of the finished polyhalite product unpacked in large quantities using bulk cargo shipping vessels.

7.20 In 2009, PD Ports received consent to redevelop the QEII berth to enable vessels up to 240m long and 38m breadth to use the facility. This consent was linked to the development of a 295MW wood-fuelled

power station on the South Dock area of Teesport. This size of proposed berth is below that required by YPL to service its mineral operations. Further, it is clear that PD Ports has other priorities for the use of this facility. Overall, the opportunities provided by the QEII berth are limited, and it does not, therefore, represent a feasible alternative.

7.21 PD Ports also has plans to undertake reconstruction works to No.1 Quay, including dredging, that would facilitate the use of the quay by a wider range of vessels. Discussions with the operator have confirmed that the nature and scale of the development proposed by YPL would not align with PD Ports' operating aspirations for the future use of the quay.

7.22 Given this context, YPL investigated the potential to establish its own Harbour Facilities, and as highlighted in Appendix 3, the Bran Sands site, located adjacent to Teesport, is specifically identified in the South Tees Area Spatial Framework (April 2010) as providing "*the opportunity to increase river access and provide critical port infrastructure*" (Policy ST3). This in-principle policy support (albeit in a document outside of the Development Plan framework) from RCBC is clearly helpful, and the creation of a new Harbour Facility at the site has other advantages to YPL. With its own dedicated Harbour Facility, YPL is able to create a bespoke Harbour, maximising operational efficiencies ensuring ship-loading equipment and Harbour-side storage are specifically designed to meet the needs of the project. Furthermore, in establishing a new Harbour Facility, it can more easily ensure its operations do not detract from existing port operators either in terms of conflicting navigation requirements or on-shore impacts (see Item 2, below). The new facility will also add to the range of port options available, again consistent with Government objectives.

7.23 Overall, it is clear that there is a need for both a harbour facility and for this facility to be located at Teesside, to enable the bulk transfer of polyhalite mined in areas further to the south. Its operation is essential for the success of the Project, facilitating the export of the product to the global market (Note that the economic benefit of the Project, derived from the high volumes of exported material is reviewed in detail, under Issue No 4). The creation of a new harbour would accord with RCBC's development strategy for the area (and site) that promotes the expansion of the Port as a means for driving economic growth.

Compliance with Regulation 6 (3)(b) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

7.24 For the purpose of Regulation 6 (3)(b), the information presented above confirms that a new Harbour at Bran Sands would:-

- enable the creation of new, bespoke harbour facilities that would maximise operational efficiencies and allow for the bulk export of the mined polyhalite by sea; and
- ensure the proposed operations do not compromise existing port operators in the area.

7.25 In doing so, the proposals would facilitate the efficient and economic transfer of goods by sea and deliver on Government transport policy objectives.

Theme 2: What are the potential impacts of the development on other commercial operators?

Summary of Key Policy Objectives and Themes

"The decision-maker may need to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators".
(NPS – Paragraph 4.4.1)

"*In cases where the adverse impacts would only arise in the event of the success of the development (e.g. through the increased traffic generated by a thriving development), the decision-maker should consider the adequacy of the mitigation proposed in such an event, rather than the likelihood of the impact arising*".
(NPS – Paragraph 4.4.2)

"*Increased competition for marine resources may affect the sea space available for the safe navigation of ships…decision-makers should take into account and seek to minimise any negative impacts on shipping activity, freedom of navigation and navigational safety and ensure that their decisions are in compliance with international maritime law*".
(MPS – Paragraph 3.4.7)

7.26 The selection of a new bespoke-designed harbour facility to be constructed on a largely undeveloped site, clearly assists with ensuring that the proposals can be progressed without prejudicing existing port operations, either directly through navigation conflicts or less directly through other operational impacts. However, the potential remains for the new Harbour Facilities to create conflict with existing operators within the vicinity of the application site, and this risk was highlighted in responses received during the consultation activity. Hence this section of the Report considers the scope for adverse impacts, initially in respect of navigation concerns and the potential conflicts of dredging and piling, and subsequently reviewing potential impacts arising from the proposed onshore operations.

Potential Offshore Impacts

(i) Navigation

7.27 The submitted ES (Section 16) [Document No: 6.4] describes the existing conditions of commercial navigation along the River Tees extending from the mouth of the estuary at the North and South Gare breakwaters upstream to the Transporter Bridge. It then assesses the potential impact of the Harbour Facilities proposal; informed by discussion with (and information provided by) PD Ports (that is responsible for maintaining the river channel for safe navigation) and the Harbour Master (responsible for enforcing the regulations of the existing port to ensure safety, security and general operations standards are met). Reference should be made to the ES therefore, for a full account of the navigation matters relevant to the proposals.

7.28 However, in summary, the existing port environment is described as providing multiple docking and cargo facilities associated with the many riverside industrial plants along the 17km stretch of the River Tees. These contribute to significant commercial vessel traffic, with approximately 900 shipping movements every month. The ES highlights that there are currently two turning areas within the Estuary; one within the Seaton Channel which can accommodate 350m length vessels and is regularly used by large tankers; and, a second at Tees Dock. Vessel traffic in the estuary is controlled and managed by a sophisticated vessel traffic system (VTS).

7.29 In terms of the perceived impact of the proposals on prevailing conditions, the ES details both construction and operational issues. During the construction phase, it is proposed that vessels will be used to undertake channel dredging, whilst also delivering piling. These activities would be predominantly focussed on areas in the immediate vicinity of the proposed port terminal during Phase 1 (i.e. up to the minehead development extracting 6.5 Mtpa). These works would be carried out largely outside of the main channel. Only localised dredging would be required in the main channel. It is envisaged that these channel works would only temporarily disturb existing users for a limited period of 7 weeks whilst the dredging is completed. During Phase 2 of the construction (i.e. to provide infrastructure to accommodate the extraction of 13 Mtpa from the minehead), capital dredging within a section of the main channel would be required, as would capital dredging to extend the berth pocket created during Phase 1. The dredging of the approach channel would result in a temporary impact (lasting 6 weeks) within a localised area of the approach channel.

7.30 PD Ports, in coordination with the Harbour Master, would manage any potential conflicts with other vessel movements during the construction phases, as they would normally with any routine dredging and construction activities. The standard management measures in place,

including the use of the VTS, will ensure the effective management of all shipping traffic within the Tees Estuary. As such, the ES concludes that there would be a negligible impact on commercial navigation during the construction phase.

7.31 During the operational phase, the assessment shows that vessel movements associated with the proposed development would be unlikely to cause a significant delay to existing vessel movement (the assessment model shows there could be a maximum delay of 11.9 minutes per day once the Harbour Facilities are fully operational compared to the existing delay of 3.1 minutes). Even accounting for anticipated increases in the existing vessel numbers unrelated to the harbour proposals, the significance of the impact on commercial navigation is predicated to be negligible.

7.32 The assessment also considers the proposals indirect impact upon navigational safety from wave propagation. Based on the hydrodynamic modelling results, the predicted effects would be small and localised. Risks to navigational safety during the operation stage are therefore not anticipated and the overall impact would be negligible.

7.33 Due to the anticipated negligible construction and operational impacts on the existing and future commercial navigation of the River Tees, no mitigation measures are proposed. A number of controls would, in any event, be implemented to ensure safe navigation, including the issue of Notices to Mariners by the Harbour Master to ensure that all construction vessels have appropriate signals as required by International Regulations. The VTS would also continue to be used to manage vessel traffic.

(ii) Dredging

7.34 Section 18 ('Infrastructure') of the submitted ES assesses the potential impact of the proposed dredging upon existing infrastructure, including several groups of buried cables, pipelines and tunnels that cross the Tees Estuary.

7.35 Pipelines/tunnels which are known to cross underneath the Tees Estuary in the vicinity of the proposed quay footprint comprise the following:-

1. ICI Tunnel No. 2 (Pipe Tunnel No.2) – a pipe track carrying pipes beneath the estuary and owned and operated by Sembcorp. The centreline of this is approximately 20m from the edge of Dabholme Gut;
2. BP AMACO CATS pipeline – a buried gas pipeline contained within a flooded tunnel which takes gas from the south side of the river via a second pipe tunnel to the north side of the estuary;

3. GDF Suez Power Gas Pipeline (formally known as the 'Enron pipeline') –buried natural gas pipelines which bring gas from the north side of the estuary to the south side;
4. RWE Breagh Onshore Gas Pipeline – a buried pipeline transporting gas from the Breagh Platform in the North Sea to the Teesside Gas Processing Plant located within the Seal Sands area north of the river; and
5. BOC1m and 0.15m diameter thrust bores.

7.36 The assessment work has confirmed that Pipe Tunnel No.2 is located at a depth of at least 22.45m below Chart Datum (CD), and all other pipes and tunnels within the estuary are located at greater depths. This is significantly deeper than the proposed dredge depth of approximately 14m below CD. In addition, the pipe tunnel lies to the south of the proposed quay and area to be dredged. On this basis, it is concluded that the construction dredging works required in the main channel would have no impact on these pipelines, cables or tunnels within the Tees Estuary.

7.37 The reduction in the depth of the river basin material covering the pipelines and tunnels following dredging has the potential to result in indirect effects during the operations of the proposed Harbour Facilities, as this underground infrastructure would potentially be more exposed to interactions with the river.

7.38 The ES notes that the potential for these types of risks will need to be considered in more detail following further marine ground investigations that will confirm the geotechnical properties of the ground overlying the pipelines and tunnels. If the result of this exercise is that the buried pipeline and tunnels could be put at risk then suitable measures will be put in place to ensure their protection prior to the dredging works taking place. These could include, for example, the use of jet grouting that would involve injecting cementitous grout into the surrounding material, resulting in a column of stiffened material.

(iii) Piling

7.39 The ES (Section 18) notes that the RWE Breagh Onshore Gas Pipeline referred to above runs directly beneath the footprint of the proposed berth pocket and quay where piling is proposed. Other pipelines and cable passageways are known to be beyond this area and would, therefore, be unaffected.

7.40 The detailed design development of the proposed quay structure options are the subject of ongoing consultation with the owners and operators of the RWE Breagh Onshore Gas Pipeline. This process and the final output will ensure that the evolving quay designs do not interfere with the operation of the pipeline.

(iv) Water Abstraction

7.41 The ES includes an assessment of the impacts upon water quality in terms of increases in total suspended solid concentrations of materials resulting from the construction dredging and piling activities. It is noted that this has the potential to impact on third parties who abstract water from the Tees Estuary for their own industrial or other processes.

7.42 The assessment work shows that the average increases in the concentration of total suspended solids as a result of the dredging and piling would, at worst, be temporary in nature and would result in an impact of negligible significance on water abstraction points.

7.43 Overall, the successful construction and subsequent operation of the Harbour Facilities are not considered to have a material impact upon the existing operators along the River Tees, with prevailing navigation conditions retained and existing infrastructure and operations protected.

On-shore Operations

7.44 Again, with reference to the existing status of the application site as largely undeveloped, the scope for impact on existing commercial operators is reduced. However, as highlighted in a number of representations received during the consultation events, the route of the proposed conveyor passes over a number of infrastructure assets operated by local businesses. Furthermore, the construction and operation of the Harbour Facilities has the potential to impact upon existing business operations, through changed highway conditions, or potentially other environmental impacts (noise, air quality etc.). This later point is addressed under Theme No. 6, and this account is not repeated here. However, in terms of the concerns expressed regarding the construction and operation of the conveyor, on existing infrastructure it is noted that on-route to the quayside, the conveyor envelopes pass over the following structures/installations:

- roads and access tracks, including the A1085;
- a trunk road embankment approximately 6m in height; road and railway bridges, including the SSI 'Hot Metal' rail bridge (which allows transport of hot metal from the blast furnace to the SSI steel plant) and the NWL road bridge;
- Sembcorp drains, sewers and main site outfall culvert to penstock;
- underpasses under internal roads and public railway track;
- pipelines located within the existing service corridor;
- high voltage power lines owned by the National Grid and high level cable crossings;
- a section of railway owned and operated by Network Rail;
- NWL water lines; and

- pipe and road bridge to the south of the NWL sewage works at Bran Sands.

7.45 Plans showing the location of this infrastructure are provided in Section 18 of the ES [Document No: 6.4]. In addition to this, the Bran Sands landfill site contains a number of leachate monitoring and landfill gas extraction boreholes that connect to pipework which in turn connect to a gas utilisation plant and a flare at the north-east corner of the application site (adjacent to the NWL water treatment plant).

7.46 Potential direct impacts to existing infrastructure could arise from:

- accidental damage to existing infrastructure caused during construction;
- foundation works for the conveyor supports harming below ground infrastructure; and
- reduced access to existing infrastructure during the construction and operations phases along the route of the proposed conveyor corridor.

7.47 Avoiding such impacts has been integral to the design development process for the conveyor. The routing and design of the conveyor system within both conveyor “envelopes” has accounted for the presence of existing infrastructure so that its construction would not directly impact on existing operations in the area.

7.48 Incorporated design features for the conveyor include the use of bored concrete piles rather than impact piling for the conveyor supports, and the careful siting of the foundation piles along the route of the conveyor. The combination of these measures would further help to avoid harming below ground infrastructure when undertaking the foundation works.

7.49 During consultation with the Environmental Agency in October 2014, concerns were raised by officers regarding the potential for reduced access to existing infrastructure in the areas along the route of the conveyor (albeit these concerns were focussed on maintaining access to the leachate and ground gas monitoring boreholes at Bran Sands). The ES confirms that the elevated design of the conveyor and the careful siting of the support structures will ensure that access is maintained to existing infrastructure, and therefore no impact is predicted.

7.50 The early and ongoing design development has been progressed in consultation with owners and operators of the existing infrastructure in the area. This dialogue will help to ensure the proposed construction, operation, and eventual decommissioning of the conveyor is compatible with existing site operations. As an additional measure, discussions are underway between YPL and the various landowners and operators to agree the wording of protective provisions included in the draft Order to ensure that existing rights of operation are preserved.

7.51 Overall, the final design of the conveyor and the protective provisions that will be in place will ensure that existing infrastructure in the area is not impacted upon during the construction, operation and decommission of the Harbour Facilities.

Theme 3: What are the design qualities of the development proposals?

Summary of Key Policy Objectives and Themes

"*Applicants should be able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. In considering applications, the decision-maker should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy*".
(NPS – Paragraph 4.10.4)

"Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people"
(NPPF – Paragraph 56)

"Be designed to respect or enhance the character of the local area… Incorporate high quality design features and layouts… Incorporate sustainable construction techniques and design concepts for buildings and their layouts… Include a layout and design that takes into account the potential users of the site and does not cause a significant adverse impact on residential amenity."
(R&CBC: Core Strategy DPD – Policy CS20 & DP3)

7.52 The design qualities of the development proposals, as appropriate, are the product of a mix of considerations that include a desire to create a development that visually assimilates with its surroundings but also a design that performs functionally, efficiently and sustainably as part of the wider project. This section of the Report provides an account of the design evolution of the Harbour Facilities proposal, explaining how the final scheme represents a response to these factors, and achieves an appropriate design solution for both the site and the Project.

Site Constraints

7.53 The selection of Bran Sands as the location for the proposed Harbour Facilities provides an opportunity to create a direct link to the River Tees at a location that is specifically promoted for further port development by RCBC, and within a wider area where port development is seen as a key driver for economic growth.

7.54 The existing site characteristics, however, present a number of constraints to the development opportunities. Most notably, the existing lagoon, the former landfill site, the extensive NWL waste treatment facility operations, and the presence of above and below ground utilities infrastructure combine to limit the land available for a new harbour use, and begin to dictate a design solution for the Harbour Facilities.

Project Fundamentals

7.55 It was recognised at the outset of the project that as a consequence of this existing site context, it would be necessary to disaggregate elements of the Harbour Facilities proposals. The limited land availability pointed towards separating out the main handling and storage operations from the other harbour facilities. The decision was therefore taken by YPL to promote the MHF proposal at Wilton International complex, away from the quayside.

7.56 With this established, there remained the requirement for the bulk transportation of the finished polyhalite product from the MHF to the Harbour Facilities at Bran Sands. Designing a mechanism to achieve this bulk transport was directed by a desire to achieve operating efficiencies but also to ensure any transport solution was appropriate to its setting; integrating the proposed development with existing development in the area and respecting the local environmental sensitivities.

7.57 The output of an initial design analysis undertaken by YPL and its consultant team concluded that a conveyor system comprising two parallel belts within an enclosed structure represented the most appropriate design approach, having due regard to these sensitivities whilst also embracing wider sustainable transport objectives.

7.58 A full appreciation of the design process centred on the evolution of the options for the mineral conveyor options linking the operations at Wilton International complex and Bran Sands is presented in an Options Study Report (“Conveying Polyhalite from Wilton to Bran Sands”) at Appendix 3.2 of the Environmental Statement [Document No: 6.5]. This includes an account of the relevant sensitivities affecting the application site and their influence on the design development of the conveyor; the various conveyor routing and design options and their relative feasibility; and, related to this, how the conveyor designs have evolved to form the current design proposal. .

7.59 This initial design process, therefore, established the fundamental project elements and their relative locations (i.e. a harbour facility on the River Tees, linked via an overhead conveyor to the MHF at Wilton).

Functional Requirements

7.60 YPL's technical team undertook a detailed appraisal of the scope of the development critical to the function of the Harbour Facilities at the Bran Sands "end" of the conveyor. This process was based on the fundamental operating principles that the finished polyhalite product would be transported unpacked in large quantities using bulk cargo shipping vessels, and that the development would be phased. The harbour facilities would, therefore, need to have capacity to receive and load 6.5Mtpa of polyhalite during Phase 1 and 13Mtpa at full operation during Phase 2.

7.61 This process highlighted the need to provide:-

- A quay structure that would provide docking for two ships (at full operating capacity during Phase 2) each capable of accommodating a maximum vessel size of 85,000DWT. This is achieved with the DCO Harbour Facilities providing a quay capable of accommodating the two bulk vessels, with a maximum quay length of 486m and overall width of 85m;
- A system to manage the flow of the mineral product at the interface with the mineral conveyor before it reaches the quay. Surge bins are therefore incorporated at the interface of the conveyor system with the quay loading facility with the capacity to accommodate 1,000 tonnes of polyhalite;
- Ship loading equipment. The proposals therefore provide for 2 ship loaders; and
- Associated infrastructure. Office accommodation and car parking for workers are all included in the proposals plus a range of areas for temporary use for construction facilities and storage.

Design development

7.62 The next stage of the design process focussed on adding detail to the "building blocks" established by the set of scheme parameters. In particular this considered the detailed design of the main aspects of the proposed Harbour Facilities – namely the mineral conveyor linking the sites and the quay structure.

(i) Mineral conveyor

7.63 The appearance and routing of the above-ground mineral conveyor was the subject of a design review. Details of the vertical alignment options assessed are provided in the Options Study Report (Appendix 3.2 of the ES [Document No: 6.5]). This process included an assessment of the potential impacts of the conveyor design on surface-mounted services and associated structures; buried services; road and rail crossings; and power lines. The potential effects on NWL's sewage treatment works at

Bran Sands and the lagoon; and visual and landscape effects have also been considered.

7.64 Two potential conveyor routes have been identified, both of which form the basis of the DCO submission [Document Nos: 2.2 to 2.2F]. Both options start from a transfer tower, located on the east side of Boundary Road East. The route would then run along the edge of the MHF and rise gradually and extend to the west crossing over the A1085 and the Hot Metal rail bridge. It is on entering Bran Sands following a transfer station that two options for the routing of the conveyor are proposed.

7.65 The “southern” option has been designed to continue in a north-westerly direction and run south of the former landfill site and lagoon. It would then connect to a surge bin at the southern end of the quayside before heading to the north end of the quay. The “northern” option would run parallel to the eastern boundary of the NWL waste facility before heading west having passed through a transfer tower. It would then connect to another transfer tower at the quayside before turning towards the north end of the quay.

7.66 A decision on which option is selected will be taken following further detailed design work.

7.67 The form and appearance of the conveyor has evolved through a number of design iterations, particularly the bridge section over the A1085 which is most visible to the public. These are detailed in the Options Study Report provided at Appendix 3.2 of the ES [Document No: 6.5].

7.68 In summary, it was recognised early on in the process that a different design approach was required for the bridge crossing of the A1085 given its location on the approach to Redcar and acknowledging that it would be seen by road users.

7.69 The early designs have evolved from a simple rectangular structure encasing the conveyor to a more slender “tube-like” appearance where the route is visible to outside receptors. The design of the conveyor piers that support the bridge structure have also been significantly revised as part of the design development. Originally these were shown as bold concrete structures that created a rigid square frame either side of the conveyor. Through discussions with RCBC these have been developed into slanted arches. This design has been taken forward as the preferred approach and forms part of the DCO application. However, it is proposed that the detailed design of the road crossing structure will be the subject of a Requirement that necessitates final designs to be the subject of a submission to RCBC, for its approval prior to commencement of works relating to the conveyor construction.

7.70 The conveyor has been designed to be fully enclosed between the MHF transfer tower and the Hot Metal rail bridge. After this point the conveyor

would run on a gantry supported by steel trestles except where it runs over roads where, again, it would be fully enclosed. Where the conveyor is on an open gantry, it would be covered to prevent dust and to protect the product.

(ii) Quay structure

7.71 A key tranche of YPL's design review has focussed on the options for the quay structure. This has resulted in the inclusion of two quay designs in the DCO – an open structure and a solid structure, both of which have been assessed in the ES [Document No: 6.4 to 6.7].

7.72 In simple terms, the main platform in the open quay structure would be suspended. This would be accessed via three approach bridges. This option would allow the River Tees to flow more freely between the quay platform and the bank. It would, however, require more dredging to clear an area to accommodate the quay structure. The solid quay structure would require the backfilling of the existing bank and the platform would be positioned on top. This option would require less dredging of the River Tees and provide increased stability to the shoreline through the construction of a new, reinforced riverbank.

7.73 Appendix 5 to this Planning Statement provides a series of visualisations to provide a general impression of the scheme when built. The images have been prepared on the basis that a decision is take to construct the solid structure (along with associated infrastructure) and, at the same time, that the 'northern' conveyor route option is selected. The images have been provided to give an impression of the scheme and should not be taken as a wholly accurate representation of the scheme set out in the application documents to which reference should be made for any detailed understanding.

(iii) Other design considerations

7.74 Other aspects of development to be provided at the port terminal within the Harbour Facilities would include offices, substations and ancillary infrastructure [Works No: 9]. Buildings would be carefully designed to be a maximum of 4.4m in height and would be steel framed with pitched roofs.

7.75 The proposals also include habitat enhancement works to the lagoon at Bran Sands [Works No: 3]. These works seek to use dredged material to create shallow water areas, intertidal margins and islands within the lagoon to enhance waterbird feeding, roosting and nesting opportunities. The options for habitat enhancement have been presented to PINS, Natural England, the Environment Agency, the RSPB and the MMO, and the agreed design is now represented on the plan in Appendix 3.1 to the HRA [Document 6.3]. The scheme will lead to a net gain in the area and quality of habitat available for waterbird feeding.

7.76 Overall, it is considered that the designs for the Harbour Facilities represent an appropriate balance between functionality and environmental-led design. The proposals will allow for an efficient and sustainable transfer of polyhalite from the MHF to vessels for onward shipment, but achieved in a way that respects prevailing environmental conditions, delivers enhancements where appropriate (i.e. the lagoon) and mitigates impacts where practicable (i.e. the bridge designs).

Theme 4: What are the Social and Economic Impacts of the scheme?

Summary of Key Policy Objectives and Themes

"The decision-maker should give substantial weight to the positive impacts associated with economic development…The decision-maker should have regard to the potential socio-economic impacts of new port development identified by the applicant and from any other sources that the decision-maker considers to be both relevant and important to its decision."
(NPS – Paragraphs 4.3.5 and 5.14.7)

"Significant weight should be placed on the need to support economic growth through the planning system…To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century…Minerals are essential to support sustainable economic growth and our quality of life…When determining applications, authorities should "give great weight to the benefits of the mineral extraction, including to the economy"
*(*NPPF - Paragraph 19, 20, 116 and 142)

"*provide opportunities for diversifying and strengthening the local economy."*
(R&CBC: Core Strategy DPD – Paragraph 2.13)

7.77 A key message of the Port NPS is the Government's drive to promote port development as "*an engine for economic growth*"; creating local employment and contributing to the widespread regeneration of areas. Decision-makers are advised to give substantial weight to the positive economic impacts of a project in the consideration of port proposals, and of course this national guidance is reflected in local development plan policy that both recognises Teesside as a valuable economic asset, and promotes its success and expansion.

7.78 Within this positive context the economic benefits that are predicted to arise from the construction and operation of the development have been assessed in the socio-economic section of the ES (Section 19) [Document No: 6.4].

7.79 From this document, and when considered in its own right, it is clear that the Harbour Facilities will deliver some notable economic benefits to Redcar and the surrounding area during the construction and operations stages of the project. Examples include:-

1. the creation of an average of 122 construction jobs during the construction period (peaking at 175 employees per day during months 29 and 30 of the construction period);
2. the support of 413 indirect jobs through the construction supply chain;
3. in the region of £79m of investment during the Phase 1 construction phase (a further £306m is anticipated at Phase 2 but this would be across the whole YP Project rather than being invested solely on the Harbour Facilities); and
4. the creation of 34 direct jobs and 170 indirect jobs once the Harbour Facilities are operating at full capacity.

7.80 However, it is only when the proposal is considered in the context of the wider YP Project (which can only be realised through the development of the Harbour Facilities) that its strategically important contribution towards boosting the national, regional and local economy fully evidenced. These wider-ranging benefits include higher levels of job creation (direct, indirect and induced); higher economic output; an increase in exports; higher UK tax revenues; local payment such as royalties; and increased spending in the local economy.

7.81 Some of the economic figures attributed to the YP Project that best illustrate its national importance include:-

1. Already, through extensive pre-application exploration works, Project feasibility works, agronomic testing, crop trials, market research and marketing and product development, YPL has invested around £100 million into the economy;
2. This investment will increase to £1.7bn to reach an output of 13 Mtpa (with an estimated £1.4bn on investment during the initial construction period to reach production capacity of 6.5 Mtpa);
3. The Project will create over 1,000 high value direct jobs, and over 1,100 indirect jobs in the supply chain, materially benefiting the local employment rate (that in the Borough of Redcar and Cleveland is 67%, 6% below national Government targets);
4. The contribution to national GDP is expected to be £500m per annum in 2020 and £1bn per annum in 2024;
5. At full production, the Project would create in the region of £1.2bn of exports per annum and estimated to reduce the UK's trade deficit by just under 4%;
6. At full production, the mine would permanently increase the economic output of North Yorkshire by 10% and would permanently

increase the output of the York, North Yorkshire and East Riding LEP area economy by 5%. It is estimated that the multiple impacts would create a further GDP uplift of up to £75m;

7. Tax receipts during the construction phase are estimated at around £188m, whilst annual operational taxation would be in the region of £233m;
8. YPL will also pay local taxes and duties including business rates and royalties to landowners. These could total £27m in 2020, rising to £48m in 2024. The largest component of this is royalties to landowners which are estimated to be £15m at 6.5 Mtpa and £29m at 13 Mtpa across North Yorkshire. Business rates are estimated at £5m for YPL's lead office and operating facilities; and,
9. YPL will contribute an annual royalty of 0.5% of revenue from the Project to the York Potash Foundation, which has been set up by YPL to enable the community to benefit from a community fund. Based on current estimates the annual payment could be £3m at 6.5 Mtpa and up to £6m at full production. Furthermore, an initial start-up fund of £2m will be contributed by YPL on the formal commencement of construction.

7.82 It is evident from this overview that the economic benefits of the YPL Project are nationally significant, of a scale that is rarely attributed to a single development proposal.

7.83 Given prevailing Government priorities in terms of debt reduction; a preference for the private sector; and a push for enhancing production/export industries in regions beyond the South-east, the proposals are responding to a national and regional need, and in doing so, the value of the Project is enhanced.

7.84 With the Harbour Facilities central to the operation of the project, and directly responsible for the export of the product, a key factor in the economic performance of the wider scheme, it is anticipated that economic benefits of the Project will be given significant weight in any determination of the DCO. Even considered in isolation and consistent with the policy objectives for port development, the Harbour Facilities themselves will make a considerable contribution to enhancing prevailing economic conditions, and this represents a significant factor in any planning decision on the application.

Theme 5: Will the development achieve the principles of sustainable development?

Summary of Key Policy Objectives and Themes

"…the Government seeks to: encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports…."
(NPS – Paragraph 3.3.1)

"The UK vision for the marine environment is for 'clean, healthy, safe, productive and biologically diverse oceans and seas'…The process of marine planning will contribute to the achievement and integration of sectoral/activity specific policy objectives within a framework of economic, social and environmental considerations in order to deliver the high level marine objectives. This approach will help ensure the sustainable development of the UK marine area and deliver the UK vision."
(MPS – Paragraph 2.1.1)

"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking."
(NPPF – Paragraph 14)

"The principle of sustainable development will underpin the policies and proposals for the use and development of land in the LDF."
(RCBC Core Strategy DPD – Policy CS1)

7.85 It is a key objective of the planning system to achieve sustainable development and policy guidance at all levels explains the context of how this can be achieved with reference to the geographical area, land use or theme that the particular guidance may relate to. For example, paragraph 3.3.3 of the NPS for Ports (see paragraph 6.12 of this Planning Statement) identifies a series of ten key areas which will help to achieve sustainable port development covering the economy and employment, impact on the environment and climate change, protection of heritage assets and accessibility. Alternatively, the NPPF identifies at paragraph 7 (see also Appendix 3 of this Planning Statement) that sustainability has three dimensions: economic, environmental and social and that the planning system has a role in contributing to each.

7.86 In the context of the YPL Harbour Facilities, the applicant is committed to achieving gains across the all dimensions of sustainability and this is best explained by considering the proposals against a series of sustainability objectives that have been derived from the range of policy sources that have been defined in Section 3.0 of this Statement. These include the key facets described in the NPS, the MPS and the NPPF. They also draw from RCBC and SBC local policy; particularly, regard

has been given to the methodologies used in the Sustainability Appraisals carried out through the existing and emerging RCBC and SBC Local Plan documents which provide a clear basis of sustainability matters of particular relevance to the local area within which the Harbour Facilities would be located. Objectives, and the performance of the development against each objective, are considered in turn below.

1. Landscape – Protect and enhance the quality, distinctiveness and setting of the area's landscape and seascape

1. The development is within a heavily industrialised landscape setting and views in most directions are dominated by industrial activity. The proposed Harbour Facilities, which are industrial in character, are in keeping with the existing landscape character. Where possible, the form of the development has been designed to ensure that it protects local views.
2. Close to the River Tees, some evidence remains of a more natural environment, albeit heavily impacted by existing ongoing port operations. The development has sought to balance competing objectives in promoting the new Harbour Facilities whilst also respecting key natural features, particularly where these are supporting important habitats and species. A key example of this approach is demonstrated through the habitat enhancement measures included as Works 3 in the draft DCO.

2. Environment and Climate Resilience – safeguard and enhance environmental infrastructure and assets; and minimise pollution releases to levels that do not damage natural systems, human health and quality of life; be adapted to the impacts of climate change

1. Sections 4.12 and 4.13 of the NPS explain how port development should incorporate measures to both mitigate and adapt to climate change to assist the Secretary of State in discharging the requirements of Section 10(3)(a) of the Planning Act 2008. The NPS states that mitigation can be incorporated through good design, through creation of new habitat and through consideration of energy requirements. The NPS goes on to state that consideration of climate adaptation should be taken into account as part of ESs submitted with DCO applications (where these are required) and that the latest climate projections and flood maps should be used in ensuring that appropriate adaptation measures are built into the development proposals.
2. The DCO application for the YPL Harbour Facilities is accompanied by an ES which has regard to climate adaptation and identifies a series of mitigation measures which have been built into the design to ensure that the scheme is resilient to the latest climate projections for the UK and minimises pollution releases to protect environmental receptors. This includes the raising of the conveyor systems

between the MHF and the Bran Sands site to lift it above areas at risk of flooding. The scheme incorporates a habitat enhancement scheme (included as Works 3 in the draft DCO).

3. Transport – Promote sustainable transport alternatives and accessibility; enhance access for all to ports and the jobs, services and social networks they create

1. As described elsewhere in this Planning Statement, and as supported by Government policy, the development of Harbour Facilities as part of the YP Project inherently support sustainable development through the promotion of transport of goods by water rather than by road. In addition, the development has been shown to have a limited effect on the local highway network and further supports the objective of using alternative modes of transport to road, by including the use of a conveyor system to link the MHF with the Harbour Facilities.
2. By co-locating the new facilities at Teesside, an area with a long association with port operations, the development takes best advantage of the potential to use existing labour who have relevant skills and experience.

4. Employment – Increase quality employment opportunities available to all that create a vibrant local economy and encourage sustainable economic growth and regeneration through diversification and strengthening of the local economy; ensure competition and security of supply

1. As outlined above, the socio-economic assessment contained within the ES (Section 19) sets out the economic benefits that are predicted to arise from the construction and operation of the development; these include new direct and indirect jobs and significant financial investment in the area. This will assist in the strengthening of the local economy as well as its regeneration and growth.
2. Most important, is the relationship of the harbour development to the wider YP Project which has economic benefits at a national, regional and local level (described at paragraph 7.81). The development makes a considerable contribution to the principles of sustainable economic development.

5. Heritage – Promote, enhance and respect all heritage assets

1. The development has been subject to a comprehensive heritage assessment which has identified that there is a very low risk of harm or loss of local heritage features either above or below ground with the exception of a Dolphin Mooring Bollard located within the proposed berth pocket for the scheme. Details of this will be recorded prior to its demolition. An archaeological watching brief will

be in place during the construction period to assist in the event that any features are identified (likely to be in the form of previous industrial remains or shipwrecks).

2. Impacts on local heritage features are anticipated to be very low and it has been concluded that the development is consistent with local policy which seeks to promote, enhance and respect heritage features.

6. Design – Encourage high quality design and sustainable construction in development

1. This has been considered earlier in this Planning Statement as 'Issue 4'. The development of the design parameters that are included within the DCO application has to a significant degree been governed by the functional and operational requirements of harbour facilities of this nature and of YPL, as well as the unique site constraints of the Bran Sands location.
2. Design issues in the context of the development are most appropriately considered as two distinct elements:-
   - The harbour facilities – as described in paragraph 7.54 the constrained nature of the site and the requirements for docking and loading vessels have defined to a significant extent the parameters of the proposals. The included options (open or solid quay structures) allow flexibility in the final design, including the potential to incorporate sustainable construction techniques. The defined parameters for the harbour related buildings and operational structures also allow flexibility in design and construction techniques but these will be within the context of ensuring that the design is in keeping with the industrial character of the area and that the buildings are as low level as possible to reduce potential visual effects in the area. The inclusion of habitat enhancement measures within the lagoon area will assist in softening the proposed harbour facilities development; and
   - The conveyor – as described in paragraphs 7.63 to 7.70, due to the route of the conveyor, particular attention has been paid to the engineering design of the structure; however this has, similarly, been within the context of the operational and site constraints through which the system will run (notably the need to pass over a series of roads, railways, pipes etc. which cuts through the site). Where the conveyor is most visible to nearby residents and businesses (i.e. closest to the MHF), the entire system will be clad in a sleek, elliptical section, metal 'tube' structure with areas of particular interest (notably where it passes over the A1085 trunk road) given higher quality design treatment.

7. Water – protect and improve water quality and water resources including marine and terrestrial biodiversity; reduce the risk of flooding

1. A series of measures have been put in place to prevent the deterioration of marine and land based water resources through the construction process and once the development is operational.
2. Port development is considered 'water compatible' in relating to consideration of flood risk; however a flood risk assessment has been carried out and it has been shown that the development does not otherwise give rise to any flood risk concerns.

8. Waste and Energy – encourage waste reduction, reuse, recovery and recycling; reduce or minimise energy consumption and greenhouse gas emissions, where suitable

1. The construction and operation of the development will incorporate measures to ensure on-site segregation of recyclables and to maximise the opportunities for reuse and recycling. A Waste Management Strategy is included as part of the ES (Appendix 3.1) [Doc. No: 6.5] which also describes methods and measures to deal with arisings from dredging of the River Tees and to seek to reuse material from that process in the construction of the development proposals (e.g. through the habitat enhancement measures).
2. Whilst the form of development does not support active measures to promote renewable energy, the development will incorporate measures as part of a wider sustainability strategy for the YP Project to minimise energy consumption and, therefore, greenhouse gas emissions.

9. Communities – encourage empowered and active communities

1. The development has been the subject of extensive pre-application engagement and consultation both in its own right and in accordance with the requirements of the Planning Act 2008; but also as a key component of the wider York Potash Project. Formal consultation on the Harbour Facilities was carried out under Section 42, Section 47 and Section 48 of the Act in September and October 2014 with public exhibitions, meetings and presentations, newsletters, brochures, press releases and advertisements. The full extent of consultation with local communities is detailed in the Consultation Statement [Doc No: 6.1].
2. The significant economic boost to the economy due to investment and job creation will aid community well-being. This will be reinforced through the YPL Foundation[3] which was set up to promote

[3] The York Potash Foundation (http://www.yorkpotash.co.uk/in-the-community/overview/) was set up to allow the community to benefit from a community fund. It is an independently run body which is

education and skills training, community facility enhancement and support for the long-term employed. This will further empower local communities.

10. Recreation and Tourism – promote opportunities that provide sustainable benefits to the local community and its economy

1. Whilst the wider Tees estuary area supports a range of recreational activities (water based and land based), the highly industrial nature of the area within which the development site means much of the area is currently, and will remain, largely inaccessible to the local community for reasons of health and safety.
2. Notwithstanding this, the wider Tees Estuary area supports a range of water and land based recreational and tourism opportunities and, within the site boundary, the main evidence of this is walking along the public rights of way including the Teesdale Way National Trail. During the construction period, temporary closure of the PRoW adjacent to Dabholm Gut, and temporary night time closures of the affected sections of the Teesdale Way National Trial and the combined footpath and traffic-free cycle route will be required due to the presence and movement of machinery and heavy plant. During the operation phase there would be no direct disturbance to recreational users.
3. More indirectly, the significant economic benefits of the YPL project on the local area in terms of investment and increased employment will be expected to give rise to a positive effect on local recreational and tourist facilities; increased disposable income in the area will increase the ability to access and utilise local facilities and give rise to sustainable benefits to this sector.

7.87 The above appraisal (items 1 – 10) succinctly captures the sustainable characteristics of the development and demonstrates that it promotes the principles of sustainable development in accordance with policy at all levels.

seeking charitable status and will "asset lock" its income so that it is used solely for charitable purposes. The Company will contribute an annual royalty of 0.5% of revenue from the Project to the Foundation. Based on current estimates the annual payment could be £2 million at Phase 1 production and up to £6 million at full production. An initial start-up fund of £2 million will be contributed by the Company on the formal commencement of construction. The money will be used to support community projects with the objectives of advancing education, promoting health, advancing environmental protection and improvement, advancing citizenship and community development and relieving those in need. The majority of the charitable donations and grants will occur within the boundaries of Scarborough Borough, RCBC and the North York Moors National Park.

Theme 6: Other environmental matters and material considerations

Summary of Key Policy Objectives and Themes

"In summary, the Government seeks to:…ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations."
(NPS – Paragraph 3.3.1)

"Living within environmental limits
• Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
• Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.
• Our oceans support viable populations of representative, rare, vulnerable, and valued species."
(MPS – Paragraph 2.2.2, Box 1: *'The High Level Marine Objectives'*)

"- To protect, conserve and enhance the Borough's built, historic, cultural and natural environments.
- To ensure that all development in the Borough is designed to a high quality and takes account of the wider impact on the environment and climate change."
(RCBC Core Strategy Spatial Aims, Paragraph 2.13)

7.88 Policy at all levels seek to ensure the protection, conservation and, where possible, enhancement of environmental assets which means those relating to habitats and species, air quality, noise and vibration, dust, odour, light, hydrology and flood risk, coastal change, traffic and transport, waste management, landscape and visual impacts, cultural heritage and land uses.

7.89 The DCO application is accompanied by an ES [Doc. Nos: 6.4 and 6.5] which set out the findings of an EIA of the proposed Harbour Facilities development and describes the likely significant effects on the environment with regard to those matters defined in paragraph 3.23 of this Planning Statement. This section does not repeat the conclusions of that document but highlights how the conclusions of the assessment which it describes demonstrate compliance with planning policy at all levels (see Appendix 3).

7.90 Particular attention has been given to the range of issues identified in the NPS which cover not only environmental but also economic, social and operational matters relevant to the development proposals (see summary in Section 6.0 of this Planning Statement). These issues are largely duplicated within planning policy at all scales and are therefore considered a legitimate basis for a structured analysis of relevant

matters. Some of these other issues could be considered to be relevant 'material considerations' in the assessment of the YP Harbour Facilities proposals as specified in Section 104(2) of the Planning Act 2008.

7.91 This section seeks to review those matters identified in the policy review of this Statement which have not already been considered in more detail earlier in this Section. These can be summarised as follows:-

1. Habitat and Species Regulations Assessment (paragraph 6.28 of Section 6);
2. Pollution Control and other Environmental Regulations Regimes (paragraph 6.32 of Section 6);
3. Health Considerations (paragraph 6.35 of Section 6);
4. Security Considerations (paragraph 6.36 of Section 6);
5. Biodiversity and Geology (paragraph 6.37 and paragraph 6.49 (1) and (4) of Section 6));
6. Flood Risk, Water Quality and Coastal Change (paragraphs 6.38, 6.39 and 6.49 (1) of Section 6);
7. Traffic and Transport Impacts (paragraph 6.40 of Section 6);
8. Air Quality and Emissions (and other issues potentially having a detrimental effect on amenity including dust, smoke, etc.) (paragraph 6.41 (3) and (4) of Section 6);
9. Noise and Vibration (paragraph 6.41 (5) of Section 6);
10. Landscape and Visual Effects (paragraph 6.41 (6) of Section 6);
11. Historic Environment (paragraph 6.41 (7) and paragraph 6.49 (6) of Section 6)); and
12. Land Use (paragraph 6.41 (8) of Section 6).

7.92 Each issue is considered in turn.

Habitat and Species Regulations Assessment

7.93 Paragraph 4.8.1 of the NPS requires that, prior to granting a DCO, the decision maker should *"consider whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects"*. This should include, where necessary, carrying out an Appropriate Assessment in accordance with the requirements of the Conservation of Habitats and Species Regulations 2010, as amended by the Conservation of Habitats and Species (Amendment) Regulations 2012. To assist them in this process, applicants need to ensure that sufficient information that may be reasonably required to carry out the assessment is provided as part of applications. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects. For the

UK, Ramsar sites are considered to have the same status as a European Site.

7.94 The nearest European Site to the harbour facilities is the Teesmouth and Cleveland Coast SPA (approximately 1km from the site) which includes both marine and terrestrial habitats (the marine component is also termed a 'European Marine Site') comprising a range of coastal habitats including sand-and mud-flats, rocky shore, saltmarsh, freshwater marsh and sand dunes. Together these habitats provide feeding and roosting opportunities for numbers of waterbirds in winter and during passage periods. The site is of European importance because it is used regularly by at least 1% of the Great Britain population of Little Tern and Sandwich Tern; both of which are listed in Annex I of the Birds Directive (79/409/EC). The site is also used regularly by 1% or more of the biogeographical population of the migratory species of Knot, Redshank and Ringed Plover; is used regularly by over 20,000 waterbirds, or 20,000 seabirds in any season; and supports nationally important populations of Cormorant, Shelduck, Teal, Shoveler and Sanderling. Natural England has developed conservation objectives for the SPA which aim to maintain it in a 'Favourable Condition' which will ensure the maintenance of the quality, distribution and extent of the designated habitats which support the identified bird species.

7.95 In addition to this, Ringed Plover (non-breeding) were identified in a review of the SPA which would qualify them for further consideration as a new and additional feature of the SPA. An extension to encompass Little Tern and, potentially, Common Tern foraging is also being considered. Natural England has advised that this may lead to the current SPA boundaries being extended to encompass habitats within and adjacent to the DCO site (including the lagoon at Bran Sands and the adjacent Dabholm Gut) and it is in the process of preparing information for the Government to propose that this extension is added to the designated site. Pending this work, Natural England has advised YPL that it should undertake an assessment assuming that this area had been designated as part of the SPA.

7.96 The site is also in proximity to the Teesmouth and Cleveland Coast Ramsar Site which comprises a range of habitats (sand and mudflats, rocky shore, saltmarsh, freshwater marsh and sand dunes) which support internationally important numbers of waterbirds and in particular, the Common Redshank and the Red Knot. Several species also occur at levels of national importance including Little Tern, Northern Shoveler and Common Greenshank.

7.97 Whilst not of specific relevance to the Habitat Regulations Assessment, the site is also in proximity to South Gare and Coatham Sands Site of Special Scientific Interest ('SSSI') (0.7km from the site), Seal Sands SSSI (1.2km from the site), Teesmouth National Nature Reserve (1.3km

from the site), Seaton Dunes and Common SSSI (1.3km from the site), Tees and Hartlepool Foreshore and Wetlands SSSI (3km from the site), Cowpen Marsh SSSI (4km from the site) and Redcar Rocks SSSI (5.5km from the site).

7.98 The Harbour Facilities DCO application includes a Habitat Regulations Assessment [Doc Ref: 6.3] which is provided pursuant to Regulation 5 (2) (g) of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (as amended). It, along with data in the ES, provides the necessary information required to establish whether there will be a likely significant effect on European sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)) and Ramsar sites of nature conservation importance. The document has been prepared in consultation with statutory bodies, including Natural England and the Environment Agency, and considers effects in respect of the harbour facilities as well recognising the potential effects when the scheme is considered as part of the wider YP Project. Natural England advised that the proposed harbour facilities, in particular, has the potential to result in a significant effect on the interest of European and internationally designated sites (specifically the Teesmouth and Cleveland and Coast SPA and Ramsar site) due to the relationship between the designated sites and the Brans Sands Lagoon and Dabholme Gut. For example, Natural England stated that consideration needs to be given to:-

7.99 *"the loss of roosting and foraging habitat for SPA/Ramsar waterbirds (both on the intertidal and terrestrial), disturbance to SPA/Ramsar birds both within and outside the designated site boundary during construction and operation and impacts to any additional features of SSSIs in close proximity."*

7.100 The inclusion of the HRA as part of the DCO application satisfies the requirements of the NPS and the Infrastructure Planning Regulations 2009 and provides all the survey data that Natural England has advised is required to enable the decision maker to identify the significant effects on European Sites and Ramsar Sites through the completion of an Appropriate Assessment. The HRA predicts that the Harbour Facilities, both alone and in combination, would not affect the structure and function (the integrity) of the Teesmouth and Cleveland Coast SPA or Ramsar site.

Pollution Control and other Environmental Regulations Regimes

7.101 This section of the NPS seeks to ensure that port developments, such as that which is the subject of this Planning Statement, are an appropriate land use with reference to their locality. In this context, it is relevant to state that the harbour facilities are located within a predominantly industrial area and in a longstanding and recognised major UK harbour.

7.102 Paragraph 4.11.3 of the NPS recognises that operations such as the proposed Harbour Facilities will be governed by the requirements of a comprehensive regime of pollution control and other environmental regulations and that it must be considered that these systems will be properly applied and enforced. The ES [Doc No 6.4 to 6.7] has adopted this as a basis for the assessment and identification of mitigation that are included within the documentation; relevant measures are detailed and identified within the text.

7.103 Against this background, the ES does go on to assess and, where necessary, identify mitigation measures which are specific and relevant to the Harbour Facilities which are the subject of this DCO. A relevant example includes the covering and enclosure of the conveyor system which forms part of the development to ensure that possible impacts such as dust or noise are minimised as far as is possible. It must therefore be concluded that the mitigation measures detailed in the ES comprise two key components: the first assume the regulatory regime governing construction and operations will operate properly; and the second is a range of additional mitigation measures which will ensure that the potential for pollution or emissions specific to the Harbour Facilities will be minimised. This will ensure that the development is acceptable in the context of its locality.

7.104 It must therefore be concluded that the approach to the EIA is in accordance with the recommendations set out in the NPS.

Health Considerations

7.105 In respect of health, the NPS makes specific reference (NPS, paragraph 4.16.3) to the potential impact of changes in the population on local facilities (e.g. transport, recreational facilities) which may, by themselves give rise to health impacts that need to be taken into account. Section 19 of the ES [Doc No. 6.4] considers the socio-economic effects of the development and identifies that the direct effects arising from increased demand for labour during the construction and operational phases are not significant and are therefore unlikely to give rise to the types of population change anticipated by the NPS.

7.106 More broadly, the very significant indirect effects arising from the wider YPL project across the region when considered as a whole may give rise to changes in the local population. However these effects are addressed through the proposals incorporated into the separate applications for the mine, MTS and MHF and measures to enhance local facilities are proposed through a Section 106 Agreement.

7.107 Consultation responses have been received as a result of the Section 42 consultation process for the Harbour Facilities from Public Health England which highlighted the potential health risks from electric and magnetic fields if these are relevant. YPL have confirmed that there is no potential for electric or magnetic fields to be a risk for human health.

7.108 Environmental mitigation measures identified within the ES to address any issues associated with pollution or emissions which could impact on human health are considered further below (see from paragraph 7.130 onwards) and are not considered here.

7.109 It is considered that the Harbour Facilities accord with policy in respect of health considerations.

Security Considerations

7.110 The NPS specifies that, where possible, relevant and proportionate security measures should be designed into a scheme at an early stage.

7.111 As part of the development of the design proposals for the harbour facilities development, YPL has engaged with the Security Team at the Department for Transport to understand any necessary requirements. Reference has been given to the requirements of the International Ship and Port Facility Security Code ('ISPS') which has been adopted into UK legislation and specifies a series of measures to enhance the security of ships and port facilities (http://www.imo.org/ourwork/security/instruments/pages/ispscode.aspx). The Code seeks to establish a standardised framework to assess risks and to allow appropriate security levels and security measures to be incorporated into facilities where required.

7.112 The harbour facilities at Bran Sands would fall into the ISPS category of an 'Other Bulk' facility which covers operations such as scrap, vehicular, grain etc.) and is generally considered to be the least sensitive in terms of security requirements.

7.113 As part of the operation of the facility, YPL will need to incorporate the following:-

1. The identification of a 'Port Facility Security Officer' who will be responsible for ensuring that the security of the harbour facilities is managed and maintained; and
2. In the event of security risk levels raising, that the facility can be capable of being adapted to address any particular concerns. For example this may include the need to isolate particular vessels.

7.114 Whilst there are no specific physical infrastructure requirements associated with the determined security risk of the harbour facilities, YPL will, for reasons of general health and safety, maintain a closed site in relation to those areas immediately adjacent to the port operations which will include a fencing and control system to monitor those entering and exiting this area. To maintain accessibility to existing public footpaths, other areas of the wider site (including those areas over which the conveyor will pass) will remain unfenced. These mechanisms in themselves would assist in meeting requirement (2). The

appointment of a designated Security Officer will be included as part of the general operation of the harbour facilities.

7.115 The YPL Harbour Facilities accord with the requirements of policy in respect of security requirements.

Biodiversity and Geology

7.116 Paragraph 5.1.3 of the NPS specifies that port development may adversely affect biodiversity or geodiversity through dredging, cargo handling and storage, discharge of ballast water, erosion of habitats through vessel movements, noise and light pollution. Paragraph 5.1.4 states that where port development is subject to an EIA, it is important to ensure that it includes assessments of the potential effects due to these activities and, in addition, that any opportunities to conserve and enhance biodiversity and geological conservation objectives have been taken into account.

7.117 The Harbour Facilities ES and accompanying appendices [Doc Nos: 6.4 to 6.5], which are provided as part of the DCO application include assessments of the effects of the development on all aspects of biodiversity and geology affected as a result of the development. As specified in paragraph 3.23, this includes assessments of the effects on the Hydrodynamic and sedimentary regime; Hydrology, hydrogeology and land quality; Marine sediment and water quality; Marine ecology; Marine and coastal ornithology; and Terrestrial ecology. These provide a comprehensive assessment of the effects of the development both in terms of the construction and operational impacts including activities on land as well as through dredging and vessel movements. Any significant effects have been identified, recorded and mitigation measures are specified where required to address specific matters.

7.118 The scheme also includes as Works No 3 (see Section 2.0 of this report) habitat enhancement works to the lagoon at Bran Sands and a flow control structure between the lagoon and the Tees Estuary. These works will use dredged material to create shallow water areas (maximum of 30cm water depth), intertidal margins and islands within the lagoon to enhance waterbird feeding, roosting and nesting opportunities. The options for habitat enhancement were presented at a consultation meeting on 27 November 2014 attended by PINS, Natural England, the Environment Agency, the RSPB and the MMO, and the measures included in Works 3 represent the results of further discussion and agreement following this presentation. The assessment of the proposed habitat enhancement works included within the ES (Doc No: 6.4, Chapter 9) has concluded that the scheme will lead to a net gain in the area and quality of habitat available for waterbird feeding, in addition to the habitat being available for significantly more time in the tidal cycle compared with the existing intertidal area. It would also be available ahead of the loss of the intertidal area which will be lost in the creation

of the dock structures. It has therefore been concluded that a moderate beneficial impact for waterbirds would arise. A programme of monitoring of the enhanced habitat area will be developed in consultation with Natural England, the Environment Agency and the Royal Society for the Protection of Birds. Interventions could be made to the habitat enhancement scheme if required; for example, adjusting the profile or elevation / level in relation to water level regime in the lagoon (using maintenance dredged muds).

7.119 It is considered that the development proposals have assessed and identified appropriate mitigation to ensure that the potential effects on biodiversity and geology from the operation of the YP harbour facilities have been fully taken into account and to ensure that impacts are minimised as far as is possible. Importantly, the scheme includes habitat enhancement works which will have a significantly beneficial effect in terms of important species which currently make use of the site. It is therefore considered that issues associated with biodiversity and geology have been taken into account in accordance with the NPS.

Flood Risk, Water Quality and Coastal Change

7.120 The NPS specifies that developments such as the proposed Harbour Facilities should be accompanied by a Flood Risk Assessment; which should be prepared with regard to the potential impacts of climate change. Consideration should also be given the impacts of proposed port development on coastal change particularly where schemes include dredging, dock construction and flood or coastal protection measures.

7.121 Against this background, the ES [Doc No: 6.4 to 6.7] in respect of the Harbour Facilities includes detailed assessments of the effects of the proposals on:-

1. Hydrodynamic and sedimentary regime;
2. Hydrology, hydrogeology and land quality;
3. Marine sediment and water quality;
4. Coastal protection and flood defence; and also includes
5. A Water Framework Directive assessment.

7.122 Together these assessments show the following:-

1. the effects of the proposed works on tidal currents and waves would be relatively small and local to the proposed scheme;
2. no change in the supply of fine sediment from offshore is predicted and the predicted accumulation of sediment close to the site (i.e. the sedimentary regime of the Tees Estuary) would also be unchanged;
3. there are a number of surface water courses in the vicinity of the site, including the Tees Estuary, Dabholm Gut and Bran Sands lagoon and there are no surface water abstractions within the footprint of the

development. Mitigation measures proposed within the ES (e.g. asbestos management, piling risk assessment and adoption of the CL:AIRE Code of Practice) will reduce the risk of contaminants to local water;

4. previous sediment quality surveys in the Tees estuary have identified elevated concentrations of both heavy metals and PAHs in the study area and it could be expected that material dredged as part of the development could have an impact on water quality due to re-suspension of contaminants or due to accidental spills and leaks. Best practice guidance and the implementation of mitigation measures will ensure that any effects would, however, be negligible;
5. the footprint of the proposed port terminal is within Flood Zone 3 but the Harbour Facilities are classified as 'water-compatible' development and can be constructed in a high flood risk area;
6. the conveyor route is shown to be in Flood Zones 1, 2 and 3 but has been raised to a level which means that it would not be at risk of flooding. It has been demonstrated that the works will not affect flood risk elsewhere; and
7. consideration of the two types of possible quay structure has shown that the solid quay structure has higher reflection properties than the existing shoreline which could give rise to local increase in wave height. This is not anticipated to give rise to an increased flood risk. These effects do not occur with the open quay structure.

7.123 It has been shown that full and appropriate consideration has been given to issues associated with flood risk, water quality and coastal change and the effects of the proposed Harbour Facilities are negligible or localised effects that are capable of being addressed through mitigation measures built into the DCO or through the operation of the development. Under the requirements of the Water Framework Directive, the Harbour Facilities proposals would not cause deterioration in the status of any water body or prevent good status being achieved in relevant water bodies in the future.

Traffic and Transport impacts

7.124 The NPS specifies that applications likely to give rise to significant transport effects should be accompanied by a Transport Assessment and that these should be undertaken in consultation with the Highways Agency or local highways authority.

7.125 Consideration of transport issues has already been covered to a certain extent earlier in Section 7.0 with particular regard to:-

1. the development being designed to ensure that it does not impact materially on the existing and ongoing operation of the River Tees as an active and busy port; and that

2. the development of harbour facilities being inherently sustainable as they promote transport of goods by water rather than by road.

7.126 The ES [Doc No 6.4] includes a comprehensive assessment of the environmental effects arising from any changes in transport on the local highway network with reference to a Transport Assessment [included in the ES Appendices: Doc No 6.5]. This assessment has been carried out in consultation with the local highways authorities and particularly RCBC, Middlesbrough Council and North Yorkshire County Council.

7.127 The assessment concludes that the development has a limited effect on the local highway network. The use of water to transport goods during the construction and operation of the development and the use of the overhead conveyor system to transport the product from the MHF to the harbour facilities are highly relevant in the conclusion that the scheme will give rise to limited effects on the local highway network.

7.128 Section 16 of the ES also provides an assessment in respect of commercial navigation within the Tees estuary to establish whether the development will give rise to any particular significant effects on shipping transport. The assessment concludes that the River Tees already experiences significant commercial vessel traffic (approximately up to 900 shipping movements every month). These movements are carefully managed by a sophisticated VTS; with PD Teesport also having responsibility for the maintenance of the approach channel to ensure safe navigation. The ES concludes that against this background, and with regard to the projected vessel movements for the harbour facilities, the development would result in a negligible impact on commercial navigation and no additional measures would be required to accommodate the development beyond normal safety measures that would be policed by the Harbour Master.

7.129 It is considered that the Harbour Facilities accord with policy in respect of traffic and transport impacts.

Air Quality and Emissions

7.130 The NPS (paragraph 5.7.8) specifies that consideration should be given to the potential effects on air quality through the preparation of an air quality assessment. Section 13 of the Harbour Facilities ES [Doc No 6.4] includes a comprehensive assessment of the potential for effects during the construction and decommissioning of the site (e.g. from plant and machinery) as well as during its operation (e.g. due to fugitive dust from the conveyor system or from vessel emissions).

7.131 As for previous sections, it has been assumed that best practice measures and regulatory regimes will be implemented as anticipated. Against this background, the assessment shows that the effects during both the construction and decommissioning stages due to the operation of machinery would not be significant.

7.132 As road traffic generation is predicted to be low, the assessment also concludes that any effects on air quality due to road vehicle emissions would not be significant. A similar conclusion is reached when an assessment is carried out of the effects on air quality of vehicles from the Harbour Facilities and other development and proposals in the surrounding area (including the wider YP Project) and no significant adverse air quality effects are considered likely.

7.133 The impact of emissions from vessels using the Harbour Facilities, both during its construction and operation, has been assessed as being negligible.

7.134 Finally, detailed consideration has been given to the potential effects arising from the overhead conveyor system including the potential for fugitive dust and particulate matter generation. This assessment has had regard to the built in design features which enclose the conveyor system entirely close to areas where receptors may be particularly sensitive to dust effects (e.g. areas of Dormanstown) and also that the product will be encased in a thin wax coating to prevent degradation of the pellets. Due to both of these factors, the potential for any dust generation is considered to be minimal and any impacts on local air quality would be not significant.

7.135 Air quality matters have been given full and appropriate consideration as part of the ES and are unlikely to give rise to any particular adverse effects. It is considered that the proposal complies with air quality planning policy objectives.

Noise and Vibration

7.136 As for air quality, policy guidance requires that full and proper consideration be given to the potential for noise and vibration effects from development. Section 14 of the ES [Doc No 6.4] provides a comprehensive assessment of the potential effects during the construction, operation and decommissioning of the Harbour Facilities development with consideration to the effects of noise and vibration from transport and vessels, from machinery and operations such as piling and from the general operation of the development including that from the overhead conveyor and the Harbour Facility.

7.137 The assessment reviewed the effects on a range of receptors potentially sensitive to noise in the surrounding area with particular regard to the existing climate being one dominated by existing industrial or harbour related activities. The assessment was undertaken in consultation with the local Environmental Health Officers at RCBC.

7.138 The overall effects arising are anticipated to be negligible provided that best practice measures are included as part of activities during the construction, operation and decommissioning of the Harbour Facilities,

and that the built in design features as part of the conveyor system are incorporated.

7.139 It is considered that the effects arising from noise and vibration from the development are consistent with planning policy.

Landscape and Visual Effects

7.140 The NPS states that effects arising from developments of this nature will differ on a case by case basis according to the landscape setting, location and features of the surrounding area. In the context of this development, and as briefly noted under Issue 5 above, the area in which the site is located is dominated by a heavily industrialised setting with views in most directions dominated by industrial activity.

7.141 Notwithstanding, a comprehensive assessment of the potential for landscape and visual effects is contained in the ES [Doc No 6.4] as Section 20 which includes an assessment of the effects of the development on local landscape character and on a range of views from locations surrounding the site.

7.142 The assessment concludes that the development is fully in keeping with the landscape character of the area.

7.143 In terms of visual impact, views towards the site are relatively limited as they are obstructed by existing industrial structures and infrastructure, raised landforms and by screen planting. However, local views to the conveyor corridor are possible from nearby residential areas at Dormanstown, the A1085, the Redcar to Middlesbrough Railway and from public rights of way. Distant views to the footprint of the proposed port terminal are possible from beaches and dunes, including areas of wildlife value, across the mouth of the Tees estuary.

7.144 Some adverse visual effects are possible from those areas where the conveyor corridor is visible primarily due to the presence of a raised conveyor structure as a new element within these views. This potential impact has been recognised by the team who have consulted with key stakeholders, including RCBC in respect of the possible future designs for the conveyor system to ensure that it can be integrated into its environment. This includes careful consideration of key design features, such as where the conveyor system crosses the A1085 (see also consideration of design matters under Issue 4 of this Planning Statement above).

7.145 The development is a major new development in an area which is already subject to significant large scale industrial activity of a similar character. Full and proper consideration has been given to the potential effects of the development on the local landscape and on views. It is considered that the scheme accords with planning policy guidance including the general thrust of objectives in the NPS.

Historic Environment

7.146 Planning guidance in relation to the historic environment (both above and below ground features) seeks to ensure that features are conserved or enhanced. Section 15 of the ES [Doc No 6.4] includes a full consideration of the effects of the proposed harbour development on archaeological and built heritage features.

7.147 This issue has been briefly reviewed above as part of the assessment of the credentials of the Harbour Facilities development against the principles of sustainable development. This noted that there is a very low risk of harm or loss of local heritage features either above or below ground with the exception of a Dolphin Mooring Bollard located within the proposed berth pocket for the scheme. Details of this will be recorded prior to its demolition. An archaeological watching brief will be in place during the construction period to assist in the event that any features are identified (likely to be in the form of previous industrial remains or shipwrecks).

7.148 Impacts on local heritage features are anticipated to be very low and it has been concluded that the development is consistent with local policy which seeks to promote, enhance and respect heritage features.

Land Use

7.149 Finally, the NPS identifies that consideration should be given to any effects that may arise in the development of sites; particularly where this may impact directly or indirectly on other proposals for the site or sites in the vicinity.

7.150 The Bran Sands site is a former land fill site with a number of highly unusual constraints including existing infrastructure crossing the site; neighbouring uses (e.g. sewage treatment works) which have particular potential effects on possible uses for the site; and on key features of the site itself including restrictions on development on previous landfill areas which have now been capped, due to flood risk categorisation and due to the presence of the lagoon features within the site itself. These features place limitations on the types and form of development that could come forward in this locality.

7.151 The planning history record set out in Appendix 2 and summarised from paragraph 4.16 of this Statement onwards indicate that there are no particular restrictions arising from this analysis that would preclude development of the nature proposed by the DCO on this site. The site is not currently allocated for a particular use within an adopted development plan; albeit the Council recognises in strategic policy documents (e.g. Redcar and Cleveland Regeneration Masterplan South Tees Area Spatial Framework, April 2010) that the site is appropriate for new port development.

7.152 The location of the site adjacent to the River Tees does lend it to the development of Harbour Facilities including those of the nature proposed by the DCO application. It is considered that it is consistent with land use planning policy guidance.

Theme 7: Compliance with Port NPS Key Assessment Principles

7.153 As referred to above, the Port NPS (paragraph 4.1.1) provides a list of key assessment principles that the Secretary of State will account for in determining applications for port development. These are listed in paragraph 6.17 of this Statement.

7.154 The above review of the performance of the proposed Harbour Facilities against planning policy themes 1 to 6 provides a clear appraisal of the suitability of the proposed facilities. Their key role in the successful implementation of the wider YP Project is explained, along with an account of the economic benefits associated with the Project (and the Harbour proposals' contribution to this wider scheme) identified. Equally, the Harbour Facilities are shown to embrace the Government's linked objectives for sustainable development and transport, and the evidence presented demonstrates how the proposals have evolved in design to minimise adverse environmental impact whilst taking opportunities unique to the site to provide environmental mitigation to bring about enhancements. As such, the scheme's performance against the NPS assessment principles, as defined in paragraph 4.1.1, can largely be drawn from this review. However, to provide a brief summary, Table 7.1 below identifies how each assessment principle has been satisfactorily addressed in the application.

Table 7.1 Response to NPS key consideration for port development

NPS key considerations	Response
1. The applicant's assessment should be consistent with statutory requirements under UK and EU legislation.	The application has been prepared in accordance with the statutory provisions of The Planning Act 2008 and has been developed in close consultation with the Planning Inspectorate and other statutory bodies. Section 2 of the Environmental Statement [Document No: 6.4] that accompanies the application confirms that the environmental assessment has been undertaken in accordance with the requirements of EU and UK legislations. This includes the following:- Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as amended in 2012);

NPS key considerations	Response
	European Council Directive 85/337/EEC (EIA Directive) and Directive 97/11/EEC (EIA Directive Amendment); The Conservation of Species and Habitats Regulations 2010 that implement EC Directive 92/43/EEC; Council Directive 79/409/EEC (the Wild Birds Directive); Wildlife and Countryside Act (1981 (As Amended); The Water Framework Directive (2000/60/EC) and Waste Framework Directive (2008/98/EC); and Marine and Coastal Access Act (2009).
2. The assessment should account for all of the Government's objectives for transport.	This document provides an account of the limited impact of the proposals on the local highway network; the use of sustainable transport options (a conveyor to link the MHF with the harbour facilities); and the sustainable transport characteristics of the wider scheme (including the use of the MTS), all contribute positively to achieving the Government's transport objectives. The use of the Harbour Facilities for the export of the mined material allowing for the transport of a bulk material to its global market further contributes towards achieving sustainable transport aims.
3. The applicant's assessment could follow the standard framework designed by the DfT and recommended to all port applicants ('*A project Appraisal Framework for Ports*', 2005).	The assessment of the application has been carried out with regard to the Appraisal Framework and its guidance and key objectives. These have informed the development of the environmental assessment and its reporting within the Environmental Statement [Document Nos: 6.4 to 6.7]. A Table that identifies each of the Appraisal Framework items and provides clarification where this is addressed in the application submission is provided at Appendix 4.
4. The applicant's assessment should take account of other relevant UK policies and plans, including the Marine Policy Statement (March 2011).	A summary account of the policy aims and objectives of the MPS is provided in Section 6.0 alongside the NPS, and these inform the policy theme framework for appraising the application in this section of the

NPS key considerations	Response
	Planning Statement. Equally, relevant Development Plan policy and material comments received during consultation have further informed the identification of these themes, against which the scheme has been assessed.
5. The assessment should be informed by the material points raised by Section 42 consultees.	The Consultation Report [Document No: 6.1] provides a detailed account of all the consultation activities undertaken in respect of the application, including how the views expressed in response to the engagement and consultation has been considered by YPL in developing the final proposals, in accordance with the provisions of Section 37(7) of the Act. Section 3.0 of this document also briefly explains the comments provided by the Section 42 consultees and Section 7.0 provides an understanding of how these issues have been addressed.
6. Information sought from the applicant should be proportionate to the scale of the proposed development and associated impacts.	The scope of the application, including the environmental topics to be assessed, has been agreed with the Planning Inspectorate at the pre-applications stage. This process included a formal EIA Scoping Opinion issued by the Planning Inspectorate in January 2014.

Summary of Review of Key Planning Considerations

7.155 The prevailing policies across the various planning documents together with comments received during pre-application consultation combine to establish seven key themes summarised in Table 6.1 against which it is considered the Harbour Facilities proposals should be assessed. This section has reviewed each of these themes and it is concluded that:-

1. There is a need for the Harbour Facilities to enable the sustainable and economic bulk transport of polyhalite from the York Potash Project. Further, there is a need for these to comprise separate, new facilities located at Teesport and, more specifically, Bran Sands;
2. The construction and operation of the Harbour Facilities would not have a material impact upon existing operators along the River Tees. Further, the proposed dredging and design of the quay and mineral conveyor will ensure that existing infrastructure in the area is not impacted upon;

3. The designs for the Harbour Facilities represent an appropriate balance between functionality and environmental-led design;
4. The Harbour Facilities will deliver some notable economic benefits and, importantly, represents a key component of the wider YP Project, the economic benefits of which are of nationally significance;
5. The development of the Harbour Facilities inherently supports the principles of sustainable development through the promotion of transport of goods by sea, and delivers on key Government transport policy objectives. The designs include measures to address climate change, minimise pollution effects, and provide habitat enhancements; and
6. In terms of the potential environmental effects of the proposed development, the findings of the ES conclude that significant adverse impacts can largely be avoided across a range of topics, including biodiversity, habitats and species (including European-level legislation established by the Habitats Regulations Assessment); pollution control; health considerations; geology; flood risk, water quality (including European-level legislation established by the Water Framework Directive) and coastal change; traffic and transport impacts; air quality and emissions; noise and vibration; landscape and visual effects; historic environment; and land use issues. Assessment of the proposals against these topics, alongside a range of other items detailed in the application submission, has contributed to the design development and form of the Harbour Facilities. Where appropriate, mitigation and enhancement measures have been incorporated into the proposals which contribute towards the positive context for the proposals.

7.156 As a product of the assessment undertaken above, the Harbour Facilities are shown to fully embrace the Government's linked objectives for sustainable development and transport, and when considered alongside the Port NPS key assessment principles, the scheme proposals and application submission are shown to comply with Government ambitions for new port proposals.

7.157 Overall, therefore, and acknowledging the Government's presumption in favour of granting consent for ports development embodied within the NPS, it is considered that the proposals which are the subject of this application should be endorsed.

8.0 Summary & Conclusions

8.1 This Planning Statement accompanies an application for a DCO submitted pursuant to the Planning Act 2008 relating to the construction and operation of Harbour Facilities and associated development at Bran Sands, Teesside. The 2008 Act establishes a single development consent regime for NSIPs. Section 24 of the Act specifies that the development of 'harbour facilities' where the throughput per year exceeds 5 million tonnes comprise an NSIP. The Harbour Facilities proposals at Bran Sands, once operating at full capacity, will support an end throughput of 13 Mtpa of polyhalite and, as such, the YP harbour scheme falls within the remit of the Act.

8.2 The proposed Harbour Facilities present an opportunity to deliver on Central Government transport objectives. These are embodied within the Port NPS which establishes that shipping represents the only effective way to move the vast majority of freight in and out of the UK. The provision of sufficient additional port capacity is seen as key to promoting sustainable growth in the UK economy. This key policy objective and other related aims within the NPS culminate in the overriding Government requirement for determining authorities to start with a presumption in favour of granting consent to applications for port development (Paragraph 3.5.2 of the NPS).

8.3 As such, there is a compelling need for additional port development in the UK and the proposed facility will contribute towards increasing national port capacity. More specifically, the proposed Harbour Facilities comprise an essential component of the YP Project. The Harbour Facilities are required to enable the bulk export of polyhalite. They form part of the YP Project that will establish the infrastructure required to mine, handle and transport the mineral in a saleable form to the market. The importance of polyhalite is based on the number of unique qualities it possesses as a fertiliser. This makes it particularly valuable to farming operations and there is a significant global demand for it as a product. The YP Project, of which the Harbour Facilities are an essential part, will make a significant contribution towards supplying domestic and overseas markets with polyhalite and, in doing so, help to address world nutrient deficiencies and a rising demand for food linked to the growing global population.

8.4 As such, there is a highly supportive policy context for the consideration of the DCO application. Further support is derived from a detailed appraisal of the proposed development when assessed against other policy objectives and those matters raised during consultation.

8.5 Initially, continuing from the above conclusions in respect of the need for Harbour Facilities and the role of the proposals in the YP Project, this Statement appraises the particular need to locate the development at

Teesport, having regard to potential benefits offered by alternative locations in the wider area. This confirms that the Teesside area is the only available option for the location of the new Harbour Facilities to service the needs arising from the proposed minehead at Dove's Nest Farm. Further, in developing a separate, new facility at Bran Sands, YPL would be able to create a bespoke harbour to meet the unique needs of the project. This would also ensure that its operations do not detract from existing port operators at Teesport, whilst adding to the range of available port facilities in the area.

8.6 This Statement also demonstrates how the proposed Harbour Facilities will operate successfully alongside existing Teesside activities, both with regard to navigation and other infrastructure assets. The design of the proposals has been guided by an appreciation of the existing operations in the area and this understanding has been assisted by regular dialogue and meetings with the relevant parties. The proposed Harbour Facilities will, therefore, meet the needs of the YP Project whilst ensuring that the current and ongoing operations in the area are protected and remain unaffected.

8.7 In terms of more general design considerations, the harbour proposals are the product of a desire to create a development that visually assimilates with its surroundings but also performs functionally, efficiently and sustainably as part of the wider Project. The scheme designs enable the limited availability of land at Bran Sands to be utilised and a link created to the MHF by the conveyor system that will enable the bulk transfer of the mineral without the need for HGVs. The design of the conveyor and its route has been the subject of an iterative process having regard to local environmental sensitivities. The selected design approach is considered to represent an appropriate solution in responding to the prevailing environmental conditions whilst meeting YPL's operational needs.

8.8 Notwithstanding that the Harbour Facilities by their very nature are inherently sustainable by facilitating the transport of freight by sea, the proposals have sought to incorporate additional measures to meet wider sustainability objectives. These include measures to address climate change, minimise pollution effects, and provide habitat enhancements.

8.9 In addition, this Statement has considered the performance of the proposed Harbour Facilities within the context of prevailing policy that seeks to protect environmental conditions at this location and its surroundings. This has drawn on the conclusions of the ES [Document Nos: 6.4 to 6.7] submitted with the DCO application. Importantly, and with reference to the findings of the HRA, it is shown that the Harbour Facilities both alone and in combination, would not affect the structure and function (the integrity) of the Teesmouth and Cleveland Coast SPA or Ramsar site. Further, the proposals would not cause deterioration in the status of any water body or prevent good status being achieved in

relevant water bodies in the future, in accordance with the Water Framework Directive.

8.10 It has also been shown that appropriate mitigation measures have been included within the DCO application proposals such that potential adverse effects arising from air quality and emissions; noise and vibration; flood risk and coastal change and impacts on water quality; transport and traffic; the range of landscape effects; and heritage impacts do not give rise to significant environmental impact. In addition, habitat enhancement is also proposed.

8.11 The above positive assessment of the Harbour Facilities against prevailing policy therefore demonstrates clear conformity with the Port NPS and MPS which comprise the key national policy documents for assessing developments of this nature. The key objectives for other material policy documents including the NPPF and local development plan policies in place for RCBC and STBC are also met.

8.12 Overall, the proposed Harbour Facilities will contribute to the national need for new port development and assist the Government in meeting its sustainable transport objectives. It will help to facilitate the delivery of the YP Project, which is a project of clear strategic importance that through implementation will create the opportunity to deliver extensive economic benefits on a national scale. Furthermore, these benefits can be achieved without prejudice to existing business operations in the vicinity of the site or to prevailing environmental conditions.

8.13 This Statement has therefore demonstrated why the making of the order is desirable in accordance with Regulation 6 (3)(b) of The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations (2009), and it is therefore respectfully considered that the application for a DCO for the development should be allowed.

Glossary

Berthing Area

A designated location in a harbour for mooring vessels

Capital Dredging

Dredging activities to create a new harbour, berth or waterway, or to deepen existing facilities in order to allow larger ships access. Maintenance dredging may be required later to deepen or maintain navigable waterways or channels which are threatened to become silted with the passage of time

Chart Datum

The level of water that charted depths displayed on a nautical chart are measured from

Combi-Pile Wall

A line of steel tubular king piles linked by pairs of steel sheet piles

Conveyor Transfer Station/Tower

A structure required to allow traditional conveyor systems to change direction

Dead Weight Tonne

A measure of how much weight a ship is carrying or can safely carry

Development Consent Order

An order which provides developers with certain rights for the purpose of facilitating a project; it combines the grant of planning permission with a range of other consents that in other circumstances have to be applied for separately. These rights may include the compulsory acquisition of land where there is a compelling case in the public interest

Development/Local Plan

The plan for the future development of a local area and prepared by a local planning authority in consultation with the community. In law it is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004 and old policies which have been saved under the 2004 Act

Environmental Impact Assessment

A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment; in this case with regard to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (as updated)

Environmental Statement

Document(s) setting out the findings of the Environmental Impact Assessment

European site

Designated sites including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation and Special Protection Areas, and is defined in Regulation 8 of the Conservation of Habitats and Species Regulations 2010

Flood Zones

A defined geographical area reflecting the risk of flooding within that area and including:-

- Flood Zone 1 – low probability or a less than 1 in 1000 annual probability of river or sea flooding in any year (<0.1%)
- Flood Zone 2 – medium probability or between 1% – 0.1% of river flooding or 0.5% – 0.1% probability of flooding from the sea
- Flood Zone 3a – high probability or greater than 1% probability of river flooding or 0.5% probability of flooding from the sea
- Flood Zone 3b – the functional flood plain

Jetty Dolphins

A man-made marine structure to which ship mooring lines are secured

National Policy Statement

Documents produced by the Government and including its objectives for the development of nationally significant infrastructure in a particular sector. They include any other policies or circumstances that Ministers consider should be taken into account in decisions on infrastructure development.

Nationally Significant Infrastructure Projects

Major infrastructure proposals relating to energy, transport, water, waste and waste water in England and Wales and first established through the Planning Act 2008

Open Quay Structure

Suspended deck structure comprising a reinforced concrete deck supported by piles driven into the shoreline

Ordnance Datum

A vertical fixed point used by the Ordnance Survey as the basis for deriving altitudes on maps

Planning Inspectorate

Body responsible for national infrastructure planning under the Planning Act 2008 (as amended by the Localism Act 2011), processing planning and enforcement appeals and holding examinations into local plans and community infrastructure levy charging schedules

Polyhalite

A particular form of potassium salt, comprising a mix of potassium, calcium magnesium and sulphur; it is predominantly found in marine deposits where sea water has been concentrated due to prolonged evaporation

Potash

The name is most commonly used for water soluble salts like potassium chloride and potassium carbonate

Public right of way

A highway over which the public have a right of access along the route

Requirement

Specified in the Development Consent Order and designed to limit, control or direct the manner in which a Nationally Significant Infrastructure Project is developed or carried out

Ship Loader

A machine used for loading bulk solid materials into ships. It mainly consists of a boom, a belt conveyor, a tripper to elevate and transfer product from a source conveyor and a mobile structure to support and travel the boom. It is usually mounted on rails and can travel the whole

length of a ship. The boom can be luffed and slewed by separate drives so that it can fill all the ship holds.

Solid Quay Structure

A quay structure comprising a solid concrete piled wall supporting a reinforced concrete beam on which the waterside ship loader will be fixed. A ground bearing concrete slab will form the foundation for the conveying system and cover the remaining area of the quay

Statutory Consultee

Bodies who should be consulted on relevant projects as prescribed by the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. Examples include English Heritage, Natural England, the Environment Agency

Surge Bin

A storage facility for temporary storage, where there is a variable rate of flow or in cases of emergency or breakdown

Sustainable Development

Commonly defined by the Brundtland Commission (20 March 1987) as *"development that meets the needs of the present without compromising the ability of future generations to meet their own needs"*

The National Planning Policy Framework

Published in March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. In determining nationally significant infrastructure projects, the National Planning Policy Framework constitutes a material consideration.

Abbreviations

AOD

Above Ordnance Datum

AIM

Alternative Investment Market

bCD

below Chart Datum

DWT

Dead Weight Tonne

DCO

Development Consent Order

ha

Hectare

m^3/day

Cubic Metres per Day

MHF

Materials Handling Facility

Mtpa

Million Tonnes Per Annum

MTS

Mineral Transport System

Mm^3

Million Cubic Metres

NSIP

Nationally Significant Infrastructure Project

NWL

Northumbria Water Ltd

PINS

Planning Inspectorate

RCBC

Redcar and Cleveland Borough Council

STBC

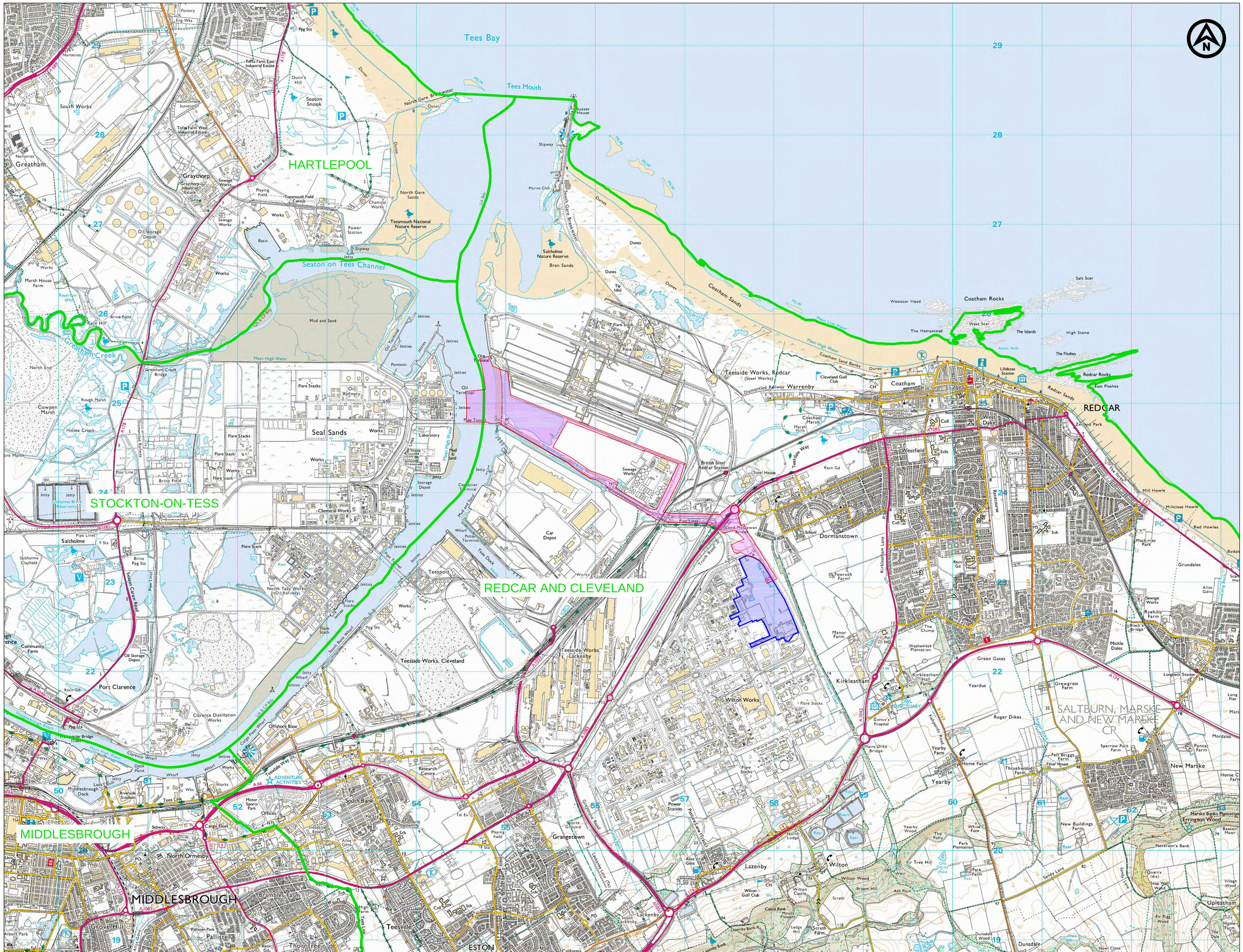
Stockton on Tees Borough Council

YPL

York Potash Limited

Appendix 1 Site Boundary Plan [also Document No: 3.1]

DRG No. PB1586-SK90



NOTES

LEGEND

- ORDER LIMITS
- MATERIALS HANDLING FACILITY
- ADMINISTRATIVE BOUNDARY

REV	DATE	DESCRIPTION	BY	CHK	APP
7	13/03/15	PLANNING ISSUE	CH	RWP	RWP
6	18/02/15	UPDATED RLB	TF	RWP	RWP
5	12/12/14	PLANNING ISSUE	TF	RWP	RWP
4	9/12/14	PLANNING ISSUE	TF		
3	2/12/14	UPDATED RLB	TF	RWP	RWP
2	1/12/14	UPDATED RLB	TF	RWP	RWP
1	24/11/14	DRAFT FOR CONSULTATION	GIC	CJ	RWP
0	26/08/14	DRAFT FOR CONSULTATION	IT	TJR	TJR

REVISIONS

YORKPOTASH
A Sirius Minerals Project

PROJECT

YORK POTASH

TITLE

THE YORK POTASH
HARBOUR FACILITIES ORDER 201X
LOCATION PLAN
REGULATION 5 (2)(o)
DOCUMENT 3.1

Royal HaskoningDHV
Enhancing Society Together

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DRAWN	GIC	CHECKED -	PASSED -
DATE	JULY '14	CLIENT'S REF.	
SCALE AT A1	1:20000	AUTOCAD REF.	PB1586-SK90

DRAWING No. PB1586-SK90

REVISION 7

Appendix 2 Summary of Development Site Planning History

Application Reference	Description of Development	Status
L1282/75	Construction of second Billingham/Wilton pipe track	Consent dated 26 August 1975
L1566/76	British Rail Bill agreement. No application required	-
L0417/76	Construction of three pipe lines	Granted on 15 June 1976
L/1990/1373 /FF	Construction of 36" diameter natural gas pipeline between Lwm Coatham Sands and proposed terminal site at Seal Sands, Stockton Coatham Sands, Redcar	FNO on 10 January 1991
L/1994/0394	Effluent treatment works at land at Bran Sands and ICI Wilton, Redcar	Cleveland County Council granted consent on 4 September 1994
L/1995/0494	Construction of new access road to proposed Bran Sands sewage treatment works	Conditional approval on 5 September 1995
L/1995/0804	Variation of conditions (iv) and (vii) of planning permission CM/l/5/94 and reserved matters "details"	Conditional approval on 29 January 1996
R/1996/0065	Above ground effluent transfer pipeline from the Tees pipe tunnel to Bran Sands treatment works	Conditional approval on 8 March 1996
R/1996/0702	Installation of underground natural gas pipeline and gas metering compound	Conditional approval on 3 February 1997
R/1997/0156	Construction of a 350mm diameter above ground stainless steel pipe for effluent transportation	Conditional approval on 28 April 1997
R/1999/0217	Construction, installation and use of 2 no. 250mm NB pipelines to convey gaseous oxygen and nitrogen separately	Conditional approval on 17 May 1999
R/200/0301	Construction of a new pipeline for transfer of effluent at from seal sands to, Bran Sands treatment works, Redcar	Conditional approval on 11 July 2000

Application Ref	Description of Development	Status
R/2001/0357	Doming and capping of completed landfill site at bran sands, Wilton site, Redcar	Conditional approval on 31 July 2001
R/2001/0516	Provision of an ultra-violet disinfection process plant	Conditional approval on 11 September 2001
R/2002/0550	Erection of a pipe bridge.	Conditional approval on 4 September 2002
R/2004/1048	Erection of anaerobic treatment plant to accommodate new waste stream	Conditional approval on 15 November 2004
R/2005/1316	Erection of a paper recycling facility; associated roads and parking; pumping station and electricity sub-station at land at Wilton works, Redcar, TS908WS – R/2005/1316/FF	Conditional approval on 21 April 2006
R/2007/0385	Construction of pipeline (approximately 2200 metres) at Wilton International, Redcar, TS6 8AR	Conditional approval on 4 June 2007
R/2007/0498	Erection of landfill gas plant for electricity generation	Conditional approval on 3 August 2007
R/2007/0595	Development of advanced digestion facilities	Conditional approval on 22 August 2007
R/2007/0899 /FF	New polypropylene plant at Wilton site, Redcar, TS10 4YA	Conditional approval on 20 December 2007
R/2007/1135	Erection of an import centre and associated facilities, ground works and landscaping	Conditional approval on 20 March 2008
R/2008/0150	Diversion of natural gas and nitrogen pipeline	Condition Approval on 29 April 2008
R/2008/0964	Variation of condition no. 2 of planning application R/2007/0595 noise from the development shall not exceed existing background noise levels when measured at the site boundary	Granted on 2 June 2009

Application Ref	Description of Development	Status
R/2010/0127	Construction of 4.85km natural gas pipeline and 4.85km monoethylene glycol pipeline including beach valve compound at land at Coatham Sands, Gare Road, Redcar, TS6 6UD	27 May 2010
R/2010/0341	Installation of 2 (no) combined heat and power units	Conditional approval 29 July 2010
R/2010/0524	Non material amendment to planning permission R/2007/1135/FF for the installation of a baler	Granted on 3 August 2010
R/2010/0616	Non material amendment to planning permission R/2007/1135/FF to increase footprint of cladded box to extend over existing compactor unit	Granted on 27 August 2010
R/2010/0831	Variation of condition 3 of permission R/2010/0127/FFM to allow construction works from March to October	Granted on 23 December 2010
R/2010/0827	Use of land as temporary wood buffer store (retrospective) at land at Wilton international, Redcar, TS10 4YA	Conditional approval on 1 February 2011
R/2009/0454	Variation of condition 20 (application no: R/2007/1135) development & improvement to the existing PD Ports works bus routes & frequency	Refused on 12 May 2011
R/2011/0734 /VC	Variation of conditions of planning permission R/2010/0827/FFM; condition 1 to allow longer term use of site (to 7 September 2014) and condition 3 to delete the wording 'and no further material is be added to them' at UK Wood Recycling Ltd, Wilton site, Lazenby, TS6 8JH	Withdrawn on 25 November 2011
R/2011/0236	Installation of a 4.85km gas pipeline and a 4.85km monoethylene glycol pipeline from Coatham Sands to seal sands and erection of a beach valve compound (revised alignment)	Conditional approval 22 December 2011

Application Ref	Description of Development	Status
R/2011/0850	Installation of an underground 20" natural gas pipeline (6.12km) and a 3" monoethylene glycol pipeline (6.12km) (revised route) including a beach valve compound at Breagh project, Coatham sands to River Tees, Teesport	Conditional approval on 19 April 2012
R/2012/0837 /SC	Screening opinion for proposed potash processing plant at Wilton International Works, Redcar	Insufficient information on 12 November 2012
R/2013/0369	Proposed anaerobic digestion and combined heat & power plant at land at Wilton International trunk road, Redcar	Conditional approval on 24 July 2013
R/2013/0468	Installation of above ground effluent main pipeline to replace underground corrosive pipeline.	Conditional approval on 29 August 2013
R/2013/0435	Solid fuel processing plant at plot 12 Wilton International, Wilton TS90 8WS	Conditional approval on 20 September 2013
R/2013/0685 /SC	Screening and scoping opinion for the proposed Materials Handling Facility at Wilton International Redcar	EIA required on 12 November 2013
R/2014/0183	Screening opinion for installation a lime slaking plant and mixing tank at Bran Sands sewage treatment works Tees Dock Road Grangetown TS6 6UE	EIA not required on 14 April 2014
R/2014/0305	Section 47 (2) of Planning Act 2008: consultation on Statement of Community Consultation for York Potash harbour facility	Decision made on 3 June 2014
R/2014/0577	Screening opinion for amendments to Sabic Olefins 6 plant and gas pipeline	EIA not required on 15 October 2014

Application Ref	Description of Development	Status
R/2014/0626	Mineral (polyhalite) granulation and storage facility involving the construction on buildings, conveyor systems, substations, water treatment plant, internal access roads, car parking, attenuation ponds, landscaping, restoration and aftercare, and construction of a tunnel portal including the landforming of spoil and associated works	Not yet decided
R/2014/0627	The winning and working of polyhalite by underground methods including the construction of a minehead at Doves Nest Farm involving access, maintenance and ventilation shafts, the landforming of associated spoil, construction of buildings, access roads, car parking and helicopter landing site, attenuation ponds, landscaping, restoration and aftercare and associated works. In addition, the construction of an underground tunnel between Doves Nest Farm and land at Wilton that links to the mine below, comprising 1 shaft at Doves Nest Farm, 3 intermediate access shaft sites, each with associated landforming of associated spoil, construction of buildings, access roads and car parking, landscaping, restoration and aftercare, the construction of a tunnel portal at Wilton comprising buildings, landforming of spoil and associated works	Not yet decided

Appendix 3 Full Account of Relevant National and Local Policy and Legislation

Other Material Planning Policy

This appendix provides a summary of the 'other' policy documents at national and local levels that supplement and provide site-specific context to the Port NPS (2012) and Marine Policy Statement (2011). These are considered to represent other matters important and relevant to the Harbour Facilities application. Reference to minerals policy documents are included given the relevance of the application to the wider York Potash Project, which includes the development of a new mine intended for the winning and working of polyhalite.

National Planning Policy

The National Planning Policy Framework

The National Planning Policy Framework ('NPPF') is an important material consideration which sets out the Government's national planning policy for England and how these policies are expected to be applied. It replaced almost all national guidance contained within Planning Policy Guidance ('PPGs'), Planning Policy Statements ('PPSs'), Minerals Policy Statements ('MPSs'), Minerals Policy Guidance Notes ('MPGs') and Circulars.

Paragraph 7 of the NPPF defines the three roles of sustainable development (economic, social and environmental) as follows:-

*"**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

***an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy."*

The presumption in favour of sustainable development is at the heart of NPPF and should be seen as a "golden thread" running through both plan making and decision-taking (paragraph 14). It sets out how sustainable development is to be delivered which includes a focus on: -

● Building a strong, competitive economy, with significant weight placed on the need to support sustainable economic growth through the

planning system (paragraph 19); planning proactively to meet the development needs of business and support an economy fit for the 21st Century (paragraph 20); whilst ensuring that investment in business is not over-burdened by the requirements of planning policy expectations (paragraph 21); and

● Promoting sustainable transport as a means to facilitate sustainable development and contributing to wider sustainability and health objectives (Paragraph 29).

For unallocated sites such as Bran Sands where the proposed harbour facilities would be located – i.e. sites *"where the development plan is absent, silent or relevant policies are out of date"* - paragraph 14 establishes that in taking decisions, the presumption in favour of sustainable development means:-

"…granting permission unless:

● *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*

● *specific policies in this Framework indicate development should be restricted."*

For the second point above, examples of specific policies in the Framework are provided (footnote 9, page 4, NPPF) as those which relate to:-

● Sites protected under the Birds and Habitats Directive;

● Sites of Special Scientific Interest;

● land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority);

● designated heritage assets; and

● locations at risk of flooding or coastal erosion.

In relation to NSIPs, the NPPF emphasises the importance of National Policy Statements for major infrastructure in the determination of nationally significant infrastructure projects, whilst also noting that other material considerations of relevance may include the NPPF:

"This Framework does not contain specific policies for nationally significant infrastructure projects for which particular considerations apply. These are determined in accordance with the decision-making framework set out in the Planning Act 2008 and relevant national policy statements for major infrastructure, as well as any other matters that are considered both important and relevant (which may include the National Planning Policy Framework). National policy statements form part of the

overall framework of national planning policy, and are a material consideration in decisions on planning applications."

(paragraph 3)

Other NPPF guidance of relevance to the proposed harbour facilities is summarised below.

Ports and harbour facilities

The NPPF identifies that local authorities should work with neighbouring authorities and transport providers to development strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as ports (paragraph 31).

Promoting a high quality of design

The NPPF identifies the importance of positively planning for high quality and inclusive design. Paragraph 61 notes that whilst *"…visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations"* and seeks to ensure that design of a development ensures its integration into the natural, built and historic environment.

In terms of design evolution, applicants are *"expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably"*

(paragraph 66).

Climate change

Paragraph 93 identifies the key role that planning has in securing significant reductions in greenhouse gas emissions, meeting the challenges of climate change and supporting the delivery of renewable and low carbon energy; these issues are central to the economic, social and environmental aspects of sustainable development. As well as having regard to any local requirements for decentralised energy supplies, paragraph 96 identifies that new development should take account of landform, layout, building orientation, massing and landscaping as a means to minimise energy consumption.

Paragraph 99 refers to the need to take account of longer term climate change and that:-

"New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable; care should be taken to ensure that risks can be managed through suitable

adaptation measures, including through the planning of green infrastructure."

Flood Risk

Paragraph 100 states that:-

"Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

Paragraph 103 refers to site specific Flood Risk Assessments which should inform the location of development proposals in areas of risk and be informed by a Sequential Test which should ensure the most vulnerable development is located in areas with the lowest flood risk and that development is flood resilient and resistant, including safe access and escape routes where required. Priority should be given to the use of sustainable drainage systems (paragraph 103).

Conserving and enhancing the natural environment

Paragraph 109 of the NPPF states how the planning system should contribute to and enhance the natural and local environment by:-

"● protecting and enhancing valued landscapes, geological conservation interests and soils;

● recognising the wider benefits of ecosystem services;

● minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

● preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and

● remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."

When determining planning applications, through paragraph 118, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles, inter alia:-

"● if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

● *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;*

● *opportunities to incorporate biodiversity in and around developments should be encouraged;*

● *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*

● *the following wildlife sites should be given the same protection as European sites:*

- potential Special Protection Areas and possible Special Areas of Conservation;

- listed or proposed Ramsar sites; and

- sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites."

Paragraph 120 goes on to identify the need to ensure that, in making decisions, the effects of pollution on health, the natural environment or general amenity has been taken into account. Pollution may come from ground conditions (as referred to in paragraph 121 of the NPPF), noise (paragraph 123 of the NPPF), air pollution (paragraph 124) and lighting (paragraph 125).

Conserving and enhancing the historic environment

Section 12 of the NPPF sets out the Government's policies for the conservation and enhancement of designated and non-designated features of the historic environment and paragraph 128 specifies that applications which may have an effect on heritage features should ensure that an appropriate and proportionate assessment of the impact of the development should be carried out. Paragraph 135 specifies that the effect of proposals on the significance of non-designated assets should be taken into account. The NPPF states that:-

"In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

Minerals

Section 13 of delivering sustainable development within NPPF relates to facilitating the sustainable use of minerals and paragraph 142 states:

"Minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation."

Annex 2 of the NPPF includes a definition of the *term "minerals of local and national importance"*. This lists a series of *"minerals which are necessary to meet society's needs"* and includes potash.

When determining planning applications, paragraph 144 requires local planning authorities to *"give great weight to the benefits of the mineral extraction, including to the economy"*.

National Planning Practice Guidance

The National Planning Practice Guidance ('NPPG') was initially published in March 2014 and brings together many areas of English planning guidance into a new format whilst replacing a series of older guidance.

The NPPG highlights that planning for the supply of minerals differs from other forms of development, and in particular *"minerals can only be worked (i.e. extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited."* (Reference ID: 27-001-20140306). With regard to potash and the processing and handling of minerals, the PPG reiterates the NPPF guidance by confirming potash as being a mineral of national importance. Specifically, the guidance defines it as an 'Industrial Mineral' that is necessary to support industrial and manufacturing processes and other non-aggregate uses (ID 27-221-20140306).

In terms of climate change, the NPPG emphases how effective spatial planning can combat climate change and influence the emission of greenhouse gases (Reference ID: 6-001-20140306, Paragraph: 001).

The NPPG highlights the need to protect and enhance the historic environment in order to achieve sustainable development (Reference ID: 18a-001-20140306, Paragraph: 002).

The NPPG recognises that good quality design is an integral part of sustainable development. As such *"as a core planning principle, plan makers and decision takers should always seek to secure high quality design"* (Reference ID: 26-001-20140306, Paragraph 002).

The NPPG reiterates that the National Planning Policy Framework sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed (Reference ID: 7-001-20140306, Paragraph 001).

Local Planning Policy

The relevant statutory local plan policy comprises the following:

Redcar and Cleveland Borough Council

● Core Strategy Development Plan Document (RCBC; Adopted in July 2007);

● Development Policies Development Plan Document (Adopted in July 2007); and

● Tees Valley Joint Minerals and Waste Development Plan Documents - Minerals and Waste Core Strategy ('MWCS') (Darlington, Hartlepool, Middlesbrough, RCBC and Stockton-on-Tees; Adopted in September 2011); and

● Tees Valley Joint Minerals and Waste Development Plan Document (2011).

Stockton on Tees Borough Council

● Core Strategy Development Plan Document (Adopted in March 2010);

● Tees Valley Joint MWCS (September 2011); and

● Tees Valley Joint Minerals and Waste Development Plan Document (2011).

In addition, the following local policy documents are considered to provide guidance of relevance to the consideration of the harbour facilities application:-

Local Guidance

● Landscape Character Supplementary Planning Document (RCBC; March 2010);

● Regeneration Masterplan - Delivery Plan 2012-2017 (RCBC); and

● South Tees Area Spatial Framework (RCBC; April 2010).

The policies and guidance of these local policy documents are summarised in turn below.

Redcar & Cleveland Borough Council

Redcar & Cleveland Core Strategy Development Plan Document (July 2007)

The site is not allocated for development in the RCBC Core Strategy Development Plan Document.

The following adopted RCBC Strategy DPD policies are of relevance to the consideration of the application:-

● Policy CS1 ('Securing a Better Quality of Life') explains that development proposals will be assessed against their contribution to delivering sustainability objectives, including a thriving economy; easy access to jobs; and, a healthy, safe, attractive and well maintained environment.

● Policy CS2 ('Locational Strategy') requires that all new development should avoid areas at risk of flooding.

● Policy CS4 ('Spatial Strategy for South Tees Employment Area') acknowledges the major industrial heritage of the south bank of the River Tees and promotes South Tees as an important employment area where development growth will be supported. Paragraph 3.22 notes that this Spatial Strategy for South Tees also aims to: *"make best use of the area for industries that require a riverside location…and diversify the range of job opportunities available in the area"*.

● Policy CS8 ('Scale and Location of New Employment Development') reiterates these policy aims by stating that general employment land will be brought forward for development during the plan period to accommodate major employment proposals in South Tees, particularly those requiring good access for transporting freight and a suitable workforce nearby.

● Policy CS10 ('Steel, Chemical and Port-related Industries') reiterates, again, the strategy to promote the continued development and expansion of the chemical, steel and port industries.

● Policy CS20 ('Promoting Good Design') promotes good quality and inclusive design in all new developments that respects and enhances the character of the local area.

● Policy CS21 ('Renewable Energy') encourages renewable energy schemes where they help to meet the Government's climate change objectives and the Tees Valley sub-regional target for electricity generation from renewable sources.

● Policy CS22 ('Protecting and Enhancing the Borough's Landscape') stipulates that development will not be allowed if this would lead to the loss of features important to the character of the landscape unless the need for the development outweighs the landscape considerations. Where development is justified, proposals will include measures to enhance, restore or create the special features of the landscape.

● Policy CS24 ('Biodiversity and Geological Conservation') seeks to protect and enhance the Borough's biodiversity and geological resources.

● Policy CS25 ('Built and Historic Environment') states that proposals will be expected to contribute positively to the character of the built and historic environment of the Borough, to ensure that it is protected, preserved or enhanced.

● Policy CS26 ('Managing Travel Demand') requires development proposals to manage travel demand, including through the preparation and implementation of Travel Plans.

Redcar & Cleveland Development Policies Development Plan Document (July 2007)

The following adopted policies of the RCBC Development Policies Development Plan Document are of relevance to the consideration of the application:-

● Policy DP2 ('Location of Development') sets out the criteria for assessing the suitability of a site or location, including compliance with site allocations and designations and ensuring that development does not cause a significant impact on the amenities of occupiers of existing or proposed nearby properties.

● Policy DP3 ('Sustainable Design') requires all development to be designed to a high standard that respects or enhances the character and surroundings of the site. The policy includes a threshold for developments requiring a Travel Plan where these are likely to generate more than 30 employees. Other requirements within the policy include major developments having to contribute at least 10% of their predicted energy requirements from renewable sources; make appropriate access provision for disabled people; and create a safe and secure environment.

● Policy DP6 ('Pollution Control') specifies that development that would give rise to increased levels of noise or vibration or which would add to air, land or water pollution, by itself or in accumulation with existing or other proposed uses, will only be permitted it is acceptable in terms of human health and safety; environment; and general amenity.

● Policy DP7 ('Potentially Contaminated and Unstable Land') states that development on or near potentially contaminated or unstable land would

require effective measures to be put forward by the applicant to address any contamination issues.

● Policy DP9 ('Conservation Areas') states that development will only be permitted where it preserves or enhances the character or appearance of the conservation area.

● Similarly, Policy DP10 ('Listed Buildings') requires development proposals to preserve and enhance the special character of listed buildings and protect their immediate setting.

● Policy DP11 ('Archaeological Sites and Monuments') refers to the need to ensure that development does not adversely affect important archaeological sites or monuments.

Redcar & Cleveland Local Plan "Saved" Policies (1999)

The following "saved" policies of the RCBC Local Plan are of relevance to the consideration of the application:-

● Policy TO5 ('Cleveland Way and Teesdale Way') seeks to safeguard the routes of the Cleveland Way and the Teesdale Way from any development which may prejudice their use as long distance footpaths.

● Policy T16 ('Proposed Cycle Routes') seeks to protect the line of the proposed cycle routes along the Black Path, and between Guisborough and Nunthorpe from development which may prejudice their use as cycleways.

Redcar & Cleveland Borough Council Supplementary Planning Documents

The following Supplementary Planning Document is a relevant material consideration to the application:-

● Landscape Character Supplementary Planning Document (RCBC; March 2010).

Tees Valley Joint Minerals and Waste Core Strategy (2011)

The following Tees Valley Joint Minerals and Waste Core Strategy policies are of relevance to the consideration of the application:-

● Policy MWC1 ('Minerals Strategy') identifies a number of areas which can help achieve the sustainable use of minerals resources. This includes 'safeguarding the necessary infrastructure to enable the sustainable transport of minerals, in particular the use of the existing rail and port facilities in the Tees Valley'.

● Policy MWC10 ('Sustainable Transport') states that proposals for minerals development should prioritise the use of non-road based transport for the movement of minerals and waste resources.

● Policy MWC11 ('Safeguarding of Port and Rail Facilities') seeks to ensure that development which is proposed in the vicinity of Tees Dock in Redcar and Cleveland does not prejudice the transportation of minerals resources and waste materials by water and rail.

Tees Valley Joint Minerals and Waste Development Plan Document (2011)

Policy MWP1 ('Waste Audits') states that a waste audit will be required for all major development proposals. This should identify the amount and type of waste that is expected to be produced by the development, both during the construction phase and once it is operational, and how this is to be managed in accordance with the waste hierarchy.

Stockton-on-Tees Borough Council

Stockton-on-Tees Core Strategy (2010)

The following core strategy policies are of relevance to this application:-

● Policy CS2 ('Sustainable Transport and Travel') requires development to encourage sustainable forms of transport and supports the movement of freight by water.

● Policy CS3 ('Sustainable Living and Climate Change') encourages mitigation against and adaption to climate change whilst also balancing growth and prosperity with environmental considerations.

● Policy CS4 ('Economic Regeneration') promotes development that contributes towards the successful economic regeneration of Tees Valley within Stockton Borough.

● Policy CS10 ('Environmental Protection and Enhancement') emphasises the importance for development to protect and enhance the built and natural environment.

Emerging Policy

The NPPF (Paragraph 216) states that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation, number of outstanding objections and consistency with the NPPF.

RCBC has commenced on the preparation of the 'new Local Plan' which will, once adopted, set the spatial vision, objectives and strategy for the development of the area to 2029 and replace both the Core Strategy Development Plan Document and Development Policies Development Plan Document. The draft Publication Version was considered by the Council in July 2014 prior to its issue for consultation but was not approved. The Council has now restarted the Local Plan review process, with the intention that a new consultation draft will be issued for consultation in September 2015. As such, there is currently no

emerging Local Plan policy in place that would represent a material consideration of relevance to this application.

Stockton-on-Tees Borough Council is in the early stages of preparing its Regeneration and Environment Local Plan which will establish the spatial vision, objectives and strategy for development in the area up to 2029 and will replace the Core Strategy once adopted. The Council is currently aiming to issue a Publication Draft for consultation in February 2015, with the document timetabled for adoption in December 2015. Given the draft status of the document and the further stages of review before the document can be adopted, it is considered that the current draft policies carry limited weight in the decision making process.

Local Guidance

Regeneration Masterplan - Delivery Plan 2012-2017 (Redcar & Cleveland Borough Council)

The Regeneration Masterplan lays out a long term 15 year plan for social, economic and physical development of the Borough. It guides growth and outlines projects that can stimulate the local economy to create jobs and business growth.

Section 4 outlines the principal areas of activity which will continue to be developed and delivered in the next phase of the Regeneration Masterplan.

The Regeneration Masterplan notes that the growth plans for South Tees which focus on the expansion of Teesport, associated logistics industries and the petrochemicals industry will require significant levels of new employment, as well as regular replacement demand (particularly relevant where the workforce is older). As such, this project supports the growth plans associated with the three core industrial sectors (energy, petrochemicals and transport/logistics), and is designed to fill the employment gap, and anticipate future needs within the sectors.

Section 4 also emphases how the expansion of South Tees will ensure that young people within the Borough are equipped with the correct skills to fulfil the needs of the industries, working with partners to align educational provision with private sector job creation plans.

South Tees Area Spatial Framework (Redcar & Cleveland Borough Council; April 2010)

The South Tees Area Spatial Framework ('STASF') builds on the vision and objectives of local policy.

Section 1.1 recognises that South Tees has world-class credentials in the petrochemical, process and steel industries.

Section 1.2 outlines the South Tees Vision:

"South Tees will continue to be known throughout the UK as a powerful engine room of the industrial economy, with major facilities for the Ports, Petrochemicals and Power generation sectors.

The Port will have expanded to provide additional deep berths with matching shore based infrastructure to handle and process goods through a modern transport infrastructure, using rail and road for onward shipment. Reclamation of sites will allow new use for surface and enclosed storage and processing of goods. The Port will be the hub for major logistics operations, serving the North East of England in particular..."

(Page 6).

Section 1.3 sets out the themes that the key interventions within South Tees are centred around:

● Strengthening the strategic infrastructure to create the right conditions for inward investment including acquisition and remediation of sites, to make North and South Tees a Competitive Investment Location;

● Building upon the core strengths that already exist in South Tees, particularly the processing industries and the Port; and

● Developing new industries in response to the decline in some existing industries and to maximize the potential of the vast industrial area.

Section 1.4 states that *"a prime objective of Tees Valley Unlimited is to support and develop the world class process, energy, steel and port industries"* (Page 6).

Section 2.1 identifies South Tees as home to a number of world-class industrial businesses and recognises the vital role it plays with the North Tees industrial area to drive the sub-region's Gross Domestic Product (GDP), as well as regional and national productivity.

In terms of employment, Section 2.1 emphases the important role that historically South Tees has played in local employment and outlines how the rise of automation and decline in industries has impacted employment in the area.

Section 2.1 notes that South Tees is a major asset to Redcar & Cleveland and the wider region. As such there should be a:

"clear focus on achieving the maximum value possible, measured in terms of supporting and growing the local economy and delivering local employment and benefits from development coming forward in South Tees"

(Page 9)

Finally, Section 2.1 outlines that the keys assets within the South Tees are the established Port and processing industries and the fact that it is internationally, nationally and regionally recognised for its industry.

Section 2.2 sets out South Tees vision and objectives, in particular one of the key aspirations is that:

"The port will have expanded to provide additional deep berths with matching shore based infrastructure to handle and process goods through a modern transport infrastructure, using rail and road for onward shipment. Reclamation of sites will allow new use for surface and enclosed storage and processing of goods. The port will be the hub for major logistics operations, serving the North East of England in particular"

(Page 11)

Section 3.1 outlines the need for developments in key sectors to respond to a decline in some existing industries and to maximise the potential of the vast industrial area.

Policy ST3 supports the expansion of the port and logistics sector which it considers is a key priority for driving economic growth in the area. The application site at Bran Sands is specifically identified as offering the opportunity to increase river access and provide critical port infrastructure.

Appendix 4 Compliance Schedule for Department for Transport '*A Project Appraisal Framework for Ports*', 2005

Port Project Appraisal Objectives and Sub-Objectives	Location within the Harbour Facilities DCO Application
Safety	
Health and safety of workers at ports	Environmental Statement [Document No: 6.4 and 6.5]
Risks to surrounding population	Environmental Statement [Document No: 6.4 and 6.5]
Marine safety in approaches to ports	Environmental Statement (Section 16 'Commercial Navigation') [Document No: 6.4 and 6.5]
Accidents on road and rail network accessing ports	Environmental Statement (Section 18 'Infrastructure') [Document No: 6.4 and 6.5]
Physical security of port users and workers	Planning Statement (Section 7 'Planning Considerations') [Document No: 7.1]
Economy	
Cargo owners/passengers/leisure users	Environmental Statement (Section 19 'Socio-economics') [Document No: 6.4 and 6.5]
Port operators	
Port workers (number employed)	
Ship operators	
Government (if relevant)	
Non-port users and providers of surface access links	
Regeneration and redistribution of economic activity	
Productivity growth across the economy	
Foreign direct investment and trade	
Particular industries	
Environment	
Noise and dust	Environmental Statement (Section 13 'Air Quality' and 14 'Noise and Vibration') [Document No: 6.4 and 6.5]
Local air quality	Environmental Statement (Section 13 'Air Quality' [Document No:6.4 and 6.5]
Climate change	Environmental Statement (Section 17 'Coastal Protection and Flood Defence') [Document No: 6.4 and 6.5]
Landscape	Environmental Statement (Section

Port Project Appraisal Objectives and Sub-Objectives	Location within the Harbour Facilities DCO Application
	20 'Landscape and Visual Character') [Document No: 6.4 and 6.5]
Townscape	Environmental Statement (Section 20 'Landscape and Visual Character') [Document No: 6.4 and 6.5]
Biodiversity	Environmental Statement (Sections 8 'Marine Ecology', 9 'Marine and Coastal Ornithology', 10 'Terrestrial Ecology' and 11 'Fisheries and Fishing Activity) [Document No: 6.4 and 6.5]
Heritage	Environmental Statement (Section 15 'Archaeology and Heritage') [Document No: 6.4 and 6.5]
Water	Environmental Statement (Sections 11 'Fisheries and Fishing Activity', 16 'Commercial Navigation', 18 'Infrastructure' and 21 'Recreation and Access') [Document No: 6.4 and 6.5]
Accessibility	
Access by non-road modes	Environmental Statement (Sections 16 'Navigation' and 12 'Traffic and Transport') [Document No: 6.4 and 6.5]
Access for disabled people	
Option of access to port facilities	
Severance of local trips	
Integration	
Transport interchange facilities at ports	N/A
Land use policy	Planning Statement (Section 7 'Planning Considerations') [Document No: 7.1]
Local transport strategy	Environmental Statement (Section 12 'Traffic and Transport') [Document No: 6.4 and 6.5]
Economic strategy for the area	Environmental Statement (Section 19 'Socio-economics') [Document No: 6.4 and 6.5]
Environmental protection policies	Environmental Statement [Document No: 6.4 and 6.5]
Regeneration policies	Environmental Statement (Section 19 'Socio-economics') [Document

Port Project Appraisal Objectives and Sub-Objectives	Location within the Harbour Facilities DCO Application
	No: 6.4 and 6.5] Planning Statement (Section 7 'Planning Considerations') [Document No: 7.1]
Other Government policies	Planning Statement (Section 7 'Planning Considerations') [Document No: 7.1]
Further Consideration	
Commercial viability of port (where relevant)	N/A (Privately Funded)
Effect on competition between ports	Environmental Statement (Sections 16 'Commercial Navigation' and 18 'Infrastructure') [Document No: 6.4 and 6.5] Planning Statement (Section 7 'Planning Considerations') [Document No: 7.1]
Ensure delivery of associated infrastructure	Draft DCO [Document No: 4.1]

Appendix 5 Visualisations of One Way in which the Proposed Harbour Facilities could be developed

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