

YORK POTASH LTD

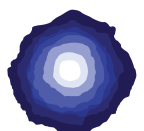
APPLICATION TO CARRY OUT MINERAL WORKING AND ASSOCIATED DEVELOPMENT

September 2014

Planning Statement
Nathaniel Lichfield & Partners



YORKPOTASH
A Sirius Minerals Project



Planning Statement
Application to carry out mineral working
and associated development
Errata Note

Planning Statement: Schedule of corrections

Paragraph No.	Change
3.28	Reference to MHF site area amended from 29.7ha to 37.5ha
4.27	Building height reference should be 11.9 metres not 21.2 metres
Third bullet on page 75	Reference to £5.2bn should be replaced with £1.2bn of exports per annum



**Nathaniel Lichfield
& Partners**

Planning. Design. Economics.

**Application to carry out Mineral
Winning, Working and Associated
Development**

Planning Statement

York Potash Limited

September 2014

50303/04/HS/AY

Nathaniel Lichfield & Partners
14 Regent's Wharf
All Saints Street
London N1 9RL

nlppanning.com

This document is formatted for double sided printing.

© Nathaniel Lichfield & Partners Ltd 2014. Trading as Nathaniel Lichfield & Partners.
All Rights Reserved.
Registered Office:
14 Regent's Wharf
All Saints Street
London N1 9RL

All plans within this document produced by NLP are based upon Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. © Crown Copyright reserved. Licence number AL50684A

Executive Summary

Introduction

1 This Statement has been prepared on behalf of the applicant, York Potash Ltd ('YPL') and accompanies a county matter application submitted to both the North York Moors National Park Authority ('NYMNP') and Redcar and Cleveland Borough Council ('RCBC'). The submitted applications seek permission for the winning and working, and onward transport of polyhalite, a natural fertiliser, at land centred at Dove's Nest Farm and Haxby Plantation, Sneatonthorpe.

2 The application seeks consent for the following:

"The winning and working of polyhalite by underground methods including the construction of a mine-head at Dove's Nest Farm involving access, maintenance and ventilation shafts, the land-forming of associated spoil, the 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 Dove's Nest Farm and land at Wilton that links to the mine below ground, comprising 1 No. shaft at Dove's Nest Farm, 3 No. intermediate access shaft sites, each with associated landforming of associated spoil, the construction of buildings, access roads and car parking, landscaping, restoration and aftercare, and the construction of a tunnel portal at Wilton comprising buildings, landforming of spoil and associated works."

3 The Mine and Mineral Transport System ('MTS') proposals are that the subject of this application comprise two of the main elements required for the implementation of the YPL Project (the 'Project'); which also includes a Materials Handling Facility ('MHF') at Wilton International Complex and a Harbour Facilities at Brans Sands on the River Tees Estuary. The project also includes temporary and operational Park & Ride facilities.

Background to the Application

Potash and Polyhalite

4 Polyhalite is a particular form of Potash. Potash is the collective term used for any mined and manufactured salts that contain potassium in water-soluble form. Potassium, together with nitrogen and phosphorous, is one of the three main nutrients required by plants to grow. The application of Potash as a commercial fertiliser is well established.

5 The polyhalite form of potash has a number of unique benefits. 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. It can act as a stand-alone fertiliser or be combined with other nutrients in compound NPK fertilisers adding to its versatility.

6 In the UK, the only known resource of polyhalite is found onshore along a relatively small distance of coastline of around 140km in North Yorkshire.

The Site

- 7 The area within the site boundary accommodates four distinct components of the Project:-
- i The Mineable Area i.e. the area that includes the possible extent of the below-ground mining activities;
 - ii The land that is the subject of the above-ground Minehead and MTS works, at Dove's Nest Farm;
 - iii The proposed MTS Route that links the Minehead at Dove's Nest Farm, through to the proposed MHF at Wilton. The route of the below-ground MTS includes land required for the three above-ground intermediate sites (located at Lady Cross Plantation, Lockwood Beck Farm and Tocketts Lythe); and
 - iv Land at the Wilton International Complex, where as part of the wider MHF facilities, the MTS portal and associated works (including land forming the spoil and facilities for the MTS trains) are to be provided.

The Proposed Development

Mine

- 8 The Mine development comprises the winning and working of potash minerals via an underground mine and associated facilities, access shafts to the mine and above ground infrastructure located at the Dove's Nest Farm site.

Mineral Transport System

- 9 The MTS will intersect with the minehead production shaft at a cavern at approximately 360 metres below ground level. It will run for 36.5km in length and break ground at a Portal adjacent, to the MHF.
- 10 Once operational, the MTS will contain conveyor and support systems. The intermediate sites will provide required emergency access, egress and ventilation.
- 11 At Wilton, the proposals involve works associated with the creation of the MTS Portal.

Planning Policy Context

- 12 The Development Plan comprises a combination of NYMNPA and RCBC policy documents:-
- i NYMNPA – Core Strategy Development Plan Document ('CSDPD');
 - ii RCBC – Core = Strategy Development Plan Document ('CSDPD');
 - iii RCBC - Development Policies Development Plan Document ('DPDPD'); and
 - iv Tees Valley Joint Minerals and Waste Development Plan Documents - Minerals and Waste Core Strategy ('MWCS').
- 13 All of the relevant Development Plan documents pre-date the publication of the National Planning Policy Framework ('NPPF'). In such circumstances, it remains that application proposals should be considered in accordance with the Development Plans, but the NPPF is clearly a very important

material consideration that must be given considerable weight in any decision.

Major Development Test ('MDT')

- 14 The MDT is a mechanism for assessing major development proposals in designated areas such as National Parks, which have the highest status of protection in relation to landscape and scenic beauty. The test is definitively prescribed in paragraph 116 of the NPPF which states that permission for major development in National Parks should be refused, except in exceptional circumstances and where it can be demonstrated they are in the public interest.
- 15 The Major Development Test Planning Statement ('MDT Planning Statement') submitted with the application provides a review of the performance of the application proposals against the MDT. This involves the presentation of the evidence relating to the use of polyhalite as a fertiliser; an account of the commercial demand for polyhalite; an account of the economic benefits of the proposals; an assessment of the environmental impacts of the scheme; and, a review of the findings of an Alternative Sites Assessment. The comprehensive appraisal undertaken demonstrates:-
- i Dove's Nest Farm has the potential to be developed as a highly efficient new mine with by far the most significant polyhalite resource in the world;
 - ii Polyhalite is valuable as a multi-nutrient fertiliser or as a straight product;
 - iii At full production, the Project would supply approximately 4% of the world potassium based fertilizer market. That market is forecast to grow by 60% by 2050 to address world nutrient deficiencies and a growing global population;
 - iv The characteristics of polyhalite make it well suited to a wide range of applications (approximately 85% of world food crops) whilst its low chloride content and its accreditation for use in organic farming make it very well suited to a wide range of world markets.
 - v YPL has already secured commitments from international buyers for the large scale supply of polyhalite;
 - vi Market and pricing studies demonstrate that it is realistic to expect the York Potash proposals to reach and sustain their full planned level of output;
 - vii The Project would have significant and positive economic benefits, directly, through employment and output and, indirectly, through the supply chain and employee expenditure. The Project would be effective in contributing to meeting a need to rebalance the national economy and substantially strengthen the regional and local economies.
 - viii The Environmental Statement has demonstrated that the environmental impacts are, in general, limited and mostly temporary in nature; and

ix The ASA has demonstrated that, there are no alternative sites for the proposals, either within or outside of the National Park.

- 16 The MDT Planning Statement concludes that in this case, the MDT is readily met. The scale of the benefits, including the contribution towards meeting local, regional and national economic need very substantially outweighs the principally temporary nature of residual adverse effects. Accordingly, the proposals are considered to clearly meet and exceed the requirements of the MDT.

Other Policy Considerations

- 17 Whilst this over-arching conclusion against the pre-eminent policy consideration for the project creates a compelling case for the approval of the applications, there are a series of other policy considerations against which the applications should properly be assessed.
- 18 The 'normal' presumption in favour of sustainable development does not apply within National Parks. This application should consequently be considered in the traditional way by giving consideration to how the proposals comply with the relevant Development Plans, having regard to the extent they are up to date and to any other material considerations.
- 19 Prevailing policies across the various documents establishes a number of consistent policy themes. This Planning Statement reviews each of these key planning themes. It is hoped that this approach will assist with providing an understanding of how the proposals comply with prevailing Development Plan policy, with appropriate references made to the NPPF and other material considerations, where policy is no longer up-to-date.

Development Considerations

Sustainability

- 20 The sustainable credentials of the Project are linked to the nature of the product. Polyhalite, as an organic fertiliser, on application has beneficial effects on plant growth. The carbon footprint of polyhalite is considerably lower than that of other potassium based fertilisers.
- 21 The applicants are committed to achieving gains across the three dimensions of sustainability - economic, social and environmental.
- 22 This document provides an account of the proposed development across a number of sustainability objectives. Across each objective, the Project exhibits sustainable credentials, and whilst it is acknowledged that with regard to the economic role, the performance of the Project is at its strongest, there is a consistency of satisfying wider policy objectives to the credit of the scheme. As referenced above, the particular weight given to sustainable economic growth in the NPPF creates a very favourable context.

Special Qualities of the National Park

- 23 Of the special qualities assessed, it is the impact on the wide sweeps of open heather moorland, distinctive dales, valleys and inland headlands that expresses a predicted minor to major adverse impact. However, it should be noted that such impacts do not involve the direct loss of moorland

landscapes, and instead impacts are more associated with visual impacts of users of access routes. Such impacts are predicted to be very localised and restricted to the construction period only. Furthermore, following maturity of proposed planting, and the creation of a landscape that is more sympathetic with the woodland landscapes of the North York Moors than the existing plantation woodland, impacts on this special quality are predicted to be minor beneficial in nature.

- 24 Against other special qualities there is a limited, and in some points beneficial residual impacts on the National Park's special qualities reflects the nature of the careful siting, design and specification of the application proposals, combined with the suite of mitigation, both integrated within scheme design and proposed as a result of identified impacts assessment work. This has allowed for the creation of mining facility and associated infrastructure of national importance that can be assimilated within its setting without detracting to an inappropriate degree upon the special qualities of its location(s).

Landscape Qualities

- 25 Overall, the landscape and visual impacts of the Project, whilst acknowledged during the construction phase, are set to reduce as the design mitigation incorporated into the scheme minimises its visual presence. The important policy objective to protect prevailing landscape conditions, therefore, over the long term of the proposed life of the scheme, will be satisfied.

26 Ecology

- 27 With the proposed mitigation measures in place (such as implementation of the landscape strategy, lighting strategy, adoption of pre-cautionary methods of working etc) significant adverse impacts of the Mine and the MTS can be avoided, and in many instances during operations moderately beneficial impacts are predicted.

Recreation and Tourism

- 28 The proposals are assessed to not result in any significant adverse effects. Some minor adverse effects arising during construction have been identified, namely:-

- i Landscape and visual effects resulting from built structures; and
- ii Disruption to a small number of pedestrian/cyclist routes.

- 29 There would be no minor adverse effects related to tourism that would continue beyond the construction period, and many predicted affects become negligible or beneficial.

Economic and Social Benefits

- 30 The benefits of the economy predicted as a result of the operation of the proposals, whether it is through higher employment (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, will all make a significant contribution towards boosting the economy nationally, regionally and locally.

31 The economic benefits of the YPL Project are nationally significant, of a scale that is rarely attributed to a single development proposal. 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 successfully doing so, the value of the Project is enhanced.

32 It remains the case that a balance needs to be struck between benefits of a project and the environmental effects of the proposal, but it is evident that the economic benefits of a project, should contribute significantly to the positive consideration of any proposal. The NPPF requires that great weight should be given to these benefits.

Other Environmental Matters

33 A summary of other environmental matters provided highlights the success of the Project to minimise its effects on the environment, limiting the majority of adverse impacts to the temporary construction phase and delivering a predominately negligible or even beneficial impact on receptors during operation.

Design

34 Design objectives applied seek to ensure that the development minimises adverse effects on views into and out of the sites both during daylight and night hours; adopts an appropriate scale, layout, and density necessary for efficient operation but sympathetic to prevailing site and surrounding characteristics; incorporates sustainable design principles alongside in-built environmental mitigation; and uses modern architecture that assists with the creation of safe and secure environments.

35 At Dove's Nest Farm, substantive efforts have been made to limit above-ground infrastructure, adopting innovative and market-leading design. The decision was taken to create below-ground chambers to accommodate two deep shaft winding structures. The significant and costly engineering undertaking to create below ground chambers to accommodate these features was considered appropriate to reduce the prominence of the development the landscape.

36 The emergence of the MTS onward transport option for the mined polyhalite enables a significant reduction in the building footprint at the minehead with the removal of the slurry preparation buildings. A similar reduction in the scale of necessary plant is achieved at Wilton, which accommodates all of the Project's processing facilities - another move away from mining convention.

37 The approach to design adopted by YPL has created a project that successfully integrates into its setting. Whilst the Project does involve the establishment of a minehead and an intermediate site within the National Park, along with a further two intermediate sites plus the portal development at Wilton, through careful design, the adoption of high quality materials, and a much reduced scale and massing strategy, the proposals are able to maintain and in some instances enhance the distinctive

character of the application site, both within the National Park, and into Redcar and Cleveland.

Transport

- 38 Through the application of a carefully considered transport strategy that adopts a range of measures designed to reduce potential impacts, alongside a package of mitigation measures identified to address outstanding adverse impact, the proposals limit impacts across the highway network to an acceptable level, both within the National Park and its surroundings.

Restoration

- 39 Detailed restoration proposals are in place for all of the YPL Project sites. The general approach has been to ensure new landforms created from excavated material will be sympathetic to each site location.
- 40 A programme of habitat creation including broadleaved native species woodland planting; open scrub with arid grassland planting; species rich grassland; and, wetland creation will be implemented and subsequently carefully managed.
- 41 The restoration proposals for each of the YPL Project sites will greatly assist in assimilating the new landforms, and built development into the local landscape settings, screening buildings or filtering inward views as appropriate. Through implementation and long-term management of bespoke planting, the existing landscape character will be maintained and in certain circumstances reinforced, whilst local habitat and biodiversity enhancements will be delivered.

Boulby Mine

- 42 YPL welcome the presence of Cleveland Potash Limited's ('CPL') Boulby mine within the NYMNP. Not only does it establish a precedent for potash mining in this part of the country but also presents the opportunity to create, alongside the YPL proposals, a globally important focus for potash exploration, that will continue to contribute to both the regional and national economies for the foreseeable future.
- 43 From an original position of questioning the value of polyhalite as a mining target when YPL announced its intention for a mine at Dove's Nest Farm, CPL has lately recognised the value of the market for polyhalite. A planning application has been recently approved for additional infrastructure and a new building for the purposes of screening, crushing and storing up to 0.6 Mt of polyhalite per annum.
- 44 The investment of such significant sums in infrastructure to allow for polyhalite mining at Boulby and the positive consideration of this development by the NYMNP demonstrates clear confidence in the polyhalite market by both parties.
- 45 In this regard, since the outset of the Project, YPL has invested substantially in developing a considerable market for polyhalite. As evidenced, these growing markets are more than sufficient to support the potential CPL production and the much more substantial YPL production.

Proposed s106 Obligations

- 46 The residual impacts identified with the submitted EIA do not give rise to the need for the extent of the obligations that are currently offered. However, YPL is prepared to provide substantial funds to address concerns raised by the determining authorities and the nature and scale of the draft planning obligations has been prepared in direct response to these comments. The proposed contributions are provided under the following themes:-
- i Management Plan – funds will be available to assist with the NYMNPA’s Management Plan;
 - ii Tree Planting – funds will be made available for the implementation of tree planting;
 - iii Tourism – payments are proposed towards activities of ‘*Welcome to Yorkshire*’; the NYMNPA’s promotional activities, local tourism businesses, Visit England and Visit Britain; and funding for directional brown tourist signs along trunk roads;
 - iv Train Services – funds to establish a new train service to double the service between Middlesbrough and Whitby;
 - v Employment and Training – YPL propose a contribution towards local employment opportunities and training;
 - vi Traffic Management – it is proposed to contribute towards the cost of upgrading the Mayfield Junction in Whitby;
 - vii Police Contribution – costs for the installation of CCTV equipment in the vicinity;
 - viii Archaeology Data - funding towards the interpretation of archaeological data;
 - ix Geological Data - funding towards the interpretation of new geological data;
 - x Monitoring – to assist any post decision monitoring required;
 - xi Liaison Group – to facilitate the regular liaison between YPL and relevant local authorities, agencies and other stakeholders;
 - xii Security Arrangements – a security arrangement will be established to be paid in the event of the mine not entering productive operation, in the form of arrangements proposed; and
 - xiii York Potash Foundation –that will formalise the operation of this community fund, which will benefit from an annual royalty of 0.5% of operating profits plus £2 million upon commencement of construction to the Foundation.
- 47 The combined scope of the s106 obligation represents a substantial contribution that will clearly be to the betterment of the National Park and Redcar and Cleveland. It remains the case that it is for the determining authorities to decide the extent to which the proposed obligations are necessary and consistent with the relevant guidance.

Conclusions

- 48 The context for the consideration of the development proposals undertaken within this Planning Statement is firmly set by the conclusions reached in respect of the performance of the scheme against the defined MDT. The MDT Planning Statement concludes that the proposals for the YPL mine and MTS development readily meets the requirements of the MDT.
- 49 In coming to this conclusion, the MDT Statement reports on a clear national, regional and local economic need for the proposals, identifying the significant and positive economic benefits of the Project, directly through employment and output and indirectly through the supply chain and employee expenditure. Alongside this, there is also a strong agronomic need for polyhalite evidenced by the secured commitments from international buyers for the large-scale supply of the product, despite the fact that planning permission has not been granted for the mine, and supported by an independent review of nature of the polyhalite market. The NPPF requires that great weight is given to these benefits.
- 50 The MDT Planning Statement also reports on the findings of the submitted Alternative Sites Assessment that concludes there are no alternative sites for the proposals outside of the National Park. Finally, the Statement highlights the work undertaken in the ES, and in particular the identified limited effects of the proposal on prevailing environmental conditions. It is evident that the YPL proposals exhibit exceptional circumstances and that the proposals can, and should, be approved in the public interest.
- 51 This Planning Statement, undertakes an assessment of the Project against other Development Plan policies, with due regard to relevant material considerations. As an overview, it is clear that scheme complies with Development Plans considered as a whole, adding to the case for the positive considerations of the applications. The scheme embraces the principles of sustainable development; respects the special qualities of the National Park; incorporates environmental mitigation measures through an iterative process of design development and environmental assessment to create a Project that minimises potential harm; and delivers economic benefits on a regional and national scheme, satisfying national need.
- 52 The positive assessment of the mine and MTS proposals against prevailing policy therefore, demonstrates clear conformity with the relevant Development Plans. Furthermore, where policy is out of date, for example in respect to the revised emphasis in the NPPF to give great weight to the economic benefits of mineral extraction, these important material considerations further support the Project.
- 53 The YPL Project is of national importance, its contribution towards sustainable economic growth is substantial; and with many years of mining polyhalite in prospect, the positive economic benefits of the Project that addresses national need have the potential to be long-lasting. It is concluded that the proposals comply with Development Plan policy. Furthermore, recent national policy and other material considerations strongly reinforce the case for the grant of planning permission.

Contents

1.0	Introduction	1
	The Application Submission	5
	Structure	5
2.0	Background to the Application	7
	The Applicant.....	7
	Potash and Polyhalite	7
	York Potash Project - A Brief History	9
	Potash Mining at the North York Moors National Park	9
	Design Review.....	14
	Consultation Activities.....	15
3.0	The Site and Surroundings	17
	Mineable Area.....	17
	Dove's Nest Farm	19
	MTS Route and Intermediate Sites.....	20
	Wilton International Complex.....	21
4.0	The Proposed Development	22
	Project Development Phasing	22
	Mine	23
	Mineral Transport System.....	30
5.0	Planning Policy Context	41
	Statutory Development Plan and Material Considerations	41
	Consistency with the NPPF	42
	Major Development Test.....	43
	Other Policy Considerations	47
	Summary of Key Policy Themes.....	48
6.0	Development Appraisal	51
	1: Sustainability.....	51
	2: Impact of Proposals on the Special Qualities of the National Park.....	57
	3: Impact on Landscape Qualities of the National Park and Redcar and Cleveland.....	65
	4: Ecology	68
	5: Recreation and Tourism	72
	6: What are the Economic and Social Benefits of the Scheme?	74
	7: Other Environmental Matters.....	77
	8: What are the Design Qualities of the Development Proposals?	80
	9: Are Access Arrangements and Transport Impacts Acceptable and Mitigated Appropriately?.....	85
	10: Are Suitable Restoration Proposals in Place?	89

Figures

Figure 1.1	Indicative Image of the Project	2
Figure 1.2	Plan Showing the Broad Location of each of the Project Elements.....	3
Figure 2.1	Estimated Extent of Onshore Polyhalite	9
Figure 2.2	Location of York Potash Exploratory Boreholes	11
Figure 2.3	Indicated Mineral Resource Location	13
Figure 3.1	Mineable Area.....	18
Figure 4.1	Conceptual Arrangement of Below Ground Infrastructure.....	23
Figure 4.2	Dove's Nest Farm Site Layout Plan.....	26
Figure 4.3	Site Layout showing Earthwork Mounds.....	29
Figure 4.4	Indicative Cross-Section of MTS	30
Figure 4.5	Cross-section of Tunnel.....	31
Figure 4.6	Operational Masterplan for Lady Cross Plantation	33
Figure 4.7	Operational Masterplan for Lockwood Beck Farm.....	34
Figure 4.8	Operational Masterplan for Tocketts Lythe.....	35
Figure 4.9	Portal Proposed Site and Block Plan.....	36
Figure 4.10	MTS Construction Strategy.....	37
Figure 4.11	Construction Masterplan for Lady Cross Plantation	38
Figure 4.12	Construction Masterplan for Lockwood Beck Farm	39
Figure 4.13	Construction Masterplan for Tocketts Lythe	40

Tables

Table 1.1	The Project Consent Regime.....	4
Table 5.1	Summary of Key Policy Themes.....	48
Table 5.2	Abbreviations for Summary of Key Policy Themes Table.....	49
Table 6.1	Summary of ecological impacts - Minehead.....	69
Table 6.2	Summary of ecological impacts - MTS	70
Table 6.3	Summary of Maximum Residual Effects to Receptors for the Mine	77
Table 6.4	Summary of Maximum Residual Effects to Receptors for the Mineral Transport System.....	78
Table 6.5	Summary of Maximum Residual Effects to Receptors for the Materials Handling Facility	79
Table 6.6	Summary of predicted impacts on the York Potash Project on Traffic and Transport	86

1.0 Introduction

1.1 This Statement has been prepared on behalf of the applicant, York Potash Ltd ('YPL') and accompanies an application to carry out mineral winning, working and associated development; submitted to both the North York Moors National Park Authority ('NYMNPA') and Redcar and Cleveland Borough Council ('RCBC'). The submitted applications seek permission for the winning and working, and onward transport of polyhalite natural fertiliser, at land centred at Dove's Nest Farm and Haxby Plantation, Sneatonthorpe.

1.2 This application, submitted to both the above authorities given the extent of the application boundary, seeks the necessary consents for the first purpose-built polyhalite mine in Europe. A minehead development at Dove's Nest Farm will have access to the World's largest and highest grade established polyhalite reserve. The proposals, with a limited above-ground presence, represent a major investment in the North Yorkshire region and will not only significantly positively contribute towards the challenge of global food security, but also create over 1,000 direct jobs, with many more generated in the wider economy. At a national level, the proposals would make a significant annual contribution to the UK's Gross Domestic Product of over £1 billion, and could reduce the trade deficit by up to 4%.

1.3 The application seeks consent for the following:

"The winning and working of polyhalite by underground methods including the construction of a mine-head at Dove's Nest Farm involving access, maintenance and ventilation shafts, the land-forming of associated spoil, the 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 Dove's Nest Farm and land at Wilton that links to the mine below ground, comprising 1 No. shaft at Dove's Nest Farm, 3 No. intermediate access shaft sites, each with associated landforming of associated spoil, the construction of buildings, access roads and car parking, landscaping, restoration and aftercare, and the construction of a tunnel portal at Wilton comprising buildings, landforming of spoil and associated works."

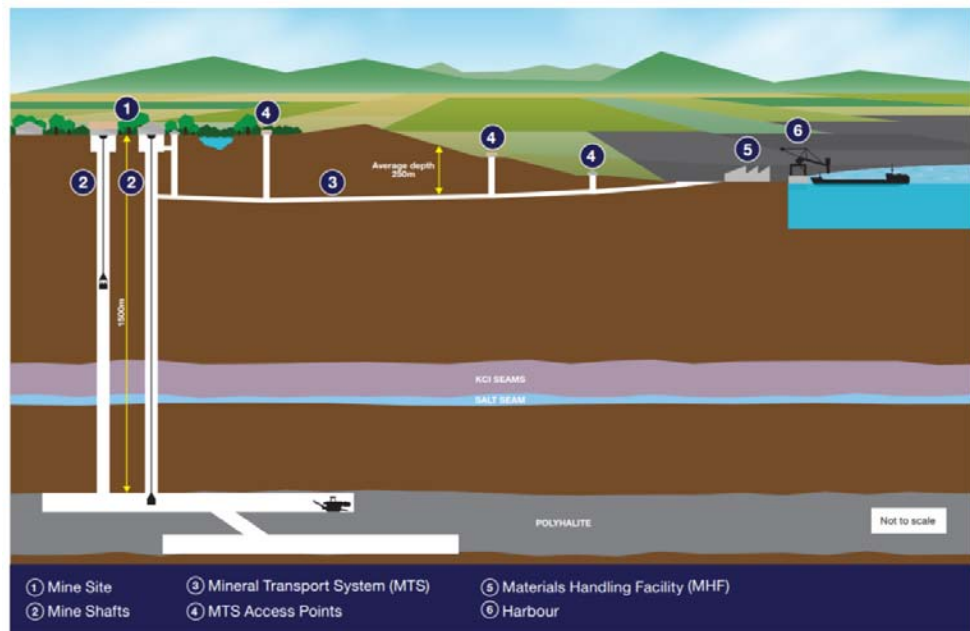
1.4 The above Mine and Mineral Transport System proposals that are the subject of this application, comprise two of the main elements required for the implementation of the YPL Project (the 'Project'). In summary, and as shown on the indicative figure below, the main Project elements and their interrelationships are:-

- 1 An underground **Mine**, including a surface access point ('the **Minehead**'), welfare and ancillary buildings at Dove's Nest Farm and Haxby Plantation, Sneatonthorpe;
- 2 A Mineral Transport System ('**MTS**'), primarily consisting 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, and three intermediate surface sites along the route at Lady Cross Plantation, Lockwood Beck and Tocketts Lythe to provide access for tunnel construction, ongoing maintenance, ventilation and emergency access;

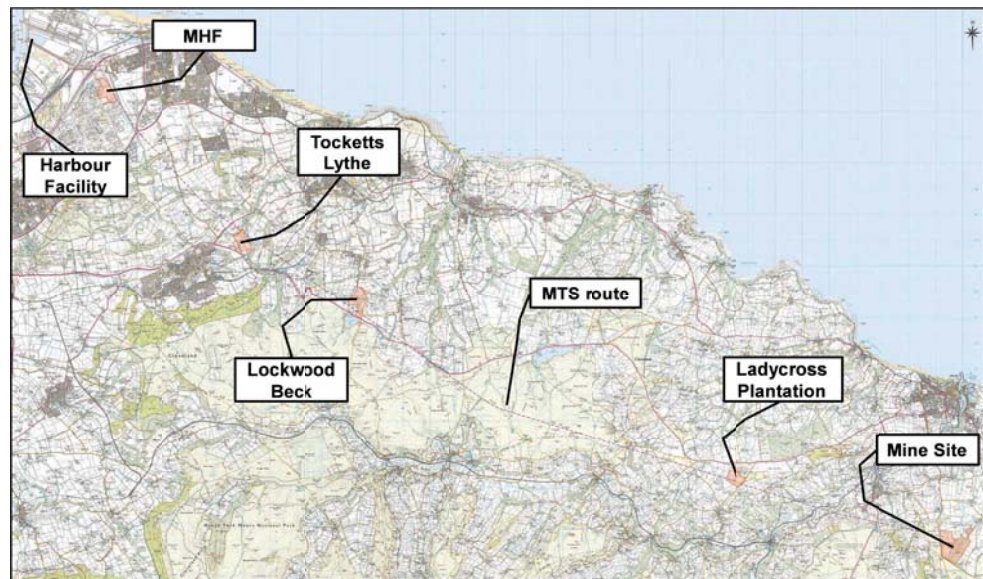
- 3 A **Materials Handling Facility** ('MHF') a granulation and storage facility at Wilton International Complex that will receive and handle the polyhalite transported via the MTS; and
- 4 A **Harbour Facilities** proposed at Brans Sands, Wilton International Complex on the south bank of the River Tees Estuary, connected to the MHF via a conveyor, for the bulk shipping of the polyhalite. Provisions for domestic distribution via road will also be provided.

Figure 1.1 Indicative Image of the Project



1.5 The location of these main elements of the Project is shown in the figure below:

Figure 1.2 Plan Showing the Broad Location of each of the Project Elements



- 1.6 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 bus connection directly to the Minehead at Dove's Nest Farm.
- 1.2 The Project is a scheme of strategic importance and its cross-boundary status and the varied nature of the constituent components adds to the level of complexity. To assist with interpretation, this document and the other planning application documents, plans and material, all provide an understanding of the operational relationship between the project elements. This complexity is not restricted to operational factors, but also applies to the planning consenting regime in place that both guides and dictates the necessary applications required to allow for the full implementation of the project.
- 1.7 The following table 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 both the NYMNP and RCBC, and the number and nature of the various submissions has been agreed by all parties.

Table 1.1 The Project Consent Regime

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: December 2014
Scarborough Borough Council	Construction Worker Park & Ride Facility and Construction Village	Planning Application	Submission: November 2014
NYMNPA	Whitby Operations Park & Ride Facility	Planning Application	Submission: November 2014

- 1.8 As detailed above, the Mine and MTS elements of the Project, that are explained and assessed in this Planning Statement, are submitted together as one application. This approach is adopted following extensive discussions between the applicant and likely interested parties and reflects a desire to have the proposals for the Mine, and the proposed onward transport of the mined material, included together as a single application. The proposals involve the winning and working of a mineral and as a consequence are defined as a county matter under Schedule 1 of the Town and Country Planning Act (1990) (As Amended) necessitating the submission of an application to the County authorities for consideration. Given the route of the MTS crosses the administration boundary between the NYMNPA and RCBC, the proposals therefore comprise a cross boundary county matter application for minerals development, with separate but identical applications submitted to both NYMNPA and RCBC. Both authorities are required to assess and determine the applications as a whole, with implementation of the project reliant upon a subsequent approval of both applications.
- 1.9 The red line boundary for the proposed MHF at Wilton falls entirely within the administrative boundary of RCBC, hence this will be the subject of a separate application to this authority only, submitted concurrently with the Mine and MTS application. Again, this development, by virtue that it involves the erection of buildings associated with the preparation of the mined mineral for sale, and is linked to the Mine via a conveyor belt, will also necessitate the submission of a county matter application for minerals development (as defined by Schedule 1 of the above Act).
- 1.10 The proposed Harbour Facilities are classified as a Nationally Significant Infrastructure Project ('NSIP') under the Planning Act 2008. As required, a separate application for a Development Consent Order ('DCO') will

therefore be submitted to the Planning Inspectorate ('PINS') for examination, with the final decision on the DCO being taken by the relevant Secretary of State. This application is expected to be submitted in December 2014.

- 1.11 The remaining smaller scale elements of the project will be the subject of various planning applications to the relevant planning authorities. Proposals for the temporary construction workers' Park & Ride and optional construction village will be the subject of a planning application submitted to Scarborough Borough Council ('SBC'). A further planning application for necessary works to the Whitby Park and Ride Facility associated with the Operational Park & Ride will be submitted to NYMNPA, by North Yorkshire County Council ('NYCC').

The Application Submission

- 1.12 The purpose of this Planning Statement is to bring together necessary information to appraise the Mine and MTS development proposals against prevailing planning policy and other material considerations. It forms part of a suite of plans and documents submitted to form part of; or to accompany the application and these are provided in Appendix 1 to this document.
- 1.13 The scope of documentation for the minerals application has been agreed with the determining authorities' during pre-submission discussions. Of note, two separate Planning Statement documents are submitted. The first, prepared by planning consultants Quod, is the Major Development Test Planning Statement ('MDT Planning Statement'), the purpose of which is to provide the planning policy context for considering the *'in principle'* acceptability of the proposals, as well as define the context within which the application should be determined. In particular, the MDT Planning Statement considers the so-called Major Development Test ('MDT') which is set out in relevant planning policy documents and generally applied to proposals of this nature in designated areas such as National Parks. The MDT Planning Statement document explains how the proposals perform against MDT policy, and given the importance of this assessment, presenting this material in a separate Statement was considered appropriate. The second document (i.e. this Planning Statement), prepared by Nathaniel Lichfield & Partners reports on the conclusions of this MDT assessment, but also provides an appraisal of the application proposals against other policy and guidance.

Structure

- 1.14 This Planning Statement adopts the following format:-
- Section 2.0 Explains the background to the Project, with initial reference to the exploration of polyhalite; an account of the previous application for a mine at Dove's Nest Farm, and the evolution of the current application proposals;

- Section 3.0 Provides a description of the application site and surroundings;
- Section 4.0 Sets out a description of the proposed development and operating procedures;
- Section 5.0 Details the planning policy context for the application proposals, and outlines the associated key policy themes relevant to the consideration of this application, derived from this review;
- Section 6.0 Provides an appraisal of the scheme against planning policy principles and material considerations initially drawing upon the findings of MDT Planning Statement, and then reviewing the proposals against the wider policy context; and
- Section 7.0 Summarises the key themes identified and draws overall conclusions.

2.0 **Background to the Application**

2.1 The application for the Mine and MTS, along with the applications for the various other aspects of the Project, represent the outcome of a long process, starting with initial exploration works that aimed to establish the potential of the area for the winning and working of potash including polyhalite, consideration of options and alternatives to access the mineral, through to creating the detailed designs that are now the subject of the submissions. This section of the Statement provides an overview of this process, establishing the context for the applications currently submitted to NYMNPA and RCBC.

The Applicant

2.2 The applicant, YPL, is a wholly owned subsidiary of Sirius Minerals plc ('Sirius'). Sirius is a global potash development company, listed on the Alternative Investment Market ('AIM') of the London Stock Exchange. YPL's primary focus is the development of the Project.

2.3 YPL's main office is based local to the project in Scarborough. The Company currently employs around 60 people, including experienced project managers, mine operators, geologists and engineers who have been working on the Project since its inception.

2.4 Just over half of the current workforce has been sourced from the local labour market and the company is proactively working in partnership with education institutions, local authorities and other agencies to establish systems that will increase the supply of local people with the skills and qualifications required. This process has already led to the creation of five apprenticeship jobs within the company and the launch of a YPL Undergraduate Programme, providing bursaries and paid summer placements for students during their courses.

Potash and Polyhalite

2.5 The application seeks consent for the winning and working of polyhalite. Very simply, polyhalite is a particular form of Potash. Potash is the collective term used for any mined and manufactured salts that contain potassium in water-soluble form. Potassium, together with nitrogen and phosphorous, is one of the three main nutrients required by plants to grow. The application of Potash as a commercial fertiliser is well established, delivering a number of acknowledged benefits including:-

- Increasing yield and quality of agricultural produce;
- Encouraging healthy plant growth by enhancing, for example the ability of plants to resist diseases and insect attacks;
- 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;

- Activating large numbers of enzyme systems vital to the survival of plants; and
- Through enhancing yield and quality of agricultural produce, having a knock-on benefit in livestock nutrition.

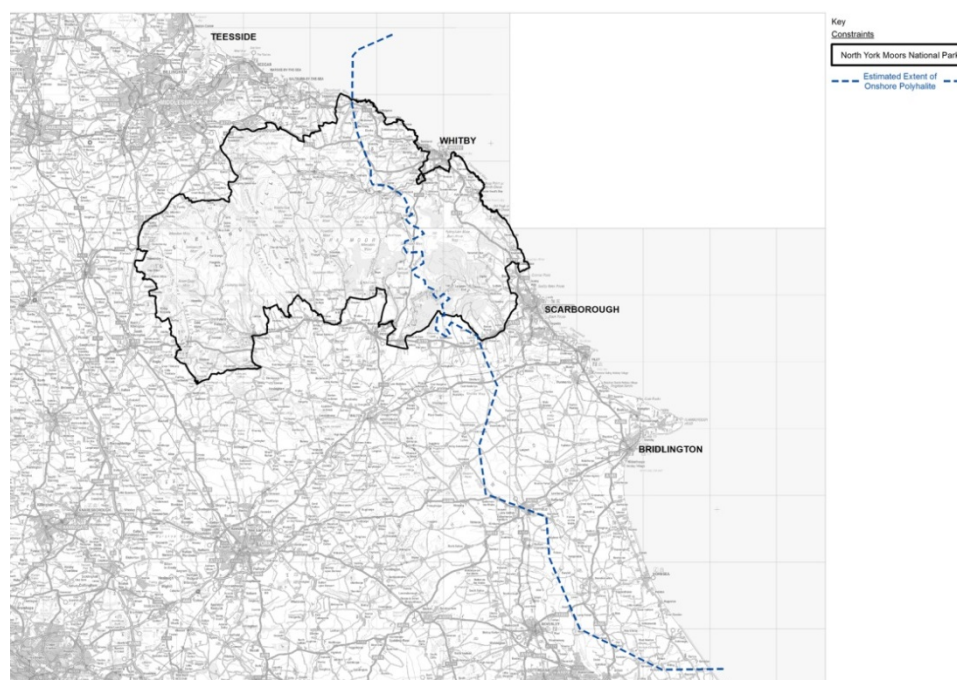
2.6 The application of fertilisers is of course common practice across the world and an integral part of maintaining and increasing crop yields year on year. However, with a global population continuing to increase and with it a need to satisfy a rising demand for food, fertilisers play an essential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

2.7 The polyhalite form of potash has a number of unique and additional benefits over the more commonly applied potassium chloride variant. 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 a range of 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 water applied. These characteristics, and others, are identified within a separate report, prepared by independent agricultural and environmental consultancy ADAS, entitled 'The Agronomic Case for Polyhalite' (April 2014). This document summarises the scientific evidence that exists to support the use of polyhalite as a commercial fertiliser, both in terms of the composition of polyhalite, and the test results that demonstrate the evident potential of polyhalite to become one of the world's most important fertilisers. Full details of this work are not repeated within this document, other than reference to some of the key findings that demonstrate the worth of polyhalite to global food production. This is explored further in Section 6.0 of this report that provides an assessment of the proposed development against prevailing planning policy.

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

Figure 2.1 Estimated Extent of Onshore Polyhalite



York Potash Project - A Brief History

- 2.10 The North York Moors has hosted mining activities for centuries. Iron ore and coal have been mined on a commercial basis since the 19th Century whilst the area has also been mined for jet (a gemstone) and alum (for textiles). Potash in North Yorkshire was first discovered in Eskdale, south of Whitby in 1939. Exploration was undertaken by D'Arcy Exploration Company and was part of an exercise to establish the presence of oil in the area. Later, Fisons drilled four deep boreholes that confirmed the presence of potash near Robin Hood's Bay.

Potash Mining at the North York Moors National Park

Historical Exploration

- 2.11 As referred to above, Potash was discovered in the UK when drilling for oil near Whitby in 1939. Subsequent exploration from the mid-1940s to 1950s demonstrated substantial reserves of Potash across North Yorkshire, estimated at depths of 1,100 to 1,200 metres, but these investigations ceased as it was assumed that the material could not be exploited commercially at such depths.
- 2.12 However, during the 1960s, techniques for deep mining advanced to such an extent that commercial viability of mining deep potash became feasible. Two separate methods were considered, conventional dry mining such as the proposals subject to this application, and solution mining which involves the pumping of water underground to dissolve the deposit and form brine which is then brought to the surface and evaporated.

2.13

Encouraged by the exploration results and the advances in mining technologies, three companies acquired mineral concessions and a total of five planning applications for Potash mining for separate proposals were submitted:-

- 1 The first application was submitted in 1962 by **Whitby Potash Ltd** for the solution extraction of potash south of Whitby. The application was subsequently withdrawn, but not before North Yorkshire County Council had resolved to recommend to the Minister that permission should be granted, subject to conditions;
- 2 In 1966, a pilot plant for solution mining of potash was established by Whitby Potash Ltd at **Egton Low Moor**, near Whitby. The mine was operated for four years with limited success due to cited inconsistency of the local geology;
- 3 In 1968 an application was made by **Yorkshire Potash Ltd** for a dry potash and salt mine at **Hawsker Bottoms** near Whitby. It was subsequently granted permission following a Public Inquiry. This permission was not implemented. A subsequent application to extend the implementation period was rejected by the National Park Planning Committee of the County Council;
- 4 In 1969 an application was submitted by **Whitby Potash Ltd** for the solution mining of potash at **Stainsacre**, south of Whitby. It was subsequently granted permission following a Public Inquiry. The project was not implemented, and as a consequence consent was sought to extend the 'life' of the consent in 1975. The resubmission was refused by the NYMNPAC Committee, appealed, and subsequently dismissed in 1979 by the Secretary of State. It was dismissed on the basis that whilst there would be considerable potential benefit to both the national and local economies, there were severe doubts about the use of the solution mining technique; and
- 5 In 1968 planning permission was granted after Public Inquiry to **Cleveland Potash Limited** ('CPL') for a dry mine at **Boulby**. Production began in 1973 at an initial rate of approximately 350,000 tonnes per annum and it is currently the only UK potash mine in operation, with the capacity to produce approximately 1.2 million tonnes of potash products and 1 million tonnes of salt products per year. In 1996, further applications were approved by NYMNPAC extending the 'life' of the original permission to 2023. More recently, Cleveland Potash Limited been granted planning permission for development relating to the mining of Polyhalite (application Ref: NYM/2014/0296/FL).

York Potash Exploration

2.14

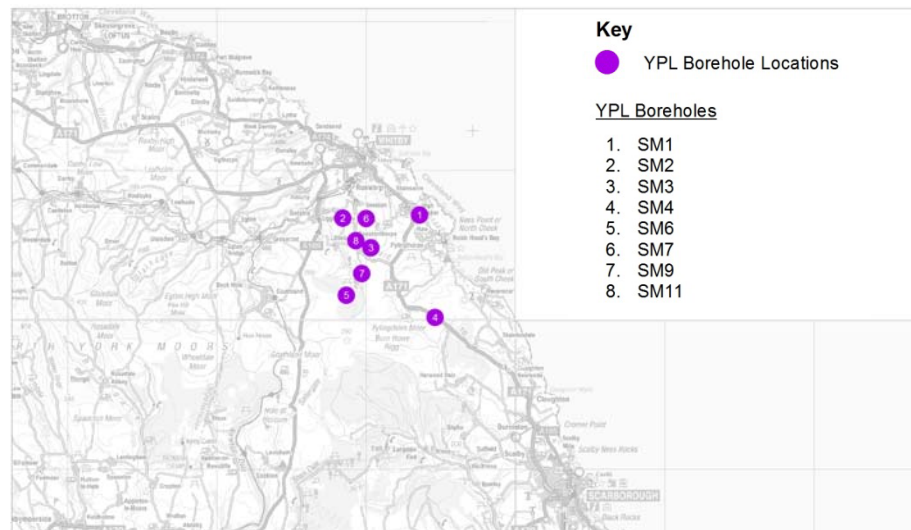
At the outset of the Project in 2010, within the context of the above historical exploration results and potash mining activities, specialist mining consultant FWS undertook a review of previous exploration work on behalf of YPL. Historical information from 24 boreholes was initially used by FWS to help define an area with potential of containing polyhalite of a scale and

quality worthy to explore in commercial terms. These boreholes confirmed the presence of polyhalite (as shown in Figure 2.1, above) in seams of up to 50m thick, and with a high degree of purity. FWS's early work is presented in a technical report 'Potash Exploration Target Study – Project 40' (January 2011; provided at Appendix 9 of the Alternative Site Assessment ('ASA') submitted alongside this application).

2.15 Based upon this positive review of the potential for polyhalite, YPL started a programme of exploratory drilling in the summer of 2011 to identify the extent of the resource. Establishing a Mineral Resource (i.e. a mineral deposit classification regarded as potentially valuable and for which reasonable prospects exist for eventual economic extraction) represents a key step in the development of a mineral extraction project and is a pre-requisite for attracting the necessary funding for developing a mine, and it was with this objective that the YPL programme of works was commenced.

2.16 A map of the YPL exploratory borehole locations can be found in figure 2.2 below. The first YPL borehole was drilled at Pasture Beck and confirmed polyhalite was present, within a 49.3m thick seam at a below-ground depth of 1604m. The second borehole at Howlett Hall showed high grade polyhalite was present within two deposits: a Basin seam, as encountered at Pasture Beck, and a Shelf Seam at significantly shallower depths.

Figure 2.2 Location of York Potash Exploratory Boreholes

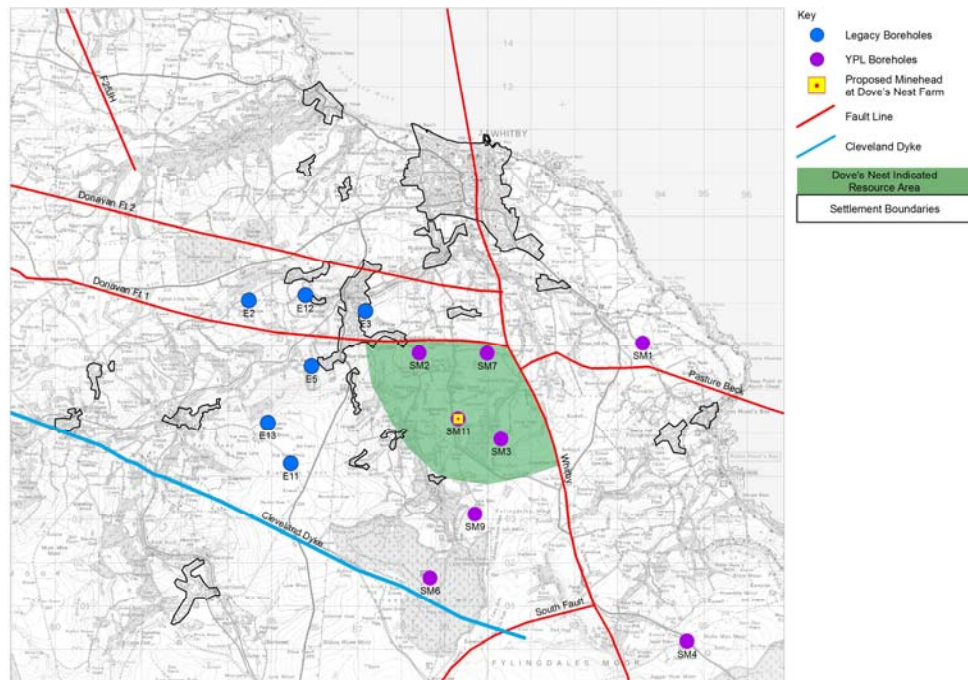


2.17 YPL continued the exploratory drilling programme southwards to assist with defining the extent of the polyhalite. As this progressed, results from boreholes SM4, SM6 and SM9 clearly demonstrated that further south the polyhalite began to thin, split up and deepen, a trend which historic borehole evidence suggested was likely to continue southwards. YPL therefore decided to focus its efforts on better defining and expanding on the successful results already obtained and develop an understanding of the thick, high grade and laterally continuous deposit within the Shelf Seam in the north where polyhalite was closer to the surface. This approach provided greater prospects of YPL proving the presence of sufficient polyhalite to an adequate level of confidence to enable it to be

reported as an all-important Mineral Resource. Without this recognition, the project would not be financeable and therefore had no prospect of ever being brought forward.

- 2.18 In October 2012, temporary planning permission was granted for the drilling of an exploratory borehole (SM11) at Dove's Nest Farm. This borehole identified 26.6m of polyhalite in two seams which averaged 87.8% polyhalite. This included sections totalling 17m at 92% high grade polyhalite.
- 2.19 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 centred at Dove's Nest Farm. Using the Joint Ore Reserves Committee Code ('JORC') professional code of practice, SRK have reported the following classifications of the polyhalite mineral deposits:-
- 1 The **Mineral Resource** estimate (i.e. material with the potential to be exploited) was updated following the completion of YPL's exploration activity in May 2013 and reported a total of 2.66 billion tonnes of polyhalite with a mean grade of 85.7%.
 - 2 The above estimate incorporated an **Indicated Mineral Resource** estimate of the Shelf Seam centred at Dove's Nest Farm (i.e. a deposit in which tonnage, density, shape, physical characteristics, grade and mineral content can be estimated with a reasonable level of confidence) of 820 million tonnes with a mean grade of 87.3%.
 - 3 In addition, SRK published in September 2013 a **Probable Ore Reserve** estimate (i.e. part of the Indicated Mineral Resource that can be mined in an economically viable fashion) for 250 million tonnes, with a mean grade of 87.8% polyhalite.
- 2.20 A map of the Indicated Mineral Resource is provided below, from which the ore Reserve is drawn.

Figure 2.3 Indicated Mineral Resource Location



2.21 The ore Reserve alone would provide for an initial mine life in excess of 50 years at the initial production level. It is expected however, that the ore Reserve estimate will more than double as a result of underground exploration drilling that would be undertaken once the mine is operational. A full explanation of the complex ore Reserve verification process is provided in SRK's Report, 'An Independent Report on the potential for polyhalite in North Yorkshire, England with particular reference to the York Potash Project'. This report is provided with this application submission.

Proposed Minehead Development at Dove's Nest Farm

2.22 In September 2012, following consultation with key parties and extensive environmental assessment and onsite exploratory drilling; YPL confirmed that the identified Mineral Resource could be accessed via a minehead at Dove's Nest Farm and Haxby Plantation, to the south of Sneaton.

2.23 Environmental work and consultation with interested parties continued, leading to the submission of a minerals planning application, submitted to the NYMNPAs on 29 January 2013 (Ref: NYM/2013/0062/MEIA). The proposed development was described as:

'The winning and working of potash (polyhalite) by underground methods from 25,300 hectares of land together with construction of mine including sinking of 2 no. deep shafts, retention/disposal/removal/landform modification of associated spoil, construction of buildings including welfare/office block and minehead primary processing buildings, access roads and car parking, helicopter emergency landing site, attenuation ponds and landscaping restoration and aftercare.'

2.24 When this application was submitted, the intended method of onward transport for the polyhalite was for the mineral to be suspended in slurry,

and transported via a 44.5km buried pipeline system, which was to link the minehead at Dove's Nest Farm to Teesside. Such pipelines are classified as NSIPs by the Planning Act 1990 (i.e. the same status as the proposed Harbour Facilities that forms part of the Project), hence necessitating the submission of a DCO for this part of the scheme. As such, the pipeline was not included as part of the previous mineral planning applications, submitted to the NYMNPA and as a consequence of the reduced red line for this earlier submission, no application has submitted to RCBC.

2.25 Throughout the consideration of the application, discussions were on-going between the applicant and the NYMNPA and its advisors. After an initial assessment of the application documents, the NYMNPA requested further information from YPL under Section 62(3) of the Town and Country Planning Act 1990 and Regulation 22 of the Town and Country Planning (EIA) Regulations 2011. YPL submitted further information on 23rd April 2013 which was the subject of a substantial re-consultation exercise. The subsequent progress of the application was complex but following debate; the application was deferred from consideration by NYMNPA's Planning Committee at the request of YPL in July 2013, and in January 2014 YPL made the decision to withdraw the application. The Applicant's intention was to resubmit the applications but only following a period of review, with the objective of addressing all identified concerns of key parties in any new submission.

2.26 This minerals planning application represents YPL's response to the consideration of the earlier submission.

Design Review

2.27 In the interim period between the previous application withdrawal and this submission, YPL and its consultants have revisited every aspect of the Project and considered in detail each of the comments and concerns expressed in respect of the earlier proposals. As a consequence, certain elements of the project have been amended with a view to minimise the potential environmental impact of the development. Further, this application is accompanied by extensive array of documents designed to ensure sufficient information on the scheme is presented to the determining authorities.

2.28 The headline output of this review is the introduction of the MTS to replace the previous pipeline proposals which, amongst other things, has the following benefits:-

- 1 A reduced requirement for buildings at the minehead site;
- 2 A reduced visual impact, from both a reduced scale of minehead development, and no impact from pipe laying and pipe-related operation activities. It is the case that the intermediate sites to access the MTS will require excavation and some above ground development, and the tunnel will necessitate a soil disposal strategy to manage the excavated material with both activities responsible for an element of visual impact. However, the construction of the

pipeline would have created significantly greater impacts, with a 45 metre wide construction zone along the entire route, within which all vegetation would be temporarily lost. In addition, topographical alternations particularly across valleys along with possible pipeline bridge structures where such works are impractical would create permanent features, whilst accessing above-ground infrastructure (such as choke stations, value stations and slurry lagoons) would all further detract from prevailing visual amenity;

- 3 Ecologically, the MTS enables sensitive protected areas to be completely avoided. In contrast, given the necessary route options for any pipeline, such impacts, both direct and indirect, were unavoidable;
- 4 Similarly, the MTS has the ability to avoid cultural heritage assets, whilst the potential impact on public rights of way can also be significantly reduced; and
- 5 Finally, the MTS offers reduced operational risks compared to those associated with a pipeline given the risk of a pipeline breach, or the potential need to replace the lining of the pipeline should corrosion occur.

Consultation Activities

- 2.29 As described in more detail in the Statement of Community Engagement ('SCE') accompanying this application, since the Project launch in January 2011, YPL has sought to embrace the Government's objectives for community consultation, adopting best practice wherever possible. An open and transparent consultation process has been adopted; with feedback used to influence and improve the approach to the design of the project, the technical work and assessments undertaken, and the mitigation strategies proposed.
- 2.30 Full details of the consultation undertaken in respect of the Mine and MTS proposals are not repeated here, but in summary, recent activities i.e. those since the withdrawal of the previous proposals involved both formal and informal consultation exercises, including:-
- Local newsletters and leaflets – YPL has provided a series of 'Update' newsletters to keep the local community regularly informed with Project milestones;
 - Local media – YPL has continued to report any key developments to the press to facilitate the wider dissemination of information to the local communities and other interested groups;
 - Town and Parish Council updates – YPL has regularly attended meetings to update Councillors on Project developments, answer questions and receive feedback;

- Planning Officer meetings – YPL has held monthly update meetings with officers at the NYMNPA and RCBC to discuss the revised proposals and their design, environmental and sustainability implications;
- Statutory Consultees – A series of discussions primarily focusing on the potential environmental effects of the proposals and the assessment of these as part of the Environmental Impact Assessment process;
- Schools and Colleges – YPL has continued to work with schools and other educational institutions to build an education and training programme and raise awareness of the possible career opportunities associated with the Project;
- Other stakeholders – YPL has continued to attend industry forums and other similar events to engage with the local community and business interests, and contribute to discussions and answer questions related to the Project or other topical matters within the mining and minerals industries.

2.31 In addition, YPL has been liaising with the NYMNPA and RCBC, via a Planning Performance Agreement ('PPA'). The Agreement sets out a project management framework for discussions between the parties. Regular monthly meetings have been held to discuss issues, agree tasks to be undertaken and monitor progress of the project. This process has enabled the Applicants to ensure this application submission satisfies the determining authorities' information requirements, whilst providing the authorities with clarity on the project and early review of draft application documents.

2.32 It remains the case that there is strong local support for the proposals, as evidenced by the comments received at the latest public exhibition events (approximately 98% of respondents indicated support for the wider Project). Reference to the statement of Community Engagement provides a full amount of comments received, and the level of support amongst the local and wider community is of course welcomed. However, with this support comes an expectation that efforts will be made to reduce the environmental impact of the project, wherever possible, and this coupled with the comments received from interested parties on the earlier application has dictated the nature of the amended scheme that is now the subject of the current submission. Subsequent sections of this report explain the nature of the changes made to the scheme since the earlier proposals were progressed, as well as identifying the significantly reduced environmental impact of the proposals that are now predicted.

3.0 The Site and Surroundings

3.1 This section describes the Mine and MTS application site and its relationship to the wider area. For a further description please refer to the Environmental Statement ('ES') Chapter 3 ('Description of the Proposed Scheme') that accompanies the application.

3.2 The area within the site boundary accommodates, in broad terms, four distinct components of the Project:

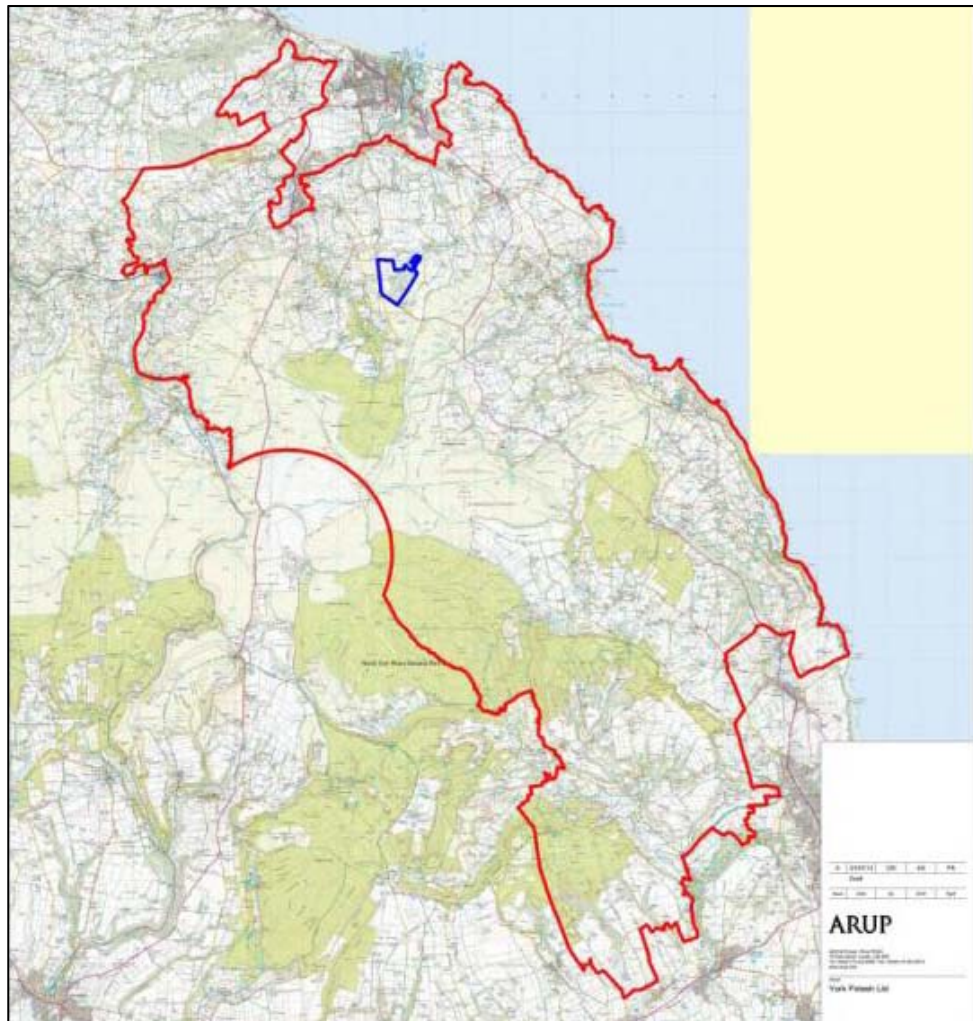
- 1 The **Mineable Area** i.e. the area that includes the widest possible extent of the below-ground mining activities;
- 2 The land that is the subject of the above-ground Minehead and MTS works, at **Dove's Nest Farm**;
- 3 The proposed **MTS Route** that links the Minehead at Dove's Nest Farm, through to the proposed MHF at Wilton. The route of the below-ground MTS includes land required for the three above-ground intermediate sites; and
- 4 Land at the **Wilton International Complex**, where as part of the wider MHF facilities, the MTS portal and associated works (including land forming the spoil and facilities for the MTS trains) are to be provided.

3.3 The following text provides a description of land at these areas, identifying key characteristics.

Mineable Area

3.4 Figure 3.1 below shows land that is the subject of potential below-ground future mining activities. Note that this area is largely consistent with that of the previous application boundary submitted to NYMNPA in January 2013; albeit now avoiding RAF Flyingdales.

Figure 3.1 Mineable Area



- 3.5 The potential mineable area covers an expanse of over 250 square kilometres, all located within the North York Moor National Park ('NYMNP', the 'National Park' or the 'Park'). The application boundary is selected to encompass the fullest extent of the North Yorkshire polyhalite, whilst avoiding the North sea (where YPL have already secured the necessary consents for underground mining); major urban settlements such as Whitby and Scarborough; and land within the control of Cleveland Potash).
- 3.6 This selected below-ground mineable area is also consistent with the full extent of YPL's portfolio of onshore mineral right agreements within the application boundary.
- 3.7 The land that could be the subject of below-ground mining mainly consists of large areas of moorland and woodland plantations, the majority of which are conifer plantations grown as a crop. Smaller settlements within the application area range from Robin Hood's Bay and Hawsker to smaller clusters of dwellings such as Sneaton and Littlebeck. Areas below settlements will not be mined.

- 3.8 Elements of the landscape have been affected by historic mining and quarrying activities including workings for jet, alum, ironstone, limestone and sandstone.
- 3.9 In addition to the National Park designation that covers this potentially mineable area, there are a range of additional policy designations, including Special Protection Areas/Special Areas of Conservation ('SPA/SAC'); Sites of Special Scientific Interest (consistent with the SPA/SAC designated areas); Heritage Coast; Scheduled Ancient Monuments; Source Protection Zones; Principal Aquifers; Flood Risk Zones; protected Woodlands; and a National Landscape Character Areas. The implications arising from these various policy designations are identified in Section 5.0 of this Report, and assessed in Section 6.0.

Dove's Nest Farm

- 3.10 The above-ground Minehead works are to be accommodated at Dove's Nest Farm which is located approximately 4km south of the outskirts of Whitby and wholly within the boundary of the Park.
- 3.11 The Dove's Nest Farm site is currently used for a mix of farming and commercial forestry. Existing farm buildings are located immediately adjacent to the current main access from the B1416 and more centrally within the proposed surface development area.
- 3.12 The site is bound to the north and east by areas of farmland and woodland and, to the west and south by the route of the B1416 (which runs from Whitby to the north to a junction with the A171 Robin Hood's Bay Road approximately 2km to the south east of Dove's Nest Farm). Beyond the B1416 are areas of moorland (Ugglebarnby Moor and Sneaton Low Moor) both of which are designated as Special Areas of Conservation/Special Protection Area.
- 3.13 Existing vehicular access to the site is directly from the B1416 to the west. A minor informal access exists directly into the commercial forestry area from the south and also directly from the B1416. The site is surrounded by tree and shrub screening. The highest parts of the site are to the west and south, sloping gently downwards towards the east.
- 3.14 The small hamlets of Littlebeck (approximately 1km to the west) and Sneatonthorpe (approximately 1km from the Dove's Nest Farm site boundary towards the north east) are the closest settlements to the site.

Planning History for Exploratory Boreholes

- 3.15 Dove's Nest Farm has recently been the subject of temporary drilling activity, but at no point has on-going activities beyond short-term works been consented.
- 3.16 In October 2012, temporary permission was granted for 12 months for the drilling of an exploratory borehole in the North of the Dove's Nest Farm site, along with a new access (Ref: NYM/2012/0601/FL). In December

2012, a condition to this permission was varied (Ref: NYM/2012/0737/FL) and the site area was approved to be extended in January 2013 (Ref: NYM/2012/0828/FL).

- 3.17 In March 2013, temporary permission was granted for 12 months for the drilling of an exploratory borehole in the North of the Dove's Nest Farm site (Ref: NYM/2013/0040/FL). This was for an area to the north of the borehole site approved under the October 2012 application, and used the same access road as the earlier permission.
- 3.18 An application to revise the site boundaries of previously approved temporary permissions is currently undetermined (Ref: NYM/2014/0454/FL).

MTS Route and Intermediate Sites

- 3.19 The MTS route runs between the Minehead at Dove's Nest Farm and the proposed MHF at Wilton International Complex, Teesside. The route is approximately 36.5km in length and runs to the south of Sleights, passing under the River Esk; to the North of Egton; continuing to the South of Moorsholm; passing between Guisborough and Boosbeck; to Wilton.
- 3.20 The vast majority of the route is underground but surface features are located at three intermediary sites:-
- 1 - Tocketts Lythe;
 - 2 - Lockwood Beck Farm, Swindale;
 - 3 - Lady Cross Plantation, Egton Low Moor

Lady Cross Plantation

- 3.21 The site is located in two areas of grassland within the Lady Cross Plantation. A footpath runs north-south through both cleared areas. Both areas are surrounded by planted trees. The A171 runs directly to the north of the Plantation with access to the site being taken from an access road running from a junction with the A171 to the north-east and running in a south-westerly direction towards the village of Egton – approximately 1km to the south of the site. Lady Cross Plantation, and the site, slopes gently down from the north towards the south. The Plantation is also home to an existing caravan/campsite, located to the north-east/east.
- 3.22 The site is located within the administrative boundary of the NYMNP.

Lockwood Beck Farm

- 3.23 The site is currently a mix of farmland and woodland. Lockwood Beck runs in a narrow wooded valley through the centre of the site and the eastern boundary is marked by an area of woodland. The gradients of the site generally fall from the south and west towards the north. Access to the site is from the A171 to the south and, beyond the road, is the Lockwood Beck Reservoir (used for angling). To the west runs Stanghowe Road

which runs north towards the village of Lingdale. Areas of moorland extend away from the site towards the south and south-west.

3.24 The site is located in the administrative boundary of RCBC.

Tocketts Lythe

3.25 The site is located to the north-east of Guisborough. The site is currently in agricultural use. To the north is a narrow, steep wooded valley following the route of a tributary of Skelton Beck (which it joins to the north-west). Vehicular access is taken from the A173. The A171 also runs close to the southern boundary of the site.

3.26 The site slopes down from the south and south-west towards the north. The Tocketts Lythe plantation immediately abuts the south-western corner of the site and comprises a small area of planted woodland.

3.27 The site is located in the administrative boundary of RCBC.

Wilton International Complex

3.28 The MTS will surface at a 'Portal' at the MHF at Wilton International Complex. The site is approximately 8km from Middlesbrough and within the administrative boundary of RCBC. The site area is 29.7ha in size, largely flat and featureless and is currently vacant. It is bound to the south and west by other parts of the Wilton International Complex and to the north and east by the link roads connecting the Complex to the road network. The area forms part of the Tees Valley Enterprise Zone, which is used predominately for manufacturing and is heavily industrialised.

3.29 The village of Kirkleatham is located further to the south east of the site. This is a designated Conservation Area. The open area of land separating Wilton International Complex and Redcar, extending north to the coast, is designated as a Green Wedge, to delineate the urban areas and protect local amenity, wildlife and amenity interests.

3.30 The site of the proposed Harbour Facilities is located further to the north beyond the A1085 (trunk road) adjacent to the Tees Estuary.

4.0 **The Proposed Development**

4.1 This section describes the nature of the proposed development subject to this application. For a more detailed description please refer to the Summary Project Description document or ES Chapter 3 ('Description of the Proposed Scheme'), which accompanies this submission.

4.2 As referred to above, this application seeks the necessary consents for the Mine and MTS elements of the Project. This chapter therefore provides an account of the mine proposals, followed by a description of the MTS, but initially, clarification is provided on development phasing.

Project Development Phasing

4.3 The mine will be constructed to ensure that, for initial operations, it will be capable of a mineral throughput of 6.5 million tons per annum ('Mtpa') ('Phase 1'). Mining operations will then ramp-up over 6 years such that the throughput will be 13 Mtpa ('Phase 2').

4.4 The phased development of the mine will directly influence the infrastructure required to be in place to receive, handle and transfer the mineral of the MHF and Harbour Facilities; at both facilities it is likely that the schemes will be constructed in two phases.

4.5 It has been assumed that construction works for the Project would commence in March 2015. The anticipated preparation/construction periods for Phase 1 in respect of the main Project elements are:-

- | | | |
|---|--------------------|--|
| 1 | Mine | 58 months; |
| 2 | MTS | 39 months for the sites at Lady Cross Plantation and Lockwood Beck and 33 months for the site at Tocketts Lythe; |
| 3 | MHF | 29 months for the initial works. Work is due to commence in early 2016 to align with the construction of the Mine and MTS; and |
| 4 | Harbour Facilities | 19 months. |

4.6 The Mine shafts and the MTS have been designed to allow full Phase 2 production capacity from the outset, therefore only minor additional construction/fitting works of approximately 9 months will be required at the Mine to extend facilities to allow throughput to reach 13 Mtpa.

4.7 Working hours for construction workers are planned to be up to seven days per week daytime only, with weekend and night working available as contingency or where necessary. Underground work, such as the shaft sinking and tunnel works associated with the MTS, will occur on a 24 hour basis.

Mine

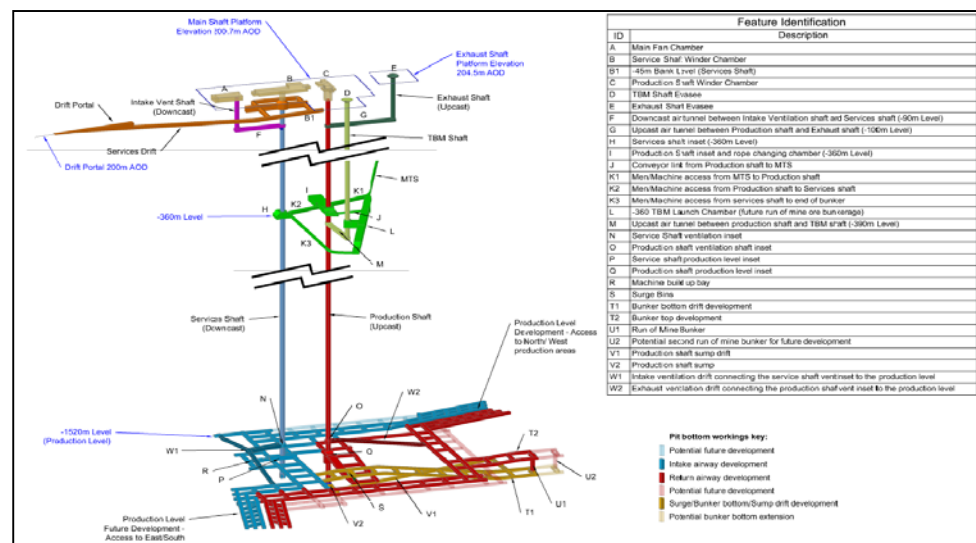
4.8 The Mine development comprises the winning and working of potash minerals via an underground mine and associated facilities, access shafts to the mine and above ground infrastructure located at the Dove's Nest Farm site.

Below Ground Infrastructure and Mining Operations

Access to Below Ground Infrastructure

4.9 A conceptual plan for the arrangement of below ground infrastructure is included in Figure 4.1.

Figure 4.1 Conceptual Arrangement of Below Ground Infrastructure



4.10 The polyhalite at Dove's Nest Farm is at a depth of about 1,520 metres, below ground level. Access will be via two shafts:-

- 1 The northern 'production' shaft would house the hoisting systems and include two winders operating a total of four skips and a double drum winder for personnel training and inspection purposes; and
- 2 The southern 'men and materials' or 'service' shaft would transport loads (personnel, equipment and materials) of up to 80 tonnes via a single large cage to the pit bottom and a double drum winder for personnel riding and inspection purposes.

4.11 Both shafts will also house utilities for mining activities including power, communication and water services. Each mine shaft will be concrete lined and will be approximately 9.5 metres in diameter. Each will require a head frame which will be located below ground in chambers of about 23 metres long, 17 metres wide and 45 metres deep.

4.12 Mine workers would normally be transported to the pit bottom via the man and materials shaft; with workers using the production shaft only for routine inspections, maintenance and emergency egress. Access to the underground head frame chamber of the man and materials/service shaft

would be provided via an underground access drift that will slope down from a surface access point at the Welfare Building towards the chamber. Operators, equipment and materials will be driven to the bottom of the headgear chamber in a shuttle bus which will run from the Welfare Building (described later).

- 4.13 Two additional ventilation shafts of approximately 9.5 metres in diameter will be required to provide intake and exhaust air to the mine workings.
- 4.14 A further shaft of approximately 9.5 metres in diameter will be sunk to a depth of 360 metres to provide ventilation exhaust for the mine site end of the MTS.

Mining Operations

- 4.15 The shafts will sink directly to the polyhalite seam. As a consequence, all excavated material resulting from pit bottom development is expected to be a saleable product (i.e. no waste product is anticipated).
- 4.16 Around each shaft an area of the mineral will be left unworked in the polyhalite seams that are equivalent to a radius from the shaft of approximately half the depth of the shaft. This generates an oval shape in the mineral through which only access tunnels are mined and bunkers are constructed. Retention of this mineral in situ creates a 'pillar of support' for the shafts which significantly reduces the potential for seismic interference with the shafts.
- 4.17 The mineral would be worked using the 'pillar and stall' method outside of the 'pillar of support'. This method comprises cutting tunnels of up to 12 metres wide and between 5 and 40 metres in height using continuous mining machine techniques. Pillars vary in size depending on the extraction height and will be left in place to provide local and regional support to the openings and overlying strata. Strata support such as rock-bolts will be installed, where required by local conditions, to provide enhanced stability within the mining chambers.
- 4.18 The extent to which the polyhalite seam can be extracted will be determined by geotechnical analysis of rock characteristics to ensure that openings have long term stability. The mine layout would be established by a project mining plan which has been developed by expert mining consultants, international mining engineers and YPL mining operations personnel. Mine tunnels will be sized to allow the mine, equipment and conveyors to operate at 13 Mtpa, that being the planned maximum operating capacity of the mining operations.

Underground Mineral Handling

- 4.19 Mined mineral would be taken from continuous miners onto shuttle cars/flexible conveyor trains, and then transferred to the mine's internal conveyor network. The mineral will be nominally sized at this point to 150mm prior to being conveyed to the skip charging hoppers. No further crushing of the mineral will take place until it reaches the Wilton MHF.

- 4.20 The mineral will be loaded into skips at the bottom of the production shaft and hoisted to the 360 metre level. Mineral would then be discharged from the skips to receiving hoppers and then controlled via a feeder to be loaded onto the MTS tunnel conveyor system and transported to the Wilton MHF. This process will occur entirely underground - at no point will the polyhalite reach surface level at Dove's Nest Farm.

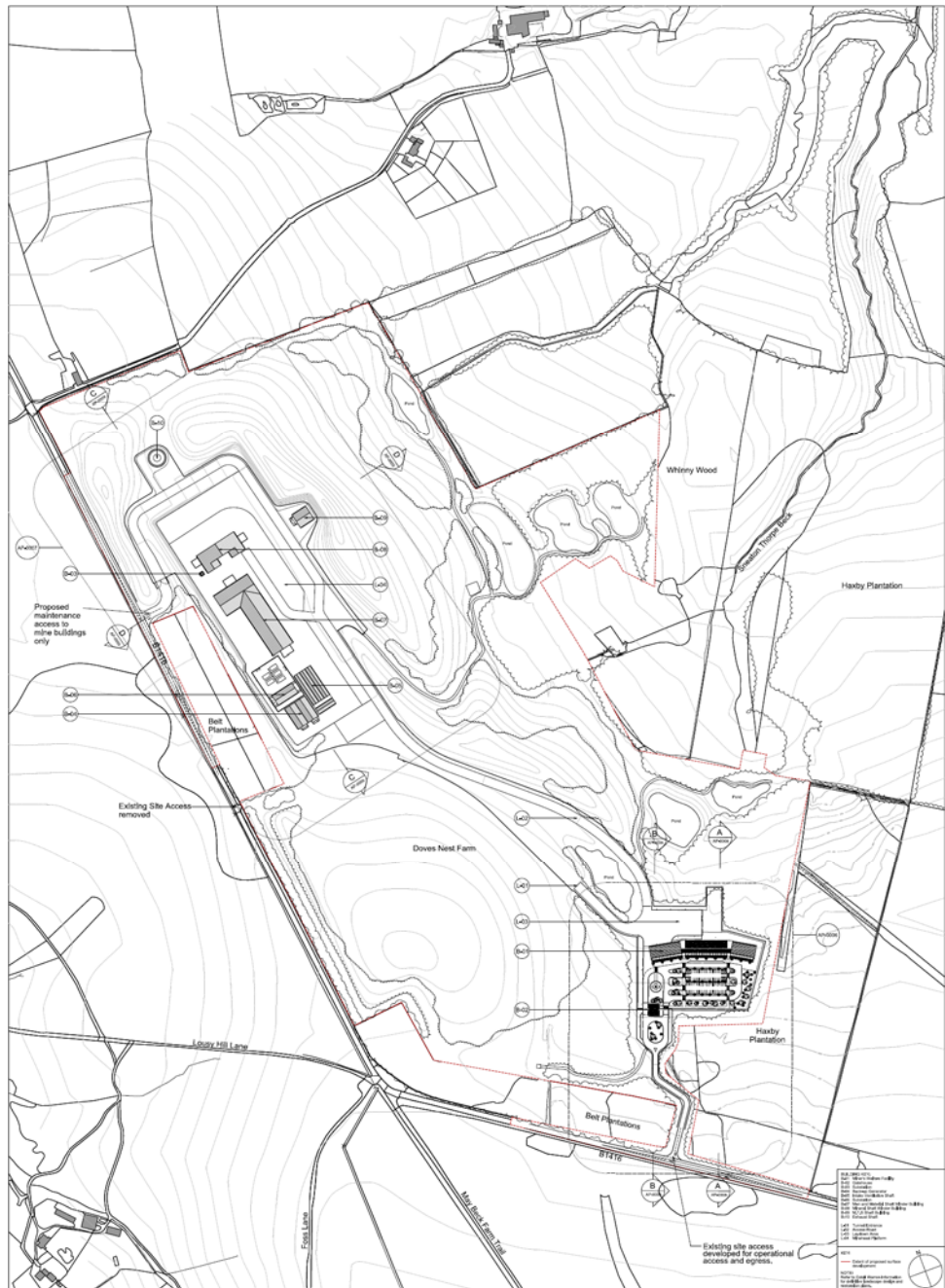
Underground Support Facilities

- 4.21 General mine facilities and infrastructure located in the pit bottom area include staff amenities, workshops for mobile and fixed equipment maintenance, diesel fuel area, mine pump station, electrical substation and stores.

Above Ground Buildings and Infrastructure

- 4.22 The configuration of the proposed above-ground facilities and associated works at Dove's Nest Farm site is provided in Figure 4.2 below. Each of the proposed buildings, along with associated infrastructure and landscaping are described below.

Figure 4.2 Dove's Nest Farm Site Layout Plan



Welfare Building

- 4.23 A two-storey welfare building for mine workers is proposed at the southern area of the mine site. This would be 137.6 metres in length, 20.4 metres in width, and 12.7 metres high. The building would provide a number of facilities, including a canteen; medical centre; meeting/conference rooms; and a workshop.
- 4.24 The western part of the building would provide a shuttle bus terminal, including four coach parking bays. This facility would be used to transport mine operatives to the mine shaft side via the access drift (described earlier in this section).

- 4.25 The building design will include a glazed southern façade incorporating timber louvres to moderate and control daylight entering the building and light emissions from the building during the evening periods. The building's east and west elevations will be predominantly clad with natural timber. The north elevation will also be clad with timber and include window openings. The building will be positioned on a concrete plinth. The roof will comprise a non-reflective material and include an overhang.

Mine Buildings

- 4.26 The proposed development on the north part of the Minehead site would include seven mining-related buildings (including a building to house the maintenance access to the minehead end of the MTS).
- 4.27 The largest mine building (109.5 metres long x 52.7 metres wide x 21.2 metres maximum height) will house the winding hoist and associated equipment and will sit over the head frame chamber and shaft that will transport men and materials underground. A second building on this part of the site will accommodate a back-up generator, the intake and exhaust vent shafts and a sub-station.
- 4.28 The mine buildings will be single-storey, although the two shaft buildings will exceed the height of a typical single-storey building. All of the buildings will be grey coated, profiled metal cladding, set on a concrete plinth and have grey sheet metal roofs. The buildings have been designed as simple agricultural forms with pitched roofs.
- 4.29 Minehead buildings are set down within, and largely visually contained, by the proposed new landform and a combination of existing and proposed woodland and scrub cover. Maximum building ridge heights for mine buildings have been set at 212.8 metres AOD, at or slightly above the maximum height of the north west bund adjoining the B1416 (set at 212-213 metres AOD) and slightly above the eastern mound height (211 metres AOD). As restoration planting develops, the building ridge heights would drop below planting heights, which are expected to reach approximately 5 metres above mound levels.
- 4.30 A vehicle access route into the mine buildings area would be provided from an internal road extending north from the welfare compound further south on the mine site.

Gatehouse

- 4.31 A single-storey gatehouse will be located adjacent to the Welfare Building. This would monitor and control the access of vehicles entering the welfare compound and the mining operations beyond. Access will be via a controlled barrier/gate. The gatehouse will be 13 metres (length) x 14 metres (wide) and 5 metres high. The building would be designed in a similar way to the Welfare Building - incorporating a glazed façade and louvres on the southern façade and timber cladding with window openings on the other elevations. The building would also be set on a concrete plinth and have a non-reflective standing seam roof with an overhand.

Utilities and Services

- 4.32 In terms of water supply, Dove's Nest Farm is currently serviced by a small diameter potable water connection.
- 4.33 A site Wastewater Treatment Plant ('WwTP') will be provided close to the Welfare Building to treat water from the facilities within the above ground buildings and that generated by underground workers. Wastewater generated by underground workers will be collected and transported to the surface in cassettes for treatment in the WwTP. It is estimated that a total wastewater volume of approximately 34m³/day would be expected for Phase 1 production and approximately 68m³/day would be expected for Phase 2 production. The WwTP will drain directly into Sneaton Thorpe Beck.
- 4.34 Surface Water Attenuation Ponds and Surface Water Wetlands will be provided to the north of the Welfare building and to the east of the landscaped bunds adjacent to the Mine buildings.

Vehicle Access

- 4.35 A new vehicle access is proposed into the site from the south directly from the B1416 with a maintenance access to the mine buildings provided via an access point provided to the west of the site (directly from the B1416).

Parking

- 4.36 Provision will be made for a limited number of parking spaces at the Mine. Of the 76 car parking spaces provided, five would be reserved for visitors leaving an allocation of 71 spaces for employees. Of these, 8 spaces will be reserved for disabled employees. A target of an average of 3 employees per parking space is proposed for the Mine car park.
- 4.37 The spaces would be located to the Welfare Building. The majority of staff are anticipated to arrive via the Park & Ride services (travel time from the Park & Ride at Cross Butts is estimated at eight minutes). A vehicle layby is provided at the front of the Welfare Building. The site also includes an emergency helicopter landing point.

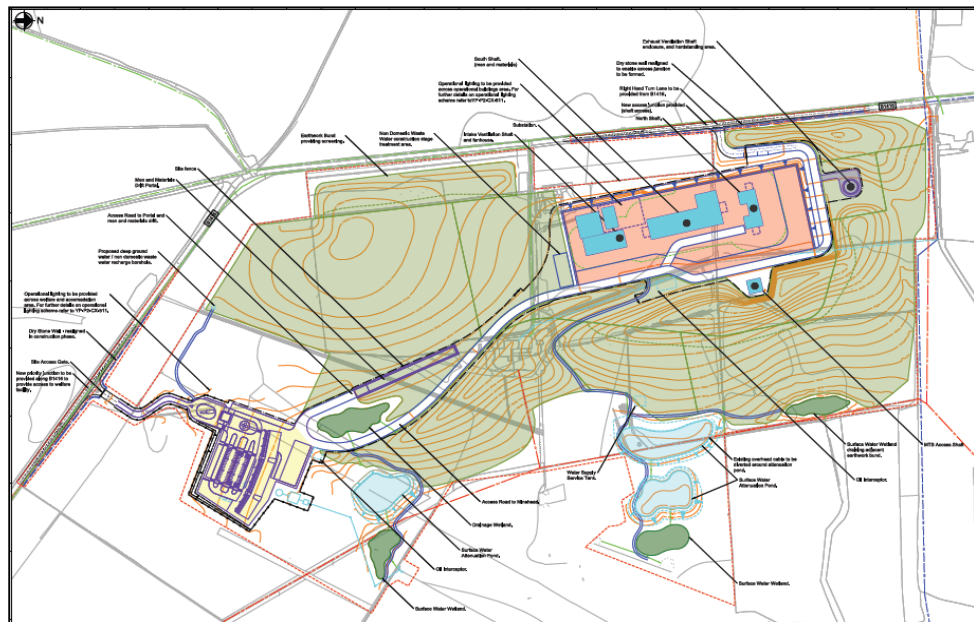
Lighting

- 4.38 A detailed lighting strategy has been prepared to ensure that the required lighting provides safety for onsite workers and visitors, meeting standards, codes and good practice but also takes account of the site's sensitive location within the National Park.
- 4.39 Permanent lighting proposed at the site will be provided along access and roadways, on perimeter fencing, in car park areas, and will be externally mounted on the Services Shaft Building and Welfare Building.

Landscaping and Earthworks

- 4.40 The construction of the mine shafts would generate 1.2 million m³ (unbulked) of excavated material, with a further 0.5 million m³ of top and sub-soils created through stripping the surface. A significant majority of this material would remain on-site and be used as part of the landscaping proposals. Approximately 0.15 million m³ would be transported off-site.
- 4.41 Additional excavated material from the MTS ventilation shaft and tunnel drive will also be stored in landscaping proposals at Dove's Nest Farm. This will be approximately 0.26 million m³ (unbulked).
- 4.42 A series of mounds would be created within the site using the spoil material generated during the construction period. These would be formed to create landscaped features as well as serving to create noise and light/visual barriers (see Figure 4.3 below).

Figure 4.3 Site Layout showing Earthwork Mounds



Construction Phase

- 4.43 The mine is expected to take a total of five years to complete construction, during which the following phases of development will be undertaken:-
- 1 Initial site preparation;
 - 2 Sinking the mine shafts and establishing the underground infrastructure;
 - 3 Building the necessary surface buildings; and
 - 4 Landscaping the site.
- 4.44 Works will commence at Dove's Nest Farm with initial access and site preparation works in advance of the commencement of the main shafts sinking operations. On-going infrastructure works will continue throughout the full construction phase.

- 4.45 For the shaft sinking, a hardstanding area would be constructed on the surface around the location of the shafts to support temporary winding head frames, plant and equipment. It is anticipated that these headframes would be 45 metres in height. Shafts will be sunk using a conventional ‘drill and blast’ method; with pre-grouting used to prevent water ingress into the shafts. Once reached, the pit bottom and initial mine developments would be developed.
- 4.46 A second phase of construction involving the construction of the permanent above ground development would commence approximately halfway through the sinking of the shafts.
- 4.47 The existing access point of the site off the B1416 (to the west of the site) will be used as the construction access point for the duration of the construction period. The existing entrance would be closed as a permanent access on first operation and would be used for emergency vehicle access only during the operation phase of the mine.
- 4.48 Construction on the site will be managed and monitored in accordance with a Construction and Environmental Management Plan.

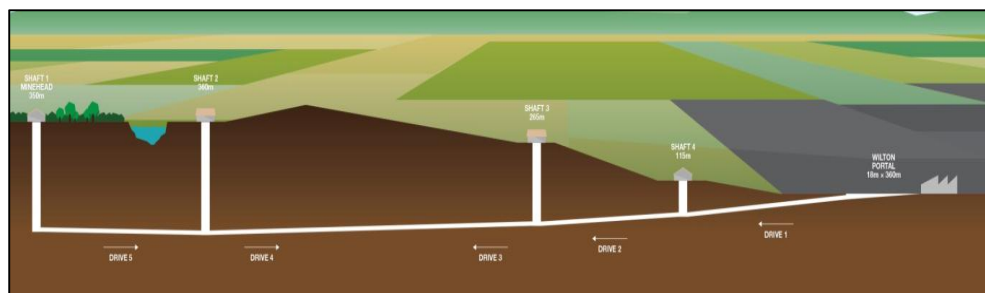
Decommission

- 4.49 It is not intended to backfill the mineshafts or tunnels. Rather the shafts will be sealed by multiple plugs and cappings at all relevant shafts – designed to ensure that the shafts are not pathways for the movement of water between different aquifers/strata. All buildings at the mine site will be cleared of any equipment and services and the land area then landscaped.

Mineral Transport System

- 4.50 The MTS will include a single tunnel, approximately 36.5 km in length. It will run a linear route from Dove’s Nest Farm to the Portal at the western edge of the Wilton International Complex, connecting directly into the MHF. Three intermediate shafts will be installed along the route at Lady Cross Plantation (approximately 8 km from Dove’s Nest Farm), Lockwood Beck Farm (approximately 24 km from Dove’s Nest Farm) and Tocketts Lythe (approximately 29.5 km from Dove’s Nest Farm) as shown in Figure 4.4 below.

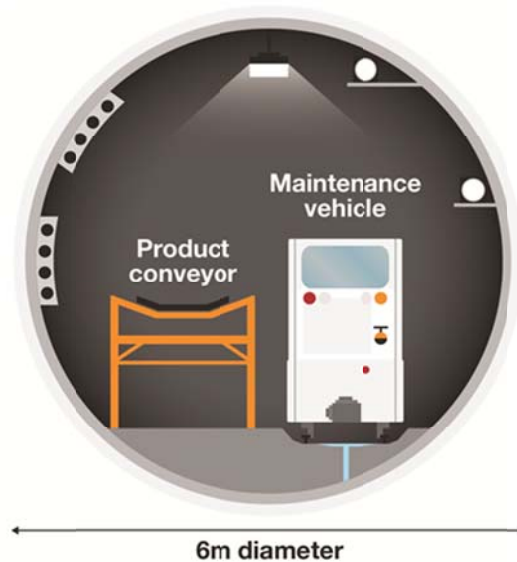
Figure 4.4 Indicative Cross-Section of MTS



Below Ground Infrastructure

- 4.51 The tunnel will have an internal finished diameter of approximately 5.7 metres. The diameter will increase to 6.5 metres for segmental lined sections. The tunnel will accommodate a conveyor, maintenance train track and provision for 2 x 66kV power supply cables.

Figure 4.5 Cross-section of Tunnel



- 4.52 The tunnel will intersect with the minehead production shaft at Doves Nest Farm at approximately 360 metres below ground level.
- 4.53 Four caverns will be constructed: one at the intersection with the minehead main shaft (at depth 360 metres); and one at each of the intermediary sites at:-
- 1 Lady Cross Plantation: at approximate depth of 360 metres.
 - 2 Lockwood Beck Farm: at approximate depth of 270 metres; and
 - 3 Tocketts Lythe: at approximate depth of 120 metres.
- 4.54 The caverns will serve two functions – first, and during construction, for the assembly of the tunnel boring machines ('TBM') and as a support station for the machine operation. Second, and during operation, they will provide a passing point for maintenance trains, a transfer point between conveyors and for housing the conveyor drive systems.
- 4.55 The size of the caverns is dictated by the space needed to assemble the TBMs. A worst case scenario has been assumed (which requires the use of a pair of gantry cranes) leading to each (horseshoe shape) cavern comprising 16 metres (height) x 14 metres (width) x 140 metres (length).
- 4.56 For Phase 1 of the Project, the conveyor system will operate at a duty of approximately 1,000t/h on a 1200 to 1400mm wide belt conveyor at between 3-4m/s. For Phase 2 of the Project, additional drives will be installed to cater for the increased duty of approximately 2,000t/h. The belt speed and width will remain at those selected for Phase 1 of the Project.

- 4.57 The conveyor will be transporting dry mineral.
- 4.58 The tunnel will accommodate a narrow gauge (900mm) ballasted railway to provide access to the proposed conveyors and tunnel for maintenance purposes. California switches will be installed at cavern locations to allow passing of individual trains. The diesel trains are assumed to have dimensions of 1.5 metres (width) x 1.8 metres (height).
- 4.59 The tunnel will accommodate two 66kV High Voltage cables to transfer power from Wilton to the Minehead. Initially only one cable will be installed, a second cable may be installed at a later date. Power will be transformed down at the intermediate shaft sites to suit the MTS conveyor drive requirements.

Above Ground Infrastructure

- 4.60 Above ground infrastructure for the MTS will be in place at Dove's Nest Farm, the three intermediate sites and Wilton International Complex. These are described in turn below.

Dove's Nest Farm

- 4.61 The above ground facilities directly associated with the MTS will comprise:-
- 1 A pump return tank and water treatment works;
 - 2 A control room for the operation of mechanical and electrical systems within the tunnel; and
 - 3 A transformer and electrical sub-station compound (to receive the proposed 66kV cable from the tunnel and step it down to 11kV for use in the mine).
- 4.62 The buildings accommodating these uses have already been described in relation to the Mine's above ground buildings and infrastructure found in paragraphs 4.26-4.30 of this report.

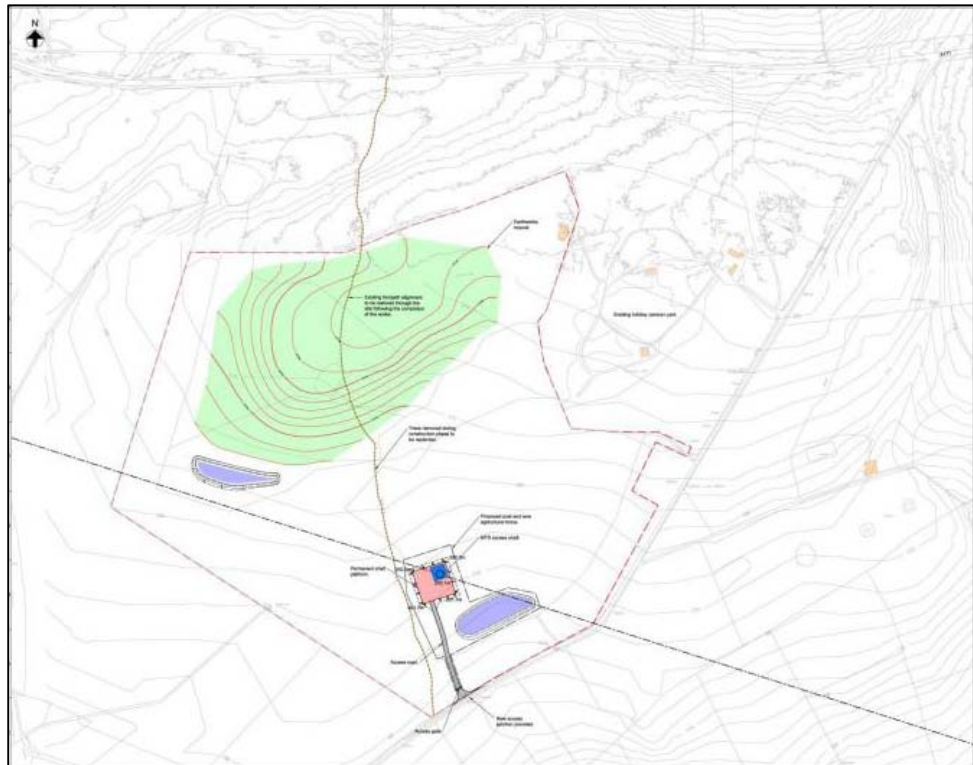
Lady Cross Plantation

- 4.63 Vehicular access to the site will be from the access road which runs from the A171 (to the north); the access route will pass directly into the southern cleared area of Lady Cross Plantation. The permanent above ground structures will comprise a shaft cover building 21 metres (width) x 21 metres (length) x 8 metres (high) surrounded by hardstanding. The building will provide a safe and secure environment over the shaft and house a permanent pulley to be used in emergency situation only and in conjunction with a mobile winder. The building may also house electrical equipment feeding the MTS. A pond/ swale will be located south of the shaft working area. Low level lighting to the main access point and shaft location only will be provided.
- 4.64 The existing footpath running through the two cleared areas will be restored post construction.

4.65 The construction of the intermediate shaft and TBM drive would generate 0.2 million m³ of excavated material this will be disposed of in the northern cleared area of the Plantation, forming a new mound of up to 217 metres (AOD) (approximately 6 metres above prevailing ground level).

4.66 Several ponds/swales will be located around the base of the mound to collect surface run-off. The swales will discharge directly into existing watercourses.

Figure 4.6 Operational Masterplan for Lady Cross Plantation



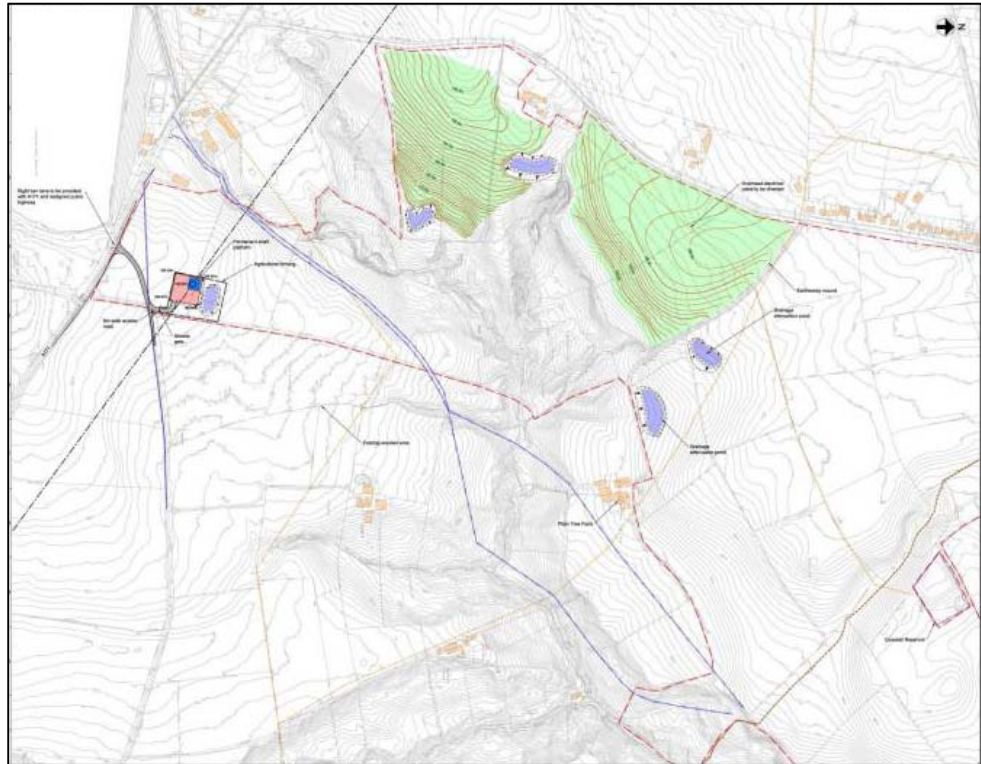
Lockwood Beck Farm

4.67 Vehicular access to the site will be from an upgraded junction between Swindale Lane and the A171, and a new access road from Swindale Lane. The permanent above ground structures, located in the south of the site, will comprise a shaft cover building 21m x 21m x 8m high surrounded by hardstanding. The building will provide a safe and secure environment over the shaft and house a permanent pulley to be used in emergency situations only and in conjunction with a mobile winder. The building may also have electrical equipment feeding the MTS. A drainage pond/ swale will be located within the shaft working area. The area will be surrounded by a dry stone wall. Low level lighting to the main access point and shaft location only will be provided.

4.68 The construction of the intermediate shaft and TBM drive would generate 0.29 million m³ of excavated material this will be disposed of to the north of the site, adjacent to Stanghowe Road. This will form a new mound of up to 198 metres (AOD) and be between 3 and 14 metres above prevailing

ground level with the lower height adjacent to Stanghowe Road. To the south of the mound will be an area of spoil deposition.

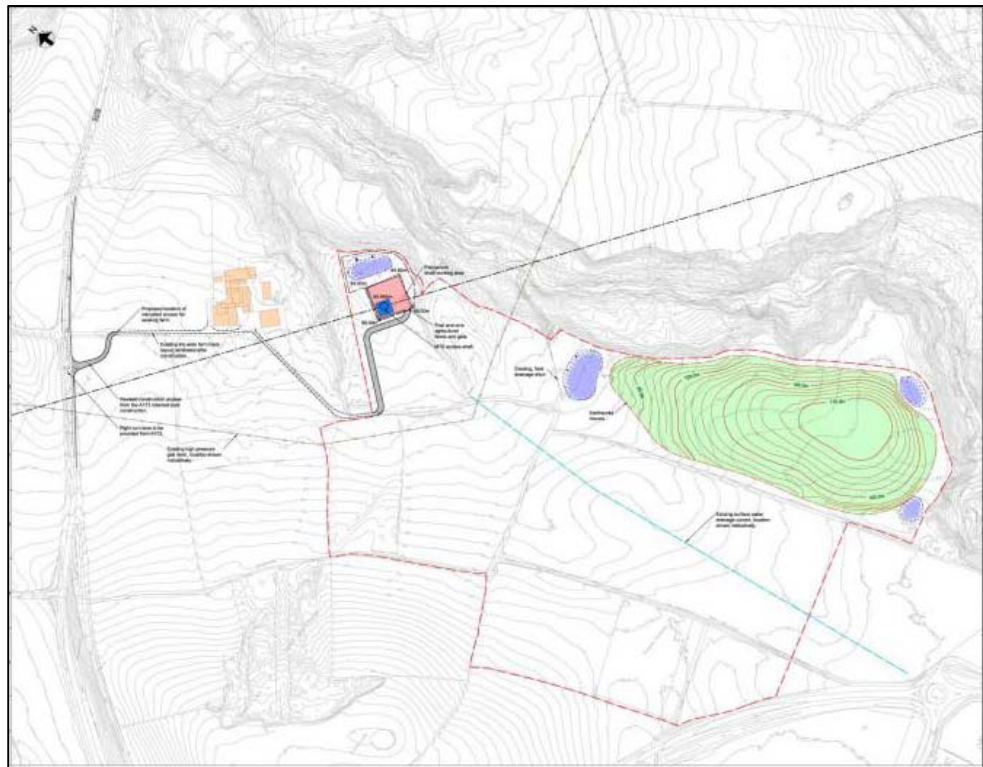
Figure 4.7 Operational Masterplan for Lockwood Beck Farm



Tocketts Lythe

- 4.69 Vehicular access to the site will be from the access road which runs from the A171 (to the north); the access route will pass directly into the southern cleared area of Lady Cross Plantation. The permanent above ground structures will comprise a shaft cover building 21m x 21m x 8m high surrounded by hardstanding. The building will provide a safe and secure environment over the shaft and house a permanent pulley to be used in emergency situation only and in conjunction with a mobile winder. The building may also house electrical equipment feeding the MTS. A pond/ swale will be located south of the shaft working area. Low level lighting to the main access point and shaft location only will be provided.
- 4.70 The existing footpath running through the two cleared areas will be restored post construction (see below).
- 4.71 The construction of the intermediate shaft and TBM drive would generate 0.17 million m³ of excavated material this will be disposed of in the northern cleared area of the Plantation. This will form a new mound of up to 217 metres (AOD) and be between approximately 6 metres above prevailing ground level.
- 4.72 Several ponds/ swales will be located around the base of the mound to collect surface run-off. The swales will discharge directly into existing watercourses.

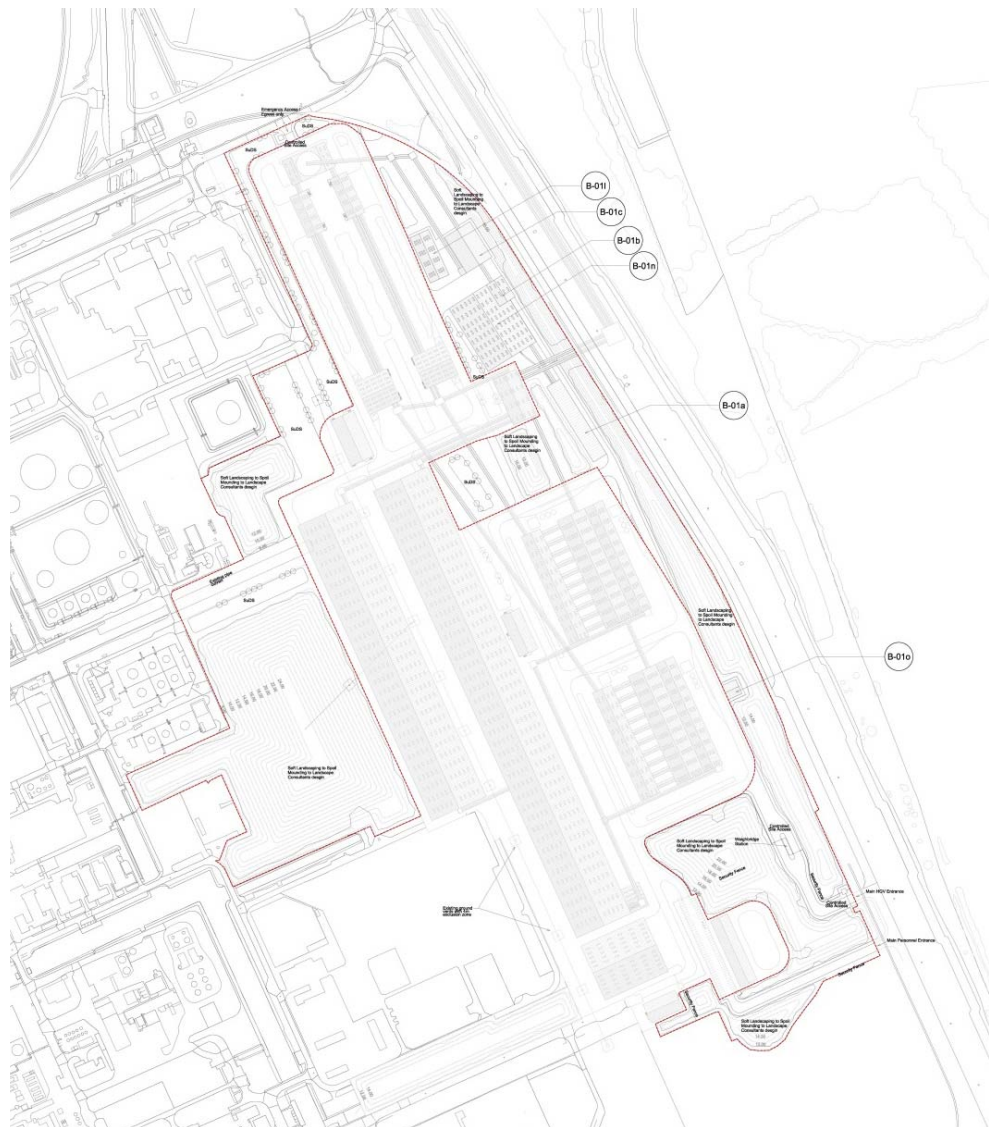
Figure 4.8 Operational Masterplan for Tocketts Lythe



Wilton Portal

- 4.73 The MTS Portal area at the MHF site will accommodate the following infrastructure:-
- 1 Train shed with tracks and train maintenance (accommodating four trains and standby unit);
 - 2 Store for conveyor drives (including, for example, components, consumables, fuel stores and gantry crane for maintenance train loading);
 - 3 Pump return tank and water treatment works for tunnel drainage;
 - 4 Control room for the operation of mechanical and electrical systems within the tunnel;
 - 5 Welfare facilities and administrative building;
 - 6 Transformers and electrical substation compound;
 - 7 Car parking and emergency services muster area; and
 - 8 Site fencing and security station
- 4.74 In addition, the construction of the Portal structure and TBM drive would generate 0.27 million m³ of excavated material. A spoil management strategy is to be prepared and the spoil will be used as fill across the site where possible. Landscaped and grassed mounds will be provided on the site to accommodate the excess spoil where appropriate and will reach a maximum height of 10 metres.

Figure 4.9 Portal Proposed Site and Block Plan



Construction Phase

4.75

The construction of the MTS is expected to take a total of 39 months. As shown on the Figure below, this will be undertaken through 5 tunnel drives from each site of approximately 7-8km each.

Figure 4.10 MTS Construction Strategy



4.76 The anticipated quantity of spoil arising from the sinking the MTS shafts, completing the drives and excavating the portal is expected to total approximately 1.2 million m³ of, predominantly, Redcar Mudstone. As described above, these arisings will be spread on land close to the above ground development.

4.77 Construction operations for Dove's Nest Farm have already been discussed in paragraphs 4.43-4.48. The following operations are anticipated at each of the intermediate shaft surface sites and at Wilton International Complex.

Lady Cross Plantation

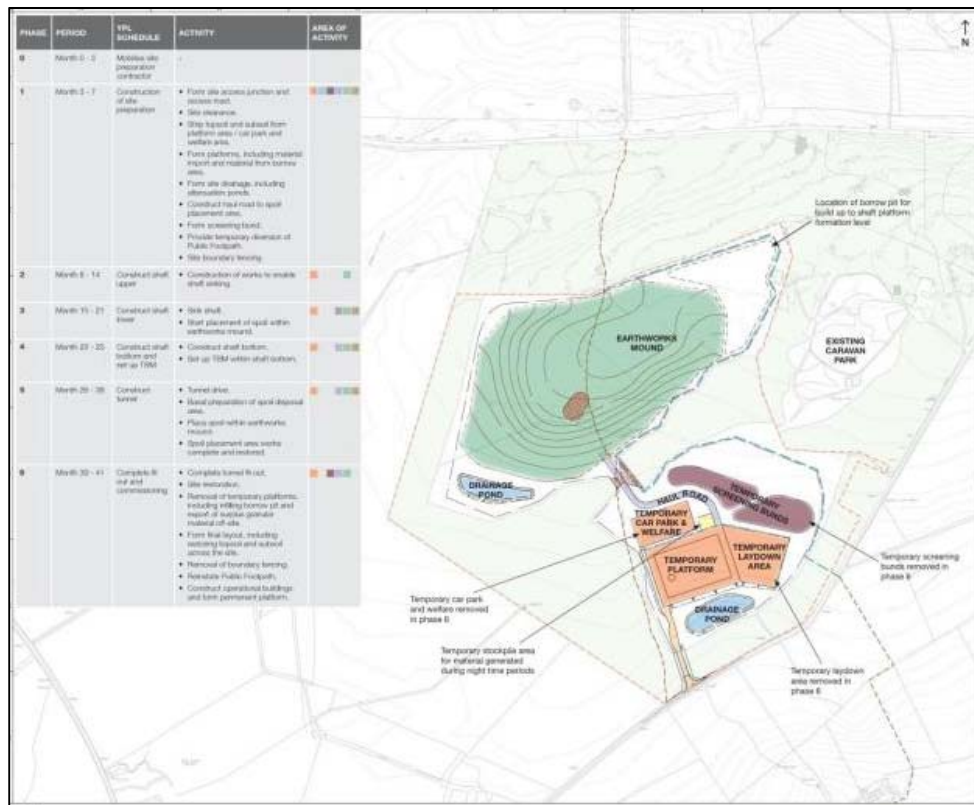
4.78 A new access from the south will be formed and the site will be fenced. The existing footpath across the site will be temporarily relocated around the perimeter of the site.

4.79 The shaft head will be fully clad and 45 metres in height. It will be located in the southern cleared area of Lady Cross Plantation.

4.80 The temporary construction area will include a concrete batching plant, changing/ shower facilities, water tanks and treatment facilities and generator.

4.81 The temporary access route passes north to the northern cleared area of the Plantation (some trees will need to be removed to allow the construction of the route). Spoil deposition will occur in the northern cleared area.

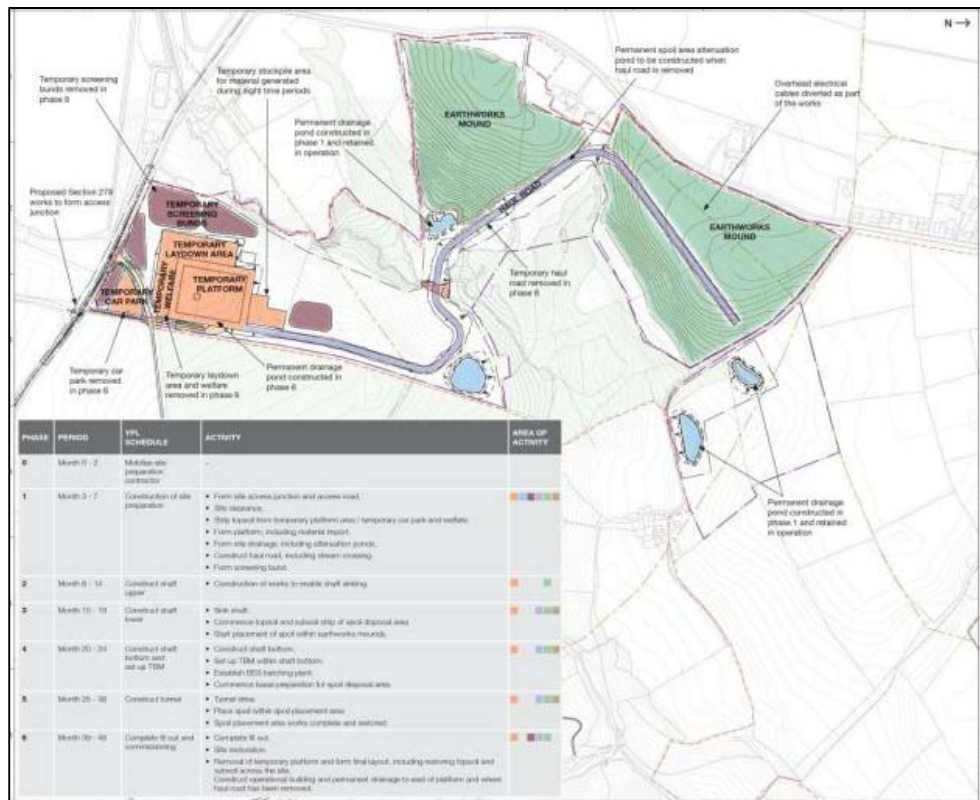
Figure 4.11 Construction Masterplan for Lady Cross Plantation



Lockwood Beck Farm

- 4.82 The existing junction between the A171 and Swindale Lane will be stopped up and relocated to the west and the site will be fenced. A car parking area will be located close to the new access, with a mound of material positioned to protect views from the south. A temporary construction route will be formed from the south towards the north of the site; with a gatehouse/ wheel washing facilities provided on land immediately adjoining this area.
- 4.83 The shaft head will be fully clad and 45 metres in height.
- 4.84 The temporary construction area will include a concrete batching plant, changing/ shower facilities, water tanks, water treatment facilities and generator.
- 4.85 The shaft position and temporary construction area will be adjacent to the construction site offices/ welfare facilities and associated laydown area. Mounding will be provided around the perimeter of the facilities to protect views.
- 4.86 The temporary access route passes north through the site to the area for spoil deposition. At particularly exposed locations, temporary mounding will be provided to protect views.

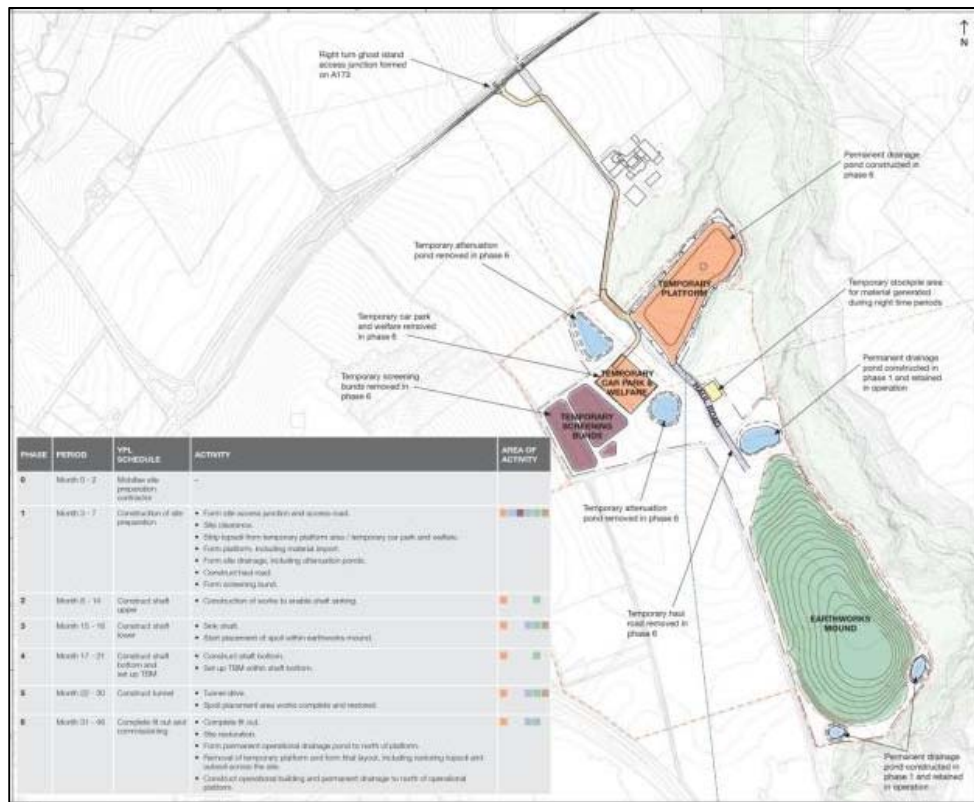
Figure 4.12 Construction Masterplan for Lockwood Beck Farm



Tocketts Lythe

- 4.87 The existing farm access from the A173 will be closed up and a new access will be created to the south. A construction vehicle only route will be created (running parallel to, but to the south of, the retained farm track). The site will be fenced. Vehicular access from this temporary route onto the current farm track (and the existing farm buildings) will be provided immediately after the main access to the site. A temporary mound of material will be constructed to protect views from residents of neighbouring properties.
- 4.88 A gatehouse and wheel washing area will be located close to the new access point into the site from which a new temporary access road will run towards the south-west. The temporary access road will pass to the south of the wooded area with access routes to the north (and the location of the shaft); to the south of the main construction site office; and to the south/south-east of the location of the spoil disposal area. The site office will include welfare/ administrative facilities and car parking. Temporary mounding will be provided to the south to protect views.
- 4.89 The shaft head will be fully clad and 45 metres in height.
- 4.90 The temporary construction area will include a concrete batching plant, changing/ shower facilities, water tanks and treatment facilities and power generation.

Figure 4.13 Construction Masterplan for Tocketts Lythe



Wilton International Complex

4.91 Construction of the MTS at Wilton International Complex will occur concurrently with that of the MHF. Site establishment and enabling works will include temporary works such as the erection of temporary fencing; site strip and temporary storage of topsoil; diversion of a watercourse; and ground remediation/improvements as required.

4.92 There are significant groundworks required across the site, particularly at the tunnel portal where a retaining structure is required to a maximum retained height of 18 metres and a cutting 360 metres long and 10 metres wide from the tunnel entrance. Other significant groundworks include formation of the shallow foundations, drainage, site road infrastructure and movement associated with spoil management.

Decommission

4.93 As with the mine shafts, it is not intended to backfill either the tunnel or the intermediate shafts. The tunnel will be sealed from access at the mine by the plugs and cappings at all the relevant shafts. The intermediate shafts at Lady Cross, Lockwood Beck and Tocketts Lythe will be cleared or any equipment or services and then plugged and capped at the surface level. All buildings will be removed.

5.0 **Planning Policy Context**

- 5.1 This section of the Statement provides a comprehensive review of relevant planning policy that relates to the Mine and MTS application proposals. This section is informed by Appendix 2 that provides full details of specific policies relevant to the scheme. Equally, reference should be made to the MDT Planning Statement document, accompanying this submission that focuses on the MDT and the in-principle acceptability of the scheme when considered against this important policy for National Parks.

Statutory Development Plan and Material Considerations

- 5.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications (including county matter applications) are determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise.
- 5.3 Given the cross boundary nature of this application, the Development Plan comprises a combination of NYMNPA and RCBC policy documents. The relevant statutory Development Plans for the proposals are as follows:-

NYMNPA

- 1 Core Strategy and Development Policies ('CSDP') (NYMNPA; Adopted in November 2008).

RCBC

- 1 Core Strategy Development Plan Document ('CSDPD') (RCBC; Adopted in July 2007);
- 2 Development Policies Development Plan Document ('DPDPD') (RCBC; Adopted in July 2007); and
- 3 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).

- 5.4 In addition, the following documents may be considered relevant and material in determining this application:-

National Planning Policy

- 1 The National Planning Policy Framework ('NPPF') (CLG; March 2012);
- 2 Planning Policy Guidance ('PPG') (CLG; March 2014);
- 3 The Environmental Act 1995 (UK Government; July 1995);
- 4 The English National Parks and the Broads : UK Government Visual Circular 20120 (Defra, March 2010);

Local Guidance

- 1 Self-assessment of CSDP against NPPF (NYMNPA; October 2012);
- 2 The North York Moors National Park Management Plan ('NPMP') (NYMNPA; June 2012);
- 3 Renewable Energy Supplementary Planning Document (NYMNPA; June 2008);
- 4 Design Guide Supplementary Planning Document Part One: General Principles (NYMNPA; February 2013);
- 5 Design Guide Supplementary Planning Document Part Five: New Agricultural Buildings (NYMNPA; February 2013);
- 6 Strategic Economic Plan (York, North Yorkshire and East Riding Local Enterprise Partnership ('LEP'); March 2014); and
- 7 Local Growth Deal Implementation Plan (LEP; March 2014).

Emerging Policy

- 5.5 In accordance with paragraph 216 of the NPPF, 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.
- 5.6 The NYMNPA are currently preparing a 'Minerals and Waste Joint Plan' alongside North Yorkshire County Council and the City of York Council. It will, once adopted, provide strategic and development management policies relating to minerals and waste development and replace Core Policies E and F of the CSDP. However, the document is at an early stage of the plan preparation process (Issues and Options; February 2014), and as such, carries limited weight in any decision.
- 5.7 R&CBC 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 CSDPD and DPDPD. The Publication Version was considered by the Borough Council in July 2014 but was not approved, as such; it carries limited weight in any decision. RCBC has not yet set out a timetable for preparing a revised Local Plan.

Consistency with the NPPF

- 5.8 As referred to above, all of the relevant Development Plans documents pre-date the publication of the NPPF and the Core Strategy documents from both RCBC and the NYMNPA were produced over 3 years prior to the NPPF's production. It is the case, therefore, that in preparing these plans, reference could have been made to policy guidance that has since been revoked or updated. Paragraph 215 of the NPPF explains that:

“...due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework – the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.”

- 5.9 Given the dated nature of the various Development Plans, there is a risk that certain policies are outdated, conflicting with the NPPF. It remains that application proposals should be considered in accordance with the Development Plans, but with this set of circumstances, the NPPF is clearly a very important material consideration that must be given considerable weight in any consideration of the merits of the scheme.
- 5.10 This relationship with the NPPF is particularly relevant in respect of the pre-eminent planning policy consideration, namely the performance of the development proposals against the MDT that is discussed below.

Major Development Test

- 5.11 The MDT is a mechanism for assessing major development proposals in designated areas such as National Parks. Paragraph 115 of the NPPF states that:
- “Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important consideration in all these areas, and should be given great weight in National Parks and the Broads.”*
- 5.12 The MDT is definitively prescribed in paragraph 116 of the NPPF, and it is repeated in full, below:
- “Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:-*
- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - any detrimental effect on the environment, including the landscape and recreational opportunities, and the extent to which that could be moderated.”*
- 5.13 The requirements of paragraph 116 of the NPPF, namely that permission should be refused for major developments in National Parks, except in exceptional circumstances and where it can be demonstrated they are in the public interest, is not a new ‘test’. The MDT has been included in national policy guidance for at least two decades and it is referenced in NYMNPA’s CSDP. Paragraph 5.3 of this document cross-refers to the

then relevant guidance on major development in National Parks (Planning Policy Statement 7 and Circular 12/96), and Core Policy E ‘Minerals’ and confirms that proposals for mineral developments (other than certain smaller scale operations) *“will be considered against the major development tests”* (This Policy also provides qualified support for the continued extraction of potash at Boulby Mine, and the implications of this policy aim are assessed within the MDT Planning Statement).

- 5.14 However, whilst the principle of the ‘test’ for major developments in National Parks remains a constant, the NPPF has introduced a step change in the way in which authorities should consider applications for major mineral developments. Section 13 of the 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.”*
- 5.15 When determining planning applications, paragraph 144 requires local planning authorities to, inter alia:-
- *“give great weight to the benefits of the mineral extraction, including to the economy;*
 - *as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;*
 - *ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
 - *not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes.”*
- 5.16 Paragraph 146 of the NPPF states that authorities should plan for a steady and adequate supply of industrial minerals by:
- *“co-operating with neighbouring and more distant authorities to co-ordinate the planning of industrial minerals to ensure adequate provision is made to support their likely use in industrial and manufacturing processes;*
 - *encouraging safeguarding or stockpiling so that important minerals remain available for use;*

- *providing a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant and the maintenance and improvement of existing plant and equipment, as follows:*
 - *at least 10 years for individual silica sand sites;*
 - *at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and*
 - *at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.*
- *taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.”*

- 5.17 Annex 2 of the NPPF ('Glossary') 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*" which, importantly, includes potash.
- 5.18 The key change, therefore, brought about by the publication of the NPPF, is the clear requirement to give great weight to the benefits of mineral extraction (including the benefits to the economy) in any consideration of mineral proposals. Furthermore, whilst the issue of how far a development will meet a national need for minerals, as opposed to any wider need, is now not a specific consideration under the major development test.
- 5.19 The CSDP already recognises the in-principle acceptability of mining potash within the National Park, given its national importance. With the CSDP pre-dating the NPPF, however, it is not surprising that the CSDP fails to incorporate these important additional requirements from the NPPF. This inconsistency was picked up in the NYMNPA's self-assessment of the CSDP, undertaken in October 2012 which acknowledges that:
- “the issue of how far a proposed development will meet a national need for minerals, as opposed to any wider need, is now not a specific consideration under the MDT”; and*
- “Giving great weight to the economic benefits is a new requirement.”*
- 5.20 The MDT Planning Statement provides further detail on the background to these important policy changes in terms of the appropriate application of the MDT, cross-referring to other case studies where a variety of proposals have been the subject of MDT policy assessment. This includes a review of the NYMNPA's 1998 consideration of the proposals for major development at the Boulby mine.
- 5.21 This document concludes that, in terms of the current application of the MDT, it remains a balancing process, with weight given to benefits and disbenefits of any particular proposal. But as part of this process, great weight should be given to the benefits of mineral extraction (including economic benefits). Furthermore, there is no need to demonstrate a national need for the development or the mineral, although noting that any

national considerations that do exist should be assessed. The MDT Planning Statement demonstrates that economic benefits are capable of meeting the MDT's requirement to demonstrate exceptional circumstances and that the proposals are in the public interest.

5.22

The MDT Planning Statement continues with a review of the performance of the application proposals against the MDT. This involves the presentation of the evidence relating to the use of polyhalite as a fertiliser; an account of the commercial demand for polyhalite; an account of the economic benefits of the proposals; an assessment of the environmental impacts of the scheme; and, a review of the findings of the ASA. In summary, the comprehensive appraisal undertaken demonstrates the following:-

- i Dove's Nest Farm has the potential to be developed as a highly efficient new mine giving high quality access to a significant proven resource of polyhalite. The thickness, continuity, grade and size of the YPL resource makes it by far the most significant polyhalite resource in the world;
- ii Polyhalite is a valuable source of major plant available nutrients that can be used to produce multi-nutrient fertiliser products or as a straight product. YPL's proposed production of polyhalite would help to provide a solution to the challenge of UK and global food security as York Potash would become one of the most significant large scale suppliers of multi-nutrient fertilisers;
- iii At full production, the Project would supply approximately 4% of the world potassium based fertilizer market. That market is forecast to grow by 60% by 2050 to address world nutrient deficiencies and a growing global population. Demand for polyhalite mined at Dove's Nest Farm is likely from multiple markets on account of polyhalite's multi-nutrient characteristics, with key international target markets being the USA, Brazil, China, Central America, Africa and Europe.
- iv The characteristics of polyhalite make it well suited to a wide range (approximately 85% of world food crops) whilst its low chloride content and its accreditation for use in organic farming make it very well suited to a wide range of world markets.
- v YPL has already secured commitments from international buyers for the large scale supply of polyhalite, despite the fact that planning permission has not yet been granted. These commitments comprise offtake contracts, framework sales agreements or memoranda of understanding for nearly 5 Mtpa of polyhalite sales, most of which are for ten years' supply, or for five years' supply with options for a further five years;
- vi Market and pricing studies demonstrate that it is realistic to expect the YPL proposals to reach and sustain their full planned level of output. Based on the defined resource, YPL can expect to operate at full capacity of 13 Mtpa for well over 100 years, resulting in the potential for the proposals to make a long and lasting contribution to the local, regional and national economies;

- vii The Project would have significant and positive economic benefits, directly, through employment and output and, indirectly, through the supply chain and employee expenditure. It would result in an increase in GDP; a nationally significant reduction in the trade deficit; over 1,000 high value direct jobs and many more in the supply chain, boosting the employment rate and spending power; corporate and income tax receipts; and royalty payments. The Project would be effective in contributing to meeting a need to rebalance the national economy and substantially strengthen the regional and local economies.
 - viii YPL anticipates the vast majority of its product will be exported. Approximately 125,000 tonnes of the first 6.5 Mtpa and 175,000 tonnes of 13 Mtpa will be sold into the UK market, with the rest exported. At full production, this would equate to approximately £1.2bn of exports each year, which would reduce the UK's trade deficit by just under 4%;
 - ix The Environmental Statement has demonstrated that the environmental impacts are, in general, limited and mostly temporary in nature; and
 - x The ASA has demonstrated that, ultimately, there are no alternative sites for the proposals, either within or outside of the National Park.
- 5.23 The document therefore concludes that in this case the MDT is readily met. The scale of the benefits, including the contribution towards meeting local, regional and national economic needs very substantially outweighs the principally temporary nature of residual adverse effects. Accordingly, the proposals are considered to clearly meet and exceed the requirements of MDT.
- 5.24 The detailed assessments undertaken to support these conclusions are not repeated here, and reference should be made to the MDT Planning Statement, as well as the various application documents that support the assessment, to appreciate the case made.

Other Policy Considerations

- 5.25 Whilst this over-arching conclusion with respect to the pre-eminent policy consideration for the Project creates a compelling case for the approval of the applications, there are a series of other policy considerations against which the applications should properly be assessed. Appendix 2 details the policy context for the application, describing the Development Plan policies relevant to the consideration of the scheme as well as providing an account of the prevailing policy guidance in the NPPF and other documents that represent appropriate and noteworthy material considerations.
- 5.26 As referred to in paragraph 3.4 of Appendix 2, the 'normal' presumption in favour of sustainable development does not apply within National Parks. This application should consequently be considered in the traditional way by giving consideration to how the proposals comply with the relevant

Development Plans, having regard to the extent it is up to date and to any other material considerations.

5.27

From the review provided in Appendix 2, it is clear that prevailing policies across the various documents establishes a number of consistent policy themes that assist in the consideration of the scheme. These themes are summarised in Table 5.1 below. Inevitably, there is overlap between the policies and the subjects that also represent MDT matters (not least the MDT requirement to appraise the environmental impacts of the scheme).

Summary of Key Policy Themes

Table 5.1 Summary of Key Policy Themes

Policy Theme/ Objective	Policy Source(s)
1: Sustainability.	NP: CSDP – Chapter 4, Core Policy A & D RC: CSDPD – Paragraph 2.13 & Policy CS1 NPPF – Paragraph 7 & 14 NP&B Circular – Page 5, Paragraphs 28-30, NP: NPMP – Policy C15 & C18 NP: RESPD – Section 5 NP: DG1SPD – Section 3.5
2: Impact of proposals on the Special Qualities of the National Park.	NP: CSDP – Paragraph 2.4, 2.13, Chapter 4, Development Policy 1 & 3 NPPF – Paragraph 115 Environment Act 1995 – Schedule 61 (1) & 62 (1) NP&B Circular – Page 5 NP: NPMP – Policy E19 & E28
3: Impact on landscape qualities of the National Park and Redcar and Cleveland.	NP: CSDP – Chapter 4, Core Policy A & Development Policy 3 RC: CSDPD – Paragraph 2.13, Policy CS4, CS22 & DP2 MWCS – Policy MWC1 NPPF – Paragraph 109 & 115 NP: NPMP – Policy E1 & E3 NP: DG1SPD – Section 3.2
4: Ecology	NP: CSDP – Core Policy A & C RC: CSDPD – Policy CS24 & DP2 NPPF – Paragraph 109, 118 & 144 NP&B Circular – Page 5 NP: NPMP – Policy E15
5: Recreation and tourism	NP: CSDP – Core Policy A & Development Policy 14 NPPF – Paragraph 28 & 123
6: What are the economic and social benefits of the scheme?	NP: CSDP – Chapter 4, Paragraph 8.3, 8.10 & Development Policy 10 RC: CSDPD – Paragraph 2.5 & 2.13 & Policy CS2 NPPF – Paragraph 19, 20, 116. 142 & 144 Environment Act 1995 – Schedule 62 (1) NP&B Circular – Paragraph 70 NP: NPMP – Policy B21, B23 & C1 LEP: SEP – Page 12, 17, 53, 95, 153, 155 & 159 LEP: LGDIM – Page 43 & 44

Policy Theme/ Objective	Policy Source(s)
7: Other environmental matters i.e. noise and vibration, air quality, socio-economics, cultural heritage, geology and hydrogeology, hydrology and flood risk and land uses and soils	NP: CSDP – Development Policy 1 RC: DPDPD – Policy DP2 & DP6 MWCS – Policy MWC1 NPPF – Paragraph 109, 120, 121, 123 & 143 PPG – ID: 27-014-20140306 NP: NPMP – Policy E20 & E28
8: What are the design qualities of the development proposals?	NP: CSDP – Core Policy A & Development Policy 3 RC: CSDPD – Paragraph 6.2, Policy CS20 & DP3 NPPF – Paragraph 56, 60 & 66 NP: NPMP – Policy E6, C10 NP: DG1SPD – Section 3.2, 3.4, 3.5 & 4.4 NP: DG5SPD – Section 3.2, 3.3, 3.4, 3.5 & 3.9
9: Are access arrangements, and transport impacts acceptable and mitigated appropriately?	NP: CSDP – Development Policy 23 & 24 RC: CSDPD – Policy CS26 MWCS – Policy MWC10 NPPF – Paragraph 32, 34 & 36 NP&B Circular – Policy E24 & C13 NP: NPMP – Policy E4 & E24 LEP: SEP – Page 36 & 168 LEP: LGDIM – Page 3
10: Are suitable restoration proposals in place?	NP: CSDP – Core Policy E MWCS – Policy MWC1 NPPF – Paragraph 121 & 144
11: The recognised need for potash and policy acknowledgement of Boulby Mine	NP: CSDP – Core Policy E & Paragraph 6.37 NP: NPMP – Section 4.6
12: Draft Heads of Terms for the Proposed s106 Obligations	RC: CSDPD – Policy DP4 and DP5 NPPF – Paragraph 203-206

Table 5.2 Abbreviations for Summary of Key Policy Themes Table

Abbreviation	Document
NP: CSDP	NYMNP Core Strategy and Development Policies
RC: CSDPD	Redcar and Cleveland Core Strategy Development Plan Document
RC: DPDPD	Redcar and Cleveland, Development Policies Development Plan Document
MWCS	Tees Valley Joint Minerals and Waste Core Strategy
NPPF	National Planning Policy Framework
PPG	Planning Policy Guidance
NP&B Circular	English National Parks and the Broads: UK Government Vision and Circular
NP: NPMP	The North York Moors National Park Management Plan
NP: RESPD	Renewable Energy Supplementary Planning Document
NP: DG1SPD	Design Guide Supplementary Planning Document Part One
NP: DG5SPD	Design Guide Supplementary Planning Document Part Five
LEP: SEP	Strategic Economic Plan
LEP: LGDIM	Local Growth Deal Implementation Plan

5.28

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. It is hoped that this approach will assist with providing an understanding of how the proposals comply with prevailing Development Plan policy, with appropriate references made to the NPPF and other material considerations, where policy is no longer up-to-date.

6.0 Development Appraisal

6.1 The approach of this Section, therefore, is to provide a helpful policy framework against which it is appropriate to consider the application proposals. Development Plan policy is identified to establish how the project complies with policy, with due regard to the extent to which it is up to date and the nature of other material considerations. It is not the purpose of the policy quotes to provide a definitive account of all policy, as this is provided in full, in Appendix 2. Instead, key quotes are repeated to give an understanding of the main policy objectives and themes, to inform the subsequent account of the proposal's performance.

1: Sustainability

Summary of Key Policy Objectives and Themes

The three roles of sustainable development:

- “• *an economic role – contributing to building a strong, responsive and competitive economy*
- *a social role – supporting strong, vibrant and healthy communities by providing housing high quality built environment ... accessible local services*
- *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”.*

“The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should encourage and not act as an impediment to sustainable growth significant weight should be placed on the need to support economic growth through the planning system.” (NPPF – Paragraph 7 & 19)

“The principle of sustainable development will underpin the policies and proposals for the use and development of land...Development proposals will be assessed against their contribution to deliver...a thriving local economy” and “easy access to jobs.” (RC: CSDPD – Policy CS1)

“The principles of sustainable development include living within environmental limits, achieving a sustainable economy and ensuring a strong, healthy and just society.” (NP&B Circular – Paragraph 28)

6.2 The sustainable credentials of the Project are linked to the nature of the product. Polyhalite, as an organic fertiliser, on application has beneficial effects on plant growth. As evidenced in the material submitted with this application, polyhalite significantly increases the growth of a wide range of crops compared with other widely used fertilisers.

6.3 Polyhalite is accredited by the Soil Association and Organic Farmers and Growers Limited for use in organic farming. Nutrient release tests show that the nutrients within polyhalite quickly become available for plant

uptake, whilst trials have also demonstrated that it has good spreading characteristics. Polyhalite has no measurable effects on soil pH and investigations conclude that the use of polyhalite as a fertiliser result in no adverse environmental impacts. Additionally, polyhalite has beneficial effects on plant bacteria, improving plant health and boosting yields. Studies confirm that the use of polyhalite can have beneficial effects in relation to climate change because (compared to nitrogen based fertilisers) the use of polyhalite and other potash based fertilisers does not involve the emission of nitrous oxide. In fact, Ricardo in its report submitted as an appendix to the MDT Planning Statement conclude that the carbon footprint of polyhalite is considerably lower than that of other potassium based fertilisers.

- 6.4 Furthermore, in a time of world food shortages and forecast rapid global population growth, the role of an efficient and environmentally favourable fertiliser in helping to sustain healthy human populations is critical. The sustainable credentials of the product, therefore, are substantial and this creates a favourable context for the consideration of the current application proposals, in terms of the satisfying prevailing sustainability policy objectives.
- 6.5 It of course remains the case that the Project involves the winning and working of a finite resource, albeit in this instance, the size of the resource would suggest that there are many hundreds of years of future supply. Within this context, it is appropriate to consider how the proposed scheme that is the subject of this application is itself sustainable in nature.
- 6.6 The applicants are committed to achieving gains across the three dimensions of sustainability - economic, social and environmental. How sustainability has been, or will be achieved in this development is best explained by considering the proposals against a series of sustainability objectives which have been derived from a range of policy sources, relevant to the proposals, including the methodologies applied in the Sustainability Appraisals undertaken on the Local Development Framework Documents by both NYMNPA and RCBC. Objectives and the performance of the Project against each objective are considered in turn, below.

1. Landscape: Protect and enhance the special quality and distinctiveness of the area's landscape.

- a) The scheme includes in-built mitigation designed to reduce the visual presence of the Project, including the incorporation of below-ground winders and the reliance on an underground tunnel to transport the mined material to the Port (see Policy Theme 9).
- b) The proposed remodelling of the landforms at each above-ground site to allow for the accommodation of the excavated material will be sympathetic to surrounding landscape, with restoration works incorporating a programme of habitat creation (see Policy Theme 4).

- c) The proposals have been subject to a robust landscape assessment that acknowledges that in the short term, there will be significant adverse impacts, but following the establishment of site restoration proposals, the scheme would provide a minor landscape benefit. As the restoration scheme matures, the site would make a positive contribution to landscape character (see Policy Theme 3).

2. Biodiversity: avoid damage to valued sites and protected species whilst maintaining and enhancing biodiversity where appropriate.

- a) The proposals have been the subject of a thorough ecological assessment that considers the potential impact of the construction, operation and decommission of the Project on prevailing ecological conditions.
- b) The Minehead and above-ground MTS sites are all located outside the North York Moors SAC, SPA and SSSI, with no direct connectivity with these designated sites. However, given the proximity, a Habitat Regulations Assessment Report has been submitted.
- c) With the proposed mitigation in place, including the implementation of the landscaping and lighting strategies, significant adverse impacts can be avoided and during operation, in many cases, moderate beneficial impacts are predicted (see Policy Theme 4).

3. Climate Resilience: reduce the causes and manage the effects of climate change.

- a) As referred to above, Polyhalite as a product does not, on application, involve the emission of nitrous oxide (unlike other nitrogen based fertilisers), and its carbon footprint is considerably lower than that of other potassium based fertilisers.
- b) Funds will be made available for the implementation of tree planting to assist with off-setting predicted CO₂ production (see Policy Theme 12).
- c) YPL will seek to source 10% of its power from the Project from renewable sources (see Policy Theme 12).
- d) The drainage system has been designed to ensure the development does not increase flood risk. No flooding would occur during a 100 year plus climate event.

4. Pollution: minimise pollution releases to levels that do not damage natural systems, human health and quality of life.

- a) Through the implementation of a CEMP that adopts good management practice; the use of lower impact equipment and methods; hours of use constraints on certain activities; the re-use of materials arising from ground works and shaft/MTS construction almost entirely on site; various Travel Plan measures and the incorporation of SUDs within the scheme, pollution impacts are mitigated appropriately.

- b) Noise impacts are predicted to be minor to negligible; dust emissions will be slight-adverse to negligible; and there are no flooding risks (as above).
- c) Processing at the MHF, whilst outside the scope of this application, will be fully enclosed, to avoid emissions.

5. Water: protect and improve water quality and water resources; reduce the risk of flooding.

- a) A series of measures have been put in place to prevent the deterioration of water resources through the construction process and once the development is operational.
- b) As above, there are no flooding risks.

6. Energy: meet needs with less energy input including through the use of renewable energy technologies.

- a) As an example, the proposed contemporary building design of the Welfare Building incorporates sustainable design to minimise energy use, in terms of reducing solar gain.
- b) As referred to above, the CO2 emissions will be off-set via contributions towards tree planting, and YPL will seek to source 10% of its power from renewable sources (see Policy Theme 12).

7. Waste: encourage waste reduction, reuse, recovery and recycling.

- a) The earthworks strategy applied across the Project has been developed to accommodate all of the arisings from the site (with the necessary exceptions of polluted material). Material will also be re-used in the construction of roads, noise bunds and visual barriers, where appropriate.
- b) On-site material segregation of dry recyclables is proposed, alongside the segregation of materials from demolition works, to ensure maximum opportunities for reuse and recycling.

8. Heritage: protect and enhance all heritage assets.

- a) The proposals have been subject to a comprehensive Heritage assessment, which has identified that only features of local archaeological importance are at risk of being lost as a result of the proposed works. Impacts on a built cultural heritage assets are anticipated to be negligible, both during construction and operation.

9. Design: promote high quality, safe and sustainable design techniques.

- a) Policy Theme 8 reviews the sustainable design approach to the Project, that has directed Project evolution since the YPL proposals were first considered. These details are not repeated here.
- b) BREEAM (The Building Research Establishment Environmental Assessment Method) pre-assessments have been undertaken for the Project. In accordance, with policy, the Minehead Welfare Building and Gatehouse achieve an indicative rating of 'Very Good'. The BREEAM performance of the buildings at the Wilton Portal are constrained given the existing conditions of the site that prevents a 'Very Good' status being awarded. However, they achieve BREEAM 'Good', reflecting the sustainable approach to design adopted.

10. Employment and Economic Growth: increase the quality of employment opportunities available to all and create a vibrant local economy; and encourage economic growth through diversification.

- a) The full economic benefits of the Project are clearly exceptional, with job creation characteristics (detailed in Policy Theme 6) just one of a number of economic criteria where the Project will make a contribution of significant proportions.
- b) The economic benefits of the YPL Project are nationally important and also have the ability to transform the performance of the local and regional economies.
- c) The economic role of sustainable development is singled out within the NPPF (paragraph 19) for particular attention (*"the planning system should do everything it can to support sustainable economic growth"*) and hence the Project's performance against the criteria should be given considerable weight when appraising sustainable credentials.

11. Communities: encourage empowered and active local communities.

- a) The application proposals have been the subject of extensive consultations, both in advance of the previous application submission, and prior to this submission. Formal consultation on the current scheme ran from June to September 2014, with public exhibitions, meetings and presentations, newsletters, brochures, press releases and advertisements. The full extent of consultation with local communities, and the overwhelming public support received, are detailed in the Statement of Community Engagement.
- b) The significant economic boost to the local, regional and national economies, not least associated with direct and indirect job creation, will aid community well-being. The proposed long-lasting commitment to the YPL Foundation (see Policy Theme 6) with its programme of

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

- c) The evidenced strong local support for the proposals is welcomed.

12. Transport: promote sustainable transport alternatives.

- a) Draft Travel Plans and Construction Transport Management Plans are proposed that are designed to deliver sustainable transport benefits. Measures include park and ride facilities with direct bus transport to site, restricted parking at sites; and car sharing policy. These measures will be applied alongside other initiatives that will also reduce the need for, and the impact of travel (defined HGV routes, on-site stockpiling, a landscaping strategy to retain mine arisings on-site etc). Full details are provided in the ES.

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

- a) The proposals will have very limited impact on recreation and tourism, with the EIA confirming a minor adverse impact during construction/associated with the need to redirect a number of footpaths. Upon operation, marginal and occasional increases in traffic may be experienced, but overall, impacts are predicted as negligible (see Policy Theme 5).
- b) Despite these conclusions, YPL is prepared, in response to comments received from the National Park, to make a contribution via the s106 obligation towards “Welcome to Yorkshire”; NYMNPA’s promotional activities; local tourism businesses; Visit England and Visit Britain; and directional brown tourist signs will also be funded.

6.7

The above appraisal, that summarises both the points highlighted in the submitted Sustainability Appraisal document as well as the more detailed account of the Project that follows, succinctly captures the sustainable characteristics of the Project. Across each objective, the Project exhibits sustainable credentials, and whilst it is acknowledged that with regard to the economic role, the performance of the Project is at its strongest, there is a consistency of satisfying wider policy objectives to the credit of the scheme. As referenced above, the particular weight given to sustainable economic growth in the NPPF creates a very favourable context.

2: Impact of Proposals on the Special Qualities of the National Park

Summary of Key Policy Objectives and Themes

“By 2026, the National Park’s special qualities including its diverse landscapes, sense of tranquillity and remoteness, distinctive settlements and buildings and its cultural traditions have been safeguarded and enhanced.”
(NP: CSDP Chapter 4)

“... great diversity of landscape... Wide sweeps of open heather moorland... An abundance of forest and woodland ... Special landforms from the Ice Age... Majestic coastal cliffs ... A special mix of upland, lowland, and coastal habitats ... Settlements which reflect their agricultural, fishing or mining past... Long imprint of human activity... A rich and diverse countryside for recreation... Strong religious past and present... Strong feelings of remoteness... Tranquillity... Distinctive skills, dialects, songs and customs... A place of artistic, scientific and literary inspiration.” (NP: NPMP – Page 8)

6.8 The diverse nature of the identified Special Qualities of the NYMNP, as defined by the North York Moors National Park Management Plan, and protected by Development Plan policy, presents challenges in terms of providing an account of how each special quality is affected by the YPL development proposals. This is addressed in the application submission with a separate chapter in the ES, dedicated to describing the potential impacts of construction, operation and decommissioning phases of the scheme on each special quality. The methodology adopted that involves drawing on the conclusions of a variety of subject assessments (landscape and visual impact; land use; ecology; geology, soils and hydrology; cultural heritage; recreation and amenity; traffic and transport, noise and vibration; air quality; socio-economics) and providing a cumulative impact assessment for each special quality was the subject of (and is informed by) pre-application discussions between the applicant and the National Park.

6.9 Full details of the assessment are not repeated here, but the following provides an outline of conclusions, both in respect of construction and operational impacts.

Special Quality (SQ) 1 - Great diversity of landscape; sudden dramatic contrasts associated with this

6.10 **Construction Impacts:** This special quality is concerned with the impacts arising from a loss of landscape types found within the NYMNP; in particular, a loss of the variety and breadth of landscapes. The assessment concludes that there would be an impact upon local landscape types at the Mine surface development site and the Lockwood Beck intermediate shaft site (including coastal hinterland and moorland). These landscape impacts would lead to a temporary degradation in the quality of local landscape types, but the presence of these landscapes and the breadth of landscape types within the NYMNP would be maintained. As a result, the significance of the impact of the YPP upon SQ1 is assessed as **minor adverse** for the duration of the construction phase.

6.11 **Operational Impacts:** The assessment determined that at the Mine site there would be an impact upon local landscape types (including coastal hinterland and moorland) in Year 1 despite the site being newly restored. These landscape impacts would lead to a temporary degradation of the quality of local landscape types, but maintain the presence of these landscapes and not reduce the breadth of landscape types within the NYMNP. As the landscape proposals mature, the site would contribute to an enhancement of the local woodland landscape from the existing agricultural / pastoral landscape, creating a beneficial impact for the majority of the operational phase of the Project. As such a **minor beneficial** impact is anticipated overall. The landscape changes at Lady Cross Plantation and Lockwood Beck would not be visible from the surrounding landscapes and so no change in landscape diversity would result, except at the local scale, due to the habitat creation proposals at each site.

Special Quality (SQ) 2 - Wide sweeps of open heather moorland; distinctive dales, valley and inland headlands

6.12 **Construction Impacts:** This special quality is concerned with the impacts arising from a detriment of landscapes within the NYMNP focussed on the reduction in user's ability to enjoy and experience the specific landscape types referred to. The assessment concludes that a direct loss of moorland landscapes is not predicted to arise from the Mine surface development or the intermediate shaft sites. Significant visual impacts are likely to be experienced by users of access routes within moorland landscapes but the impact is predicted to be extremely localised in the context of the available resource (i.e. landscapes of this type (moorland)) within the NYMNP. The impact on SQ2 is assessed as **minor to major adverse** during the construction phase.

6.13 **Operational Impacts:** Direct loss of moorland landscapes is unlikely to arise from the Mine surface development or intermediate shaft sites. The assessment determined that visual impacts are likely to be experienced by users of access routes within moorland landscapes during year 1 of the operational phase, while the proposed planting matures. This impact is predicted to become beneficial once the planting matures (by year 15) and provides a landscape which is more sympathetic with the woodland landscapes of the North York Moors than the existing plantation woodland. The impact over the duration of the operational phase is, therefore, assessed as **minor beneficial** with respect to this special quality.

Special Quality (SQ) 3 - An abundance of forest and woodland; ancient trees and woodland rich in wildlife

6.14 **Construction Impacts:** This special quality is concerned with the loss of woodland habitats and landscapes within the NYMNP. It is specifically concerned with the quality of the habitat, with biodiverse habitat prioritised. The loss of any woodland, but specifically semi-natural broadleaved

woodland, would result in a reduction in the enjoyment of the special quality.

- 6.15 The woodland to be lost during construction is predominantly plantation woodland which is not classified, not a notable habitat or covered by a landscape designation. As such it is determined to be of low value. The areas of woodland that would be lost during construction are also small. Given this assessment, the impact upon forests and woodland in the context of SQ3 is assessed as being **minor adverse**.

- 6.16 **Operational Impacts:** The woodland to be lost during construction would be replaced with a larger area of biodiverse habitat with greater species diversity and locally prevalent species. These would mature by year 15. Given this, the impact upon forests and woodland and SQ3 in the operational phase is predicted to be **minor beneficial** overall.

Special Quality (SQ) 4 - Special landforms from the Ice Age; exceptional coastal geology

- 6.17 **Construction Impacts:** This special quality is concerned with the loss of geological and geomorphological landscape features within the NYMNP and a restriction in the ability of people to access and enjoy these features. As no features special landforms from the Ice Age or exceptional coast geology are present within the relevant site boundaries, nor would any be impacted by the YPP transport routes, **no impact** upon SQ4 is predicted.

- 6.18 **Operational Impacts:** Equally, **no impact** upon SQ4 is predicted during operation.

Special Quality (SQ) 5 - Majestic coastal cliffs and sheltered harbours; distinctive coastal headlands

- 6.19 **Construction Impacts:** This special quality is concerned with the coastal landscapes of the NYMNP; and specifically with their integrity as a landscape type. Coastal landscapes are some distance from the location of the proposed Mine and MTS site boundaries. Where views of the proposed works at the Mine surface development site are likely, at Whitby Abbey and in short sections along the Cleveland Way, the distance involved would render the impact **minor adverse**.

- 6.20 **Operational Impacts:** No adverse visual impact upon views from these areas is predicted to arise during the operational phase (**no impact**).

Special Quality (SQ) 6 - A special mix of upland, lowland and coastal habitats; a wide variety of wildlife dependent on these

- 6.21 **Construction Impacts:** This special quality is concerned with the diversity of ecological habitats. The integrity of the special quality is related to the range of available habitats within the NYMNP being maintained.

6.22 The assessment concludes that no protected or notable (special) habitats would be lost due to the works. Loss of agricultural land and woodland would take place, but this would mean the loss of only land with a low ecological value. As such, a **minor adverse** impact upon the special quality is predicted.

6.23 **Operational Impacts:**

6.24 Landscape proposals for the Mine and MTS intermediate shaft sites during the operational phase would result in the creation of new ecologically valuable habitats, increasing the prevalence of local habitats value and diversity. This benefit is determined to be significant, and a **moderate beneficial** impact upon the special quality is predicted.

Special Quality (SQ) 7 - Settlements which reflect their agricultural, fishing or mining past; locally distinctive buildings and building materials

6.25 **Construction Impacts:** This special quality is concerned with historic built environment. It is interested specifically in the cultural heritage features that represent key cultural functions of the NYMNP. A particular emphasis is placed upon agriculture, fishing and mining.

6.26 One element of this integrity is the visual impact (setting) of the historic cultural environment, and the assessment indicates that the construction of the Mine and intermediate shaft sites would have a minor adverse impact on views from settlements. With regard to the direct impact upon the built cultural heritage of the NYMNP, these would be minimal. In combination, the impact of the Mine and MTS upon settlements which reflect their agricultural, fishing or mining past (SQ7) is predicted to be **negligible**.

6.27 **Operational Impacts:** During the operational phase, no visual impact is predicted to arise from the Mine or Lady Cross Plantation Intermediate Shaft Site upon surrounding settlements. With regard to direct effects upon the built cultural heritage of the NYMNP, the impacts arising would be minimal. Overall, the significance of the impact upon SQ7 would be **negligible**.

Special Quality (SQ) 8 - Long imprint of human activity; a wealth of archaeology from prehistory to the 20th Century

6.28 **Construction Impacts:** This special quality is concerned with the historic environment, specifically with the archaeological and cultural heritage found within the NYMNP. In particular it is concerned with the temporal range of cultural heritage, and with the breadth of valuable heritage features integral to the special quality.

6.29 The assessment makes clear that only features of local importance are at risk of being lost as a result of proposed works at the Mine and intermediate shaft sites. It notes that a visual impact would be experienced by visitors to cultural heritage features on the moorland adjacent to the Mine. As the cultural heritage features in question (tumuli),

currently exist outside their own temporal period, their existing external visual environment does not provide an accurate temporal setting for such features. As such, the change in the visual environment does not add to the perceived impact on this special quality. The impact is therefore assessed as **minor adverse** due to the loss of locally important undesignated features within the Mine site and intermediate shaft site boundaries.

- 6.30 **Operational Impacts:** No features are at risk of being lost as a result of proposed works at the Mine on intermediate shaft sites during the operational phase. During the operational phase, no visual impacts upon views from cultural heritage features are predicted to arise. As such, **no impact** is predicted to occur.

Special Quality (SQ) 9 - A rich and diverse countryside for recreation; an extensive network of public paths and tracks

- 6.31 **Construction Impacts:** This special quality is concerned with the variety and quality of recreational opportunities and the maintenance of access within the National Park. No recreational activities would be curtailed by the proposed Mine and MTS. An access route running through the Lady Cross Planation Intermediate Shaft Site would be lost during construction, but a diversion would be put in place. Limited severance impacts upon users of Public Rights of Way ('PRoW') in the vicinity of the sites would occur, however, access would be maintained. Overall, a **minor adverse** impact on SQ9 is anticipated.

- 6.32 **Operational Impacts:** Predicted traffic movement increases are associated with maintenance activities at the Mine and intermediate shaft sites and, during these times, the increases in traffic levels is likely to have severance impacts to users of the PRoW adjacent to Lady Cross Plantation and on the B1416 by the Mine site. However, these increases would be highly infrequent throughout the operational phase and only involve small increases in traffic levels over the baseline levels. As such, a **negligible** impact on SQ9 is predicted.

Special Quality (SQ) 10 - Strong religious past and present; ruined abbeys and ancient churches

- 6.33 **Construction Impacts:** This special quality is primarily concerned with the impacts arising from a loss of specific religious cultural heritage features within the NYMNP. Only features of local importance are at risk of being lost as a result of proposed works at the Mine and intermediate shaft sites. The works at the Mine and for the MTS are predicted to have **no impact** on people's ability to understand and enjoy the NYMNP's strong religious past and present (ruined abbeys and ancient churches).

- 6.34 **Operational Impacts:** As above, only features of local importance are at risk of being lost as a result of proposed works at the Mine site. Visual impacts would not affect visitors to religious cultural heritage features. **No impact** on SQ10 is therefore predicted.

Special Quality (SQ) 11 - Strong feeling of remoteness; a place for spiritual refreshment

6.35 **Construction Impacts:** The sense of remoteness is defined by the NYMNPA as being *“engendered by the extensive, open, undeveloped spaces...a valued quality, contributing to people’s enjoyment of ‘getting away from it all’”* (NYMNPA, 2013). The key factors determining a site’s remoteness are therefore seen as being a lack of *‘development’* or anthropogenic infrastructure, and an open landscape.

6.36 The NYMNP contains landscapes which fulfil the characteristics of ‘remoteness’; a lack of anthropogenic influence, wide, open landscapes and low population densities. These areas of the NYMNP are not concurrent with the Mine site or Lady Cross Plantation. Roads, settlements and also enclosed landscapes characterise the Mine and intermediate shaft site and, as such, the impact upon a sense of remoteness is limited. More remote locations can be found in the moorland to the east, west and south of the site, but these are themselves rendered less remote by the presence of major roads. In summary, the Mine and Lady Cross Plantation Intermediate Shaft Site are located within areas with a limited sense of remoteness and, as such, a **minor adverse** impact is anticipated on SQ11.

6.37 **Operational Impacts:** The influence of noise in the operational phase arising from vehicle movements and operations at the sites is predicted to be negligible. The level of visual intrusion associated with the Mine and Lady Cross Intermediate Shaft Site would be minimal during the operational phase of the Project and consequently a **negligible** impact is anticipated.

Special Quality (SQ) 12 - Tranquillity; dark skies at night and clear unpolluted air

6.38 **Construction Impacts:** The NYMNPA definition of ‘tranquillity’ is “the quality of calmness experienced in places with mainly natural features and activities, free from disturbance from man-made ones” (CPRE, 2006). Specifically, this includes:

“...positive factors such as remote and wild landscapes, streams and rivers and native trees, and those that are considered to be negative such as urban development, people, powerlines and traffic noise” (NYMNPA, 2012).

6.39 Tranquillity is clearly a complex concept and is composed of a number of factors, which together give the NYMNP a sense of tranquillity. The qualitative assessment undertaken attempts to consider all these factors to reach a satisfactory conclusion regarding the impact upon tranquillity arising from the Mine and MTS.

6.40 The sense of tranquillity at the Mine and Lady Cross Plantation and Lockwood Beck intermediate shaft sites is considered less strong than in the more remote areas of the NYMNP. Noise impacts would be mitigated

at source to ensure significant impacts do not remain. Changes to traffic levels would not result in a significant change in the tranquil character of the roads in questions. The new buildings are to be designed to adhere with the local built environment, and are situated within 'non-natural' plantation woodland. The works would result in a moderate, but relatively localised impact upon dark skies due to the lighting arrangement at the Mine during construction. As a result, the impact of the works upon tranquillity during the construction phase is assessed as being **moderate adverse**.

- 6.41 **Operational Impacts:** Operational lighting at the Mine and intermediate shaft sites would be controlled to maintain this quality of the National Park as far as possible. When periods of maintenance are required, the works would result in a localised impact upon dark skies due to the lighting arrangement at the Mine during these times. This would also occur during emergencies and in response to an increase in traffic within the area (at these times). As a result, the impact upon tranquillity during the operational phase is predicted to be **minor adverse**.

Special Quality (SQ) 13 - Distinctive skills, dialects, songs and customs; strong sense of community and friendly people

- 6.42 **Construction Impacts:** This special quality is concerned with the socio-cultural environment found within the NYMNP and the integrity of the cultural attributes associated with this.
- 6.43 The workforce would only represent a very small percentage of the population of the NYMNP and is likely to be based only partially within the NYMNP. Hence it is unlikely to have any impact upon cultural traditions of the NYMNP. As such, **no impact** is anticipated.
- 6.44 **Operational Impacts:** Again, the workforce would represent a very small percentage of the population of the NYMNP and is unlikely to have any impact upon cultural traditions of the NYMNP. As such, **no impact** is anticipated.

Special Quality (SQ) 14 - A place of artistic, scientific and literary inspiration; a heritage of authors, artists, scientists and explorers

- 6.45 **Construction Impacts:** This special quality is concerned with the historic built environment and local landscape types, specifically with a scientific and artistic connection either through association or as a subject. Key features in this regard include Alfred Wainwright's Coast to Coast Walk. Whitby Abbey is the subject of much artistic inspiration, however the setting of the Abbey looks towards the seaward aspect, and changes to the visual landscape on the landward side of the Abbey are considered to have no effect on the artistic context of the Abbey.
- 6.46 There is unlikely to be any direct impacts upon cultural heritage features with an artistic or scientific connection. However, a visual impact is predicted to arise upon walkers using the Coast to Coast walk, as featured in Wainwright's 1973 guidebook. As this route passes adjacent to the

works at the Mine site, a significant adverse impact is predicted to arise during construction; that is, an impact of **moderate adverse** significance.

- 6.47 **Operational Impacts:** There is unlikely to be any direct impacts upon cultural heritage features with an artistic or scientific connection due to the operation of Mine or the MTS and the mine itself will be a source of scientific exploration. A visual impact is predicted to arise upon walkers using the Coast to Coast walk during year 1 as the landscape planting matures at the Mine site. By year 15 this impact is anticipated to be beneficial, providing improved views to the north from this stretch of the Walk. As a result, a **minor beneficial** impact on SQ 14 is anticipated in the longer term.

Special Qualities - An Overview

- 6.48 The residual impacts on the special qualities of the National Park, therefore, range from minor beneficial, and no impact (13 in number, considering all 14 Special Qualities under both construction and operation conditions) through to moderate adverse (2) and minor to major adverse (1). Other impacts are negligible or minor adverse in nature. Of the special qualities assessed, it is the impact on the wide sweeps of open heather moorland, distinctive dales, valleys and inland headlands that expresses a predicted minor to major adverse impact. However, it should be noted that such impacts do not involve the direct loss of moorland landscapes, and instead impacts are more associated with visual impacts of users of access routes. Such impacts are predicted to be very localised and restricted to the construction period only. Furthermore, following maturity of proposed planting, and the creation of a landscape that is more sympathetic with the woodland landscapes of the North York Moors than the existing plantation woodland, impacts on this special quality are predicted to be minor beneficial in nature.
- 6.49 Again, with reference to the Tranquillity Special Quality, and the Places of Artistic, Scientific and Literary Inspiration Special Quality, the moderate adverse effects predicted are during the temporary construction phase, with impacts downgraded during operation (and in the case of the second special quality, predicted to switch to a minor beneficial impact).
- 6.50 This limited, and in some points beneficial residual impacts on the National Park's special qualities reflects the nature of the careful siting, design and specification of the application proposals, combined with the suite of mitigation, both integrated within scheme design and proposed as a result of identified impacts assessment work. This has allowed for the creation of mining facility and associated infrastructure of national importance that can be assimilated within its setting without detracting to an inappropriate degree upon the special qualities of its location(s).

3: Impact on Landscape Qualities of the National Park and Redcar and Cleveland

Summary of Key Policy Objectives and Themes

“Great weight should be given to conserving landscape and scenic beauty in National Parks...which have the highest status of protection in relation to landscape and scenic beauty.” (NPPF – Paragraph 115)

“Providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park.” (NP: CSDP – Core Strategy A)

“The landscape character of the National Park will be maintained and enhanced” and “New developments will not have a detrimental impact on the landscape of the National Park” (NP: NPMP – Policy E1 & E3)

“The overall approach will be to protect and enhance the Borough's landscape...Priority will be given to...the landscape character and natural beauty of the North Yorkshire and Cleveland Heritage Coast... 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.” (RC: CSDPD – Policy CS22)

“All minerals development must be compatible with their setting.” (MWCS – Policy MWC1)

- 6.51 The importance of protecting the landscape qualities of the National Park is a mainstream of prevailing policy, at national, regional and local level, with the matter to be given great weight (NPPF) in development control decisions. It is also the case that landscape change brought about by development has the potential to impact upon the special qualities of the National Park, and the policy objective to protect landscape extends of course beyond the Park boundary. RCBC policy appropriately seeks to protect and enhance valued landscape. Given this, it is not surprising that from the Project's initial evolution, the desire to create a scheme that was sympathetic to its landscape setting was of paramount importance. This approach is evident in the detail of the application currently submitted.
- 6.52 The submitted ES includes an assessment of the potential landscape and visual impact of the proposals, and as referred to under Policy Theme 2, a separate appraisal is undertaken in respect of the protection of the special qualities of the National Park. This latter material is not repeated here, but with regard to landscape and visual impacts, it is important to note initially how the YPL objective to create a scheme in keeping with its landscape setting directed Project design. In summary:-

- Substantive efforts have been made to create below-ground chambers to accommodate deep shaft winding structures, removing from the skyline the typical tower features (such as that seen at the Boulby mine), significantly reducing the operational and permanent impacts of the scheme (also see Policy Theme 8);
- This approach is mirrored across the minehead site at Dove's Nest Farm, with for example the access to the mine from the Welfare Building provided in a below-ground drift access, and buildings reduced to a minimum height for their operation functions. Buildings have been designed to avoid as much as possible being visible within external views of the site;
- The use of spoil extracted from the shaft and MTS works to create new landforms sympathetic with the prevailing landscape character of each site. Where possible, these new features are used to screen buildings;
- The adoption of detailed restoration plans and strategies for each site, designed to maintain and enhance existing landscape character and where possible improve conditions, both from a landscape and ecological habitat perspective. With a commitment for the long term care of landscaped areas; the incorporation of complementary planting (including extensive areas of broadleaved woodland; species, rich grassland); and, the creation of enhanced habitat frameworks to link with existing site features to deliver a more robust and extensive landscape structure;
- In building design, adopting simple agricultural building forms, reflecting local character. Similarly, through the use of neutral/visually recessive materials, buildings are able to assimilate more with their surroundings;
- The adoption of minimum levels of site lighting with further mitigation in the form of appropriate luminaire selection, and automated shutters to building windows; and
- The selection of the proposed MTS for the onward transport of the mined polyhalite involving the creation of a tunnel, delivers significant landscape benefits over the alternatives. The construction of pipelines and the need to create pipeline gradients within operational margins results in both significant construction visual impacts along the pipeline length and a need for above-ground bridging structures (across valleys and rivers etc).

6.53

This adopted approach to Project design, has allowed the visual and landscape assessment in respect of the minehead development at Dove's nest Farm to conclude the following:

“The proposed scheme would result in a range of short term significant adverse landscape character and visual impacts within this part of the National Park. Following the establishment of site restoration proposals, the mine would operate without significant adverse effect on local visual and landscape receptors or on the wider National Park and would provide a minor landscape benefit. As the restoration scheme matures, and post-decommissioning, the site would continue to make a positive contribution to National Park landscape character.”

6.54 In respect of the MTS sites, the conclusions for Lady Cross MTS site are as follows:

“The proposed scheme would result in a range of short term significant adverse landscape character and visual impacts within this part of the National Park. Following the establishment of site restoration proposals, the MTS would operate without significant adverse impact on local visual and landscape receptors or on the wider National Park. As the restoration scheme matures, and post-decommissioning, the site would continue to make a minor but positive contribution to landscape character.”

6.55 For the Lockwood Beck site, the conclusions are:

“The proposed scheme would result in a range of short term significant adverse landscape character and visual impacts within the area north of the Lockwood Beck Reservoir and in adjacent areas of the National Park. Following the establishment of site restoration proposals, the MTS would operate without significant adverse impact on local visual and landscape receptors or on the National Park. As the restoration scheme matures, and post-decommissioning, the site would continue to make a minor but positive contribution to landscape character.”

6.56 For Tocketts Lythe, the following conclusions are made:

“The proposed scheme would result in a range of short term significant adverse landscape character and visual impacts within approximately 1km of the site, and on the northern fringe of the National Park. Following the establishment of site restoration proposals, the MTS would operate without significant adverse impact on local visual and landscape receptors or on the National Park and would provide a minor landscape benefit. As the restoration scheme matures, and post-decommissioning, the site would continue to make a minor but positive contribution to landscape character.”

6.57 With regard to the Wilton Portal works, the EIA chapter on the MHF assesses the completed MHF scheme, hence compares what is currently a vacant and clear employment site to the fully developed MHF built form. Given this context, it is not surprising that the conclusions identify a significant adverse visual impact on residential receptors to the north east of the site and a range of lesser effects on the limited number of visual receptors and on landscape character to the east and south east of the site. However, it also recognises that these impacts will reduce, as the proposed woodland planting along the eastern boundary of the site would help assimilate the development into its setting.

6.58

Overall, therefore, the landscape and visual impacts of the Project, whilst acknowledged during the construction phase, are set to reduce as the design mitigation incorporated into the scheme minimises its visual presence. The important policy objective to protect prevailing landscape conditions, therefore, over the long term of the proposed life of the scheme, will be satisfied.

4: Ecology

Summary of Key Policy Objectives and Themes

“Maintaining and enhancing the natural environment and conditions for biodiversity and geodiversity”

“Provide an appropriate level of protection to legally protected sites and species...Maintain, and where appropriate enhance, conditions for priority habitats and species” and “other sites, features, species or networks of ecological or geological interest and provide for the appropriate management of these”

“Maximise opportunities for enhancement of ecological or geological assets...Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere.”

(NP:CSDP - Core Policy A, C)

“Conserving and enhancing protected biodiversity and geodiversity sites and features...Protecting ancient woodland and veteran trees...Strengthening populations of protected and target species; and improving site management and increasing public access to wildlife sites.”

“Development will be encouraged to include measures to contribute positively to the overall biodiversity in the Borough.”

(R: CSDPD – Policy CS24)

“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...unless the need for, and benefits of, the development in the location clearly outweigh the loss.”

(NPPF – Paragraph 118)

6.59

The preparation of the ecological assessment for the Project has been the subject of extensive discussions between YPL’s advisors, statutory consultees and the determining authorities that commenced well in advance of the original application. The findings of this work are best summarised by repeating Table 11.12 and Table 11.13 of the relevant ES Chapters, that detail predicted residual impacts.

Minehead

Table 6.1 Summary of ecological impacts - Minehead

Receptors	Type of effect	Sensitivity of receptor	Mitigation	Magnitude of impact after mitigation	Significance of residual impact (adverse/beneficial)
Construction Phase					
Impact on non-statutory sites	No impact	High	No sites affected by proposed development.	No impact	No impact
Impact on habitats	Permanent	High	Majority of trees where possible would be retained. Landscape Strategy would be implemented. Approximately 47.8ha of land would be taken for construction.	High	Moderate adverse
Impacts on birds	Temporary, adverse	High	Any vegetation removal would be undertaken outside the bird breeding season. Landscape Strategy would be implemented	High	Moderate adverse
Impacts on bats	Permanent and temporary, adverse	High	Lighting proposals to consider Bat Conservation Trust guidance	High	Moderate adverse
Impacts on reptiles	Temporary, adverse	High	Precautionary Method of Working proposed to include habitat manipulation (e.g. vegetation stripping) and tool box talks with contractors.	Negligible	Negligible
Impacts on otters, water vole, dormice, aquatic and terrestrial invertebrates	No impact	No impact	None recorded within survey area.	No impact	No impact
Impacts on badgers	Reported separately in confidential Appendix 11.4.				
Operational Phase					
Impact on non-statutory sites	No impact	High	No sites affected by the operational phase	No impact	No impact

Impact on habitats	Permanent	High	Loss of 47.8ha of land during construction.	High	Moderate beneficial
Impacts on birds	Permanent	High	Landscape Strategy would be implemented	High	Moderate beneficial
Impacts on bats	Permanent	High	Landscape Strategy would be implemented	High	Moderate beneficial
Impacts on reptiles	Permanent	High	Landscape Strategy would be implemented	High	Low beneficial
Impacts on otters, water vole, dormice, aquatic and terrestrial invertebrates	No impact	High	No species present	No impact	No impact
Impacts on badgers	Reported separately in confidential Appendix 11.4.				

Source: Royal HaskoningDHV

Mineral Transport System

Table 6.2 Summary of ecological impacts - MTS

Receptors	Type of effect	Sensitivity of receptor	Mitigation	Magnitude of impact after mitigation	Significance of residual impact (adverse/beneficial)
Construction Phase					
Impact on statutory sites	Temporary, adverse	High	Landscape Strategy would be implemented	Minor	Moderate beneficial
Impact on non-statutory sites	No impact	High	No sites affected by proposed development.	No impact	No impact
Impact on habitats	Permanent	High	Majority of trees where possible would be retained. Landscape Strategy would be implemented.	Medium	Moderate beneficial
Impacts on birds	Temporary, adverse	High	Any vegetation removal would be undertaken outside the bird breeding season. Landscape Strategy would be implemented	Minor	Moderate beneficial
Impacts on bats	No impact	High	Lighting proposals to consider BCT and RSPB guidance.	No impact	No impact
Impacts on reptiles	Temporary, adverse	High	Precautionary Method of	Negligible	Negligible

			Working proposed to include habitat manipulation (e.g. vegetation stripping) and tool box talks with contractors.		
Impacts on badgers, otters, water vole, dormice, aquatic and terrestrial invertebrates	No impact	No impact	None recorded within survey area.	No impact	No impact
Operational phase					
Impact on statutory sites	Permanent	High	Landscape Strategy would be implemented	Low	Minor beneficial
Impact on non-statutory sites	No impact	High	No sites affected by the operational phase	No impact	No impact
Impact on habitats	Permanent	High	Restoration and Landscape Strategy would be implemented	Low	Minor beneficial
Impacts on birds	Permanent	High	Landscape Strategy would be implemented	Low	Low beneficial
Impacts on bats	Permanent	High	Landscape Strategy would be implemented	Low	Low beneficial
Impacts on reptiles	Permanent	High	Landscape Strategy would be implemented	Low	Low beneficial
Impacts on badgers, otters, water vole, dormice, aquatic and terrestrial invertebrates	No impact	High	No species present	No impact	No impact

Source: Royal HaskoningDHV

- 6.60 From this, with the proposed mitigation measures in place (such as implementation of the landscape strategy, lighting strategy, adoption of pre-cautionary methods of working etc) significant adverse impacts of the Mine and the MTS can be avoided, and in many instances during operations moderately beneficial impacts are predicted.
- 6.61 In terms of the proposed works at the MHF site, it is noted that its immediate surroundings contain no statutory or non-statutory designated sites of nature conservation value. During surveys no protected species were observed at the site and there is limited suitable habitat that has the potential to host any such species.
- 6.62 The exception to this relates to some areas of semi-improved and calcareous grassland and areas of semi-natural woodland of potential interest to reptiles and birds respectively. Notwithstanding this, the survey notes that much of the land adjacent to, and outside the application site

provides similar, if not better quality, habitats that could be used by these species.

6.63 The landscape strategy has sought to retain trees and vegetation wherever possible. The proposed MHF development includes significant landscape works and additional planting proposals that would create 14.3ha of new habitat of both amenity and ecological benefit. This would include 9.7ha of broadleaved native species woodland; 2.8ha of wildflower grassland; and, 1.8ha of wetlands (consisting of SuDS retention ponds, wildlife ponds and swales). These landscaped areas would be subject to a five year aftercare and replacement period that will ensure they maintain their ecology interest.

6.64 Overall, whilst the proposals would result in some loss of habitat, the findings of the assessment of the MHF conclude that the proposals will deliver either low beneficial impact or no impact.

6.65 Note that the proposed minehead development is in the vicinity of the North York Moors Special Area of Conservation (SAC) and Special Protection Area (SPA). The proposed scheme is not directly connected with, or necessary to, the conservation management objectives of these European designated sites. However, given the proximity, under the Habitats Directive, consideration of the likely significant effect of the Project is required. The YPL Habitats Regulations Assessment Report is provided in the ES, and given the complexities of this work, it is not appropriate to summarise this within the Planning Statement.

5: Recreation and Tourism

Summary of Key Policy Objectives and Themes

“Support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors, and which respect the character of the countryside...identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value” (NPPF – Paragraph 28 & 123)

“The quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism...businesses will be supported where the proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park.” (NP: CSDP Development Policy 14)

6.66 The National Park is a recreation and tourist destination deriving a large proportion of its economic activity from sectors that support these activities. In recognition of the potential to impact upon recreation opportunities, the EIA includes an assessment of the potential impacts of the construction, operation and decommissioning phases of the mine and MTS proposals on amenity and recreation opportunities. This work was informed by an extensive pre-application consultation exercise with

statutory stakeholders and local residential groups, as well as the results of a Visitor Survey undertaken by Ipsos MORI.

- 6.67 This assessment which is only summarised here, considered potential impacts on public rights of way, cycling and cycle routes, open access land, common land and public open space, horse-riding and equestrians; and a range of other amenity and recreation assets (including museums, golf clubs, tennis clubs etc). Potential impacts related to potential obstructions to PRoWs; disturbance to users of these routes (from a range of sources including noise, landscape and air quality impacts); obstructions or disturbance to cyclists and equestrians; and the potential for similar impacts upon sports and recreational facilities.
- 6.68 As set out in the EIA, the proposals are assessed to not result in any significant adverse effects.
- 6.69 Some minor adverse effects arising during construction have been identified, namely:-
- Landscape and visual effects resulting from built structures; and
 - Disruption to a small number of pedestrian/cyclist routes.
- 6.70 Some of these effects will last for the total duration of the construction period, although for many visitors, their experience of these effects would be intermittent.
- 6.71 There would be no minor adverse effects related to tourism that would continue beyond the construction period, and many predicted affects become negligible or beneficial.
- 6.72 The details of the Ipsos MORI survey are explained in the submitted Economic Impact Report. The survey has identified the potential for small adverse impacts during the construction and operational phases. These equate to a loss of £10.3mper year in total tourism spend during construction and £5.2m per year during operation – a loss of 3.4% during the construction phase and 1.7% during operations.
- 6.73 The conclusions of the survey are primary based on comparing the change in respondents' attitudes to visiting the NYMNP before and after they had been given a description of the Project.
- 6.74 The likelihood is that the survey is over-estimating impacts. This is particularly the case given that the findings of the EIA that predict a limited effect on visitor experiences. It is also relevant to note that measures of tourism employment in the National Park during the period of construction of the upgraded Flyingdales facility show that there was no decline over that period.
- 6.75 Even if the worst case scenario were to occur, the losses would be small compared to the benefits of the YPL scheme – around 150 jobs, compared to the 750 well-paid, full-time jobs within the Park at the mine itself. The loss of tourism activity at £5.2m during operation is insignificant in comparison to the £1.2bn of annual turnover generated by the Project.

6.76 Notwithstanding this comparison, or the results of the EIA assessment on recreation, YPL is prepared, in response to comments received from the NYMNPA regarding the extent of impacts on tourism generally, to make a series of contributions towards various tourism-related initiatives (see Policy Theme 12).

6: What are the Economic and Social Benefits of the Scheme?

Summary of Key Policy Objectives and Themes

"Significant weight should be placed on the need to support economic growth through the planning system... To help 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"

Consideration of major development in National parks "should include an assessment of the need for the development, including in terms of any national considerations and the impact of permitting it, or refusing it, upon the local economy" (NPPF - Paragraph 19, 20, 116, 142 & 144)

"By 2020, the rural economy will have diversified... Average incomes have risen" (NP: CSDP – Chapter 4)

"provide opportunities for diversifying and strengthening the local economy." (RC: CSDPD – Paragraph 2.13)

6.77 The economic benefits that are predicted to arise from the construction and operation of the development have been assessed in the socio-economic chapter of the EIA, as well as highlighted in the Economic Impacts Report submitted to accompany the application. Full details are not repeated here, but it is clear that the benefits of the economy predicted as a result of the operation of the proposals, whether it is through higher employment (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, will all make a significant contribution towards boosting the economy nationally, regionally and locally.

6.78 Some of the economic figures attributed to the proposals best illustrate the national importance of the Project:-

- 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;
- 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);

- 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, Scarborough, and also across the North York Moors National Park travel to work area is 67%, 6% below national Government targets);
- The contribution to national GDP is expected to be £500m per annum in 2020 and £1bn per annum in 2024;
- At full production, the Project would create in the region of £5.2bn of exports per annum and reduce the UK's trade deficit by just under 4%;
- 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;
- Tax receipts during the construction phase are estimated at around £188m, whilst annual operational taxation would be in the region of £233m;
- 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,
- 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 (see Policy Theme 12). 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.

6.79 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. As explained in the MDT Planning Statement (see Section 7.0), 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 is doing so, the value of the Project is enhanced. This is before any consideration is given to the NPPF's recent shift of policy recognising the role of minerals as essential to support sustainable economic growth and quality of life (paragraph 142) and the great weight that should be given to the benefits of mineral extraction in the decision-making process (paragraph 144).

6.80 Reference above to paragraph 116 of the NPPF, of course, highlights the role of economic considerations in the appraisal of the Project, under the

MDT that forms the subject for the MDT Planning Statement. This document usefully provides precedent from a number of case studies including a number of appeal cases; projects in other National Parks; and proposals at CPL's Boulby Mine. The case studies demonstrate that proposals that offer very substantially less benefits when compared to the YPL proposals can be consented in National Parks, because of their economic benefits. With the Boulby Mine example, NYMNP concluded that in view of the need for Potash and the scale of the forecast economic benefits to the local as well as wider economy, the significant environmental effects of the project upon the Park were acceptable.

- 6.81 It remains the case that a balance needs to be struck between benefits of a project and the environmental effects of the proposal, but it is evident that the economic benefits of a project, should contribute significantly to the positive consideration of any proposal. The NPPF, of course, requires that great weight should be given to these benefits.
- 6.82 By any measure the economic benefits of the YPL Project are of local, regional and national importance. This, alongside the findings of the assessments that demonstrate the agronomic need for the proposals; the lack of alternatives and the limited nature of the environmental impacts (as evidenced in the submitted EIA) allows the MDT Planning Statement to conclude that the requirements of the MDT are readily met. These factors, most notably the economic benefits of the proposals create the exceptional circumstances required by paragraph 116 of the NPPF, and justify why the proposals can be approved in the public interest.
- 6.83 Alongside the MDT, there are a whole suite of policies at all levels that seek to promote development that can deliver economic benefit. The outline of economic performance provided above demonstrates the significant scale of benefits that are predicted, that go beyond those typically associated with all but the most prestigious and nationally significant schemes. With one project, there is the potential to deliver policy aspirations across the local area, to fulfil regional economic policy objectives and make a difference to the nation's economic performance.
- 6.84 These characteristics, whilst fundamental to the application of the MDT, also ensure a wider positive policy context for the proposal.

7: Other Environmental Matters

Summary of Key Policy Objectives and Themes

“ensure...that there are no unacceptable adverse impacts on the natural and historic environment, human health....” (NPPF – Paragraph 144)

“...noise associated with the operation; dust; air quality... archaeological and heritage features; risk of contamination to land; soil resources; geological structure; impacts on best and most versatile agricultural land; flood risk; land stability/subsidence; surface and, in some cases, ground water issues; water abstraction” (PPG – ID: 27-014-20140306)

“not have an unacceptable adverse impact on surface and ground water, soil, air quality and agricultural land; it will not generate unacceptable levels of noise, vibration, activity or light pollution; there will be no adverse effects arising from sources of pollution...; land stability can be achieved” (NP: CSDP – Development Policy 1)

“Does not cause a significant adverse impact on the amenities of occupiers of existing or proposed nearby properties; does not result in the unacceptable loss or significant adverse impact on...built or heritage assets...; minimise the loss of best and most versatile agricultural land; avoids locations that would put the environment or human health or safety at unacceptable risk.” (RC: DPDPD – Policy DP2)

“not result in unacceptable impact on public amenity, environmental, historic or cultural assets from their design, operations management and restoration.” (MWCS – Policy MWC1)

6.85

This topic-based appraisal of the Project has drawn upon the conclusions of the submitted ES that presents the findings of an EIA of the YPL Project, highlighting particular matters, where appropriate. It is the case that the ES covers a wide range of environmental topics, with its scope agreed during pre-application discussions with the determining authorities. It is not required or desirable for this Planning Statement to detail each chapter of the ES, and with all the summaries provided within this document, reference should be made to the ES for a full account of the assessment undertaken. However, as an overview, the following table provides an account of the conclusions of the ES, identifying maximum effects (the ‘worst case’ scenario) after any mitigation measures have been taken into account, for those subjects not considered elsewhere.

Minehead

Table 6.3 Summary of Maximum Residual Effects to Receptors for the Mine

Environmental Issue	Construction	Operational	Decommissioning
Noise & Vibration	Negligible	Negligible	Negligible
Air Quality	Negligible with a slight adverse effect possible during earthworks due to	Negligible	Negligible

	dust emissions		
Socio-Economics	Minor beneficial due to local employment and growth in wealth	Major beneficial at local level and minor beneficial at a sub-regional level	Negligible/minor adverse
Cultural Heritage	Mainly slight adverse effects	No effects	No effects
Geology & Hydrogeology	Minor/moderate adverse	Minor adverse	Negligible
Hydrology & Flood Risk	Negligible	Largely negligible; minor adverse effects possible due to increased surface water flows from site drainage and treated sewage	Negligible
Land Uses and Soils	Minor adverse on soil degradation and loss of soil resources; negligible effects on other receptors	Minor adverse due to land being taken out of existing use for farming; negligible effects on other receptors	Mainly negligible; minor adverse effects on restrictions

Source: Royal HaskoningDHV

Mineral Transport System

Table 6.4 Summary of Maximum Residual Effects to Receptors for the Mineral Transport System

Environmental Issue	Construction	Operational	Decommissioning
Noise & Vibration	Negligible	Negligible	Negligible
Air Quality	Negligible	Negligible	Negligible
Socio-Economics	Minor beneficial due to local employment and growth in wealth	Major beneficial at local level and minor beneficial at a sub-regional level	Negligible/minor adverse
Cultural Heritage	Slight/negligible	No effects	No effects
Geology & Hydrogeology	Mainly negligible; some receptors with a minor adverse effect	Mainly negligible; some receptors with minor adverse effects at Lady Cross Plantation	Negligible
Hydrology & Flood Risk	Negligible	Negligible/adverse	Negligible
Land Uses and Soils	Moderate adverse due to land being taken out of existing use; minor adverse on soil degradation, on loss of soil resources and on alteration to drainage systems; negligible effects on other receptors	Minor adverse effects due to land being taken out of existing use; otherwise negligible effects	Mainly negligible or minor adverse effects

Source: Royal HaskoningDHV

Materials Handling Facility

Table 6.5 Summary of Maximum Residual Effects to Receptors for the Materials Handling Facility

Environmental Issue	Construction	Operational	Decommissioning
Noise & Vibration	Negligible impact on all receptors	Negligible impact on all receptors	Negligible impact on all receptors
Air Quality	Negligible impact on all receptors	Negligible impact on all receptors	Negligible impact on all receptors
Socio-Economics	Short term, negligible to minor beneficial effect on employment and local economy	Minor to major beneficial impact on employment and permanent and major beneficial impact on local economy	Adverse effects due to loss of direct and indirect employment
Cultural Heritage	Minor local impact on The Mill Race and potentially on unknown buried remains	No impact on any receptors	No impact on any receptors
Geology and Hydrogeology	Minor adverse impact on alteration of groundwater levels due to dewatering, negligible impact on all other receptors	Negligible or no impact on all receptors	Negligible or no impact on all receptors
Hydrology and Flood Risk	Negligible impact on all receptors	Negligible impact on all receptors	Negligible impact on all receptors

Source: Royal HaskoningDHV

6.86

This summary overview does highlight the success of the Project to minimise its effects on the environment, limiting the majority of adverse impacts to the temporary construction phase and delivering a predominately negligible or even beneficial impact on receptors during operation.

8: What are the Design Qualities of the Development Proposals?

Summary of Key Policy Objectives and Themes

“Maintain and enhance the distinctive character of the National Park ...the siting, orientation, layout and density preserves or enhances views into and out of the site...a high standard of design detailing... good quality sustainable design ...satisfactory landscaping... safety, security and access needs for all potential users” (NP: CSDP - Development Policy 3)

“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.” (RC: CSDPD – Policy CS20 & DP3)

“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)

“The natural landscape features of a site, which should be incorporated into the layout and design of the proposal...Through appropriate siting and landscaping techniques such as planting, new development should blend into the surrounding landscape...development should respond to or take account of the physical features of a site...use good quality materials...where appropriate, consider the use of innovative materials and construction...Established trees should be retained where possible to help to ‘mature’ new development sites.” (NP: DG1SPD – Section 3.4 & 3.5)

- 6.87 A full appreciation of the design approach adopted for the proposals that are the subject of the current application is provided within the submitted Design and Access Statement. Whilst not a statutory requirement for a minerals application, a Design and Access Statement has been submitted, as it provides an opportunity to present the sustainable design and inclusive access principles that have guided the YPL proposals, as well as allow for the explanation of the design evolution of the YPL Project.
- 6.88 The submitted Design and Access Statement provides an account of site sensitivities for each of the above-ground components of the Mine and MTS proposals, with appropriate references to policy constraints; visual relationships with surrounding areas; prevailing characteristics in terms of site use, vegetation, ecology and access; the presence of footways and bridleways both across sites and in surroundings; and the proximity of other potentially sensitive areas, whether habitat, landscape or human receptor. The details of these constraints and opportunities are not repeated here, but it is clear from this exercise that each site, from Dove’s Nest Farm; the intermediate sites along the MTS; and, the portal at Wilton International Complex, all have distinct characteristics that create differing context to influence appropriate design. The contrast between the constraints at Dove’s Nest Farm within the proximity of open moorland to the south and east and its screen of woodland planting at the site

boundary, to the industrialised character of the Wilton site creates distinct design challenges, but within a clear consistent policy highlighted above that demands good quality design, in every aspect of the development Project.

- 6.89 This sets the context for the evolution of the design principles and objectives of the YPL Project that have guided the design, access, and landscaping proposals for the above-ground structures. Again, the Project-wide design principles are detailed in the Design and Access Statement. In summary, the design objectives applied in broad terms seek to ensure the development minimises adverse effects on views into and out of the sites both during daylight and night hours; adopts an appropriate scale, layout, and density necessary for efficient operation but sympathetic to prevailing site and surrounding characteristics; incorporates sustainable design principles alongside in-built environmental mitigation; and uses modern architecture that assists with the creation of safe and secure environments.
- 6.90 These principles manifest in different ways across the application proposals. At Dove's Nest Farm, substantive efforts have been made to limit above-ground infrastructure, adopting innovative and market-leading design. Perhaps most noteworthy, from the initial scheme conception, the decision was taken to create below-ground chambers to accommodate two deep shaft winding structures. More typically these structures are located above-ground, creating the characteristic 'towers' of minehead development. The significant and costly engineering undertaking to create below ground chambers to accommodate these features was considered appropriate to reduce the prominence of the development the landscape. Alongside this, mine winding equipment, maintenance infrastructure, and drift access for miners to reach the mine from the proposed Welfare Building have also been located predominantly underground.
- 6.91 Further evidence of the application of the above design principles is in the emergence of the MTS onward transport option for the mined polyhalite. From the original proposal for a pipeline, the scheme has 'switched' to an MTS mainly comprising an underground tunnel, enabling a significant reduction in the building footprint at the minehead with the removal of the slurry preparation buildings. Similar reductions in the scale of necessary plant is achieved at Wilton, which accommodates all of the Project's processing facilities - another move away from mining convention where such facilities are usually found as part of the minehead development.
- 6.92 These two fundamental design-associated decisions have transformed the nature of the scheme, and illustrate the importance given to securing, a design solution for the Project that is compatible within its context and hence delivering on key policy objectives. This approach has been carried through to the more detailed design of the Project, and the individual treatment for each above-ground site.
- 6.93 At the minehead, the design approach has been to:-

- 1 Minimise environmental and in particular, visual and lighting, effects on the National Park;
- 2 Design the site landform to reflect the broad, gently undulating Ugglebarnby Moor ridge landform;
- 3 Design the site to sit sympathetically within and to reinforce the existing wooded character of the Ugglebarnby Moor ridge;
- 4 Set the minehead construction platform and shaft top level at a height that provides an appropriate engineering solution in response to water table and ground bearing strength issues, balanced with the above design principles;
- 5 Adopt simple agricultural building forms, reflecting local character and use of materials; and
- 6 For the welfare building and gatehouse, adopt a contemporary design but using neutral/visually recessive materials.

6.94 Spoil extracted as part of the construction of the mine will be used to create new landforms on the periphery to the site; enveloping and surrounding the buildings. The new landforms will be sympathetic to site location and will achieve the design objective in relation to visual enclosure of the operational site. In accordance with the above principles the proposed landform design would re-form and foreshorten the eastern slopes of the Ugglebarnby Moor ridge to envelope the proposed minehead buildings and integrate the site as a whole in views from the east and north east, whilst maintaining the broad existing character of the ridge.

6.95 Building footprints and heights have been designed to avoid proposed buildings being visible within external views of the site, in accordance with the key design objectives.

6.96 The contemporary building design of the proposed Welfare Building would include a glazed southern façade incorporating timber louvres to moderate and control daylight entering the building and light emissions from the building during the evening periods. The building's east and west elevations would be predominantly clad in natural timber. The north elevation would also be clad in timber and include window openings. The building would be positioned on a concrete plinth. The roof would comprise a non-reflective material and include an overhang.

6.97 The proposed development on the north part of the site would include seven mining-related buildings (including a building to house the maintenance access to the minehead end of the MTS). The design development of the minehead buildings has been led by what is happening below ground. Therefore the breaking up of the below ground floor function has allowed the scale and the mass of the buildings to be reduced and be more sympathetic to the context of the site.

6.98 The mine buildings will be single-storey, although the two shaft buildings would exceed the height of a typical single-storey building. All of these buildings will be grey coated, profiled metal cladding, set on a concrete

plinth and have grey sheet metal roofs. The buildings have been designed as simple agricultural forms with pitched roofs.

6.99

The following design principles have been applied to the development of the proposals for the Lady Cross Plantation MTS site:-

- 1 Locate the shaft construction platform at the lower end of the southern field to utilise woodland cover surrounding the site, and taller woodland within a plantation immediately south of the site, to screen ground level activity in views from within the Esk Valley;
- 2 Locate the spoil placement area within the northern field and restrict the height of the proposed landform below the level of surrounding trees;
- 3 Design the proposed spoil placement areas to reflect local landform variation, with a combination of steeper and slacker gradients;
- 4 Use soil storage mounds to screen potential views into the site from the adjoining Lady Cross Plantation caravan site;
- 5 Design the operational shaft top building to reflect the scale and character of typical agricultural structures (barns) as found within the National Park and provide local scale planting around the building to screen views from the nearby footpath; and
- 6 Retain existing areas of ecological value where possible and restore all temporary construction areas and the spoil placement area to nature conservation after uses, to improve biodiversity value across the site and support National Park Management Plan objectives.

6.100

The design principles applied to the Lockwood Beck MTS site are as follows:-

- 1 Locate the shaft construction platform at the south eastern edge of the site to take advantage of screening providing by surrounding adjoining plantation cover in wider views and locate the shaft top building in an area where existing agricultural structures are present;
- 2 Locate spoil placement areas across the western part of the site and design proposed contours to reflect the gentle upper shoulder and steep lower valley edge of the existing landform;
- 3 Select a crossing point over Dale Beck that minimise removal of existing woodland or loss of sensitive habitats;
- 4 Maintain the broad maximum level of the existing western valley side landform along Stanghow Lane to maintain distant views south east and south towards the National Park;
- 5 Design the operational shaft top building to reflect the scale and character of typical agricultural structures (barns) as found in the local area;
- 6 Re-form field boundaries around the operational area and the realigned Swindale Lane junction to assimilate these features into the local landscape pattern; and

- 7 Restore temporary construction areas and the spoil placement area to a combination of agricultural and nature conservation after uses, with a focus on extending valley woodland and species-rich grassland habitats.
- 6.101 Design principles applied to the Tocketts Lythe MTS site are as follows:-
- 1 Locate the shaft platform within flanking woodland cover at the rear, eastern edge of the site, to help contain views to ground level activity during the construction phase;
 - 2 Retain the existing landscape structure of fields, woodlands and hedgerows within the site by compartmentalising shaft construction platform, site support and spoil placement areas within the existing field pattern;
 - 3 Locate the spoil placement area against a backdrop of mature woodland and rising ground and design contours to reflect the broad characteristics of the steep gill to the east and gently undulating farmland to the west; and
 - 4 Return the site to agricultural end use combined with restoration of removed habitats, new pond and grassland habitats and planting of new woodland areas across steeper parts of the spoil placement landform.
- 6.102 The design objective for the Wilton site is to provide a clear line of production from tunnel to storage without complication or duplication.
- 6.103 The polyhalite which has travelled along the MTS will emerge above ground at the Wilton Portal. From here the material will be passed to a Materials Handling Facility (which although the land is included within the red line, is not part of this application). Material excavated from the tunnelling process will be permanently stored on site in a series of mound features.
- 6.104 The materials selected for the buildings aim to create a neutral and recessive elevation which is robust enough to withstand the industrial operation of the site. This has driven the building envelope design to create a non-reflective homogenous elevation, with minimal projections/detailing, to naturally integrate the building forms within the skyline of the surrounding Wilton site.
- 6.105 The buildings would be a steel-framed structure with concrete retaining walls and steel sheet cladding.
- 6.106 A belt of woodland planting would be established along the eastern side of the site, to soften views of the development from residential areas and open space to the east. This belt would reinforce the screening effect of existing tree and shrub cover which is present across areas to the east of the site.
- 6.107 Further details of the design of the proposed development at each of the above-ground sites are provided in the Design and Access Statement, and

it is noted that design as an issue extends to include additional sustainability issues that are addressed separately. However, it is considered that the approach to design adopted by YPL and that has been responsible for the scheme evolution, a process that has continued since Project commencement, has created a project that successfully integrates into its setting. Whilst the Project does involve the establishment of a minehead and an intermediate site within the National Park, along with a further two intermediate sites plus the portal development at Wilton, through careful design, the adoption of high quality materials, and a much reduced scale and massing strategy, the proposals are able to maintain and in some instances enhance the distinctive character of the application site, both within the National Park, and into Redcar and Cleveland.

9: Are Access Arrangements and Transport Impacts Acceptable and Mitigated Appropriately?

Summary of Key Policy Objectives and Themes

"Its location is, or is capable of being, accessed by public transport, walking or cycling...It is of a scale which the adjacent vehicular road network has the capacity to serve without detriment to highway safety or the environmental characteristics of the locality...Parking is provided in accordance with the relevant maximum standards adopted by the Authority" (NP: CSDP – Development Policy 23)

"Proposals will be supported that: improve transport choice and encourage travel to work and school by public transport, cycling and walking...The Council will support the preparation and implementation of Travel Plan." (RC: CSDPD – Policy CS26)

"... attractive alternative means of transport to the private car will be promoted ... the impacts of highway improvements will be minimised." (Policy C13 and 16, NYMNPMP)

"Minimise the need to travel by road." (MWCS – Policy MWC10)

"developments that generate significant amounts of movement should be supported by a Transport Statement... Plans and decisions should include... opportunities for sustainable transport modes...safe and suitable access... improvements can be undertaken within the transport network that cost effectively limit the significant impacts of development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." (NPPF – Paragraph 56,60 & 66)

6.108

The policy context for the consideration of development proposals that generate traffic, therefore, has consistent themes of managing traffic demand; promoting sustainable modes of transport over and above the use of the private car; creating a safe and suitable transport network; and, minimising the adverse effects of highway mitigation. The full response of YPL to these objectives is provided with the transport material submitted with the application, that takes the forms of a Chapter in the submitted EIA,

informed by two Transport Assessments; one for that part of the YPL Project that is with NYCC area of interest and the other that addresses that part of the development within Redcar and Cleveland Borough.

- 6.109 It is not appropriate within this summary to provide details of all this material (that also includes both a draft Construction Transport Management Plan and draft Travel Plan). However, key to this assessment work is an understanding of the package of bespoke embedded mitigation measures that have been developed by YPL into a Project-wide transport strategy.
- 6.110 The transport strategy consists of the following measures:-
- 1 Clearly defined delivery routes for HGV deliveries utilising the 'A' road network for all trips (save the direct access to the Mine which utilises the B1416);
 - 2 Stockpiling provision to manage the daily and hourly flows of HGVs on the network;
 - 3 Park & Ride (P&R) facilities at Whitby for Mine construction personnel and/or direct bus/minibus transport to site;
 - 4 Park & Ride facilities at Whitby Cross Butts for Mine operational personnel;
 - 5 A landscape strategy to retain the majority of Mine arisings on site;
 - 6 A landscape strategy to retain MTS arisings at shaft site locations;
 - 7 Restricted parking at the Mine, MTS intermediate shaft sites, MHF and Harbour for both construction and operation personnel;
 - 8 A car sharing policy for direct trips to the MTS sites, MHF and Harbour during construction; and
 - 9 A car sharing policy for direct trips to the Mine during operations.
- 6.111 The specification of the transport strategy has been derived from an application of the characteristics of the Project and prevailing highway conditions, as well as being informed by discussions with statutory consultees on highway matters. It has also assisted with the definition of the Travel Plans for both the construction and operation of the Project referred to above.
- 6.112 With due regard to the effectiveness of the above transport strategy, the assessment work submitted with the application reviews the potential traffic and transport impacts of the YPL Project on baseline highway conditions, appraising impacts on severance; pedestrian amenity; fear and intimidation; pedestrian delay; highway safety; and, driver delay. The Assessment includes both construction and operational impacts, as well as considering weekdays, Saturday and Sunday workings.
- 6.113 Table 6.56 taken from the ES, (Chapter 6, Traffic and Transport Summary) provides a useful account of the conclusions of the assessment work and is copied in full below).

Table 6.6 Summary of predicted impacts on the York Potash Project on Traffic and Transport

Description of Impact	Key Mitigation Measures	Maximum Residual Impact
Construction (Weekdays, Saturday and Sundays)		
Severance	<p>Proposed mitigation for the effects of severance upon the users of links 21 (Mayfield Road from the junction with the A174 through Whitby) and 23 (A171, heading south of Whitby) comprises the following measures:</p> <ul style="list-style-type: none"> • Provision of a new footway along the A171 between Fairfield Way and Enterprise Way; • Provision of dropped kerbs and tactile paving at side roads along the A171; • Provision of improved crossing points on the A171 for pedestrians on the bend on Helredale Road outside Helredale Stores; and • Improved crossing points on the A171 for pedestrians using bus stops (including Whitby Community College students) on Mayfield Road just east of Pembroke Way. <p>A contribution to the funding of an NYCC improvement scheme to the traffic signals at Mayfield Road junction, which will include improved provision for pedestrians to address existing issues in pedestrian provision and junction capacity at the intersection of links 21 and 23 (see above for definition).</p> <p>Proposed mitigation for the effects of severance upon the users of link 27 (A171, through Cloughton and Burniston) will comprise enhanced travel planning measures providing a minibus shuttle service between Scarborough and the Minehead.</p> <p>Proposed mitigation for the effects of severance upon the users of link 45 (unnamed road from the A171 to Egton) comprises of the temporary diversion of the public right of way so that pedestrians do not have to walk along the road to reach the opposite side.</p>	Minor Adverse
Pedestrian Amenity	<p>Proposed mitigation for pedestrian amenity impacts upon the users of link 25 (B1416 south of Sneaton) is the implementation of a temporary speed limit of 30mph for cyclists and pedestrians utilising the B1416.</p> <p>Proposed mitigation for the effects of pedestrian amenity upon the users of link 45 (see above) comprises the temporary diversion of the PRow so that pedestrians do not have to walk along the road to reach the opposite side.</p>	Minor Adverse
Fear and Intimidation	<p>Proposed mitigation for the effects of fear and intimidation upon the users of link 17 (A171 Guisborough Road, entering Whitby) comprises the provision a new footway along the A171 Guisborough Road from Holmstead Avenue to Broadings Caravan Park and on to the Whitby car boot field access.</p> <p>Mitigation for the effects of fear and</p>	Minor Adverse

	<p>intimidation upon the users of link 21 and 23 (see above) the mitigation measures proposed under severance equally apply to fear and intimidation.</p> <p>Proposed mitigation for the effects of fear and intimidation upon the users of link 24 (A171 from Whitby towards Cloughton) and 30 (A171 into Scarborough) would comprise enhanced travel planning measures providing a minibus shuttle service between Scarborough and the Minehead.</p>	
Pedestrian Delay	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Highway Safety	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Driver Delay	Proposed mitigation for the effects of driver delay upon Junction 1 (Mayfield Road) will comprise a contribution to the funding of an enhanced NYCC scheme to the traffic signals to increase junction capacity and management of trips to the P&R.	Minor Adverse
Operation (Weekdays and Saturday)		
Severance	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Pedestrian Amenity	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Fear and Intimidation	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Pedestrian Delay	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Highway Safety	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Construction (Weekdays, Saturday and Sundays)		
Driver Delay	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Operation Sunday		
Severance	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Pedestrian Amenity	Proposed mitigation for pedestrian amenity impacts upon the users of link 22 (B1416 through Ruswarp and Sneaton) is the implementation of a management strategy to reduce the take up of parking spaces at the Mine for the maximum demand period of 7am to 8am.	Minor Adverse
Fear and Intimidation	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Pedestrian Delay	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse

Highway Safety	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Driver Delay	No mitigation further to that embedded within the scheme design is considered to be necessary.	Minor Adverse
Decommissioning		
Severance	To be informed by screening exercise prior to 100 year horizon.	
Pedestrian Amenity	To be informed by screening exercise prior to 100 year horizon.	
Fear and Intimidation	To be informed by screening exercise prior to 100 year horizon.	
Pedestrian Delay	To be informed by screening exercise prior to 100 year horizon.	
Highway Safety	To be informed by screening exercise prior to 100 year horizon.	
Driver Delay	To be informed by screening exercise prior to 100 year horizon.	

Source: Royal HaskoningDHV

6.114

With the proposed package of mitigation detailed in Table 6.1 above, it is calculated that the residual impacts in relation to traffic and transport during the construction and operational phases are forecast to be of minor adverse significance at worst. It is considered therefore, that through the application of a carefully considered transport strategy that adopts a range of measures designed to reduce potential impacts, alongside a package of mitigation measures identified to address outstanding adverse impact, the proposals limit impacts across the highway network to an acceptable level, both within the National Park and its surroundings.

10: Are Suitable Restoration Proposals in Place?

Summary of Key Policy Objectives and Themes

“A scheme for restoration and after-use of the site based upon protecting and enhancing the special qualities of the National Park forms an integral part of the proposal.” (NP:CSDP – Core Policy E)

“All minerals development must be compatible with their setting and not result in unacceptable impact on public amenity, environmental, historic or cultural assets from their design, operations management and restoration.” (MWCS – Policy MWC1)

“after remediation, as a minimum, land should not be capable of being determined as contaminated...provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards.” (NPPF – Paragraph 121 & 144)

6.115

There are two aspects to restoration of the minehead and MTS intermediate sites, relevant to the consideration of the application proposals:-

- The restoration proposals for those parts of the minehead, intermediate sites and Wilton Portal that are the subject of tunnel spoil deposition following completion of the construction phase of the development; and

- The restoration of the sites following decommissioning of the Project.

- 6.116 With regard to this first aspect, detailed restoration proposals are in place for all of the YPL Project sites. As referred to above in respect of the landscaping proposals for the Project (Policy Theme 3) and the design rationale (Policy Theme 9), the general approach has been to ensure new landforms created from excavated material will be sympathetic to each site location.
- 6.117 At Dove's Nest Farm, the proposed landform design would re-form and foreshorten the eastern slopes of Ugglebarnby Moor ridge to envelope the proposed minehead buildings, and integrate the site as a whole in views from the east and north east. Initially, newly soiled areas of mounds would be sown to grass and a green sward established at the earliest opportunity after formation, to stabilise bare soil and reduce adverse visual effects. Full details of the landscape proposal are not repeated here, but a programme of habitat creation including broadleaved native species woodland planting; open scrub with arid grassland planting; species rich grassland; and, wetland creation (associated with the site's SUDs drainage solution) will be implemented and subsequently carefully managed. It is proposed that these works will commence during the construction phase, coming to maturity during the operational phase.
- 6.118 At Lady Cross Plantation, the existing landform in the northern field would be remodelled, with excavated material used to create shallow gradients and a maximum height of the resulting landform kept below the level of the surrounding plantation. Restoration proposals adopt the approach of improving the structure and diversity of the existing woodland edge around the site, whilst replacing existing arable and species-poor grassland agricultural areas with species rich grassland. This will be complemented with wetland creation, again associated with a site-wide SUDs scheme.
- 6.119 Lockwood Beck will accommodate excavated material within farmland areas to the west of Dale Beck, steepening mid-level valley side slopes to angles similar to those found within the valley bottom. Slopes will be planted to native broadleaved woodland with pockets of species-rich grassland, acting as a habitat extension to existing woodland cover within Dale Beck Valley. Upper valley sides would be returned to agricultural use. In addition, dry stone wall boundaries and hedgerows removed by the construction work will be reinstated and extended as appropriate, with new field boundaries created to reflect the proposed realignment of Swindale Lane.
- 6.120 At Tocketts Lythe, excavated material will be accommodated within farmland areas at the south eastern corner of the site, with the landform created to reflect the surrounding topography. The new landform will be planted with a mix of woodland cover or returned to arable use. Removed sections of hedgerow along the A173 frontage and across the site would be replanted whilst a small parcel of land adjacent to the new access road

would be planted to native broadleaved woodland. As with the other intermediate sites, a small area of SUDs-related wetland will be created.

- 6.121 Finally, at Wilton Portal, material excavated from tunnelling process will be permanently stored on-site in a series of mound features that will adopt a form and shape reflecting its surroundings, with higher mounds located towards the central western edge of the site. A belt of woodland planting will be established along the eastern side of the site to soften inward views, whilst a system of interlinked SUDs ponds and swales would flow from the south to the north, through the site. Native species would be used for all planting and seeding.
- 6.122 It is anticipated therefore, that the restoration proposals for each of the YPL Project sites will greatly assist in assimilating the new landforms, and built development into the local landscape settings, screening buildings or filtering inward views as appropriate. Through implementation and long-term management of bespoke planting, the existing landscape character will be maintained and in certain circumstances reinforced, whilst local habitat and biodiversity enhancements will be delivered. The approach adopted will, therefore, contribute towards the protection and enhancement of the special qualities of the National Park (see also Policy Theme 2). Equally those sites that are located outside of the National Park boundary will be compatible with their settings.
- 6.123 The second aspect of restoration, relates to events following the longer-term decommissioning of the Project. Whilst the 'life' of the mine is likely to extend for in excess of 100 years, and any restoration proposals defined at this time are likely to adapt over this prolonged period, it is appropriate to establish now the principles of a decommissioning phase of the Project. For the minehead development and each of the intermediate sites, proposals would involve the removal of the buildings and surface features, followed by the replanting and the creation of woodland or grassland, as appropriate. The shafts would be plugged, fencing removed, access roads broken out and removed, and where ponds have been created, these would be retained as permanent features. At Wilton, all surface structures would be removed to ground level, and the MTS portal entrance would be sealed and backfilled. Areas of hardstanding, boundary fencing, SUDs ponds, Swales, earthworks and mature planting would be left in place.
- 6.124 Again, this reflects an appropriate response to the site characteristics of each above-ground component of the application proposals. It is also noted (and explained under Item 12) that necessary securities are to be provided to allow for the restoration of each site in the unlikely event of the Project not progressing as explained.

11: The Recognised Need for Potash and the Policy Acknowledgement of Boulby Mine

Summary of Key Policy Objectives and Themes

“The continued extraction of potash at Boulby will be permitted... The policy approach for Boulby is established out of the recognised national need for potash.” (NP: CSDP – Core Policy E & Paragraph 6.37)

“...the UK’s only commercial potash mine and employs over 800 workers...largest employer in the National park.” (NP: NPMP – Section 4.6)

- 6.125 CPL’s potash mine at Boulby (the history of which is briefly discussed within paragraph 2.13 of this document) is recognised in local policy, principally owing to its relatively rare status as a large scale employer within the National Park. YPL welcome the presence of the Boulby mine within the NYMNP. Not only does it establish a precedent for potash mining in this part of the country but also presents the opportunity to create, alongside the YPL proposals, a globally important focus for potash exploration, that will continue to contribute to both the regional and national economies for the foreseeable future.
- 6.126 Since the emergence of YPL’s proposals, CPL initially maintained the position that it would remain reliant upon its on-going production and sale of Muriate of Potash (‘MOP’). In 2013, CPL announced its intention to maintain its operation at Boulby, based upon the production of MOP alone, for a further 40 years beyond its current planning permission (which expires in 2023). This announcement confirmed an investment of approximately £300m over a period of five years which would upgrade much of the existing infrastructure along with increasing the workforce by over 270 workers.
- 6.127 From an original position of questioning the value of polyhalite as a mining target when YPL announced its intention for a mine at Dove’s Nest Farm, CPL has lately recognised the value of the market for polyhalite. A planning application has been recently approved for additional infrastructure and a new building for the purposes of screening, crushing and storing up to 0.6 Mt of polyhalite per annum (Application Ref: NYM/2014/0296). This development is to be supported by a Regional Growth Fund Grant of £4.9 million, and involves the erection of a building at the Boulby site of nearly 100 metres in length and 35 metres in height. The investment of such significant sums in infrastructure to allow for polyhalite mining at Boulby and the positive consideration of this development by the NYMNPA demonstrates clear confidence in the polyhalite market by both parties and it is envisaged that its confidence is, at least in part, related to the work undertaken by YPL.
- 6.128 In this regard, since the outset of the Project, YPL has invested substantially in developing a considerable market for polyhalite through performing successful agronomic tests and crop trials, undertaking market research and securing numerous sales agreements. Given the first

production of polyhalite from a mine at Dove's Nest Farm following a successful planning application would at best be 2018, securing such contracts is testament to the perceived value of the product as an effective fertiliser. As evidenced in the CRU report (submitted as an Appendix to the MDT Planning Statement) there is a large global market for polyhalite as a multi-nutrient fertiliser; a direct application fertiliser; and as a valuable source of sulphur. These growing markets are more than sufficient to support the potential CPL production and the much more substantial YPL production.

- 6.129 It is acknowledged that the polyhalite produced from the YPL project will to some extent compete in the global potash market. However, due to comparatively low potassium content, polyhalite will not be marketed simply as a source of potash but primarily as a multi-nutrient fertiliser/blend component. The global consumption of potash in potassium terms is 31.4 Mt per annum (2011 consumption as per Food and Agriculture Organization of the United Nations statistics 2013) and this is predicted to rise year on year. At full production of 13 Mt of potash per annum; YPL will only be contributing 1.8 Mt of potassium into the global market which will not have a major impact on either production or price of the traditional potash products. That market is, in any event, growing.
- 6.130 CPL's production capacity is understood to be limited to 4.5-5.3 Mt per annum, constrained by the existing shaft's capacity. Given this, there is no reason to expect that CPL would jeopardise the future of its core MOP business by foregoing its established business and instead 'switch' exclusively to polyhalite production. Rather, it is reasonable to assume that YPL's activities in establishing the market for polyhalite have helped to create an extra and complementary revenue source for CPL which should help secure the long-term future of Boulby.
- 6.131 Furthermore, as identified above, it is envisaged that with the two mines operating in the area, it will create a new internationally recognised focus for the exploration of potash in North Yorkshire, enabling the creation of experienced mining businesses; support services; improving local employee specialist skills; and helping to establish regional product recognition, all to the betterment of both mines and the wider economy. Both facilities therefore, are considered complementary to one another, but as noted in the MTD Planning Statement; if it was necessary to make a choice between the two mines, planning policy would favour the mine with the greatest economic benefits and the least environmental impact. The proposals at Dove's Nest Farm with its newly designed infrastructure and higher capacity would be the clear choice.

12: Draft Heads of Terms for the Proposed s106 Obligations

Summary of Key Policy Objectives and Themes

“Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition...obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.”*

(NPPF – Paragraphs 203 & 204)

“The level of developer contribution will be commensurate with the scale and nature of the proposal.” (RC: CSDPD – Policy DP4)

- 6.132 A document that details the proposed nature of the s106 obligation is submitted with the applications. This explains the rationale for the suggested contributions, as well as identifying the scope of the contribution and the trigger for its activation. It should be noted that the residual impacts identified with the submitted EIA do not give rise to the need for the extent of the obligations that are currently offered. However, YPL is prepared to provide substantial funds to address concerns raised by the determining authorities and the nature and scale of the draft planning obligations has been prepared in direct response to these comments. The proposed contributions are provided under the following themes:

i) Management Plan

- 6.133 Funds will be available to assist with the NYMNPA’s Management Plan. It is acknowledged that the proposals will have some adverse impacts on the National Park, although mainly during construction, and whilst in certain circumstances quantifying this impact is difficult (for example perceived impacts on the Park’s Special Qualities) there is potential to carry out work that would enhance the landscape, increase tranquillity and improve the natural environment in other ways. Funds will therefore be available to assist with the delivery of the Management Plan, such as via support for targeted landscape improvements, maintenance and improvement of public rights of way or the support of local community facilities.

ii) Tree Planting

- 6.134 Funds will be made available for the implementation of tree planting to assist in the delivery of a Management Plan objective, (as above) but also to offset predicted Carbon Dioxide (CO₂) production. Core Policy D of NP: CSDP seeks the generation of energy on-site from renewable resources to displace at least 10% of predicted CO₂ emissions, but in relation to this unique Project, such a target is neither possible nor desirable. Hence, as referred to above under Policy Theme 1, the draft heads of terms of the s106 obligation suggests a contribution towards a substantive tree planting

programme. In addition, alongside this commitment, YPL will seek to source 10% of all power for the Project from renewable sources, but such a commitment will fall outside of the s106, more appropriately secured, it is suggested, by a planning condition.

iii) Tourism

- 6.135 Payments are proposed in respect of the perceived impact on tourism activities. The EIA undertaken by the applicants, as detailed above, concludes that the residual impact on recreation and tourism, taken as a whole, would be minor adverse at worst, and it is the case that this impact is within the context of substantive economic benefits associated with the wider Project. Nonetheless, YPL is prepared to respond to concerns raised by the NYMNPAs regarding the potential impact on the tourism industry, and to this end, the draft s106 obligation proposes contributions towards activities of 'Welcome to Yorkshire'; the NYMNPAs's promotional activities, local tourism businesses, Visit England and Visit Britain; and funding for directional brown tourist signs along trunk road.

iv) Train Services

- 6.136 YPL is suggesting the provision or procurement of funds to establish a new train service to double the service between Middlesbrough and Whitby, that will also necessitate funding for improved infrastructure to facilitate the additional services. Such an improvement will assist with YPL employee accessibility and reduce pressures on the A171 during construction, whilst generally upgrading accessibility for visitors and the local community.

v) Employment and Training

- 6.137 YPL propose a contribution towards local employment opportunities and training, to build on its existing efforts in this regard. It is envisaged that funding will be directed (via the relevant authorities) to primary schools; secondary schools; apprenticeships; undergraduate support; work-based training; skills training; and targeted information sessions for local unemployed, all designed to maximise the positive economic benefits of the proposals in the local community. Such contributions represent an extension of YPL's existing activities in this area, predominantly via the York Potash Foundation (see below) and reflect a continued company commitment to the principles of delivering enhanced training and employment opportunities to the local community.

vi) Traffic Management

- 6.138 As part of the off-site highway mitigation works, it is proposed to upgrade the Mayfield Junction in Whitby. As appropriate, it is proposed that a contribution towards this work is provided via the s106 obligation payable to North Yorkshire County Council.

vii) Police Contribution

- 6.139 A payment to cover the costs of the installation of CCTV equipment in the vicinity of the minehead will be made, to assist with the prevention of crime.

viii) Archaeology Data

- 6.140 Funding towards the interpretation of archaeological data is to be provided.

ix) Geological Data

- 6.141 Funding towards the interpretation of new geological data associated with the on-going exploratory drilling exercise is to be provided.

x) Monitoring

- 6.142 The YPL Project remains a strategically important and complex project and in the event of its implementation, will continue to require input from the NYMNPAs to monitor the construction and then operation of the proposals. YPL is therefore proposing a contribution to assist with the necessary resourcing post-decision at the NYMNPAs. A Planning Performance Agreement will be in place to provide the detailed arrangements in this regard, similar to that entered into by the NYMNPAs and applicant's pre-application, but it is suggested that the s106 includes provisions for the necessary payments.

xi) Liaison Group

- 6.143 YPL will establish a liaison group, whose function will be to facilitate regular liaison with relevant local authorities, agencies and other stakeholders throughout the construction and operation of the development.

xii) Security Arrangements

- 6.144 As is typical of larger projects in policy sensitive locations, a security arrangement will be established through the clauses in the s106 obligation to allow for the carrying out of necessary reinstatement works, to be undertaken in the event of the mine not entering productive operation, in the form of arrangements proposed. This will effectively provide guarantees that any land affected by the proposals will be restored, in the very unlikely event of the mine development not proceeding as envisaged.

xiii) York Potash Foundation

- 6.145 As referred to above, and widely appreciated amongst interested parties, the York Potash Foundation has been established (May 2012) with formal objectives to:-
- Advance education by supporting projects and training to benefit local people by enhancing skills;

- Promote the general health and well-being of the community;
- Advance citizenship and community development by improving community facilities to bring people together; and
- Helping skills development, particularly amongst the long-term unemployed.

- 6.146 The company will contribute an annual royalty of 0.5% of operating profits, plus £2 million upon commencement of construction to the Foundation. YPL remain fully committed to the Foundation and its on-going role in the local community and are content that the operation of the Foundation be capable of enforcement by the NYMNPA. Accordingly, it is proposed that this obligation be entered into pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011, which contain general powers of authorities to enter agreements to further their objectives. This will mean that the obligation is not binding on any land but it is nevertheless enforceable against YPL.
- 6.147 The combined scope of the s106 obligation represents a substantial contribution that will clearly be to the betterment of the National Park and Redcar and Cleveland, by way of securing delivery of the National Park's Management Plan; promoting employment and training opportunities; supporting the tourism industry across the region; enhancing public transport accessibility conditions alongside some smaller local and more focussed initiatives.
- 6.148 It remains the case that it is for the determining authorities to decide the extent to which the proposed obligations are necessary and consistent with the relevant guidance (i.e. Regulation 122 of the Community Infrastructure Levy Regulations 2010). There is nothing irregular in the scope of obligations proposed, but should the authorities conclude that the obligations do not comply with the Regulations, then it should not regard them as material considerations when considering whether or not to grant permission.

7.0 Conclusions

- 7.1 The context for the consideration of the development proposals undertaken within this Planning Statement is firmly set by the conclusions reached in respect of the performance of the scheme against the defined MDT. It is this 'test' that forms the central basis for assessing the acceptability in planning terms of such proposals in designated areas such as the NYMNP. Whilst not comprising a 'test' to the extent that a project can pass or fail, the MDT Planning Statement concludes that the proposals for the YPL mine and MTS development readily meets the requirements of the MDT.
- 7.2 In coming to this conclusion, the MDT Statement reports on a clear national, regional and local economic need for the proposals, identifying the significant and positive economic benefits of the Project, directly through employment and output and indirectly through the supply chain and employee expenditure. A project that on its own will increase GDP, and bring about a significant reduction in the nation's trade deficit is clearly making a large and lasting contribution to meeting national need and core national and local policy objectives. Alongside this, there is also a strong agronomic need for polyhalite evidenced by the secured commitments from international buyers for the large-scale supply of the product, despite the fact that planning permission has not been granted for the mine, and supported by an independent review of nature of the polyhalite market. The NPPF requires that great weight is given to these benefits.
- 7.3 The MDT Planning Statement also reports on the findings of the submitted Alternative Sites Assessment that concludes there are no alternative sites for the proposals (including both the minehead development at Dove's Nest Farm and the proposed MTS shaft development at Lady Cross Plantation) outside of the National Park. Finally, the Statement highlights the work undertaken in the ES, and in particular the identified limited effects of the proposal on prevailing environmental conditions. A review of how the MDT has been applied, both elsewhere and within the NYMNP, informs this appraisal and overall, it is evident that the YPL proposals exhibit exceptional circumstances and that the proposals can, and should, be approved in the public interest.
- 7.4 This over-arching conclusion against the pre-eminent consideration for the Project creates a compelling case for the approval of the applications, noting that part of the application site falls outside of the National Park's boundary, but acknowledging that the MDT policy consideration should be central to both decisions on the Project. However, the MDT is not the only relevant planning policy consideration. This Planning Statement, undertakes an assessment of the Project against other Development Plan policies, with due regard to relevant material considerations. As an overview, it is clear that scheme complies with Development Plans considered as a whole adding to the case for the positive considerations of the applications.

- 7.5 The scheme from its design inception has embraced the principles of sustainable development, taking opportunities where possible to respect its sensitive National Park setting, minimising adverse impacts whilst still delivering a Project that will make a nationally important contribution towards sustainable economic growth. The Special Qualities of the National Park that are central to the distinctive character of this nationally important area, remain over the longer term, predominately unaffected by the operating Project, and in some cases, given the nature of the mitigation proposed, benefiting from slight improvements.
- 7.6 Aside from the MDT, the strategic economic importance of the Project is, of course, endorsed by a suite of national, regional and local policy. In this case, the scale of economic benefits associated with the implementation and subsequent operation of the mine and MTS has the potential to make a difference, not only on a local or regional agenda (where impacts will be transformational in nature), but also on a national agenda, where economic indicators will benefit. The Project responds to a national and regional need to rebalance the economy, delivering growth and community wealth.
- 7.7 The predicted limited nature of the environmental impact of the scheme, as evidenced in the ES, is in part due to the approach to design, which has been led by an overriding objective to create a development that minimises potential harm. Design decisions taken by YPL, make this Project unique from a mining perspective. Creating below-ground chambers to accommodate winders for example, which have added to development cost and complexity, have delivered on environmental grounds, and alongside careful design initiatives at each above-ground site, have contributed to a project that minimises its perceived presence in the landscape. This allows for the creation of a significantly important mining project in the National Park, with due respect to its setting and without prejudice to relevant prevailing policy guidance.
- 7.8 A similar approach to transport and accessibility has also achieved the desired effect, with mitigation proposed to minimise the impact of both construction and operational traffic. With Travel Plan initiatives in place, that are focused on the promotion of sustainable transport alternatives, predicted traffic flows across the network are reduced to an acceptable level, and of course the MTS with its 36.5 km of underground conveyors offers the ability to transport the mined product direct to the MHF at Wilton Complex, without reaching the surface.
- 7.9 A final aspect of the Project relates to the extent of the proposed s106 obligations that are designed to address the comments of the determining authorities raised during pre-application discussions. Contributions are offered across an array of planning subject matters, ranging from general contributions towards the implementation of the NYMNPA's Management Plan objectives; contributions to tree planting; tourism initiatives; to more specific proposals such as delivering new train services between Middlesbrough and Whitby and defined off-site highway works. The draft s106 obligation, along with these measures, also proposes to reinforce YPL's continued commitment to the local community, seeking to maximise

local job opportunities as the scheme is progressed. Training initiatives will be funded across the local catchment, whilst the operation of the York Potash Foundation that promotes and supports a whole range of community projects, will be formalised.

- 7.10 The above positive assessment of the mine and MTS proposals against prevailing policy therefore, demonstrates clear conformity with the relevant Development Plans. Furthermore, where policy is out of date, for example in respect to the revised emphasis in the NPPF to give great weight to the economic benefits of mineral extraction, these important material considerations further support the positive consideration of the scheme.
- 7.11 The YPL Project is of national importance, its contribution towards sustainable economic growth is substantial; and with many years of mining polyhalite in prospect, the positive economic benefits of the Project that addresses national need have the potential to be long-lasting. The proposals have been developed in full recognition of the policy priorities for National Parks and the policy context for development beyond the National Park boundary, and have achieved limited adverse effects and in some instances residual positive impacts across key environmental concerns. Given this, combined with the findings of the MDT Planning Statement, it is concluded that the proposals comply with Development Plan policy. Recent national policy and other material considerations strongly reinforce the case for the grant of planning permission.

York Potash Project

Planning Statement

Appendices

Appendix

- 1 Scope of Application Submission
- 2 Planning Policy Context

Appendix 1

Scope of Application Submission



York Potash Mine & Mineral Transport System

Scope of Application Submission

Document/Plan	Drawing Number	Scale	Print Size
1 Application Fee	n/a	n/a	n/a
2 Application Form	n/a	n/a	A4
3 Covering Letter and Document List	n/a	n/a	A4
4 Ownership Certificates and Notices	n/a	n/a	A4
5 Agricultural Holdings Certificate	n/a	n/a	A4
6 Planning Application Guide	n/a	n/a	A4
7 Summary Project Description Document	n/a	n/a	A4
8 Planning Statement	n/a	n/a	A4
9 Design and Access Statement	n/a	n/a	A4
10 Draft s106 Planning Obligations	n/a	n/a	A4
11 Statement of Community Engagement	n/a	n/a	A4
12 Utilities Statement	n/a	n/a	A4
13 Sustainability Statement	n/a	n/a	A4
14 Alternative Sites Assessment	n/a	n/a	A4
15 Major Development Test Planning Statement including:-	n/a	n/a	A4
• FERA and Ricardo AEA report			
• ADAS UK report			
• CRU Polyhalite Market Study			
16 Economic Impacts Report	n/a	n/a	A4
17 Subsidence Prevention Memorandum	n/a	n/a	A4
18 Environmental Statement ('ES') including:	n/a	n/a	A4
• Non-technical Summary			lever arch files
• The ES is divided into five sections:- Part 1 - Introductory Chapters. Part 2 - Mine Technical Chapters. Part 3 - MTS Intermediate Shafts Technical Chapters. Part 4 - MHF and MTS Portal (Wilton) Technical Chapters. Part 5 - Cumulative Impact Assessment. Part 1 comprises:- Chapter 1 - Introduction. Chapter 2 - Consideration of Alternatives. Chapter 3 - Project Description Chapter 4 - Legislation, Regulation and Policy Chapter 5 - The EIA Process and Method Parts 2, 3 and 4 of the ES are the assessment chapters and comprise:- Chapter 6 - Traffic and Transport. Chapter 7 - Recreation and Amenity.			

Document/Plan	Drawing Number	Scale	Print Size
<p>Chapter 8 - Noise and Vibration Chapter 9 - Air Quality Chapter 10 - Socio-economics Chapter 11 - Ecology Chapter 12 - Landscape and Visual Chapter 13 - Cultural Heritage Chapter 14 - Geology and Hydrogeology Chapter 15 - Hydrology and Flood Risk Chapter 16 - Land Use and Soils Chapter 17 - Special Qualities of the North York Moors National Park Chapter 18 - Summary Note that Part 4 covers slightly different topics as follows:- Chapter 14 - Geology, Hydrogeology and Land Quality Chapter 15 - Hydrology and Flood Risk Chapter 16 - Summary</p> <p>The ES also includes a range of figures, survey data and supporting information as appendices including the following:-</p> <ul style="list-style-type: none"> • Air Quality Assessment • Construction Travel Management Plan • Ecological survey data • Flood Risk Assessment • Habitats Regulation Assessment • Heritage Desk Based Assessment • Hydrogeological Baseline Report and Risk Assessment • Interim Travel Plan • Landscape & Visual Impact Assessment • Noise Impact Assessment • Surface Water Management proposals • Technical Lighting Report • Transport Assessment • Waste Management Report • Water Framework Directive Assessment <p>[for a detailed schedule of all appendices please refer to the ES]</p>			
PLANS			
1	Application Site Boundary Plan	Y5154-0102M-CJD1 rev 1	1:75000 A1
Mine			
2	Doves Nest Farm Existing Site Plan	653-AP-0002 rev 0	1:1500 A0
3	Doves Nest Farm Site Plan - Existing Utilities and Borehole Locations	YP-P2-CX-510 rev 0	1:1250 A0
4	Doves Nest Farm Proposed - Site Plan	653-AP-0005 rev 0	1:1500 A0
5	Proposed Welfare Buildings - Site Plan and Block Plan	653-AP-0006 rev 0	1:500 A1
6	Proposed Mine Buildings - Site Plan and Block Plan	653-AP-0007 rev 0	1:500 A0
7	Proposed Welfare Buildings - Hard Landscaping Plan	653-AP-0060 rev 0	1:1000 A0

Document/Plan		Drawing Number	Scale	Print Size
8	Gatehouse - Proposed Plans, Elevations & Sections	653-AP-0010 rev 0	1:100	A1
9	Miner's Welfare Facility - Proposed Floor and Roof plans	653-AP-0014 rev 0	1:200	A1
10	Miner's Welfare Facility - Proposed Sections & Elevations	653-AP-0015 rev 0	1:200	A1
11	Miner's Welfare Facility - Elevation Study - Sheet 1	653-AP-0016 rev 0	1:50	A1
12	Miner's Welfare Facility - Elevation Study - Sheet 2	653-AP-0020 rev 0	1:50	A1
13	Gatehouse - Proposed Sections, Elevations, Plans	653-AP-0032 rev 0	1:100	A1
14	Miner's Welfare Facility - Proposed Floor Plans	653-AP-0033 rev 0	1:200	A1
15	Miner's Welfare Facility - Proposed Sections & Elevation	653-AP-0034 rev 0	1:200	A1
16	Miner's Welfare Facility - Elevation Study - Sheet 01	653-AP-0035 rev 0	1:50	A1
17	Miner's Welfare Facility - Elevation Study - Sheet 02	653-AP-0036 rev 0	1:50	A1
18	Mine Building 04 - Proposed Plan, Section and Elevations	653-AP-0041 rev 0	1:200	A1
19	Mine Building 05 - Proposed Plan, Section and Elevations	653-AP-0042 rev 0	1:200	A1
20	Mine Building 06 - Proposed Plan, Section and Elevations	653-AP-0043 rev 0	1:200	A1
21	Mine Building 07 - Proposed Plan, Section and Elevations	653-AP-0044 rev 0	1:200	A1
22	Mine Building 08 - Proposed Plan, Section and Elevations	653-AP-0045 rev 0	1:200	A1
23	Mine Building 09 - Proposed Plan, Section and Elevations	653-AP-0046 rev 0	1:200	A1
24	Mine Building 10 - Proposed Plan, Section and Elevations	653-AP-0047 rev 0	1:200	A1
25	Mine Building - Elevation Study - Sheet 01	653-AP-0048 rev 0	1:200	A1
26	Mine Building 04 - Proposed Plan, Section and Elevations	653-AP-0051 rev 0	1:200	A1
27	Mine Building 05 - Proposed Plan, Section and Elevations	653-AP-0052 rev 0	1:200	A1
28	Mine Building 06 - Proposed Plan, Section and Elevations	653-AP-0053 rev 0	1:200	A1
29	Mine Building 07 - Proposed Plan, Section and Elevations	653-AP-0054 rev 0	1:200	A1
30	Mine Building 08 - Proposed Plan, Section and Elevations	653-AP-0055 rev 0	1:200	A1
31	Mine Building 09 – Proposed Plan, Section and Elevations	653-AP-0056 rev 0	1:200	A1
32	Mine Building 10 - Proposed Plan, Section and Elevations	653-AP-0057 rev 0	1:200	A1
33	Mine Building - Elevation Study - Sheet 01	653-AP-0058 rev 0	1:200	A1
34	Doves Nest Farm - Existing Site Sections Sheet 01	653-AP-0003 rev 0	1:500/ 1:200	A1
35	Doves Nest Farm - Existing Site Sections Sheet 02	653-AP-0004 rev 0	1:500/ 1:200	A1
36	Doves Nest Farm - Proposed Site Sections Sheet 01	653-AP-0008 rev 0	1:500/ 1:200	A1

Document/Plan		Drawing Number	Scale	Print Size
37	Doves Nest Farm - Proposed Site Sections Sheet 02	653-AP-0009 rev 0	1:500/ 1:200	A1
38	Proposed Phasing Strategy - Phase 1, Months 1-6	YP-P2-CX-500 rev 0	1:2000	A1
39	Proposed Phasing Strategy - Phase 2, Months 7-17	YP-P2-CX-501 rev 0	1:2000	A1
40	Proposed Phasing Strategy - Phase 3, Months 18-24	YP-P2-CX-502 rev 0	1:2000	A1
41	Proposed Phasing Strategy - Phase 4, Months 25-32	YP-P2-CX-503 rev 0	1:2000	A1
42	Proposed Phasing Strategy - Phase 5, Months 33-40	YP-P2-CX-504 rev 0	1:2000	A1
43	Proposed Phasing Strategy - Phase 6, Month 41 Onwards	YP-P2-CX-505 rev 0	1:2000	A1
44	Proposed Phasing Strategy - Phase 7, Removal of all non-hazardous non inert material off site	YP-P2-CX-506 rev 0	1:2000	A1
45	Working Plan - General Arrangement and Earthworks	YP-P2-CX-508 rev 0	1:2000	A1
46	Working Plan - Surface Water Drainage	YP-P2-CX-509 rev 0	1:2000	A1
47	Working Plan - Lighting	YP-P2-CX-511 rev 0	1:2000	A1
48	Dove's Nest Farm - Existing Landscape Features	2309.MH01 rev 01	1:1250	A0
49	Dove's Nest Farm - Removal of Existing Landscape Features	2309.MH02 rev 01	1:1250	A0
50	Dove's Nest Farm Restoration Proposals – Site Plan	2309.MH03 rev 03	1:1250	A0
51	Dove's Nest Farm Restoration Proposals – Sections	2309.MH04 rev 03	1:2500	A0
52	Dove's Nest Farm Restoration Proposals – Sections	2309.MH05 rev 03	1:500	A0
53	Dove's Nest Farm Restoration Proposals – Sections	2309.MH06 rev 03	1:500	A0
Lady Cross Plantation				
54	Existing Site Plan	653-LC-AP-0201 rev 0	1:1250	A0
55	Existing Site Sections	653-LC-AP-0202 rev 0	1:500	A2
56	Proposed Site Plan	653-LC-AP-0203 rev 0	1:1250	A0
57	Proposed Compound Site Plan and Block Plan	653-LC-AP-0204 rev 0	1:500	A1
58	Proposed Site Sections	653-LC-AP-0205 rev 0	1:500	A2
59	Mine Building Proposed Plan, Section and Elevations	653-LC-AP-0206 rev 0	1:200	A1
60	Mine Building Proposed Plan, Section and Elevations	653-LC-AP-0207 rev 0	1:200	A1
61	Proposed Hard Landscaping Plans	653-LC-AP-0208 rev 0	1:500	A1
62	Phasing Strategy: Phases 1 - 5	YP-P2-CX-542 rev 0	1:5000	A1
63	Phasing Strategy: Phase 6	YP-P2-CX-543 rev 0	1:5000	A1
64	Working Plan: GA and Earthworks	YP-P2-CX-525 rev 0	1:2500	A1
65	Working Plan: GA Drainage	YP-P2-CX-528 rev 0	1:2500	A1
66	Lady Cross Plantation Site Plan – Existing Utilities and Borehole Locations	YP-P2-CX-532 rev 0	1:1250	A0
67	Working Plan: Lighting	YP-P2-EL-503 rev 0	1:1000	A1
68	Ladycross Plantation - Existing Landscape Features	2322.LCP01 rev 2	1:1250	A0
69	Ladycross Plantation - Removal of Existing	2322.LCP02 rev 4	1:1250	A0

Document/Plan	Drawing Number	Scale	Print Size
Vegetation			
70 Ladycross Plantation - Restoration Proposals – Site Plan	2322.LCP03 rev 2	1:1250	A0
71 Ladycross Plantation - Restoration Proposals – Sections	2322.LCP04 rev 0	1:2500	A0
Lockwood Beck Farm			
72 Existing Site Plan	653-LB-AP-0301 rev 0	1:1250	A0
73 Existing Site Sections	653-LB-AP-0302 rev 0	1:500	A2
74 Proposed Site Plan	653-LB-AP-0303 rev 0	1:1250	A0
75 Proposed Compound Site Plan and Block Plan	653-LB-AP-0304 rev 0	1:500	A1
76 Proposed Site Sections	653-LB-AP-0305 rev 0	1:500	A2
77 Mine Building Proposed Plan, Section and Elevations	653-LB-AP-0306 rev 0	1:200	A1
78 Mining Buildings Proposed Plan, Section and Elevations	653-LB-AP-0307 rev 0	1:200	A1
79 Proposed Hard Landscaping Plans	653-LB-AP-0308 rev 0	1:500	A1
80 Phasing Strategy: Phases 1 - 5	YP-P2-CX-522 rev 0	1:5000	A1
81 Phasing Strategy: Phase 6	YP-P2-CX-523 rev 0	1:5000	A1
82 Working Plan: GA and Earthworks	YP-P2-CX-520 rev 0	1:2500	A1
83 Working Plan: GA Drainage	YP-P2-CX-524 rev 0	1:2500	A1
84 Lockwood Beck Farm Site Plan Existing Utilities and Borehole Locations	YP-P2-CX-531 rev 0	1:1250	A0
85 Working Plan: Lighting	YP-P2-EL-502 rev 0	1:1000	A1
86 Lockwood Beck Farm Existing Landscape Features	2322.LB01 rev 03	1:1250	A0
87 Lockwood Beck Farm Removal of Existing Vegetation	2322.LB02 rev 03	1:1250	A0
88 Lockwood Beck Farm Restoration Proposals – Site Plan	2322.LB03 rev 03	1:1250	A0
89 Lockwood Beck Farm Restoration Proposals – Sections	2322.LB04 rev 02	1:2500	A0
90 Lockwood Beck Farm Restoration Proposals – Sections	2322.LB05 rev 02	1:500	A0
91 Lockwood Beck Farm Restoration Proposals – Sections	2322.LB06 rev 02	1:500	A0
Tocketts Lythe			
92 Existing Site Plan	653-TL-AP-0101 rev 0	1:1250	A0
93 Existing Site Sections	653-TL-AP-0102 rev 0	1:500	A2
94 Proposed Site Plan	653-TL-AP-0103 rev 0	1:1250	A0
95 Proposed Compound Site Plan and Block Plan	653-TL-AP-0104 rev 0	1:500	A1
96 Proposed Site Sections	653-TL-AP-0105 rev 0	1:500	A2
97 Mine Building Proposed Plan, Section and Elevations	653-TL-AP-0106 rev 0	1:200	A1
98 Mine Building Proposed Plan, Section and Elevations	653-TL-AP-0107 rev 0	1:200	A1
99 Proposed Hard Landscaping Plans	653-TL-AP-0108 rev 0	1:500	A1
100 Phasing Strategy: Phases 1 - 5	YP-P2-CX-512 rev 0	1:5000	A1
101 Phasing Strategy: Phase 6	YP-P2-CX-513 rev 0	1:5000	A1
102 Working Plan: GA and Earthworks	YP-P2-CX-515 rev 0	1:2500	A1
103 Working Plan: GA Drainage	YP-P2-CX-518 rev 0	1:2500	A1
104 Tocketts Lythe Site Plan – Existing Utilities and	YP-P2-CX-530 rev 0	1:1250	A0

Document/Plan	Drawing Number	Scale	Print Size
Borehole Locations			
105 Working Plan: Lighting	YP-P2-EL-501 rev 0	1:1000	A1
106 Tocketts Lythe Existing Landscape Features	2322.TL01 rev 1	1:1250	A0
107 Tocketts Lythe Removal of Existing Vegetation	2322.TL02 rev 02	1:1250	A0
108 Tocketts Lythe Restoration Proposals – Site Plan	2322.TL03 rev 0	1:2500	A0
109 Tocketts Lythe Restoration Proposals – Sections	2322.TL04 rev 0	1:2500/ 1:500	A0
Wilton Portal			
110 Wilton Portal Proposed Site and Block Plan	653-MHF-AP-0407 rev 0	1:1250	A0
111 Portal + Canopy Section and Elevations	653-MHF-AP-0410 rev 0	1:200	A1
112 Conveyor Drives + Take up Section and Elevations	653-MHF-AP-0411 rev 0	1:200	A1
113 Emergency ROM Store Section and Elevations	653-MHF-AP-0412 rev 0	1:200	A1
114 Workshop Section and Elevations	653-MHF-AP-0422 rev 0	1:200	A1
115 Loco Shed Section and Elevations	653-MHF-AP-0424 rev 0	1:200	A0
116 Portal Head House Section and Elevations	653-MHF-AP-0425 rev 0	1:200	A2
117 Portal + Canopy Section and Elevations Colour	653-MHF-AP-0430 rev 0	1:200	A1
118 Conveyor Drives + Take up Section and Elevations Colour	653-MHF-AP-0431 rev 0	1:200	A1
119 Emergency ROM Store Section and Elevations Colour	653-MHF-AP-0432 rev 0	1:200	A1
120 Workshop Section and Elevations Colour	653-MHF-AP-0442 rev 0	1:200	A1
121 Loco Shed Section and Elevations Colour	653-MHF-AP-0444 rev 0	1:200	A0
122 Portal Head House Section and Elevations Colour	653-MHF-AP-0445 rev 0	1:200	A2
123 Wilton Portal Existing Landscape Features	2322.WIL01 rev 2	1:1250	A0
124 Wilton Portal Removal of Existing Vegetation	2322.WIL02 rev 2	1:1250	A0
125 Wilton Portal Landscape Proposals	2322.WIL03 rev 2	1:1250	A0
Underground/Sub-surface Working			
126 Mine Sub-Surface Structures	1000-ENV-DFS-DWG-005 Rev 1	1:5000	A3
127 Wilton Tunnel Portal Space-proofing GA Temporary Case Stage 1 & 2 Sections	25900-MTS-S00-2210-11110 Rev 0	1:100	A1
128 Wilton Tunnel Portal Space-proofing GA Temporary Case Plan and Longitudinal Section	25900-MTS-S00-2250-11100 Rev 0	1:250	A1
129 Wilton Tunnel Portal Space-proofing GA Permanent Case Sections	25900-MTS-S00-2250-22000 Rev 0	1:250	A1
130 Wilton Tunnel Construction Sequence sheet 1 of 2 Sequencing of TBM Launch Chamber	25900-MTS-S00-2250-22111 Rev 0	1:200	A1
132 Wilton Tunnel Construction Sequence sheet 1 of 2 Sequencing of Typical Through and Tunnel Sections	25900-MTS-S00-2250-22112 Rev 0	1:200	A1
132 Wilton Portal - General arrangement sheet 1 of 3 - Concrete outline	25900-MTS-S00-2250-22101 Rev 0	1:250 & 1:100	A1
133 Wilton Portal - General arrangement - sheet 2 of 3 - Concrete outline	25900-MTS-S00-2250-22102 Rev 0	1:250 & 1:100	A1
134 Wilton Portal - General arrangement - sheet 3 of 3 - Concrete outline	25900-MTS-S00-2250-22103 Rev 0	1:250 & 1:100	A1

Appendix 2

Planning Policy Context

1.0 **Planning Policy Context**

1.1 The relevant statutory Development Plans for the proposals are as follows:

NYMNP

- 1 Core Strategy and Development Policies ('CSDP') (NYMNP; November 2008).

RCBC

- 1 Core Strategy Development Plan Document ('CSDPD') (RCBC; July 2007);
- 2 Development Policies Development Plan Document ('DPDPD') (RCBC; July 2007); and
- 3 Tees Valley Joint Minerals and Waste Development Plan Documents – Minerals and Waste Core Strategy ('MWCS') (Darlington, Hartlepool, Middlesbrough, RCBC and Stockton-on-Tees; September 2011).

1.2 In addition, the following documents are considered relevant and material in determining this application:-

National Planning Policy

- 1 The National Planning Policy Framework ('NPPF') (CLG; March 2012);
- 2 Planning Policy Guidance ('PPG') (CLG; March 2014);
- 3 The Environmental Act 1995 (UK Government; July 1995); and
- 4 The English National Parks and the Broads: UK Government Vision and Circular 2010 (Defra; March 2010).

Local Guidance

- 1 Self-assessment of CSDP against NPPF (NYMNP; October 2012);
- 2 The North York Moors National Park Management Plan ('NPMP') (NYMNP; June 2012);
- 3 Renewable Energy Supplementary Planning Document (NYMNP; June 2008);
- 4 Design Guide Supplementary Planning Document Part One: General Principles (NYMNP; February 2013);
- 5 Design Guide Supplementary Planning Document Part Five: New Agricultural Buildings (NYMNP; February 2013);
- 6 Strategic Economic Plan (York, North Yorkshire and East Riding Local Enterprise Partnership ('LEP'); March 2014); and
- 7 Local Growth Deal Implementation Plan (LEP; March 2014).

2.0

Statutory Development Plan

North York Moors National Park Authority

Core Strategy and Development Policies

2.1

The CSDP is a document which aims to deliver the long term spatial vision for the future of the NYMNP. Chapter 2 of the CSDP provides a 'Spatial Portrait of the North York Moors' and specifically refers to the purposes of the 1995 Environment Act in conserving and enhancing the natural beauty, wildlife and cultural heritage of the park whilst also undertaking a duty to seek and foster the economic and social well-being of local communities.

2.2

Paragraph 2.4 provides a description of the principle features that have led to the designation of the area as a National Park (scenic beauty, wealth of cultural assets and biodiversity). *"The Park is characterised by the largest tract of open heather moorland in England, although other important landscapes and habitat types include river valleys, wetlands, coastal cliffs and rocky shores, grasslands, forests and woodland, hedgerows and traditionally managed farmland."* Paragraph 2.13 explains that the NYMNP has a considerable history of mineral extraction, with the largest current operation being the UK's only potash mine at Boulby.

2.3

Chapter 3 of the CSDP ('Influences on the Spatial Strategy') explains that the policies in the document provide a spatial dimension to many plans and strategies relevant to the National Park and will help deliver their outcomes (paragraph 3.1). As well as national planning policies, this includes the relevant Community Strategies and North York Moors National Park Management Plan (2004).

2.4

Chapter 4 outlines the 'Spatial Vision and Objectives' of the CSDP through 5 key issues, which respond directly to challenges identified in chapter 3. The vision provides a framework within which the policies will operate to provide an appropriate pattern of development to deliver the vision and objectives:-

1 Protecting, enhancing and managing the natural environment:

"By 2026, the National Park's special qualities including its diverse landscapes, sense of tranquillity and remoteness, distinctive settlements and building and its cultural traditions have been safeguarded and enhanced."

2 Protecting and enhancing cultural and historic assets:

"Ensure that the Park continues to be characterised by the nine distinctive landscape character types identified in the Landscape Character Assessment...All new development respects and reinforces the distinctive character of these areas and incorporates high quality and sustainable design, construction and energy use."

3 Supporting the rural economy:

“By 2020, the rural economy will have diversified...Average incomes have risen and are closer to the regional average.”

4 Promoting healthy and sustainable communities:

“Communities in the Park have access to a range of facilities and services.”

5 Promoting accessibility and inclusion:

“Communities are also able to benefit from access to the latest technology and communications service.”

Strategic Approach

2.5 The strategic framework for future development in the NYMNP is provided through Core Policy A and B.

2.6 Core Policy A (‘Delivering National Park Purposes and Sustainable Development’) states that the intention is to further the National Park purposes and duty by encouraging a more sustainable future for the Park and its communities whilst conserving and enhancing the Park’s special qualities. Amongst other things, priority will be given to:-

- *“Providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors.”*
- *Maintaining and enhancing the natural environment and conditions for biodiversity and geodiversity.*
- *Conserving and enhancing the landscape, settlement, building features and historic assets of the landscape character areas.*
- *Applying the principles of sustainable design and energy use to new development.*
- *Strengthening and diversifying the rural economy and providing tourism based opportunities for the understanding and enjoyment of the Park’s special qualities.”*

2.7 Paragraph 5.3 supports Core Policy A and states:

“The Park is not expected to be a location for major development schemes. Planning Policy Statement 7 and Circular 12/96 set out the considerations that will be applied in assessing proposals for major development in National Parks. There is no precise definition of ‘major development’ but an indication that it includes proposals raising issues of national significance. The guidance indicates that major development should only take place in exceptional circumstances and where it can be shown to be in the public interest. Examples of development that might be classed as major include mineral workings, waste disposal facilities, larger energy generating schemes, water storage reservoirs, high voltage electricity transmission schemes, large scale military development and larger road schemes.”

Protecting, Enhancing and Managing the Natural Environment

- 2.8 Chapter 6 of the CSDP takes forward the spatial objectives to conserve and enhance the natural environment and biological and geological diversity of the Park, reduce the causes and assist in adaptation to the effects of climate change and promote the prudent and sustainable use of natural resources.
- 2.9 Core Policy C considers the natural environment, biodiversity and geodiversity. In order for the quality and diversity of the natural environment of the NYMNP, amongst others, all developments, projects and activities will be expected to inter alia:-
- *“Provide an appropriate level of protection to legally protected sites and species.*
 - *Maintain, and where appropriate enhance, conditions for priority habitats and species identified in the North York Moors Local Biodiversity Action Plan.*
 - *Maintain and where appropriate enhance other sites, features, species or networks of ecological or geological interest and provide for the appropriate management of these.*
 - *Maximise opportunities for enhancement of ecological or geological assets, particularly in line with the North York Moors Local Biodiversity Action Plan, Tees Valley and North East Yorkshire Geodiversity Action Plans and the regional Habitat Enhancement Areas.*
 - *Mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere.”*
- 2.10 Development Policy 1 focuses on environmental protection. To conserve and enhance the special qualities of the NYMNP, development will only be permitted where:-
- *“It will not have an unacceptable adverse impact on surface and ground water, soil, air quality and agricultural land.*
 - *It will not generate unacceptable levels of noise, vibration, activity or light pollution.*
 - *There will be no adverse effects arising from sources of pollution which would impact on the health, safety and amenity of the public and users of the development.*
 - *Land stability can be achieved without causing unacceptable environmental or landscape impact.*
 - *There is or will be sufficient infrastructure capacity to accommodate the demand generated by the development.”*
- 2.11 Core Policy D establishes a need to address the causes of climate change and contribute to reducing greenhouse gas emissions. Amongst others, this is to be achieved by:-
- *“Reducing the use of energy and the need to use energy.*

- *Generating energy from renewable sources where these are of a location, scale and design appropriate to the locality and which contribute towards meeting domestic, community or business energy needs within the National Park.*
- *Requiring residential developments of 5 or more houses and other uses of 200sqm or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.”*

- 2.12 Core Policy E applies to minerals extraction throughout the park and focuses on the provision of materials necessary for preserving traditional buildings. Minerals extraction or the re-working of former quarries will be permitted where:-
1. *“It is of a scale appropriate for its location in the National Park and is for meeting a local need for building stone.*
 2. *There are no suitable sources of previously used materials to meet the identified need.*
 3. *Any waste materials from extraction will be re-used or recycled wherever possible.*
 4. *A scheme for restoration and after-use of the site based upon protecting and enhancing the special qualities of the National Park forms an integral part of the proposal.”*
- 2.13 Other forms of minerals development proposals *“will be considered against the major development tests.”*
- 2.14 Whilst Core Policy E focusses on local needs, it sets out a clear approach for all other minerals developments, namely that they must be considered against the ‘major development test’. It also provides a qualified support for the continued extraction of potash at Boulby. This approach is explained in paragraph 6.37 of the CSDP which explicitly recognises the national need for potash:
- “The policy approach for Boulby is established out of the recognised national need for potash. Proposals in respect of potash extraction at Boulby will therefore be dealt with differently and will be considered against the general policies within the Core Strategy and Development Policies.”*
- 2.15 In providing context to the establishment of Core Policy E, paragraph 6.38 states:

“Minerals development has the potential to have significant effects upon the natural environment, particularly considering that much of the Park is protected by international environmental designations. Amongst other environmental considerations, proposals that could have an adverse effect on the integrity of a European site would not be in accordance with the Development Plan. Most applications for mineral extraction will need to be accompanied by a formal environmental statement to address the above issues and to show how the impacts arising from extraction will be kept to a level compatible with its location within a National Park. This should seek to address the visual and traffic impacts, any potential effects on nature conservation, impacts upon archaeology and any pollution of the air, water or soil.”

Protecting and Enhancing Cultural Historic Assets

- 2.16 Chapter 7 provides policies to secure high quality new development that, amongst others, takes account of and enhances the unique landscape character and promote sustainable design and efficient energy use in new buildings.
- 2.17 Core Policy G considers the conservation and enhancement of landscape, historic assets and cultural heritage. It states that high quality sustainable design will be sought which conserves or enhances the landscape setting of the landscape character areas identified in the North York Moors Landscape Character Assessment.
- 2.18 With specific reference to design, Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park. Development will be permitted where:-
- *“The siting, orientation, layout and density preserves or enhances views into and out of the site, spaces about and between buildings and other features that contribute to the character and quality of the environment and will not result in the loss of an open space which contributes to the amenity, character and setting of a settlement.*
 - *The scale, height, massing, proportion, form, size, materials and design features of the proposal are compatible with surrounding buildings, and will not have an adverse effect upon the amenities of adjoining occupiers.*
 - *A high standard of design detailing is used whether traditional or contemporary, which reflects or complements that of the local vernacular.*
 - *Provision is made for adequate storage and waste management facilities.*
 - *Good quality sustainable design and construction techniques are incorporated in the development including measures to minimise energy use and where possible use energy from renewable sources.*
 - *A satisfactory landscaping scheme forms an integral part of the proposal.*

- *The design takes account of the safety, security and access needs for all potential users of the development and provides car parking provision in line with the standards adopted by the Authority.”*

Rural Economy

2.19 Chapter 8 takes forward the approach in supporting the rural economy through reinforcing the tourism and recreation industry and strengthening and diversifying the local economy. Within paragraph 8.3, the CSDP recognises that employment opportunities are limited to small businesses and the self-employed with the exception of a small number of larger organisations such as Boulby Potash mine and RAF Flyingdales. Paragraph 8.10 states that:

“The Authority is keen to support the future expansion of business premises, which provide employment opportunities for local people in order to facilitate local economic activity. Proposals for the expansion of existing enterprises will be supported where the cumulative activity levels will not adversely affect residential amenity and highway safety and other considerations as set out in other policies.”

2.20 Development Policy 10 considers new employment opportunities. Within the open countryside, provision is only made for the re-use of existing buildings for new employment and training development.

2.21 Tourism plays an important role in the economy of the Park as it is the largest employment sector and income generator. A key strategy of the park is to continue to *“support tourism based on understanding and enjoyment of the qualities of the National Park”* (Page 18). Development Policy 14 ‘Tourism and Recreation’ states:

“The quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism. New tourism development and the expansion or diversification of existing tourism businesses will be supported where:

- *The proposal will provide opportunities for visitors to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the special qualities of the National Park or in a way that conserves and enhances the special qualities...*
- *The development will not generate an increased level of activity, including noise, which would be likely to detract from the experience of visitors and the quality of life of local residents.”*

Accessibility

2.22 Chapter 10: ‘Promoting Accessibility and Inclusion’, seeks to reduce the need to travel and facilitate alternative, more sustainable modes of travel to the private car and minimise the environmental impact of transport. When considering new development and transport under Development Policy 23, in

order to effectively minimise the overall need for journeys and reduce the environmental impacts of traffic on the National Park, developments will be permitted where, inter alia:-

- *“Its location is, or is capable of being, accessed by public transport, walking or cycling.*
- *Existing Public Rights of Way, linear routes and other access routes for pedestrians, cyclists and horse riders are protected.*
- *The external design and layout and associated surfacing works take into account the needs of all users including cyclists, walkers and horse riders.*
- *It is of a scale which the adjacent vehicular road network has the capacity to serve without detriment to highway safety or the environmental characteristics of the locality.*
- *Parking is provided in accordance with the relevant maximum standards adopted by the Authority.”*

2.23

Through Development Policy 24, infrastructure that is required to facilitate transport related schemes or initiatives will be permitted where:-

- *“They are for new Public Rights of Way, linear routes and other access routes for pedestrians, cyclists or equestrians.*
- *In the case of Park and Ride schemes:*
 - a) *The location of the proposed site is on or in close proximity to a Category 1 road and the National Park boundary;*
 - b) *Where possible, the site is accessible by alternative modes of transport;*
 - c) *The siting, scale and design does not have an adverse impact on the landscape character and amenity of adjacent occupiers.*
- *In the case of public car parks they:*
 - a) *Form an integral part of a coordinated approach to traffic management;*
 - b) *Help to solve existing identified parking problems, and*
 - c) *Will benefit the needs of both communities and visitors to the National Park.”*

Redcar and Cleveland

Core Strategy Development Plan Document

2.24

The RCBC CSDPD provides a spatial vision and strategy for the future which provides a positive approach for managing development in the Borough. Policies are included under the following broad headings:-

- Spatial strategy;
- Diversifying and strengthening the local economy;

- Creating sustainable communities;
- Conserving, enhancing and capitalising upon the Borough's natural and built environment; and
- Improving connectivity within and beyond the Borough.

2.25

Chapter 2 of the CSDPD sets out the vision and aims of the document to provide context to the policy thereafter. In terms of issues, the chapter details how a substantial decline in the traditional employment base has impacted upon many communities not only in the Borough but in the Region, resulting in areas of urban deprivation and a declining population (paragraph 2.5). The identification of key issues such as population change, urban deprivation and economy are cited as direct results of the lack of job opportunities. In response, *"building sustainable communities in the Borough"* will be the central theme and main focus for the vision. 10 aims to achieve the vision are set in paragraph 2.13. These include:-

- *"To provide opportunities for diversifying and strengthening the local economy.*
- *To protect, conserve and enhance the Borough's built historic, cultural and natural environments.*
- *To ensure that all development in the Borough is designated to a high quality and takes account of the wider impact on the environment and climate change."*

Spatial Strategy

2.26

Through Policy CS1 'Securing a Better Quality of Life', the *"principle of sustainable development will underpin the policies and proposals for the use and development of land"*, and also form the basis of individual decisions on planning applications. Specifically, amongst other factors, development proposals will be assessed against their contribution to delivering *"a thriving local economy"* and *"easy access to jobs"*.

2.27

In terms of development location, Policy CS2 (d) specifies that *"in the countryside, development will be limited to rural needs."* Further, the permanent reuse of previously developed land in the South Tees Employment Area will be *"supported for the purposes of industry."*

2.28

Policy CS4 provides guidance specific to the South Tees Employment Area which aims to, inter alia:-

- *"Continue development on general industrial and business estates;*
- *Enhance the environmental quality of the employment areas including gateway features;*
- *Secure decontamination and redevelop potentially contaminated land."*

Conserving, Enhancing and Capitalising upon the Borough's Natural and Build Environment

2.29 Paragraph 6.2 of the CSDPD suggests ensuing a high quality built and natural environment is key to achieving long-term sustainability. Whilst this does not mean development cannot take place, development must respect the character of its built and natural surroundings and minimise any negative impacts.

2.30 To ensure that all development protects and enhances the local character of the Borough, RCBC Policy CS20 promotes good quality and inclusive design by requiring all new developments to:-

- *“Be designed to respect or enhance the character of the local area to contribute to the sense of place and, where applicable, meet the specific design objectives for individual regeneration areas, towns or villages;*
- *Incorporate high quality design features and layouts that, where appropriate, will reduce crime and the fear of crime and support inclusive communities, particularly in terms of accessibility and functionality; and*
- *Incorporate sustainable construction techniques and design concepts for buildings and their layouts to reduce the local and global impact of the development particularly on climate change.”*

2.31 With regards to protecting and enhancing the Borough's landscape, policy CS22 states that:

“The overall approach will be to protect and enhance the Borough's landscape based on the character areas identified through the Landscape Character Assessment. Priority will be given to the protection and enhancement of the landscape character and natural beauty of the North Yorkshire and Cleveland Heritage Coast.

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. In such circumstances, priority will be given to the creation of habitats to support local and regional biodiversity targets and the planting of new hedgerows, trees and woodlands to support the Tees Forest Strategy will be encouraged.”

2.32 The CSDPD sets out to protect and enhance biodiversity and geological resources through Policy CS24. Priority will be given to:-

- *“Protection of the integrity of the European sites in and near the Borough.*
- *Conserving and enhancing protected biodiversity and geodiversity sites and features in line with PPS9;*

- *Improving the integrity and biodiversity value of the wildlife corridors particularly along the coast, around the Teesmouth estuary and linking with the North York Moors;*
- *Meeting the objectives and targets in the UK and Tees Valley biodiversity Action Plan;*
- *Encouraging management of landscape belts for nature conservation;*
- *Protecting ancient woodland and veteran trees;*
- Strengthening populations of protected and target species; and
- Improving site management and increasing public access to wildlife sites.

Development will be encouraged to include measures to contribute positively to the overall biodiversity in the Borough.”

2.33 Further, development will be encouraged to include measures to contribute positively to the overall biodiversity in the Borough.

Improving Connectivity Within and Beyond the Borough

2.34 RCBC highlight that the diverse nature of the Borough is a particular challenge for transport delivery (paragraph 7.2) and that the interface between transport and planning is of great importance (paragraph 7.4). Policy CS26 seeks to manage travel demand by requiring development proposals to support the RCBC Local Transport Plan (currently version: 2011-21). In addition, proposals will be supported that, inter alia:-

- *“Contribute positively to a demand management strategy to address congestion, environmental and safety issues including managing car parking provision and prioritising bus routes in urban areas.”*

2.35 RCBC will also support the preparation and implementation of Travel Plans.

Development Policies Development Plan Document

2.36 The DPDPD covers a limited number of detailed policies which aim to deliver the vision and aims set out in the RCBC Core Strategy. This is achieved through setting out the criteria against which planning applications will be considered and the standards required for the development of sites. The document includes both general and detailed topic related policies.

2.37 To ensure that all development is located on appropriate sites and will not cause unacceptable impacts; Policy DP2 states that development will be permitted where it:-

- a) *“Accords with site allocations and designations in other DPSs;*
- b) *Meets the requirement of Policy CS2 Locational Strategy;*
- c) *Does not cause a significant adverse impact on the amenities of occupiers of existing or proposed nearby properties;*

- d) *Does not result in the unacceptable loss or significant adverse impact on important open spaces or environmental, built or heritage assets which are considered important to the quality of the local environment;*
- e) *Minimises any adverse impact on the overall character of the...landscape of the area;*
- f) *Minimise the loss of best and most versatile agricultural land...;*
- g) *Avoids locations that would put the environment or human health or safety at unacceptable risk; and*
- h) *Has adequate infrastructure, services and community facilities to serve the development.”*

2.38

In terms of sustainable design, Policy DP3 states that all development must be designed to a high standard and will be expected to, inter alia:-

- a) *“Respect or enhance the character of the site and its surroundings in terms of its proportion, form, massing, density, height, size, scale, materials and detailed design features;*
- b) *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;*
- c) *Create a safe and secure environment;*
- d) *Respect or enhance the landscape, biodiversity, geological and heritage designation or assets that contribute positively to the site and the surrounding area;*
- e) *Incorporate sustainable design and construction techniques to meet high standards for energy efficiency, water efficiency, water management and waste management and to minimise vulnerability to climate change. The Council will require major developments to provide at least 10% of their predicted energy requirement from renewable sources;*
- f) *Contribute to a sense of place and quality;*
- j) *Incorporate infrastructure and services to serve the development including recycling and waste facilities and Sustainable Drainage Systems if appropriate; and*
- k) *Provide vehicular access and parking suitable for its use and location.”*

2.39

Policies DP4 and DP5 sets out how RCBC will seek to negotiate planning obligations to secure the necessary community benefits as a consequence of the development. Policy DP4 states that: *“The level of developer contribution will be commensurate with the scale and nature of the proposal.”* The policy then lists examples of the contributions that will be sought. Under Policy DP5 on major developments, *“developers will be encouraged to provide the equivalent of at least 1% of the cost of the development for an artistic element provided as an integral part of the design of the development.”*

2.40

When considering pollution control, Policy DP6 states: *“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 if is acceptable in terms of:

- a) *Human health and safety;*
- b) *Environment; and*
- c) *General amenity.*

Where pollution is unavoidable, mitigation measures to reduce pollution levels will be required in order to meet acceptable limits.”

Tees Valley Joint Minerals and Waste Development Plan Documents – Minerals and Waste Core Strategy

- 2.41 The MWCS contains the long-term spatial vision and the strategic policies needed to achieve the key objectives for minerals and waste development in the Tees Valley (except for the part that lies within the NYMNP).
- 2.42 Within the document it is recognised that the potash mine at Boulby is located within the boundaries of R&CB. However, as the majority of the mine’s operations fall within the NYMNPA, responsibility for planning decisions on the mine and mine buildings lies within the NYMNPA.
- 2.43 The document outlines a spatial vision within the third chapter. By 2026 the aim is for the Tees Valley to be a place where, inter alia:
“The integrity of the international and nationally-important areas of biodiversity within and adjacent to the Tees Valley, together with the area’s broad range of historic, cultural and natural assets are protected from minerals and waste developments, and opportunities are taken through minerals and waste proposals to enhance the local environment, thus contributing to a high quality of life for present and future generations.”
- 2.44 To directly respond to this vision, Policy MWC1 ‘Minerals Strategy’ states that:
“All minerals development must be compatible with their setting and not result in unacceptable impact on public amenity, environmental, historic or cultural assets from their design, operations management and restoration.”
- 2.45 With regards to sustainable transport, Policy MWC10 states that proposals for minerals and waste development should prioritise the use of non-road based transport for the movement of minerals. They should be designed and located in order to:-
 - a) *“allow easy access to the development by means of walking, cycling and public transport for employees, and if relevant users, of the facilities; and*
 - b) *minimise the need to travel by road, and reduce the length of those road journeys which are created.*

Where transportation cannot be provided by non-road means, evidence must be provided that the proposed traffic movements can be accommodated on the strategic road network and the site can be accessed in a safe manner.”

2.46

No specific policy exists relating to the extraction of potash. Significant reserves are identified but *“the investment required to open up a new mine means that any other extraction is highly unlikely to occur in the plan area.”*

3.0 **Material Considerations**

National Planning Policy

National Planning Policy Framework

3.1 The 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.

Sustainable Development

3.2 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.”*

3.3 The NPPF is underpinned by an overarching presumption in favour of sustainable development. Paragraph 14 of the NPPF states:

“At the heart of the National Planning Policy is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For plan-making this means that:

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *local Plans should meet objectively assessed needs, with sufficient*
- *flexibility to adapt to rapid change, 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 decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, 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.”*

3.4 In relation to the last point, a footnote (no. 9) includes National Parks as areas where specific policy indicates development should be restricted. This effectively excludes National Parks from the general presumption in favour of sustainable development. The consequence of this is that planning applications in the NYMNP will be considered in the traditional way, starting with the policies of the development plan and then taking into account any material considerations, including other relevant policies of the NPPF. Given that the Development Plans identified above pre-date the NPPF, there is a risk that the policies are outdated, and hence the weight given to the NPPF in decision making increases.

Economy

3.5 The NPPF provides a positive approach to strong economic development. Paragraphs 19 and 20 state that:

“...significant weight should be placed on the need to support economic growth through the planning system.

To help economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.”

3.6 Paragraph 28 focuses on supporting a prosperous rural economy. It states that, inter alia:

- *“support sustainable rural tourism and leisure development that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.”*

Sustainable Transport

3.7 The NPPF considers transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Paragraphs 32, 34 and 36 of the NPPF outlines development transport requirements:

“All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
 - *safe and suitable access to the site can be achieved for all people; and*
 - *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.*
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

Plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport models can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

A key tool to facilitate this will be a Travel Plan. All developments which generate significant amounts of movements should be required to provide a Travel Plan.”

Good Design

3.8 The NPPF attaches great importance to the design of the built environment: *“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”* (paragraph 56). Whilst local policy should set out the quality of development that will be expected for the area (paragraph 58), *“decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or imitative...It is, however, proper to seek to promote or reinforce local distinctiveness.”* (paragraph 60).

3.9 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).

Conserving and Enhancing the Natural Environment

3.10 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.”*

3.11

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.*”

3.12 To prevent unacceptable risks from pollution and land instability, in accordance with paragraph 120, planning policies and decisions should ensure that *“new development is appropriate for its location”*. Furthermore, *“after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990”* (paragraph 121).

3.13 In relation to noise, as described in paragraph 123, planning policies and decisions should aim to, inter alia:-

- *“avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*

3.14 In relation to light pollution, paragraph 125 states:

“By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”

National Parks

3.15 The planning system should contribute to conserving and enhancing the natural and local environment. With respect to National Parks, paragraph 115 states:

“Great weight should be given to conserving landscape and scenic beauty in National Parks, and the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”

3.16 A footnote to paragraph 115 (no. 25) refers to *English National Parks and the Broads: UK Government Vision and Circular 2010* for providing further guidance.

3.17 With reference to major developments within National Parks, paragraph 116 states:

“Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- the cost of, and scope for, developing elsewhere outside the designated areas, or meeting the need for it in some other way; and*
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”*

3.18 Paragraph 116 sets out what is commonly referred to as ‘the major development test’ (‘MDT’), however, the reference to “*major developments*” in paragraph 116 is the only use of this term in the NPPF and it is not defined in the glossary provided in Annex 2.

Minerals

3.19 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.”

3.20 In preparing local plans, paragraph 143 states that local planning authorities should, inter alia:-

- “identify and include policies for extraction of mineral resource of local and national importance in their area, but should not identify new sites or extensions to existing sites for peat extraction;*
- set out environmental criteria, in line with the policies in this Framework, against which planning applications will be assessed so as to ensure that permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic, tip- and quarry-slope stability, differential settlement of quarry backfill, mining subsidence, increased flood risk, impacts on the flow and quantity of surface and groundwater and migration of contamination from the site; and take into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;*

- *when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and*
- *put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.”*

3.21 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.

3.22 When determining planning applications, paragraph 144 requires local planning authorities to, inter alia:-

- *“give great weight to the benefits of the mineral extraction, including to the economy;*
- *ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;*
- *ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties; and*
- *provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.”*

3.23 A footnote to paragraph 144 (no. 31) refers to technical guidance on minerals, published alongside the NPPF sets out how policies relating to noise, dust and particle emissions should be implemented. This guidance has since been replaced by Planning Practice Guidance.

3.24 When regarding planning conditions and obligations, paragraphs 203 – 206 of the NPPF state the following:

“Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Planning obligations should only be sought where they meet all of the following tests:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.”

Planning Practice Guidance

- 3.25 The PPG 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.
- 3.26 The PPG 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).
- 3.27 In terms of determining minerals applications, *“the focus of the planning system should be on whether the development itself is an acceptable use on the land, and the impacts of those uses, rather than any control processes, health and safety issues of emissions themselves where these are subject to approval under regimes.”*
(Reference ID: 27-012-20140306)
- 3.28 The principle issues that mineral planning authorities should address, bearing in mind that not all issues will be relevant at every site to the same degree, include:-
- *“noise associated with the operation;*
 - *dust;*
 - *air quality;*
 - *lighting;*
 - *visual impact on the local and wider landscape;*
 - *landscape character;*
 - *archaeological and heritage features;*
 - *traffic;*
 - *risk of contamination to land;*
 - *soil resources;*

- *geological structure;*
- *impact on best and most versatile agricultural land;*
- *blast vibration;*
- *flood risk;*
- *land stability/subsidence;*
- *internationally, nationally or locally designated wildlife sites, protected habitats and species, and ecological networks;*
- *impacts on nationally protected landscapes (National Parks, the Broads and Areas of Outstanding Natural Beauty);*
- *site restoration and aftercare;*
- *surface and, in some cases, ground water issues;*
- *water abstraction.”*
(Reference ID: 27-014-20140306)

3.29 The PPG was updated on 28 July 2014 to provide additional guidance on the approach to planning for unconventional hydrocarbons (i.e. shale oil and gas) in National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites.

“In considering applications for unconventional hydrocarbon development in National Parks, the Broads and Areas of Outstanding Natural Beauty, mineral planning authorities should give great weight to conserving their landscape and scenic beauty. These areas have the highest status of protection in relation to landscape and scenic beauty, and the conservation of wildlife and cultural heritage in these areas should be given great weight.

Where applications represent major development, planning permission should be refused in National Parks, the Broads and Areas of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated they are in the public interest. The assessment that needs to be carried out, including any detrimental effect on the environment, such as the noise and traffic which may be associated with hydraulic fracturing, is set out in paragraph 116 of the National Planning Policy Framework.

... Where appropriate, planning conditions can be imposed to ensure that development is made acceptable in planning terms before it can proceed.”
(Reference ID: 27-223-20140728)

The Environmental Act 1995

3.30 The Environmental Act 1995 revised the original provisions of The National Parks and Access to the Countryside Act 1949, and formalised the Sandford Principle. Under Schedule 61 (1) of the Environmental Act 1995, the two statutory purposes for National Parks in England and Wales are:-

- 1 *“conserving and enhancing the natural beauty, wildlife and cultural heritage...”*

2 *promoting opportunities for the understanding and enjoyment of those areas by the public.”*

3.31 When National Parks carry out these purposes, under Schedule 62 (1) they also have the duty to:

“seek to foster the economic and social well-being of local communities within the National Park, but without incurring significant expenditure in doing so...if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.”

The English National Parks and the Broads: UK Government Vision and Circular 2010

3.32 This document provides policy guidance for the English National Parks and the Broads. It sets out a vision for 2030, the key outcomes that the Government is seeking over the next 5 years and the key statutory duties of the Authorities. It is due to be reviewed within 5 years of its date of publication (i.e. March 2015).

3.33 The overall vision, found in page 5 states that by 2030, English National Parks and the Broads will be places where:-

“There are thriving, living, working landscapes notable for their natural beauty and cultural heritage. They inspire visitors and local communities to live within environmental limits and to tackle climate change. The wide-range of services they provide (from clean water to sustainable food) are in good condition and valued by society.

Sustainable development can be seen in action. The communities of the Parks take an active part in decisions about their future. They are known for having been pivotal in the transformation to a low carbon society and sustainable living. Renewable energy, sustainable agriculture, low carbon transport and travel and healthy, prosperous communities have long been the norm.

Wildlife flourishes and habitats are maintained, restored and expanded and linked effectively to other ecological networks. Woodland cover has increased and all woodlands are sustainably managed, with the right trees in the right places. Landscapes and habitats are managed to create resilience and enable adaptation.

Everyone can discover the rich variety of England’s natural and historic environment, and have the chance to value them as places for escape, adventure, enjoyment, inspiration and reflection, and a source of national pride and identity. They will be recognised as fundamental to our prosperity and well-being.”

3.34 Paragraphs 28-30 relate specifically to the objective of achieving sustainable development:

“The principles of sustainable development include living within environmental limits, achieving a sustainable economy and ensuring a strong, healthy and

just society. There are wide ranging demands and needs within the Parks, including, for example, conservation, public access, local employment and affordable housing. The Authorities' primary responsibility is to deliver their statutory purposes. In doing so, they should ensure they are exemplars in achieving sustainable development, helping rural communities in particular to thrive..."

- 3.35 Paragraph 31 of the Circular refers specifically to 'major developments', although it does not define or provide any qualification of the term:

"Major development in or adjacent to the boundary of a Park can have a significant impact on the qualities for which they were designated. Government planning policy towards the Parks is that major development should not take place within a Park except in exceptional circumstances. ...Applications for all major developments should be subject to the most rigorous examination and proposals should be demonstrated to be in the public interest before being allowed to proceed..."

- 3.36 Specific guidance on minerals is also provided in the Circular, which states that the Parks are a vital source of some of the minerals that society and the economy needs, recognising that quarry works may also provide employment within the Park boundary. It therefore advises that the need for minerals and the impacts of extraction and processing on people and the environment should be managed in an integrated way (paragraph 141).

- 3.37 More generally, the Circular also states that the Parks' socio-economic duty has been given added weight and momentum by the Taylor Report and the Rural Advocate's Report on the economic potential of rural England. In paragraph 70, it continues:

"Both reports point to the need to accommodate growth, development and investment in all rural areas at an appropriate scale and form. This should not be interpreted as meaning that development cannot be accommodated; rather, it means that additional and concerted efforts are required to ensure communities, planners and businesses have clear, consistent advice regarding the acceptable forms development might take, so that Park communities are places where people can live and work by maintaining sustainable livelihoods."

- 3.38 Although the Circular does not provide any further guidance on major developments, paragraph 113 recognises the long tradition of defence use which predates the designation of the Parks:

"Whilst access restrictions, noise and visual intrusion of military infrastructure may, on occasion, detract from the Park purposes, defence use of the Parks makes a major contribution to the country's defence capability. It provides essential facilities which could not be readily provided elsewhere. For these reasons, the Parks will continue to be an essential training resource for the foreseeable future. Such use often makes an important contribution to the economic and social well-being of local communities in and around the Parks."

Local Guidance

Self-assessment of Development Plan against National Planning Policy Framework

- 3.39 The NYMNPA CSDP and RCBC CSDPD were adopted in 2008 and 2007 respectively. They were informed by national planning guidance that has now been revoked and replaced. The NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given) (paragraph 215).
- 3.40 In October 2012, following the publication of the NPPF, the NYMNPA published a self-assessment of the CSDP policy against the NPPF. The CSDP is deemed as largely compliant. However, inconsistencies identified as having a 'high significance' for decision making and that are considered relevant to this application are identified below.
- 3.41 When reviewing paragraph 116 of the NPPF, (major developments in designated areas) the assessment states:-
"The three criteria of the Major Development Test are as were in PPS7 and MPS1. However specific reference to the need for the 'most rigorous examination' and to carrying out the development to high environmental standards has been removed. The requirement for a rigorous assessment does however remain in the National Parks Circular, and it is considered to be a process issue which should also apply to such proposals as a matter of course."
- 3.42 With regard to paragraph 143 of the NPPF (guidance for preparing Local Plans to facilitate the sustainable use of minerals), the self-assessment states, inter alia:
*"... The NPPF requires criteria based policies for assessing minerals developments. The LDF does not contain detailed criteria for assessing minerals applications as this was contained in MPS2. Such effects would need to be considered against Development Policy 1 Environmental Protection.
The NPPF also requires policies relating to the reclamation of land to be included in local plans. The LDF does not contain such policies as these were included in MPG2. The Technical Guidance does contain some guidance in relation to reclamation.
It may be that both of these gaps above are addressed through the forthcoming national review of guidance."*
- 3.43 The self-assessment considers this to be of "high significance" for decision taking. The specified action is to "consider any action following national review of guidance."
- 3.44 With regard to paragraph 144 of the NPPF (guidance for determining mineral planning applications), the self-assessment states, inter alia:

“Giving great weight to the economic benefits is a new requirement. The economic considerations will in many cases be determined by the application of the Major Development Test. The NPPF, in paragraph 115, also requires great weight to be given to conserving the landscape, scenic beauty, wildlife and cultural heritage of National Parks and it is considered that the approach in the LDF represents an appropriate balance between these two requirements.”

- 3.45 Again, the self-assessment considers this to be of “*high significance*” for decision taking. The immediate action is to: *“Continue to emphasise approach to minerals development as set out in LDF represents [sic] an appropriate balance between facilitating minerals development and protecting the National Park environment and landscape.”*

North York Moors National Park Management Plan

- 3.46 The NPMP provides a strategic framework for managing the Park over a defined period. Although the CSDP explicitly took into account the 2004 NPMP in its preparation, it has now been replaced by the 2012 NPMP. The function of the document and relationship with the CSDP remains unchanged.

- 3.47 The 2012 NPMP introduces policies through taking forward aforementioned national and local guidance along with local circumstances. It is set to run for 15 years. Each of the policies contained in the document includes a ‘Means to Achieve’ and, where appropriate, this refers to the relevant policy in the CSDP.

- 3.48 One of the key purposes of the 1995 Environment Act is to promote opportunities for the “*understanding and enjoyment of the special qualities of the Park.*” The special qualities with respect to the NYMNP are defined in the NPMP (Page 8) as:-

- Great diversity of landscape – sudden dramatic constraints associated with this;
- Wide sweeps of open heather moorland – distinctive dales, valley and inland headlands;
- An abundance of forest and woodland – ancient trees and woodland rich in wildlife;
- Special landforms from the Ice Age – exceptional coastal geology;
- Majestic coastal cliffs and sheltered harbours – distinctive coastal headlands;
- A special mix of upland, lowland and coastal habitats – a wide variety of wildlife dependent on these;
- Settlements which reflect their agricultural, fishing or mining past – locally distinctive buildings and building materials;
- Long imprint of human activity – a wealth of archaeology from prehistory to the 20th Century;
- A rich and diverse countryside for recreation – an extensive network of public paths and tracks;

- Strong religious past and present – ruined abbeys and ancient churches;
- Strong feeling of remoteness – a place for spiritual refreshment;
- Tranquillity – dark skies at night and clear unpolluted air;
- Distinctive skills, dialects, songs and customs – strong sense of community and friendly people; and
- A place of artistic, scientific and literary inspiration – a heritage of authors, artists, scientists and explorers.

3.49 Current pressures facing the NYMNP have been taken account in developing the NPMP. In summary they are:-

- Climate change;
- Water Framework Directive;
- Food Security;
- Tourism and branding;
- Upland economy and Common Agriculture Policy Reform;
- Health through nature;
- Woodlands and forestry;
- Localism;
- Skills; and
- Contraction of resources.

3.50 Chapter 2 deals with conserving and enhancing the environment. This is the first purpose of the National Park designation and will be achieved through measures including the conservation of traditional field boundaries, appropriate tree planting, improvements for biodiversity and for new development to contribute to the quality of the landscape. The following policy, contained within Chapter 2, is considered relevant for the determination of this application:-

- Policy E1 – *“The landscape character of the National Park will be maintained and enhanced”*;
- Policy E3 – *“New developments will not have a detrimental impact on the landscape of the National Park”*;
- Policy E4 – *“The visual impact of highway improvements and new or replacement highways infrastructure will be minimised.”*
- Policy E6 – *“Local materials, styles and building techniques will be used in restoration and in new developments where appropriate.”*
- Policy E15 – *“New development will protect biodiversity and provide enhancements where appropriate.”*
- Policy E19 – *“Existing tranquil areas will be protected, and expanded where possible.”*

- Policy E20 – *“Dark skies will be protected and improved. New development in the National Park will not cause unacceptable noise or light pollution.”*
- Policy E24 – *“The impacts of traffic on the tranquillity of the National Park will be minimised, and alternatives to the private car will be promoted.”*
- Policy E28 – *“New development will not lead to an unacceptable determination of air quality.”*

3.51 Chapter 4, ‘Business and Land Management’, states that the economy of the National Park benefits from its protected landscape designation. The economy of the North York Moors has traditionally relied on the agricultural, forestry, shooting and tourism sectors, and this largely remains the case. However, many people living in the National Park commute to areas outside of the boundary for employment. In Section 4.6, Boulby mine is recognised as the *“UK’s only commercial potash mine and employs over 800 workers, making it the largest employer in the National Park.”*

3.52 The following policy, contained within Chapter 4, is considered relevant for the determination of this application:-

- Policy B21 – *“The employment and training opportunities available to people in the National Park will be increased and maintained.”*
- Policy B23 – *“Modern and traditional skills will be developed within the workforce.”*

3.53 The communities within the National Park are considered in Chapter 5. The remote nature of the Park and its dispersed pattern of small rural settlements with limited services, facilities and public transport are key challenges. However, policies allow for some limited development opportunities to improve the sustainability of communities including new employment. These include:-

- Policy C1 – *“Local views will be sought in development policies, priorities and activities in the National Park.”*
- Policy C10 – *“All new development will be of a high quality design and will conserve and enhance the built heritage.”*
- Policy C13 – *“Attractive and viable alternative means of transport to the private car will be promoted to enable people to travel in and around the National Park in a more sustainable and integrated way.”*
- Policy C15 – *“Initiatives which decarbonise mobility and reduce CO2 emissions will be supported.”*
- Policy C18 – *“Residents, visitors and businesses will be encouraged to reduce their use of energy and the installation of appropriate energy efficiency measures in buildings will be supported.”*

Renewable Energy Supplementary Planning Document

- 3.54 Supplementary Planning Documents ('SPDs') have been employed by NYMNPA to provide more detailed guidance on the policies contained in the CSDP. They form part of the Local Development Framework ('LDF') and therefore have statutory weight and is a material consideration in the determination of planning applications.
- 3.55 The Renewable Energy SPD was adopted in June 2008 and provides detailed advice on the information required to meet the requirements of Core Policy D and Development Policy 3 of the NYMNPA CSDP, with an aim to ensure appropriate renewable energy developments are supported within the NYMNP.
- 3.56 The first paragraph of Section 5 states that:
- "...Whilst the Authority recognises the importance of reducing the causes of climate change and is actively seeking to reduce greenhouse gas emissions, large scale renewable energy developments can be particularly damaging to the landscape and environment of the national Park which is protected through the 1995 Environment Act. The basis for consideration of all applications will therefore be that the need for renewable energy must not override the statutory purposes."*

Design Guide Supplementary Planning Document Part One: General Principles

- 3.57 The Design Guides build on the principles of the NYMNPA CSDP and NPMP design-related policies by setting out general information and practical advice to help inform and promote creative, high quality, contemporary design whilst being sensitive to the historic and build environment.
- 3.58 Section 3.2 considers landscape setting, which is viewed as a key factor in determining the extent to which a new development will successfully integrate into its surroundings. For proposals within countryside locations, particular consideration should be given to, inter alia:-
- *"The relationship between the proposed development and existing features in the landscape, such as ridges, valleys, woods, trees, streams, open moorland, field patterns and walls, when viewed from long or short distances. How does the development sit in the landscape, is it coastal, located in a flat landscape, nestled in a valley or an estuary, on a slope or a ridge?"*
 - *The natural landscape features of a site, which should be incorporated into the layout and design of the proposal. Conserving a site's natural features can provide a stronger relationship between new development and its surrounding environment;*

- *Viewpoints from which the development would be particularly prominent or which would be obscured. Look at the site from different vantage points to assess the likely impact on the surrounding landscape. Development should enhance rather than detract from a view;*
- *The opportunity to contour a site, to maximise the benefits of shelter and nestle the development into the landscape;*
- *Parking areas and access, which should be closely allied to the parent building and be discreet;*
- *The choice of colour in the materials used – particularly large expanses of roof; and*
- *The use and potential impacts of external lighting.”*

3.59 Section 3.4 considers the built form and states that a mixture of tradition and innovation will leave a positive mark on the landscape of the National Park. Key components of built form include: layout, landscape, scale, height and massing, appearance (details) and appearance (materials).

3.60 Layout involves the pattern or arrangement of buildings on a site or an individual plot.

3.61 Landscape involves the character and appearance of land. New development should relate to the physical shape, form, ecology, natural features, colours and elements of the landscape and respond to the way in which these elements combine. Design guidelines are:-

- *“Through appropriate siting and landscaping techniques such as planting, new development should blend into the surrounding landscape;*
- *Development should respond to or take account of the physical features of a site i.e. the contours; landforms, ridges, screening and shelter opportunities; and*
- *The choice of plant used for landscaping should reflect its function, purpose and location – as well as be attractive.”*

3.62 Scale, height and massing considers the size of a building in relation to its surroundings. Design guidelines include:-

- *“Building heights including eaves and ridge heights should be determined by the character and function of the individual buildings and their relationship to the street or public spaces...; and*
- *Building silhouettes and profiles are also important so careful consideration should be given to secondary elements such as chimneys.”*

3.63 Appearance (details) is the way in which individual elements of design detail combine within a building. The majority of guidance relates to residential dwellings, however the design guideline does include the following:-

- *“Windows and doors are critical to the success of any building. Clumsy, poorly detailed windows can let schemes down and can erode the quality of the wider context...;”*
- *Roof pitches are typically between 30° and 45° – but detailing should relate to the material used. The choice of material will be dependent on the character of the area;*
- *Care must always be taken to ensure that the craftsmanship employed is of a high standard and is carried out by a person experienced in working with the relevant material; and*
- *Careful attention should be paid to detailing such as mortar joints, brick bonding, corbelling, the eaves and recessed windows – all of which are important details and should be used where appropriate.”*

3.64

The appearance (materials) section considers the texture, colour, pattern and durability of materials. The choice of the right materials and their correct use are a paramount consideration in the design process. Again, the design guidelines appear to relate primarily to residential development, however they include:-

- *“Consider the visual impact of the materials chosen on the architectural features (windows, doors) and built form;*
- *Consider the quality, fixing methods, colour, texture and profile which should reflect the local vernacular. Unlike natural materials, artificial materials tend to be less responsive to weathering, which can impact on the visual appearance of a building and how it ‘settles’ into the wider streetscape;*
- *Match or complement the range of materials that are characteristic of the area. There is greater opportunity to introduce innovative materials in individual stand-alone buildings of size and quality;*
- *Roof pitches and detailing should relate to the material used. The choice of material is dependent on the character of the area;*
- *Use good quality materials for an attractive yet enduring appearance; and*
- *Where appropriate, consider the use of innovative materials and construction, especially where there are sustainability and energy efficiency benefits associated with them.”*

3.65

Section 3.5 considers the general principles that should be followed to ensure sustainable design. However, in the National Park careful consideration has to be given to the visual impact of development and therefore a compromise may be necessary and not all of the techniques set out will be appropriate in all locations. Section 3.5 includes guidance on siting and design, materials, energy efficiency, renewable energy, water and drainage and waste.

3.66

Siting and design guidance focuses on building orientation and design that aims to maximise the benefits of solar gain. They include:-

- *“To make the best use of natural light buildings should, where possible, be orientated with the windows of the main habitable rooms, usually on the longest side, within 30 degrees of south...;”*
- *Consider locating ancillary accommodation such as bathrooms, toilets, stairways and storage areas to the north of the building;*
- *Windows should not be overshadowed; and*
- *For commercial uses where it is necessary to reduce heat levels windows on the southern elevation should be minimised.”*

3.67

Guidance on materials:-

- *“If there are no suitable materials on-site use reclaimed items from a local source where possible. Make sure you use an approved source – architectural theft is a growing problem. Use of local materials not only reduces the effects of transport but also helps to sustain local businesses and skills;*
- *Where new materials are required consider whether they have been made from recycled products and use locally produced items wherever possible. Non-local materials may not perform as well in our climate, and may need replacing more often;*
- *Use native hardwoods and softwoods from sustainable sources wherever possible...;*
- *Materials should be considered in terms of their whole life cost including their ability to be repaired and re-used;*
- *Use materials that can be re-used or recycled, that require low levels of maintenance and that have a long life;*
- *Avoid the use of uPVC. It is not a traditional material and maintenance free often means ‘not possible to maintain’ or repair. Windows or doors with only minor damage often have to be wholly replaced;*
- *Use a lime mortar which helps to conserve the stone. This reduces the likely need to replace the stone in the longer term and makes it easier for the stone to be re-used;*
- *Consider the level of embodied energy (i.e. energy required in production) in materials. Wood, lime, stone, sheep’s wool and straw have a low level of embodied energy, whereas uPVC, cement, steel, concrete and bricks have a high level of embodied energy.”*

3.68

Energy efficiency should be considered from the outset. Energy efficiency is primarily controlled through the Building Regulations, however the SPD includes the following guidance:-

- *“Reduce the need for energy by making the most of the sun’s heat and light;*
- *Ensure the building is well insulated;*
- *Use double or triple glazing where possible...;*

- *Reduce the need for cooling through the use of natural ventilation. Consider the use of renewable energy to provide for cooling as well as heating/electricity needs;*
- *Ensure that heating and cooling systems can be controlled effectively ensuring energy is not wasted; and*
- *Use energy efficient lighting and appliances.”*

3.69 When designing proposals, consideration should be given to whether renewable energy generation could be incorporated within the development. However, the duty to protect the National Park landscape may prevent renewables use in certain situations.

3.70 With regard to water and drainage, the design of development should make good use of water by:-

- *“Incorporating methods of collecting rain water, such as water butts, for use on site;*
- *Consider the use of greywater recycling systems which take used water for use elsewhere (for example, using bathwater to water the garden); and*
- *Incorporate installations which reduce the use of water...”*

3.71 In terms of drainage, Sustainable Drainage Systems should be incorporated within the design of all new developments wherever appropriate. The need for drainage and the impact of run-off should be reduced by:-

- *“Minimising the area of hard surfaces;*
- *Using gravel instead of paved surfaces – this enables the water to drain away more naturally;*
- *Installing water butts to enable the collection of rainwater for use on-site;*
- *Ensuring that potential contaminants can be protected from washing into water courses for example through the use of canopies and internal storage;*
- *Incorporating filters so that contaminants can be removed before reaching the water course; and*
- *Minimising directly connected areas – avoid draining roofs onto paved areas.”*

3.72 The following guidance is given for waste during construction:-

- *“Waste produced during the construction process should be re-used or recycled; and*
- *For larger schemes, you may be asked to produce a waste management plan.”*

3.73 During operation there should be adequate space for the storage of recycling and waste bins.

- 3.74 Section 4.4 of the guidance considers trees and landscape. It states that:
“Existing landscape features that contribute to a particular space or place should be incorporated into the design process – particularly where it is of ecological, aesthetic or functional significance.
Established trees should be retained where possible to help to ‘mature’ new development sites.”

Design Guide Supplementary Planning Document Part Five: New Agricultural Buildings

- 3.75 The agricultural buildings design code was developed to provide practical advice and assistance for the construction or extension or a new agricultural building within the NYMNP. Certain elements of the proposals subject to this application have been designed to represent agricultural buildings, therefore this guide is considered relevant.
- 3.76 In terms of siting, the guidance established in section 3.2 includes the following:-
- *“New buildings should respond to contours and the natural form of the land by fitting into folds or valley bottoms and avoiding platforms or exposed skylines or ridges; and*
 - *New buildings should be sited so as to minimise impacts from public vantage points such as highways and rights of way.”*
- 3.77 In terms of scale and form, the guidance established in section 3.3 includes the following:-
- *“Large expanses of roof and walling can be broken up with well designed and carefully positioned functional elements such as roof ventilators, gutters, downpipes, doors and windows; and*
 - *Flat roofs are not part of the North York Moors building tradition and should not be used. Dual pitched roofs are usually preferred, although mono-pitch can be suitable for smaller buildings or lean-to extensions to existing structures.”*
- 3.78 Section 3.4 considers the colour of a building, which is said to have a potentially significant impact on the landscape. The following guidance is given:-
- *“Dark colours (dark green, brown, black or dark grey) are generally more acceptable as they complement the natural environment throughout the seasons and the different characteristics of daylight during the year. Consideration should be given to the general colour of the backdrop against which the building will be seen;*
 - *As a general rule the roof of an agricultural building should be darker than the walls, to bring out the building’s form. Dark roofs reflect less light and generally make buildings look smaller and less conspicuous...; and*

- *Gloss finishes should be avoided in preference to matt finishes, which are less reflective.”*

3.79 In terms of materials the guidance established in section 3.5 includes the following:-

- *“The range of materials on one building should be limited since too many contrasting finishes can create a cluttered appearance;*
- *Large expanses of cladding of one colour can increase the apparent size of a building and should be avoided;*
- *Choose materials which are appropriate for the climate and which will weather well over time;*
- *Take account of the maintenance implications of the materials used...; and*
- *Shiny materials should usually be avoided.”*

3.80 Finally, in terms of landscaping, section 3.9 states that consideration should be given to the best way of integrating a new building with its immediate surroundings. Design guidelines include:-

- *“Consider the layout and design of large areas of hard standing, fences, walls and hedges since they can make an important contribution to the appearance of the holding by creating a unifying visual link between buildings and integrating the site within the surrounding landscape; and*
- *Retain and if possible augment existing groups of trees and shelter belts. Trees can improve the appearance of large new buildings by softening their outline and horizontal emphasis.”*

Strategic Economic Plan

3.81 The York, North Yorkshire and East Riding Enterprise Partnership is the largest of its kind, by area. Its objective is to help businesses improve and grow, in order to grow the economy and create good quality local jobs.

3.82 The publication of the Strategic Economic Plan (March 2014), although not a policy document, provides a single strategy for the area that sets out the key economic issues, opportunities and priorities as well as providing a basis for EU and Central Government funding. The four key ambitions to be delivered by 2021 are to create 20,000 new jobs, deliver £3bn in growth, connect every student to business and double house building.

3.83 Priority 1 of the plan, ‘Profitable and ambitious small and micro businesses’ indicates that for the 50,000 small and micro businesses in the region:

“New opportunities around potash and offshore wind gives our businesses a unique chance to develop new supply chains.” (Page 12).

3.84 Priority 2 is to become a global leader in food manufacturing, agri-tech and biorenewables. In relation to this, the plan states that the proposed £2bn

investment for the potash mine (the development subject to this planning application), could:

“generate £1bn of annual exports, will generate employment and present supply chain opportunities for local companies.” (Page 17)

- 3.85 Priority 4 is to seek successful and distinctive places. The key goal is for enhanced growth and opportunities in targeted locations. When considering the Yorkshire Coast, the page 32 refers to a need for coastal economies to diversify and take advantage of emerging opportunities such as potash. Under the heading: ‘Ensure a strong and growing coastal economy’, the following is stated:

“The Yorkshire Coast has one of the finest coastlines in Britain, with famous seaside towns such as Scarborough and Bridlington. All of which have seen significant change over the years and have had to look towards raising the quality of their visitor offer whilst also looking to new economic opportunities, such as offshore wind, potash mining and creative and digital industries. There is a need to invest in the infrastructure to enable new employment and housing land to be made available, new facilities exploit new growth opportunities, and improvements to raise the quality of the coastal visitor offer.” (Page 36)

- 3.86 Section 3 of the report provides an economic description of the plan area. The Mine falls within the ‘Moors and Wolds’ Local Economic Area which states that:

“The proposed Potash mine near Whitby could further stimulate considerable investment and economic opportunity.” (Page 53)

- 3.87 When considering partnership and collaboration opportunities with the Tees Valley LEP, the document states the following:

“...the potential multi-billion potash development in Whitby will provide supply chain opportunities across both areas. We will collaborate to ensure we maximise the potential of this opportunity.” (Page 95)

- 3.88 Under the heading ‘Scarborough Growth Plan’ the York Potash Project is referred to as having the potential to:

“...make the area a world leader in high value potash production, creating up to 4,000 new direct, indirect, supply and construction jobs.” (Page 153)

- 3.89 Further, when considering employment and jobs in more detail, the LEP states the following in regard to the York Potash Project:

“The potash mine in particular could deliver around 1,500 jobs in the local area from the time it is planned to open (2017) to 2024. Of these jobs, approximately 550 are related to supply-chain services that should be accessible to the mine itself.” (Page 155)

- 3.90 Within the evidence base of the document, page 159 sees potash development as one of two major new opportunities to radically change the economic fortune of the Borough and create new employment and wealth.

3.91 Annex B, Transport Priority Schemes (Page 168), lists a number of transport schemes including: Section 1 – A64 Scarborough to York. This section of the A64 is acknowledged to encounter major delays. It is also recognised be the main link to the development subject to this application (and potential offshore wind developments). On this basis proposals for improvements to this section of the A64 are being developed by a consortium of local authorities (North Yorkshire County Council, City of York Council, Ryedale District Council, and Scarborough Borough Council) and the Highways Agency.

Local Growth Deal Implementation Plan

3.92 The York, North Yorkshire and East Riding Enterprise Partnership released a Local Growth Deal Implementation Plan concurrently, and to be read in conjunction with, the Strategic Economic Plan discussed above. This documents sets the specific investment needed to simulate growth identified in the Strategic Economic Plan.

3.93 Page 3 states that major investments are required in strategic transport infrastructure to ease congestion around Harrogate and York and also to connect the A1/A19 growth corridor to the Yorkshire Coast and “*new emerging opportunities around potash and offshore wind.*”

3.94 Page 43 and 44 of the document states that:

“Over the next 5 years there is set to be unprecedented investment on the Yorkshire Coast, potentially in excess of £2billion, in the following key sectors: Potash Mining – The York Potash Project.”