

THE YORK POTASH HARBOUR FACILITIES ORDER 201X

Consultation Report – Main Text



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Planning. Design. Economics.

**Harbour Facilities Development
Consent Order**

**Consultation Report
Section 37(3)(c) Planning Act 2008**

Doc. No: 6.1
York Potash Limited

19 December 2014

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Executive Summary

The Consultation Report provides an account of the consultation activities undertaken in respect of the proposals for new harbour facilities located at Bran Sands, Teesside. It accompanies an application for a Development Consent Order ('DCO'), and is prepared on behalf of the applicant, York Potash Limited ('YPL'). The harbour facilities are required by YPL to enable the export of polyhalite bulk fertiliser, which will be extracted from a proposed mine to be located south of Whitby.

The Consultation Report describes engagement undertaken by YPL in respect of the wider project as well as specific consultation on the harbour facilities. The information presented explains how views expressed during the engagement and consultation has been considered by YPL in developing the final form of the DCO application. This is in accordance with the provisions of Section 37(7) of the Planning Act 2008.

Background to Consultation

The proposed harbour facilities that are the subject of the DCO are one part of a larger project. There are four main elements to the York Potash Project:

- A mine is proposed with minehead at Dove's Nest Farm, near Sneaton where the polyhalite will be extracted;
- A mineral Transport System ('MTS') which will transport the mined polyhalite from the mine site along an underground 36.5 km tunnel with a conveyor belt to;
- A Materials Handling Facility ('MHF') at Wilton International Complex which will granulate the polyhalite and create the final product. This is then prepared for its onward transport, the majority being via;
- The proposed harbour facilities.

Extensive project-wide non-statutory consultation has been undertaken on all aspects of the scheme with earlier events and activities starting in January 2011 through to August 2014. In addition, specific DCO statutory consultation on the harbour facilities proposals has been undertaken more recently from September to December 2014. This engagement has provided a valuable insight into the views of local people and other interested parties, and importantly has enabled the evolution of the Project scope and design to be directly influenced by consultation feedback.

These two distinct phases of consultation undertaken in advance of this DCO application are discussed in turn below.

Project-wide (including harbour) non-statutory consultation (January 2011 to August 2014)

YPL has actively engaged in consultation on the Project since its launch in January 2011. In doing so, the Company has deployed a wide range of engagement methods across a large geographical area, to enable the local communities, technical consultees and other interested organisations to understand, comment on, and inform the design and assessment of the Project.

This established an effective approach to consultation; and over 1,200 members of the public commented on the 2012 pre-application proposals. The responses demonstrated support of around 90% for the Project.

Whilst earlier consultation focussed on the mine and (previous) pipeline proposals; nonetheless the principle of establishing export facilities through a port at Teesside was identified at this early stage.

Following the withdrawal of a previous application for a mine at Dove's Nest Farm in early 2014, project-wide consultation activities continued, undertaken in accordance with a method agreed with the relevant local planning authorities. Public exhibitions, supported by extensive media coverage; local authority, parish and town council meetings; and, presentations to various business interests and other key stakeholders, have combined to ensure a high level of awareness of the YP Project.

Harbour facilities DCO statutory consultation (September to December 2014)

The pre-application engagement undertaken by YPL specific to the harbour facilities initially included consultation with the Planning Inspectorate to define the scope of the Environment Impact Assessment. This was followed by consultation undertaken pursuant to Sections 42, 47 and 48 of the Planning Act 2008, as follows:-

- 1 Section 42 (11 September-16 October 2014) - Section 42 statutory consultees were sent a letter informing them of the start of the consultation; providing them with information about the proposals; and, explaining the various ways they could comment, and the deadline for receipt of responses.
- 2 Section 47 (11 September-16 October 2014) - The methodology for consulting the public pursuant to Section 47 was presented in a Statement of Community Consultation that was agreed with Redcar & Cleveland Borough Council ('RCBC') and Stockton Borough Council ('STBC') in advance of the consultation commencing. This set out a number of ways of informing the local

community. The main public consultation exercise comprised four public exhibitions held in Redcar on separate days in September 2014. 'The York Potash Harbour Facilities Summary of Proposals' [Doc Ref: 7.2] document was produced to assist interested parties to understand the nature of the proposals and their relationship to the wider YP Project. Other local interest groups and individuals were sent letters informing them of the consultation and inviting their comments.

- 3 Section 48 (11 September-16 October 2014) - The proposed DCO application was publicised in the national and local press in compliance with Section 48, and comments were invited over the same period as the Section 42 and 47 consultations.

Summary of YPL responses under Sections 42

The section below summarises YPL's response to the main issues raised.

- 1 **Potential for impacts on existing infrastructure assets** - YPL responded to comments made by arranging meetings or discussions with all parties making representations on this issue with the intention of both providing additional information on the proposed development and to establish appropriate protective provisions which will protect the ongoing operations of the parties affected.
- 2 **Biodiversity and habitats** - YPL met with all relevant parties who made comments including Natural England, the Environment Agency and the Marine Maritime Organisation, to describe a proposed approach to addressing their comments. During the meetings a number of actions were identified which YPL have progressed to ensure that all of the points raised have been adequately addressed. This includes refinement of the scheme to include habitat enhancement works in the Bran Sands lagoon.
- 3 **Contamination** - YPL met Natural England and the Environment Agency to discuss comments made with regards to possible contamination. Following this, actions have been progressed and dialogue has continued as the EIA preparation process proceeded.
- 4 **Highways impacts** - In direct response to the comments raised regarding the requirements for the submission, YPL wrote to the Highways Agency to confirm that a Construction Traffic Management Plan and Transport Assessment will be submitted. Discussions have also continued with the highways authority at RCBC to refine the application documentation.
- 5 **Air quality, noise and vibration** - The enclosed design of the conveyor in the vicinity of the A1085 has been retained as part of the DCO application on the basis that no objections were raised during the pre-application consultation. The assessments of air

quality, noise and vibration effects have been carried out in accordance with methodology agreed with consultees.

- 6 **Cultural heritage** - In direct response to the comments raised regarding the potential impact on the Kirkleatham Conservation Area and on undesignated archaeological/heritage assets and archaeological/ palaeoenvironmental material recovered in the course of the dredging activities, YPL have addressed these issues in the submission with detail of proposed mitigation provided in the ES.
- 7 **Tourism and recreation** – further discussions have taken place with officers of RCBC to confirm the effects on public rights of way will be minimised; this includes temporary closures during the construction period being undertaken at night to minimise impact on recreational users of footpaths;
- 8 **Investment and employment** – The Homes and Communities Agency emphasised that the development is important to the Teesside economy in terms of the potential for new employment opportunities; but requested that proper assessment should be carried out to understand the effects. This socio-economic assessment is included in the Environmental Statement which is submitted as part of the DCO application.
- 9 **Cumulative impact of developments** - In response to comments made, YPL wrote to NYMNPAA to confirm that the EIA that will form part of the DCO application will include a Cumulative Impact Assessment. In addition, YPL confirmed that the Habitats Regulations Assessment (HRA) will take an overarching approach to enable the implications of the entire York Potash Project, both alone and in combination with other plans and projects, on European sites and Ramsar sites to be identified and assessed.
- 10 **Other public health and safety considerations** - The scheme does not give rise to Electro Magnetic fields that would impact on public health notwithstanding comments raised during the consultation period. YPL wrote to the Maritime and Coastguard Agency to confirm that ongoing liaison would take place with them and the local Harbour Authority as the scheme develops and to supplement discussions that have taken place previously.
- 11 **Draft Development Consent Order** - The draft wording of the DCO has been amended to address suggested revisions proposed by Trinity House.

Summary of responses under Section 47

A total of 107 survey responses were received from the public: 68 of these were received electronically using the online survey provided on the Project website. The remainder comprised completed hard copy surveys received in the post. Analysis of the results confirms an

overwhelming level of support for both the Project and the harbour facilities component.

YPL Project

- 1 Nearly all the respondents, 98%, support the wider Project, with 1% declaring that they are against the development.
- 2 On the social and economic impacts of the Project, 97% are in favour of the proposals, with nobody commenting that they were not in favour.
- 3 For the overall environmental impact of the Project, 86% confirmed that they had no concerns, whilst only 2% of the responses received considered the impacts would be unacceptable. Some 10% were undecided.

Harbour facilities proposals

- 1 88% considered that sufficient information had been made available to enable them to comment on the harbour facilities, whilst 12% felt that more information was needed.
- 2 People's general views were invited on the anticipated overall impacts of the harbour facilities proposals. 92% of responses consider that there will be a positive/no or neutral impact, whilst only 1% felt there would be an unacceptable impact.

Other

The other consultation responses received on the harbour facilities indicate:

- 96% are in favour of the job creation and other socioeconomic impacts;
- 94% support the proposed location of the harbour facilities;
- 91% support the proposed design and route of the conveyor system that will transport the minerals to the harbour facilities;
- 83% support the design and form of the proposed buildings, structures and two potential quay options;
- 80% are satisfied that the harbour facilities can proceed without harming local wildlife and ecology interests;
- 93% support the construction impacts; and
- 89% support the proposed river dredging required to develop the harbour facilities.

Issues raised during the consultation

The Section 47 consultation responses show significant levels of support for the overall York Potash Project and the harbour facilities component. Notwithstanding this, a small number of comments

received raised some issues regarding the potential impacts of the harbour proposal. These were:-

- 1 Conveyor bridge over the A1085 – further discussions have taken place with officers of RCBC in respect of the principle and possible future design solution for a bridge structure over the A1085;
- 2 Use of the existing Northumbrian Water Jetty - The option to utilise the existing NWL Jetty for import of construction materials has been removed from the development.
- 3 Need to understand the effects of the general operations of the proposal - The Environmental Statement submitted with the DCO application gives full consideration to the environmental effects arising from the operation of the harbour facilities.

Conclusions

The pre-application consultation has been undertaken in accordance with the legal requirements and guidance provided in the Planning Act 2008 and supplementary guidance from the Planning Inspectorate. Overall, it is concluded that Consultation Report fulfils the requirements of Section 37(7) of the Planning Act 2008.

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- Appendix 3 Full account of consultation during 2014
- Appendix 4 Consultation Benchmarking Document for the 2014 public consultation on the mine, MTS and MHF
- Appendix 5 The York Potash Project Explained brochure [June 2014]
- Appendix 6 Schedule of comments received during the public consultation on the mine, MTS and MHF (June to September 2014)
- Appendix 7 Summary schedule assessing the 2014 public consultation responses
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- Appendix 11 List of Section 42 consultees
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Glossary and Abbreviations

DCO

Development Consent Order

NSIP

Nationally Significant Infrastructure Project

NYMNPA

North York Moors National Park Authority

SBC

Scarborough Borough Council

RCBC

Redcar and Cleveland Borough Council

NYCC

North Yorkshire County Council

STBC

Stockton-on-Tees Borough Council

York Potash Project or 'the Project'

The proposed mine, mineral transport system, materials handling facility and harbour facilities

Section 42

Section 42 of the Planning Act 2008 identifies a duty on the applicant to consult with prescribed consultees; each local authority; and landowners and other persons with an interest in land.

Section 43

Section 43 of the Planning Act 2008 identifies a duty to consult local authorities

Section 44

Section 44 of the Planning Act 2008 identifies a duty to consult landowners and other persons with an interest in land

Section 46

Section 46 of the Planning Act 2008 identifies a duty to provide notification of the proposed application for a DCO

Section 47

Section 47 of the Planning Act 2008 identifies a duty to consult the local community

Section 48

Section 48 of the Planning Act 2008 identifies a duty to correctly publicise the intention to submit the proposed application

Section 49

Section 49 of the Planning Act 2008 identifies a duty to take account of responses to the consultation and publicity

EIA

Environmental Impact Assessment

SoCC

Statement of Community Consultation

SPA

Special Protection Area

SAC

Special Area of Conservation

SSSI

Sites of Special Scientific Interest

HRA

Habitats Regulations Assessment

DEFRA

Department for Environment, Food and Rural Affairs

CEMP

Construction and Environmental Management Plan

HGV

Heavy Goods Vehicle

CEO

Chief Executive Officer

1.0 Introduction

1.1 This Consultation Report provides a detailed account of the consultation activities undertaken in respect of the proposals for new harbour facilities located at Bran Sands, Teesside on the south bank of the River Tees. It accompanies an application for a Development Consent Order ('DCO'), and is prepared on behalf of the applicant, York Potash Limited ('YPL'). The harbour facilities are required by YPL to enable the export of polyhalite bulk fertiliser, which will be extracted from a proposed mine with a minehead to be located south of Whitby.

1.2 YPL has involved the local communities, local planning authorities, statutory consultees and other stakeholder groups from the outset of the wider YPL Project and, specifically, in respect of the proposals for the harbour. This engagement has provided a valuable insight into the views of local people and other interested parties, and importantly has enabled the evolution of the Project scope and design to be directly influenced by consultation feedback.

Statement Purpose

1.3 With regard to the submission of an application for a DCO, Section 55(3)(e) of the Planning Act 2008 ('the Act') provides that the Planning Inspectorate must be satisfied that applicants comply with paragraphs 41-50 of Part 5 of the Act relating to pre-application procedure. This chapter requires promoters of Nationally Significant Infrastructure Projects ('NSIPs') to consult various statutory consultees and other relevant stakeholders, the local community and the general public before submitting a DCO application.

1.4 The purpose of this Consultation Report is to explain the engagement undertaken by YPL on the Project, and in particular the pre-application consultation on the harbour facilities. Further, and as referred to above, the information presented explains how the views expressed in response to the engagement and consultation has been considered by YPL in developing the final proposals, in accordance with the provisions of Section 37(7) of the Act.

1.5 As explained in Section 2.0 of this Statement, the proposed harbour facilities that are the subject of the DCO are one part of a larger Project. A mine is proposed, with a minehead at Dove's Nest Farm, near Sneaton, which is linked to a Materials Handling Facility ('MHF') at Wilton International Complex via a mineral Transport System ('MTS') (an underground tunnel with a conveyor belt). The mined material (polyhalite) arrives at the MHF via the MTS and is then prepared for its onward transport, the majority via the proposed harbour facilities.

- 1.6 Extensive consultation has been undertaken on all aspects of the Project, with the earlier events and activities focussed on project-wide consultation associated with various application submissions, and more recently, specific consultation on the harbour facilities proposals, in accordance with the requirements of the Planning Act 2008.
- 1.7 Whilst the DCO consultation has encouraged engagement specifically on the harbour facilities and hence has provided key feedback on this aspect of the Project, the earlier Project-wide consultation (that of course included harbour consultation activities) has also been important, both in terms of informing communities and interested parties of the proposals, but also in terms of receiving early comments on all aspects of the scheme.
- 1.8 For the purposes of describing the nature of the consultation undertaken in advance of the DCO application submission, therefore, two distinct phases of consultation have been identified within this report:
- 1 **Project-wide (including harbour) non-statutory consultation (January 2011 to August 2014)** – including the initial public and key stakeholder consultation that commenced when the Project was originally launched in January 2011 and covering the period up until the start of the formal consultation process specifically on the harbour facilities proposals in September 2014; and
 - 2 **Harbour facilities DCO statutory and non-statutory consultation (September to December 2014)** – including details of the consultation methods used to engage the public, statutory consultees and other interested parties, in accordance with Sections 42, 47 and 48 of the Act; the responses received; and YPL’s response to the issues raised.
- 1.9 Section 49(3) of the above Act defines a ‘relevant response’ as one that is received by YPL under the relevant sections of the Act (42, 47 and 48) within the imposed consultation deadlines. All the responses received are summarised in separate consultation schedules provided in the appendices to this report. These are cross-referenced within the main body of the report where relevant. Whilst all statutory deadlines for receiving responses have been applied by YPL, any responses received beyond the deadlines imposed, but in advance of preparing this Consultation Report have also been duly considered.
- 1.10 In addition, and for completeness, information that assisted in the development of the harbour facilities proposals during earlier non-statutory consultation is referenced and recorded where relevant and appropriate.
- 1.11 The preparation of this report and its appendices has been fully redacted to ensure it is fit for public consumption, and this has included removing all personal information (e.g. addresses, names of individuals

and other contact information) from the appended consultation schedules.

Summary of Statutory & Non-Statutory Consultation Undertaken

1.12 As described above, two distinct phases of consultation have been undertaken on the Project and, specifically, the harbour facilities. A summary of the non-statutory consultation is provided in chronological order below:-

Table 1.1 Summary of statutory and non-statutory consultation on the Project (including the harbour facilities)

Consultation Stage	Purpose	Timing	Report Section
Initial consultation following Project launch	Inform the local and wider community about the Project and its component parts	January 2011- August 2012	4
Public consultation (including exhibitions)	Consultation on the mine proposals prior to submitting a minerals application	3 September 2012 to 15 October 2012	4
mineral pipeline DCO consultation	Statutory pre-application consultation on the (previous) pipeline proposals	23 November 2012 to 11 January 2013. Re-opened on 22 February 2013 to 25 March 2013.	4
Public consultation (including exhibitions)	Pre-application consultation on the revised mine proposal and mineral Transport System and Materials Handling Facility (and in relation to the proposed harbour facilities in general terms)	26 June 2014 to 1 September 2014	5

1.13 In accordance with the guidance provided in the Planning Inspectorate's Advice Note 14 (April 2012), a summary of the statutory DCO pre-application consultation activity on the harbour facilities undertaken during September to October 2014 is provided in chronological order below:-

Table 1.2 Pre-application consultation undertaken by YPL

Consultation Stage	Purpose	Timing	Report Section
Preliminary Consultation	Consultation on the Statement of Community Consultation ('SoCC')	Sent to Redcar and Cleveland Borough Council (RCBC) and Stockton-on-Tees Borough Council (STBC) on 19 May 2014. RCBC responded on 3 June 2014. STBC responded on 10 June 2014. Updated SoCC issued to both authorities on 2 September 2014. STBC responded on 3 September 2014. RCBC responded on 10 September 2014. SoCC was formally published on 11 September 2014. [See Appendix 18 to this Consultation Statement]	6
	Publish notice of SoCC in local newspapers	Thursday 11 September 2014 (Northern Echo and The Evening Gazette (Teesside), Thursday 18 September 2014 (Evening Gazette (Teesside) and Friday 19 September 2014 (Northern Echo)	6
Section 42	<u>Duty to consult</u> Consultation with prescribed consultees; each local authority within Section 43; and landowners and other persons with an interest in land within Section 44	Thursday 11 September 2014 to Thursday 16 October 2014	6
Section 47	<u>Duty to consult local community</u> Consultation	Thursday 11 September 2014 to Thursday 16 October 2014	6

Consultation Stage	Purpose	Timing	Report Section
	undertaken with people living in the local community		
Section 48	<u>Duty to publicise</u> Publication of the intention to submit the application to the Planning Inspectorate	Thursday 11 September 2014 (Northern Echo, Evening Gazette (Teesside) and The Independent, The Gazette), Thursday 18 September 2014 (Evening Gazette (Teesside) and Friday 19 September 2014 (Northern Echo)	6
Post-section 42 and 47	Review of comments received and liaison with consultees to discuss issues raised where required and provide additional information where requested or deemed helpful to the process	Mid October 2014 to mid-December 2014	7 and 8

Statement Structure

1.14

The remainder of this report is structured as follows:-

- Section 2 describes the elements of the YPL Project;
- Section 3 explains YPL's general approach to engagement and consultation, and the methods employed during earlier consultation;
- Sections 4 and 5 summarise the engagement and consultation undertaken during January 2011 to August 2014, the feedback received, and YPL's response;
- Section 6 identifies the statutory DCO consultation specifically undertaken for the harbour facilities, during September to October 2014;
- Sections 7 and 8 sets out and analyses the feedback from that statutory consultation; and
- Section 9 sets out the conclusions.

2.0 The YPL Project

2.1 The YPL proposals involve the creation of the first purpose-built polyhalite mine in Europe. A minehead development at Dove's Nest Farm south of Whitby will provide access to the world's largest and highest grade established polyhalite reserve. The mined polyhalite will be transported underground via a tunnel to the Wilton International Complex, where it will be prepared for sale within a new MHF. This will be linked to the proposed harbour facilities on Teesside.

2.2 The YPL Project (the 'Project' comprising all of the above components of the scheme) represents a major investment in the North Yorkshire and Teesside regions. Through the export and subsequent use of polyhalite, a highly effective fertiliser, the Project will not only make a significant positive contribution towards the challenge of global food security, but also create over 1,000 direct jobs with many more created in the wider economy.

Harbour Facilities and The YPL Project

2.3 In more detail, the harbour facilities comprise one of four main elements required for the implementation of the Project. In brief, these are:-

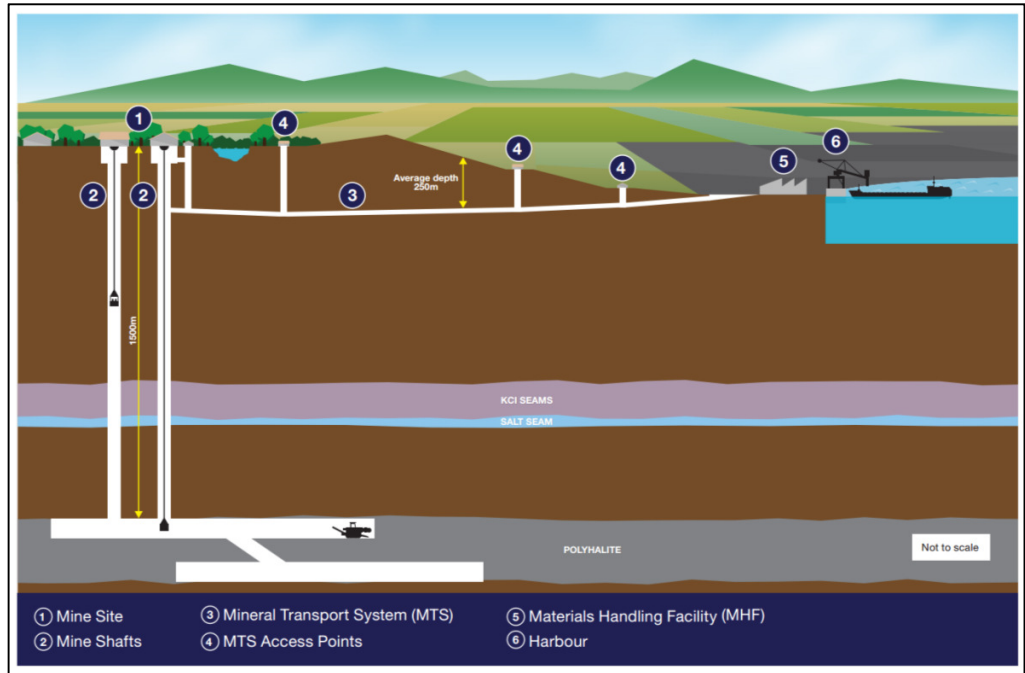
- 1 An underground **mine**, including a surface access point ('the minehead'), welfare and ancillary buildings at Dove's Nest Farm and Haxby Plantation, Sneatonthorpe. A cross boundary application has been submitted to both North York Moors National Park Authority (NYMNP) and RCBC on 30 September 2014, and the applications remains before both authorities for determination;
- 2 A **mineral Transport System** ('MTS'), consisting of a 36.5km long tunnel containing a series of linked conveyor belts that transport the polyhalite from an underground point at the minehead beneath Dove's Nest Farm, to Wilton at Teesside, and 3 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. The creation of the MTS is included within the scope of the above applications, currently before both NYMNP and RCBC;
- 3 A **Materials Handling Facility** ('MHF') is a granulation and storage facility at Wilton International Complex that will receive and handle the polyhalite transported via the MTS. This is the subject of a separate application to RCBC; and
- 4 The **Harbour Facilities**, that are the subject of this DCO application, proposed at Bran Sands, Teesside on the south bank of the River Tees for the bulk shipping of polyhalite. The harbour facilities will provide a conveyor system to transfer the finished mineral product to the site from the MHF and facilities to enable the

bulk loading of vessels, including a new quay structure and ship berthing area.

2.4

A cross section of these elements of the Project and how they interface is provided below in Figure 2.1.

Figure 2.1 Indicative image of YPL Project

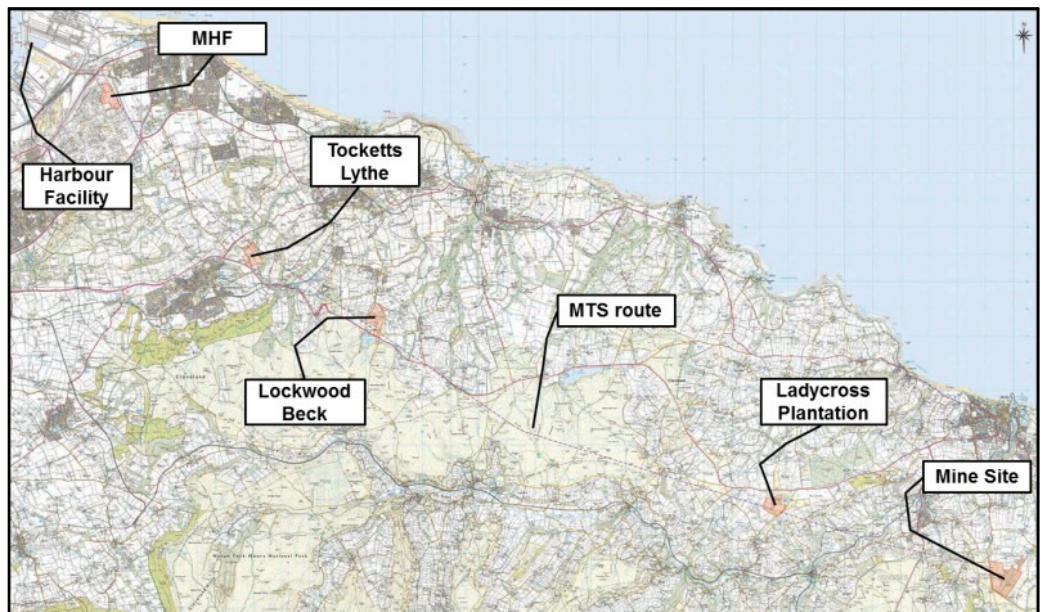


Source: YPL

2.5

The location of each of these main elements of the Project is shown in Figure 2.2 below.

Figure 2.2 Plan showing broad location of each of the Project Elements



Source: NLP

- 2.6 Other developments associated with the Project but to be secured via separate planning application submissions are:-
- 1 **A temporary Park & Ride** to provide transport facilities for construction workers to the 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, west of Whitby**. This would involve the creation of additional car parking spaces for mine workers as part of the existing Whitby Park & Ride and allow for the provision of a bus connection directly to the minehead at Dove's Nest Farm.

2.7 Table 2.1 identifies the various planning consents being sought for each element of the Project.

Table 2.1 The Project consent regime

Project Element	Consent Regime	Determining Authority	Timescale
mine and MTS	County matters minerals application	NYMNPA and RCBC	September 2014
MHF	County matters application	RCBC	September 2014
Harbour Facilities	Development Consent Order	Secretary of State	December 2014
Construction Worker Park & Ride Facility (and Construction Village)	Planning Application	Scarborough Borough Council	December 2014
Whitby Operations Park & Ride Facility	Planning Application	NYMNPA	December 2014

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

3.0 **Establishing the Project-wide Engagement Strategy and Methods**

3.1 With the YPL Project comprising a number of different components that are subject to different consenting regimes, consultation across the Project has not been confined to a single exercise, designed to accord with only DCO requirements. Instead consultation on the wider Project (including the harbour facilities) has been ongoing since Project inception and this early consultation has greatly assisted with informing all interested parties on the nature of each element of the Project, as well as providing opportunities for the YPL Project team to understand and address potential concerns. This early consultation has been followed by more recent consultation, undertaken in accordance with the requirements of the 2008 Planning Act. The two combined exercises have ensured a high level of Project appreciation amongst the local community and the various statutory consultees.

3.2 This section explains YPL's approach to engagement established during the early stages of the Project, and the key methods employed to implement this approach.

YPL Engagement Strategy

3.3 As a future mining company, YPL is aware that its operations will have an effect on the local area, residents and businesses. Its approach to engagement is therefore based on its general business philosophy and principles – namely, to develop the Project in close consultation with local people, to develop a scheme that delivers significant benefits and minimises harm to the environment. As part of its commitment to sustainable development, the company is committed to effective and transparent engagement, communication and independently verified reporting arrangements.

3.4 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 the understanding of the Project, YPL's approach to consultation from the outset has been to provide information on the whole Project and processes involved, from the mining of polyhalite at Dove's Nest Farm, through to the final stage of transferring the mineral on to shipping vessels for onward export at Teesside. As such, it is always understood that any particular element of the Project is part of a wider scheme. A particular consultation event, therefore, maybe focussed on a specific element of the Project, but this wider relationship is always made clear.

3.5 This approach has enabled the operational relationships between the different elements of the Project to be clearly articulated whilst at the

same time ensuring all interested parties are fully aware of what they are being invited to comment on.

Engagement methods

3.6 For the purpose of securing the widest practical consultation on the Project, YPL adopted a bespoke consultation strategy that is comprehensive in its coverage and embraces a wide range of methods for engaging local people, interested parties and statutory consultees. This is particularly important given the large area that the Project covers.

3.7 YPL's consultation ethos is to:-

- **Engage:** identifying the communities that are likely to be affected and establishing a methodology for communicating with them that is suitable, accessible, timely and appropriate;
- **Inform:** providing information (and routes for accessing more information or answering questions) to ensure interested parties have access to the key Project facts and are able to understand the proposals;
- **Listen:** providing channels for returning feedback and listening to every opinion. Key to this has been to ensure members of the development team are available to meet and discuss matters and promote 'face to face' communications whenever possible;
- **Respond:** responding to feedback, and developing the Project proposals wherever appropriate to address the comments received where the result is an improved scheme; and
- **Sustain a constructive dialogue:** sustaining an ongoing relationship with neighbours and local communities. The pre-application consultation is seen as part of a dialogue that is sustained and continued throughout the Project following the submission of the applications, and throughout the implementation and management of the operations if the planning permissions and consents are granted.

3.8 More specifically, the main engagement methods employed have comprised:

- Launching a Project website;
- Producing local newsletters and leaflets to inform the local area of the latest Project developments;
- Utilising the national and local media to facilitate the wider dissemination of Project information;
- Organising and hosting public exhibitions to present the latest Project proposals;
- Providing regular parish and town council updates;
- Attending meetings with planning officers and statutory consultees;

- Attending stakeholder meetings or events;
- Developing training and education programmes with schools and colleges; and
- Engaging with landowners.

3.9 Each of these engagement activities are explained in the sections that follow in this report that provide more details on the nature of the consultation undertaken by YPL.

Summary

YPL's approach to engagement has been to work in close consultation with local people, providing information on all aspects of the Project and the processes involved. This approach matched by a similar co-operative and open consultation strategy for engaging with local planning authorities, has delivered on key engagement objectives – namely to understand concerns and enable Project development to be properly informed, addressing concerns where possible.

4.0 **Project-Wide Engagement and Feedback 2011-2013**

4.1 A full account of early engagement and consultation from the time of the Project launch in 2011 up until February 2013 is appended (Appendix 1). This relates to the period up to the submission of the initial application for the mine (since withdrawn in January 2014).

4.2 The following section provides an overview of the consultation activities undertaken over the period, and the relevant outcomes.

Project Launch

4.3 In January 2011, the Company announced its intention to establish a polyhalite mine in North Yorkshire. It publically launched details of the mine proposed at Dove's Nest Farm, and the proposed method of onward transport of the mined material; at that point envisaged to comprise a mineral pipeline. This was pre-empted by a series of briefings provided to the relevant local authorities to ensure they were fully aware of the emerging proposals. Presentations were given to senior officers at North Yorkshire County Council ('NYCC'), Scarborough Borough Council ('SBC'), RCBC and NYMNPA.

4.4 A series of communication initiatives were also put in place to coincide with the Project's announcement. These included:-

- The launch of a Project website (www.yorkpotash.co.uk);
- Setting up a community helpline (0845 543 8964);
- Sending the announcement to local newspapers and following this up with conversations with relevant journalists; and
- Providing briefing letters to a wide range of stakeholders with an interest in the Project, including relevant government departments and local councillors, at local authorities. Many of these letters were followed up with telephone calls to confirm they had been delivered successfully.

4.5 As a result of the Project launch, there was extensive media coverage¹ across the Region. This included approximately 14 media articles written about the Project within the first week across titles such as the BBC Online, Yorkshire Post, Northern Echo, Scarborough Evening News (now the Scarborough News) and the Whitby Gazette. There was also extensive broadcast coverage featured on BBC Radio York, and local BBC and ITV news programmes.

¹ Table 5.1 sets out examples of media coverage during 2014. The reach of the publications and media outlets identified is a population of approximately 880,000 in the regional area.

4.6 Between the initial launch activities and the commencement of dedicated consultation activities, there were ongoing efforts to keep the local and wider community informed of progress on the Project.

4.7 Whilst the principle of a new harbour facility was not specifically identified and consulted on at the launch stage, the intent to provide onward transportation of the final product from Teesside was noted; the route of the (then) pipeline transport option passed directly towards the Wilton area.

Public Exhibitions

4.8 A significant amount of consultation was undertaken during the 2011-2013 period to make people aware of the detail of individual components of the Project proposals and to invite comments on those elements that were sufficiently advanced in their design development. This included the following public consultation events:

- Pre-application public consultation on the mine, including details on the wider Project (September 2012) – this centred on eight public exhibitions; and
- DCO consultation on the (then) mineral pipeline proposal (November 2012) – undertaken in accordance with the consultation requirements of the Planning Act 2008, and including five public exhibitions. Note that the pipeline proposals were subsequently replaced by the MTS, and as a consequence were no longer a Nationally Significant Infrastructure Project (NSIP).

4.9 The focus of these consultations was primarily on the mine and pipeline proposals. The consultation material did, however, explain the need to provide a connection between the proposed mine and Wilton where the MHF and harbour facilities would be located. Related to this, information was presented on a proposal to use the port facilities in this area to export the finished mineral product.

4.10 The public's feedback from the September 2012 consultation was overwhelmingly positive - around 90% (944 people of 1,042 responses received) supported the Project, with less than 1% (8 people) stating they were against. Specific comments in support of the proposals made reference to the:

- Economic benefits of the development to the area (supported by 74% of responses), particularly in terms of jobs for local people;
- Sympathetic design of the mine (supported by 77%);
- Non-intrusive nature of the associated pipeline proposal (supported by 79%); and
- Significant efforts to minimise the environmental effects (only 6% expressed a concern).

- 4.11 The main issue raised by the public (12 responses) was the potential impacts of increased HGV traffic on local roads, particularly in terms of vehicle trips generated by the mine component of the Project.
- 4.12 The separate Pipeline DCO consultation attracted 204 responses via the exhibitions, with 189 (93%) in support of the pipeline, six objecting (3%) and nine (4%) providing comments without clearly indicating a firm view.
- 4.13 The public response to the proposed pipeline again primarily focussed on the benefits of this form of transporting the mineral compared to other alternatives, in particular road transport using HGVs. A number of responses received from key statutory consultees, most notably Natural England, raised significant concerns regarding the proposed route of the pipeline. These concerns centred on the potential impacts on sections of the North York Moors Special Area of Conservation (SAC), Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).
- 4.14 Feedback from the mine and pipeline consultation informed the submission of an application to NYMNPA on 29 January 2013, seeking consent for the winning and working of potash (polyhalite) centred on the Dove's Nest Farm site. The application provided a high-level description of how the pipeline proposal would pass towards Project plant, storage and port facilities at Teesside and that those elements would be subject to separate consenting procedures at a later date.
- 4.15 Throughout the consideration of the first mine application, discussions were ongoing between the applicant and the NYMNPA and its advisors. After an initial assessment of the application documents, further information was requested, and this was submitted by the applicant in April 2013. This additional material was the subject of substantial re-consultation undertaken by the NYMNPA. 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.
- 4.16 This action effectively marked the end of the first phase of Project-wide consultation, with the NYMNPA's consideration of the application, along with those comments received from a variety of statutory consultees and other interested parties, providing informative feedback and triggering a Project-wide review. In response, YPL and its consultants revisited every aspect of the Project, including the initial port proposals. This review was informed by comments expressed during consideration of the application.
- 4.17 Key to this review was re-considering the options for transporting the mineral between Dove's Nest Farm and Wilton. This process initially indicated it would be possible to design an alternative method of transporting the mineral using a conveyor system within a tunnel (the MTS) that required only limited surface development.

- 4.18 Following a period of feasibility and design development, YPL announced on 26 February 2014 that the MTS option would replace the pipeline as the preferred method for transporting the polyhalite from the mine to Teesside. Work then began on developing details of the MTS proposal in consultation with NYMNP and RCBC, as well as working up further details for the MHF and harbour facilities which could now be informed by enhanced information on the wider Project.
- 4.19 In response to the comments received during the 'life' of the earlier application, YPL has:
- Reduced the scale of the buildings proposed at the minehead at Dove's Nest Farm and Haxby Plantation to minimise the potential environmental effects;
 - Further developed details of the MTS, including intermediate shaft access sites at Lady Cross Plantation, Lockwood Beck and Tocketts Lythe, and the tunnel portal interface with the proposed MHF at Wilton;
 - Progressed the final design of the MHF and more closely defined its connections with the harbour facilities, and how these two operations will operate concurrently to maximise operational efficiencies; and
 - Developed the form and function of the harbour facilities to meet YPL's operational requirements and respect the needs of the existing business uses in Wilton and Teesside, as well as the amenity of residents living in the area.

Other Engagement Activities

- 4.20 As referred to above and explained in detail in Appendix 1, the public exhibitions represent just one aspect of the wider consultation strategy between 2011 and 2013. A summary of the other engagement by YPL at the earlier stages of the Project is provided below.

Table 4.1 Summary of other YPL consultation activities

Engagement activity	Summary of actions
1. Liaising with town and parish councils	YPL liaised regularly with town and parish councils in areas likely to be affected by the Project-wide proposals. This included attending meetings to present the latest proposals and answering any questions raised.
2. Planning Officer meetings	From an early stage, YPL has sought to hold regular meetings with the NYMNP and RCBC to discuss the proposals. This process has been formalised latterly through the establishment of Planning Performance Agreements. Discussions on the harbour facilities have been part of this liaison since late

Engagement activity	Summary of actions
3. Liaising with statutory bodies	2013. YPL has met with Natural England, the Environment Agency, the Highways Authority etc. to discuss the proposals and the scope and findings of the environmental assessment work. Discussions regarding the formal scoping for the harbour facilities Environmental Impact Assessment (EIA) are detailed in Section 6 of this report.
4. Attendance at other stakeholder meetings and events	YPL has maintained a regular presence at meetings, conferences and a range of other forums to discuss the proposals and contribute to discussions of relevance to the mining and minerals industries, and general business interests in the area.
5. Producing local newsletters and leaflets for local residents and other interested parties	YPL has kept the local community regularly updated on Project developments in the form of a series of <i>Update</i> newsletters. These continue to be produced to coincide with important Project milestones. The full set is provided in Appendix 2. Leaflets have also been produced and delivered directly to properties that could be affected by exploratory drill works. Reference to the provision of port facilities is included in the newsletters from June 2012 onwards.
6. Schools and colleges	YPL has worked closely with schools and colleges to develop an education and training programme designed to maximise the positive employment benefits of the proposals in the local communities in which it exists.
7. Landowner engagement	Landowners have been actively engaged on the Project. Discussions during the earlier period generally related to rights of access and lease payments.

Source: YPL consultation team

Summary

4.21

YPL has actively engaged on the Project since its launch in January 2011. In doing so, the company has deployed a wide range of engagement methods across a large geographical area, to enable the local communities, technical consultees and other interested organisations to understand, comment on, and inform the design and assessment of the Project.

- 4.22 This established early on an effective approach to consultation, with the result that over 1,200 members of the public commented on the 2012 pre-application and DCO proposals. Those responses demonstrated overwhelming support: around 90% supported the Project and mine (more specifically) and 93% the mineral pipeline.
- 4.23 Whilst earlier consultation has focussed (out of necessity to assist in the submission of the first mine application in February 2013) on the mine and (previous) pipeline proposals, the principle of establishing export facilities through a port at Teesside has been clearly identified from an early stage.

5.0 **Project-Wide Engagement and Public Consultation 2014**

5.1 Since late 2013, and during 2014, Project-wide consultation has continued. Given the interrelationships of all elements of the Project, the consultation process and feedback on the wider Project are highly relevant to the harbour facilities proposals. This section, therefore, provides a summary of the Project-wide consultation undertaken during this period to set a context to the specific harbour consultation activities.

Approach to Engagement

5.2 In the lead up to the submission of the revised applications for the mine and MTS proposals, plus the separate application for the MHF, YPL continued to engage extensively on the Project. This included public exhibitions that focussed on the application submissions for the mine, MTS and MHF. These exhibitions ran between June and September 2014. Material at these exhibitions confirmed that more details on the harbour facilities would be available for consultation separately.

5.3 This engagement broadly followed the same strategy as previously adopted in 2011-2013. Local communities, the media, parish and town councillors, local planning authority officers, statutory consultees, schools and colleges, other stakeholders and landowners were all involved; a summary of the main engagement activities is provided in Appendix 3, and key items are discussed below.

Benchmarking

5.4 Prior to the launch of the public consultation activities, YPL prepared a Consultation Benchmarking Document (CBD) for agreement with NYMNPA, RCBC and Scarborough Borough Council. It provided information on the Project, the proposed methodology for consulting the local community and general public, and the methods for inviting comments on the mine, MTS and MHF.

5.5 The CBD (provided at Appendix 4) made clear that, whilst some information on the harbour facilities would be included within the consultation material, this element would be the subject of a separate statutory pre-application consultation (in the same way that comments were invited on the previous pipeline proposal) as a NSIP under the Planning Act 2008.

5.6 The CBD identified an inclusive and robust consultation strategy, consistent with YPL's earlier approach. Key features were as follows:

- Consultation which described the whole Project but with clear and concise explanations of the interrelationships between each element; and
- Comments to be invited on the 3 elements of the proposals (mine, MTS and MHF) that were to be the subject of County matters applications, as well as comments in respect of the whole Project.

Public Exhibitions

- 5.7 The public consultation centred on ten public exhibitions held in Whitby, Scarborough and Redcar during July 2014. As part of the process of advertising the consultation, YPL produced an *Update* newsletter (Issue 6; June 2014) providing an overview of the whole Project and the information being consulted on; the venues, dates and timings of the planned public exhibitions; where further information could be viewed; and the various ways that comments could be provided (Appendix 2). This was sent to over 17,000 addresses. Quarter page advertisements were published in the Northern Echo and Whitby Gazette for two consecutive weeks prior to the exhibitions.
- 5.8 YPL also produced *The York Potash Project Explained* brochure (Appendix 5). This provided a non-technical overview of the proposals for attendees to review at the exhibitions and take away with them. It was available to download on the Project website. The document included information on YPL; the need for polyhalite; its global importance in modern agriculture practice; and details of the main Project elements and their interrelationships, including the linkages between the proposed MHF and harbour facilities at Bran Sands.

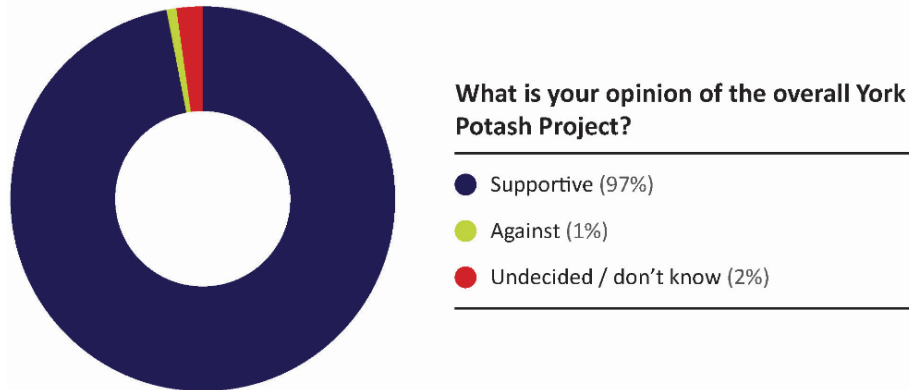
Exhibition attendance and consultation feedback

- 5.9 A total of 765 people attended the public exhibitions. 1,741 survey responses were received from the public during the consultation period: 1,516 (87%) of these were received electronically, either by completing the surveys on the iPads at the public exhibitions or using the online survey provided on the Project website. The online consultation responses were automatically logged onto a database system.
- 5.10 During the consultation period, YPL maintained a schedule of all online responses and 'hard copy' responses received through the post. This was updated periodically and the final version is provided (Appendix 6). This includes details of the public comments received (in verbatim form). From this, YPL's consultation team produced a schedule assessing the different responses to the survey questions (at Appendix 7).
- 5.11 The responses received confirmed an overwhelming level of support for both the Project (including the harbour facilities element) and the individual mine, MTS and MHF elements.

5.12

In terms of the overall Project, nearly all the respondents, 97% (1,668 of the 1716 question respondents) expressed their support, with 1% (or 10 people) declaring that they were objecting to the proposals.

Figure 5.1 Public consultation responses to overall Project



Source: YPL consultation responses

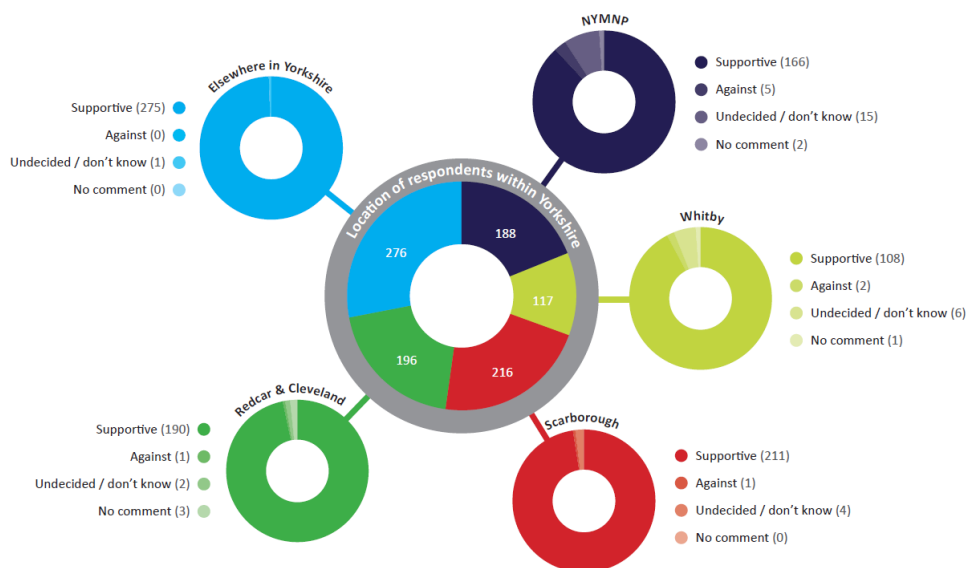
5.13

In analysing the responses to this question, postcode data supplied by the consultee on the questionnaire surveys has been used to identify the broad geographic areas from where responses have been received. The results of this analysis are shown in the mapping (at Appendix 8).

5.14

The output of this analysis shows a broad distribution of responses across England and into parts of Scotland and Wales, demonstrating the national interest in the Project and the significant levels of widespread support. This also shows that of the 1,716 responses from UK addresses, 58% (993 respondents) are based within Yorkshire, and of these 96% (950 respondents) support the Project.

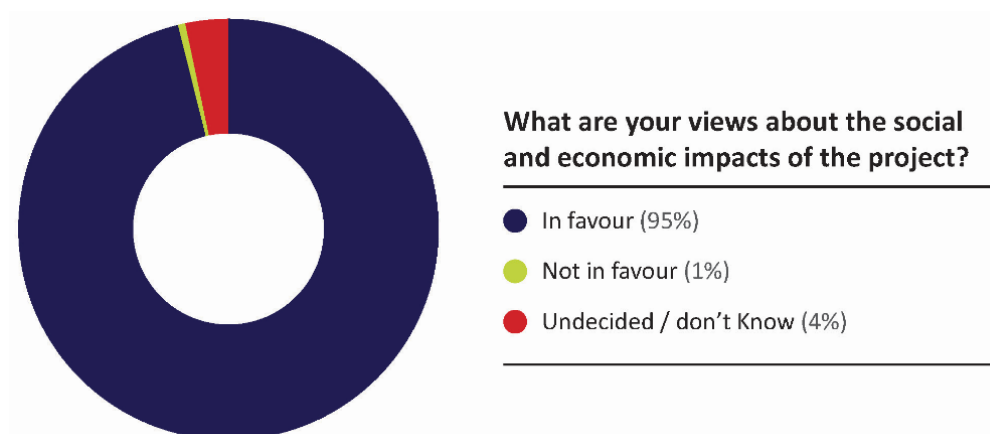
Figure 5.2 Consultation responses from the Yorkshire Area



Source: YPL consultation responses

- 5.15 Further assessment of the Yorkshire-based responses where address details have been provided showed a high level of support for the Project from people living in the NYMNP, Whitby, Scarborough, RCBC (i.e. the areas most directly affected by the proposals) ranging from 88% support in the National Park and up to 97% in RCBC. A map showing the distribution of these responses is provided at Appendix 9.
- 5.16 On the **social and economic impacts of the Project**, 95% (1632 of the 1715 question respondents) were in favour of the proposals, whilst 1% (11 people) were against. 4% (64 people) were undecided.

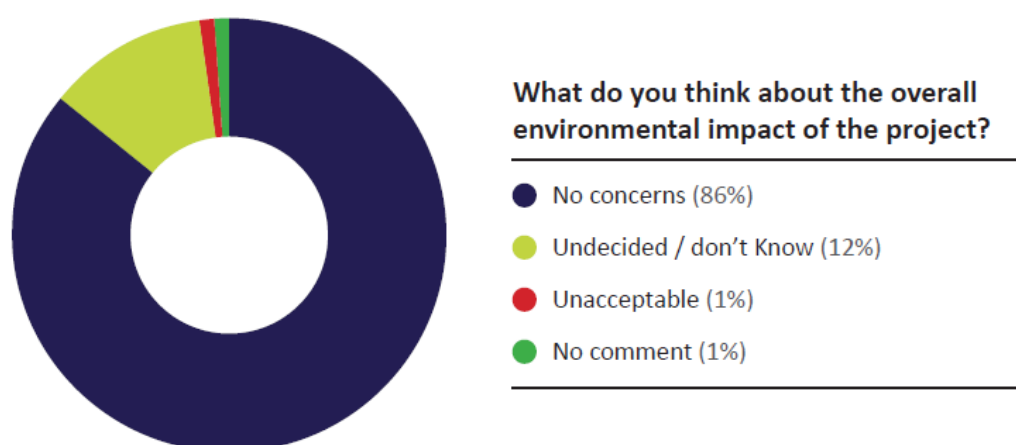
Figure 5.3 Consultation responses on the social and economic impacts of the Project



Source: YPL consultation responses

- 5.17 For the **overall environmental impact of the Project**, 86% (1,467 of the 1709 question respondents) confirmed that they had no concerns, whilst only 1% (20 people) of the responses received considered the impacts would be unacceptable. Some 12% (207 people) were undecided.

Figure 5.4 Consultation responses on the environmental impacts of the Project



Source: YPL consultation responses

- 5.18 Some consultation responses were received outside the consultation period (i.e. after 1 September 2014). These 39 responses were duly

noted and, for completeness, a separate assessment of these was undertaken. These were consistent with the general views expressed and submitted within the consultation period. For example, 93% (25 of the 27 question respondents) confirmed their support for the overall Project. The output of combining these late responses with those received during the consultation period is that the overall support for the Project increases to 98%.

Media

5.19

Extensive media coverage of the Project was maintained throughout the public consultation period and in the months that followed. Examples of news coverage included:

Table 5.1 Examples of media coverage during the 2014 joint public consultation

Date	News Source	Summary of News
2 July 2014	Breakfast, BBC 1 North – Leeds	York Potash reveals more details about its plans
2 July 2014	Gazette & Herald	Plans will be unveiled for mine
2 July 2014	Look North, BBC 1 North Leeds	York Potash holding public exhibitions prior to application submission
3 July 2014	Breakfast, BBC 1 North East & Cumbria	York Potash holding public exhibitions prior to application submission
3 July 2014	Northern Echo	Firm has deal to supply Tanzania
3 July 2014	Scarborough News	Consultation begins on major Potash plans
3 July 2014	The Press (York)	Potash firm's Tanzanian deal
3 July 2014	Yorkshire Post	Sirius signs deal with Tanzania and provides lift to Potash Project
4 July 2014	Darlington & Stockton Times (Cleveland)	mine proposals to be displayed for public view
4 July 2014	Darlington & Stockton Times (Cleveland)	Mining firm hopes new plans will break ground
4 July 2014	Whitby Gazette	Potash mine could help 'feed Africa'
4 July 2014	Whitby Gazette	Potash plans presented
8 July 2014	Evening Gazette (Teesside)	Date set for Potash application
8 July 2014	Northern Echo	Plans for £1.5m Potash mine due later in year

Date	News Source	Summary of News
8 July 2014	The Press (York)	Potash mine plans deferred again
8 July 2014	The Times	Sirius sees a light at the end of a very long tunnel
8 July 2014	Yorkshire Post	Date announced for submission of £1bn Potash mining scheme
9 July 2014	Malton & Pickering Mercury	York Potash presentation
10 July 2014	BBC 1 North East & Cumbria	A public consultation's underway over plans for a Potash mine
10 July 2014	Scarborough News	Scarborough dates announced for Potash consultation
11 July 2014	Whitby Gazette	Delays have allowed for a better case for Potash mine
11 July 2014	Whitby Gazette	The building of the Potash mine
17 July 2014	Scarborough News	Chance to have your say on Potash plans
31 July 2014	Scarborough News	News in brief: consultation on Potash extended
1 August 2014	Darlington & Stockton Times (Cleveland)	York Potash presentation to Guisborough Town Council
1 August 2014	International Mining	Rebirth of British mining
1 August 2014	Whitby Gazette	Extra time allowed for comments on Potash mine plans
5 August 2014	The Press (York)	Mining firm aiming for number of world firsts
7 August 2014	Insider Daily (Yorkshire & Humber Business) Newsletter	Defining year ahead for York Potash Project
7 August 2014	Scarborough News	£10m college for teenagers – Scarborough University Technical College development supported by York Potash
11 August 2014	The Times	Seems like there's life in Britain's old mines
12 August 2014	Yorkshire Post	Crop trials show York Potash's quality

Date	News Source	Summary of News
19 August 2014	Insider Daily (Yorkshire & Humber Business) Newsletter	Central American deal for Sirius minerals
19 August 2014	Northern Echo	1,000 jobs created by Potash Project
19 August 2014	Yorkshire Post	mineral distribution deal agreed ahead of revised bid for Moors Potash mine
20 August 2014	The Press (York)	Further global sales agreed for Potash Project
11 September 2014	Northern Echo	Mining firm will put plans on show
18 September 2014	Yorkshire Post	Local firms' invite to Potash Project
19 September 2014	The Press (York)	Chance to bid for slice of £1.4bn mine Project
22 September 2014	Northern Echo	Tenders call for mine supply chain
25 September 2014	Scarborough News	Local job hope for £1bn mine
25 September 2014	Yorkshire Evening Post	Sirius hails new trials
25 September 2014	Yorkshire Post	Trials for Sirius fertiliser prove a success
28 September 2014	Financial Times	Sirius minerals faces further hurdles to exploit Yorkshire Potash
30 September 2014	The Times	Sirius goes underground in battle for Moors mine
1 October 2014	Evening Gazette	mine proposal could yield the prospect of 3,000 jobs
1 October 2014	Northern Echo	£1.5bn plans submitted for Potash mine in national park
1 October 2014	The Press (York)	Sirius awaiting green light for mineral mine
1 October 2014	Yorkshire Post	Proposals for Potash mining in Moors revised
3 October 2014	Darlington & Stockton Times	Big plans for Potash mine resubmitted
3 October 2014	Whitby Gazette	Revised plans for Whitby mine are submitted
6 October 2014	Evening Gazette	Feedback - Letter from C Gallacher, UKIP PPC
7 October	Yorkshire Post	mine could help feed the

Date	News Source	Summary of News
2014		world and our appetite for growth
9 October 2014	Scarborough News	Region's bright light back engineering excellence
9 October 2014	Scarborough News	Thousands to attend Engineering Week

Local Authority and Parish and Town Councils

- 5.20 Letters were sent offering presentations to Councillors at the relevant local authorities and to Parish and Town Councils in the area.
- 5.21 The YPL team, accompanied by members of its consultant team, presented the proposals to:
- North York Moors National Park Planning Committee at Raven Hall Hotel, Ravenscar on Monday 14 July 2014; and
 - RCBC Planning Committee at 'Tuned-in' Redcar, on Tuesday 9 September 2014.
- 5.22 The presentations covered all of the main aspects of the Project proposals, including the global demand for polyhalite; the latest design proposals for the mine, MTS and MHF; information on the national, regional and local economic benefits that the Project would bring; the alternative sites assessment that had been carried out to consider the scope for, and cost of, locating the development elsewhere; and an explanation of the anticipated environmental effects of the development. The focus of each presentation reflected the Member interests of the different authorities.
- 5.23 In addition, at the presentation in Redcar on 9 September 2014, further detailed information on the forthcoming harbour consultation and details of the scheme were presented to Members. This included further detailed information on the proposed conveyor system that is proposed to link the MHF to the harbour facilities, and in particular proposals for a new bridge structure to cross the A1085 and enclose the conveyor. Two options for the form of the proposed bridge were presented to Members and officers.
- 5.24 Alongside presenting to planning committees, YPL maintained its regular contact with town and parish council's in the areas local to the Project. A large number of meetings were attended at the outset of the consultation, as well as one in September. These are summarised below.

Table 5.2 Parish and town council meetings

Date	Parish and Town Council Meetings
30 June 2014	Ugthorpe Group Parish Council meeting

Date	Parish and Town Council Meetings
1 July 2014	Whitby Town Council meeting
1 July 2014	Burniston Parish Council meeting
1 July 2014	Hawsker cum Stainsacre Parish Council meeting
7 July 2014	Eskdaleside cum Ugglebarnby Parish Council meeting
7 July 2014	Cloughton Parish Council meeting
7 July 2014	Loftus Town Council meeting
9 July 2014	Newby and Scalby Parish Council meeting
9 July 2014	Danby (grouped with Castleton) Parish Councils meeting
10 July 2014	NYMNPA Northern Forum
11 July 2014	Letter to Hackness and Harwood Dale Parish Council
15 July 2014	Aislaby Parish Council meeting
16 July 2014	Fylingdales Parish Council meeting
16 July 2014	Sneaton Parish Council meeting
16 July 2014	Roxby Group Parish Council meeting
17 July 2014	Guisborough Town Council meeting
17 July 2014	Lockwood Parish Council meeting
17 July 2014	Staintondale and Ravenscar Parish Council meeting
21 July 2014	Egton Parish Council meeting
21 July 2014	Skelton and Brotton Parish Council meeting
22 July 2014	Glaisdale Parish Council meeting
23 July 2014	NYMNPA Coastal Forum meeting
28 July 2014	Newholm-cum-Dunsley Parish Council meeting
9 Sept 2014	Whitby Town Council Planning Committee

Source: YPL

Business networks

- 5.25 In addition to the above, a letter was sent to key business interests in the North Yorkshire area, offering briefings to key business networks including the Boards of Tees Valley Unlimited, the North East of England Process Industry Cluster, relevant Local Enterprise Partnerships, the Chamber of Commerce and the Federation of Small Businesses (see Table 5.3 of attended events).
- 5.26 In addition, YPL continued to attend business and enterprise meetings and forums to maintain the profile of the Project during the consultation and in the months that followed. Events and meetings attended have included the following:

Table 5.3 Business network events and meetings attended by YPL during the public consultation

Date	Type of Event/Meeting
16 July 2014	North East Chamber of Commerce, Tees Valley Committee meeting, Teesside University
16 July 2014	The Scarborough Business Ambassadors' Forum dinner – the Project update
30 July 2014	LEP Skills & Employability Board meeting
6 August 214	York & North Yorkshire Chamber of Commerce business lunch, York
20 August 2014	mineral Owners Collaboration Group meeting
28 August 2014	CBI meeting with regional director to update on the Project
29 August 2014	York & North Yorkshire Chamber of Commerce President's lunch – presentation on the Project overview
1 September 2014	North Yorkshire Business & Enterprise Partnership meeting to discuss promoting STEM subjects in secondary schools
2 September 2014	Meeting with Alan Williams, Esk Valley Railway Development Company to discuss funding additional rail services
3 September 2014	North Yorkshire Moors Railway meeting
5 September 2014	Meeting with York, North Yorkshire & East Riding LEP officers – the Project update
3 October 2014	NEPIC - Teesside Integrated Manufacturers Members and PICCSI members meeting
7 October 2014	Tees Valley Unlimited Economic Steering Group meeting
13 October to 16 October 2014	Scarborough Engineering Week
15 October 2014	Scarborough Ambassadors' Forum dinner

Source: YPL

Political and other stakeholders

5.27

Letters were also sent to local Members of Parliament and a range of other stakeholders, including local business groups, community interest groups and environmental groups. Letters advised the various parties of the proposed consultation, providing the latest *Update* newsletter and offering Project briefings.

Consultation issues

- 5.28 Notwithstanding the significant high levels of support expressed during the Project-wide consultation, there was a small minority who objected to the Project and some supporters did raise specific concerns or queries. These issues related to:
- The potential increase in HGV movements and other traffic caused by the development;
 - The potential environmental impacts of the proposed mine on existing water sources, light pollution, noise generation during the construction phase, and wildlife and landscape;
 - The National Park not being a suitable location for the development proposed;
 - Whether there is a market for polyhalite; and
 - Whether some of the jobs created would go to local people.
- 5.29 YPL's response to the above matters, and to those raised by other stakeholders, is provided in Appendix 6.

Summary

- 5.30 Following the withdrawal of the previous application for a mine at Dove's Nest Farm in early 2014, Project-wide consultation activities have continued, undertaken in accordance with a CBD that was previously agreed with the relevant local planning authorities. Public exhibitions, supported by extensive media coverage; local authority, parish and town council meetings; and, presentations to various business interests and other key stakeholders, have combined to ensure a high level of awareness of the YP Project.

6.0 **Consultation on the Harbour Facilities (Statutory Consultation under s42, 47 and 48 of the Act)**

6.1 This section of the report explains the pre-application engagement undertaken by YPL specific to the harbour facilities. This consultation was undertaken in accordance with the consultation requirements of the Planning Act 2008. This can broadly be categorised into two distinct phases of consultation:

- 1 Defining the scope of the environmental assessment – undertaken during the earlier phase of consultation on the harbour facilities, and involving close liaison with the relevant statutory consultees; and,
- 2 The statutory consultation undertaken pursuant to Sections 42, 47 and 48 of the Planning Act 2008.

6.2 Each of these is described in turn below.

Environmental Impact Assessment and Habitats Regulations

6.3 YPL formally notified the Planning Inspectorate in December 2013 under article 6(1)(b) of the Environmental Impact Assessment (EIA) Regulations that it intended to provide an Environmental Statement (ES) in respect of the proposed harbour facilities.

6.4 Before carrying out environmental assessment work and the statutory consultation, YPL submitted a Scoping Request to the Planning Inspectorate in December 2013 under Regulation 8 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (SI 2009/2263) (as amended (“the EIA Regulations”). This sought to confirm the scope of the surveys and studies that would be required to adequately describe the baseline conditions and to inform the assessment of the potential significant impacts.

6.5 The Secretary of State has a duty under Regulation 8(6) of the EIA Regulations to consult widely before adopting a scoping opinion. A full range of statutory bodies were therefore consulted as part of the process in accordance with Regulation 9(1)(a) (see Appendix 10).

6.6 The proposed harbour facilities are in proximity to European and international-level protected sites, namely the Teesmouth and Cleveland Special Protection Area (SPA) and RAMSAR sites. This relationship was highlighted in YPL’s Scoping Request submitted in December 2013. Natural England in its response to this Request advised that environmental effects on these protected sites should be considered as

part of the application because Bran Sands lagoon (within the development site) and Dabholm Gut (directly adjacent to the site) are considered by NE to be functionally linked to the SPA.

- 6.7 The development proposals, therefore, need to be the subject of a Habitats Regulations Assessment (HRA). A screening and risk assessment and more detailed assessment of the potential risks to these protected sites and their interest features is provided as part of the application submission.
- 6.8 The statutory DCO consultation material for the proposed harbour facilities includes a Preliminary Environmental Report (PER) produced in accordance with the Planning Inspectorate's Advice Note 7 (July 2013). This document presents the findings at the time of the consultation of the EIA and HRA of the harbour facilities proposals undertaken in accordance with the Infrastructure Planning (EIA) Regulations 2009.
- 6.9 In defining the scope of the EIA and preparing the PER, YPL's environmental consultant team has attended a series of meetings with statutory consultees. These have included the following:

Table 6.1 Statutory consultee meetings

Statutory Consultee	Date	Topic
Natural England	03/10/2013	Environmental assessment strategy
Environment Agency	28/11/2013	Environmental assessment strategy
Environment Agency	12/11/2013	Fisheries and hydrology
Natural England and NYMNPA	27/02/2014	Landscape and visual
Natural England	14/03/2014	Environmental assessment strategy
Natural England	28/03/2014	Environmental assessment strategy
Natural England	28/04/2014	Environmental assessment strategy

Source: Royal Haskoning DHV, EIA Lead Consultant

Statutory DCO Consultation

- 6.10 This section provides information on the statutory pre-application engagement that has been undertaken in respect of the harbour facilities DCO application in accordance with the following sections of the Act:
- 1 Section 42 – consultation engagement with statutory bodies, local authorities and persons with an interest in the land;

- 2 Section 47 – consultation engagement with people living in the local community; and
- 3 Section 48 – publication of the proposed application.

Time Period

- 6.11 The statutory consultation was launched on 11 September 2014 for a period of 35 days, closing on 16 October.

(i) Section 42 Engagement

Statutory consultees

- 6.12 Section 42 of the Act specifies the organisations and persons required to be consulted as part of the statutory pre-application consultation process. These include:

- relevant prescribed bodies in Schedule 1 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009;
- the relevant local authorities defined as the county and district councils in whose area the application land is situated and any county and district councils whose boundaries adjoin those councils (within Section 43); and
- landowners and other persons with an interest in the land (within Section 44).

- 6.13 This definition formed the basis for consulting the relevant groups as part of the Section 42 consultation. A full list of all the Section 42 consultees is provided in Appendix 11. This is consistent with Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

Engagement methods and consultation material

- 6.14 A letter along with a copy of the Summary of Proposals document was sent to the Section 42 statutory consultees on 11 September 2014.

- 6.15 The Section 42 letter provided details of:
- the commencement of the consultation as per the date of the letter;
 - a summary of the harbour facilities proposals;
 - the scope of the consultation material and where it could be viewed; and
 - the various ways in which consultees could comment (i.e. postal address and email address info@yorkpotash.co.uk) before the consultation deadline of 16 October 2014.

6.16 A copy of the letter sent by YPL to the Section 42 consultees is provided at Appendix 12.

- 6.17 *The York Potash Harbour Facilities Summary of Proposals* document (Appendix 13) provided an overview of the draft proposals including:
- information about YPL, the Project, the need for polyhalite and its global importance in modern agriculture practice;
 - an overview of the harbour facilities proposals and the design options;
 - the proposed operational characteristics of the scheme;
 - construction details;
 - the assessment of environmental impacts and the key topics that were being investigated;
 - details of the DCO consultation process, including information on the public exhibitions, the various ways in which comments could be provided, and the deadline for receiving responses;
 - where the consultation could be viewed; and
 - the Project timeline.

6.18 As stated, the consultation material included a PER that presented the findings of the EIA for the Harbour Facilities (as they were known at the time of the consultation). The scope of the assessment was agreed with the Planning Inspectorate during the initial stages of the pre-application consultation (described in Section 3 of this report). The information presented covered the following topics:

- 1 Hydrodynamic and sedimentary regime;
- 2 Hydrology, hydrogeology and land quality;
- 3 Marine sediment and water quality;
- 4 Marine ecology;
- 5 Marine and coastal ornithology;
- 6 Terrestrial ecology;
- 7 Fisheries and fishing activity;
- 8 Transport;
- 9 Air quality;
- 10 Noise and vibration;
- 11 Archaeology and heritage;
- 12 Commercial navigation;
- 13 Coastal protection and flood defence;
- 14 Infrastructure;
- 15 Socio-economics;

- 16 Landscape and visual character;
- 17 Recreation and access;
- 18 Cumulative impact assessment;
- 19 Water Framework Directive; and
- 20 Potential impacts of decommissioning.

6.19 Other draft Project documentation for the consultation was made available on the Project website, including:

- 1 Summary Project description – providing information on the wider Project as important context to the consultation on the harbour facilities;
- 2 Plans (Land, works, access and rights of way, site location, site layout, interface with MHF and MHF site layout);
- 3 Proposed conveyor images (as the conveyor passes over the A1085);
- 4 Draft Order;
- 5 Draft Explanatory Memorandum;
- 6 Draft Statement of Reasons;
- 7 Draft Book of Reference; and
- 8 The Section 48 press notice.

6.20 A CD copy of the consultation information is provided in Appendix 14 of this report along with a copy of the Project webpage from where the information could be downloaded.

6.21 For those unable to access the data online, hard copies of the consultation documentation were also made available for inspection at the following locations:

- RCBC offices, Kirkleatham Street, Redcar, TS10 1RT between the times of 9am - 5pm Monday to Friday;
- YPL offices, 7-10 Manor Court, Manor Garth, Scarborough, YO11 3TU between the times of 9am - 5pm Monday to Friday;
- Redcar Library, Kirkleatham Street, Redcar, Cleveland, TS10 1RT between 9am – 6pm Monday to Wednesday and Friday, 9am – 5pm on Thursdays, and 9.30am – 12.30pm on Saturday; and
- Tuned In, Majuba Road, Redcar, TS10 5BJ between the times of 8.30am – 8pm Monday to Friday, 8.30am – 6pm on Saturday, and 8.30am – 4pm on Sunday.

6.22 In accordance with Sections 42(b) and 43 of the Act, those local authorities identified in the Secretary of State's Scoping Opinion of January 2014 were consulted as part of the section 42 consultation process. They were sent a letter and the Summary of Proposals

Document on 11 September 2014 inviting their comments by 16 October 2014. The full list consulted is as follows:

Category “A” Authorities (i.e. authorities that share an administrative boundary with those authorities where the application is located)

- Hartlepool Borough Council;
- Middlesbrough Council;
- Darlington Borough Council;
- Scarborough Borough Council;
- Hambleton District Council;
- NYMNPAs;
- NYCC; and
- Durham County Council.

Category “B” Authorities (i.e. authorities within which the application land is located)

- RCBC; and
- STBC.

- 6.23 A plan of the “A” and “B” authorities is provided at Appendix 15. There are no category “C” or “D” Authorities (responsible for county matters) because RCBC and STBC are Unitary Authorities.
- 6.24 In accordance with Sections 42(1)(d) and 44 of the Act, landowners and those with an interest in the land where the harbour facilities are proposed were sent a letter and the Summary of Proposals Document on 11 September 2014 inviting their comments by 16 October 2014.
- 6.25 A letter and a copy of the Summary Document were sent to the Planning Inspectorate on 11 September 2014 at the same time as the commencement of the Section 42 consultation, in accordance with Section 46 of the Act. This provided notification of the proposed application for a DCO for the harbour facility and included the cover letter and *The York Potash Harbour Facilities Summary of Proposals* document sent to all parties consulted under Section 42. The letter to the Planning Inspectorate is provided in Appendix 16.

(ii) Section 47 Engagement

- 6.26 The following paragraphs explain how YPL consulted with the local community under Section 47 of the Planning Act 2008.

Benchmarking

- 6.27 Prior to the launch of the public consultation, YPL prepared a Statement of Community Consultation (SoCC) for discussion with RCBC and

STBC. This set out the applicant's proposed methods for consulting the local community and general public about the harbour facilities proposal.

6.28

The SoCC provided the following information:

- a summary description of the proposed harbour facilities and their relationship to the wider Project, and the key issues intended to assist in explaining the background to the consultation process;
- a brief explanation of the consenting process and the role of the Planning Inspectorate;
- the proposed details to be consulted upon and when the public consultation would take place;
- an explanation as to the proposed methods for identifying the key consultation targets and stakeholders;
- an account of the proposed methods for engaging the local community and general public, the information to be provided, and how the process and responses would be reported; and
- information on the various ways people could contact the YPL consultation team to find out more about the harbour facilities proposals and provide their comments.

6.29

The SoCC (Chapter 4) provides an explanation of the strategy for consulting the local community. This acknowledged that the location of the proposed harbour facility is relatively remote from residential areas; Dormanstown being the nearest settlement located approximately 2 miles south-east of the site. This made it difficult to identify an obvious consultation area for people living in the vicinity of the site. To ensure that as many potentially affected parties as possible were consulted, three broad geographical zones were identified (Figure 6.1 and Appendix 17, Annex 1 of the SoCC). For each consultation zone, different methods of engagement were established relative to their location and relationship to the site. These are explained in more detail further below in relation to the advance publicity of the consultation.

6.30

It was considered that this multi-zone approach to consultation would provide an appropriate level of information over an extensive area, targeted at local people that are likely to have varying levels of interest in the Project.

6.31

The SoCC was prepared in consultation with the relevant local planning authorities of RCBC and STBC. A draft of the document was emailed to the planning officers at each authority on 19 May 2014. This invited comments on the document within 28 days as required by the Act. In response, RCBC provided comments on 3 June 2014 and STBC provided comments on 10 June 2014. Minor changes were made to the document at the Councils' request (see documents at Appendix 18 to this Consultation Report which describe the changes requested). The draft SoCC was subsequently amended further to address changes to

the wider Project and timescales and re-issued to both authorities on 2 September 2014. The final version of the document was agreed between the parties on 3 September (STBC) and 10 September (RCBC) and formally published on 11 September 2014. The final SoCC is provided at Appendix 17.

- 6.32 In accordance with Section 47(6)(a) of the Act, a notice confirming the agreement of the SoCC and its availability for viewing free of charge at various locations in the area and on the Project website was placed in the following local newspapers:

Table 6.2 Newspapers adverts confirming agreement of the SoCC

Date	Publication
Thursday 11 September 2014	Northern Echo Evening Gazette (Teesside)
Thursday 18 September 2014	Evening Gazette (Teesside)
Friday 19 September 2014	Northern Echo

Source: YPL

- 6.33 A copy of the notice is provided at Appendix 18. The community consultation was carried out in accordance with the agreed SoCC and further details are provided below.

Time period

- 6.34 The Section 47 consultation was launched at the same time (and covered the same period) as the Section 42 Consultation – i.e. starting on 11 September 2014 and lasting for a period of 35 days, closing on 16 October.

Public exhibitions

Venues and timings

- 6.35 The public consultation centred on four public exhibitions at two venues in Redcar close to the proposed harbour facilities site. The venues were discussed with Officers at the Councils as part of the process of agreeing the SoCC, and were carefully selected for the convenience of their location and the availability of disabled access. Exhibition timings were scheduled to include weekdays and a weekend day to provide flexibility and maximise the opportunities for members of the public to attend.

Table 6.3 Public exhibitions venues and timings

Date	Venue
Wednesday 17 September, 10am to 5pm	Westfield Farm Community Centre, The Green, Dormanstown, TS10 5NA.

Date	Venue
Thursday 18 September, 12pm to 6.30pm	Tuned In, Majuba Road, Redcar, TS10 5BJ
Friday 26 September, 10am to 5pm	Tuned In, Majuba Road, Redcar, TS10 5BJ
Saturday 27 September, 10am to 2pm	Westfield Farm Community Centre, The Green, Dormanstown, TS10 5NA.

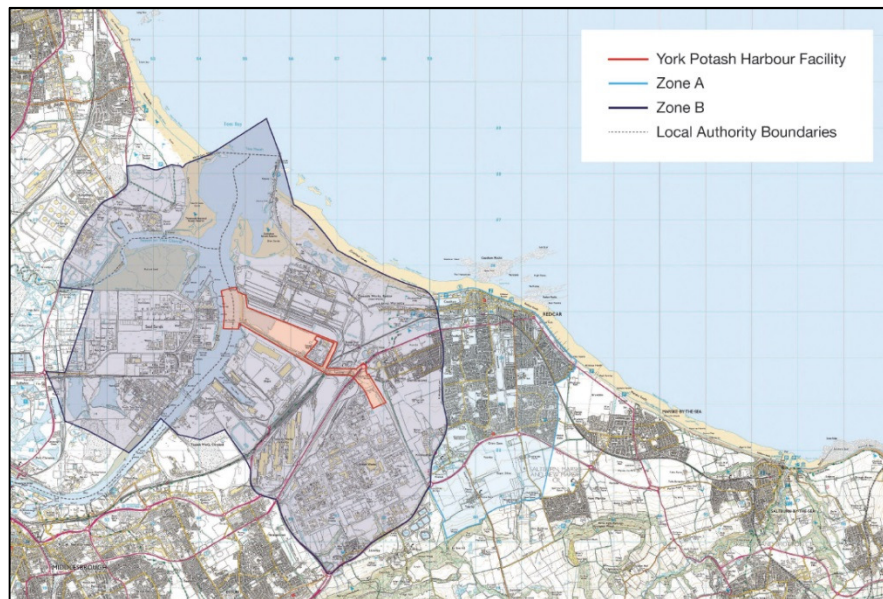
Source: YPL

Advance publicity

6.36

To ensure that as many potentially affected parties as possible were captured in terms of the distribution of information on the scheme, three broad geographical zones were established. For each consultation zone, different methods of engagement and communication were employed to reflect their location relative to the site.

Figure 6.1 Section 47 consultation zones



Source: YPL

6.37

For the first and largest zone (targeted at the wider Teesside area), information and invitations to attend the consultation events were distributed via advertising and editorial coverage in local and regional newspapers. Quarter page advertisements were published in the Northern Echo and Evening Gazette, with a distribution covering the wider Teesside area and surroundings. The consultation times and dates were clearly shown in each advert as well as the website address, postal address and Project helpline. A copy of the advert is provided at Appendix 19.

Table 6.4 Newspaper coverage

Date	News Source
Thursday 11 September 2014	Northern Echo
	Evening Gazette (Teesside)
Thursday 25 September 2014	Northern Echo
	Evening Gazette (Teesside)

Source: YPL

6.38 The second zone (identified as 'Zone A' on the plan) largely covers Redcar Town. In addition to its coverage by the above local and regional newspapers, public consultation notices were posted in public locations and meeting places in and around the town. A copy of the notice and the locations in which it was placed is provided at Appendix 20.

6.39 A total of 2717 properties and businesses in the final zone (identified as 'Zone B' on the plan) were directly mailed a letter to advertise the consultation and where the consultation information could be viewed. This zone broadly equates to the immediate locality around the site, encompassing business properties and the nearest areas of residential properties at Dormanstown. Zone B was also covered by the coverage provided in the local and regional newspapers.

6.40 Radio coverage of the consultation launch was provided on BBC Tees on 17 September 2014. TV coverage was also provided on BBC 1 North East & Cumbria on the same day.

Exhibition material

6.41 The materials on display at the public exhibitions (photographs are provided at Appendix 21) included:

- 9 exhibition boards detailing various aspects of the proposals (Appendix 22);
- A model of the harbour facilities;
- Samples of polyhalite to help people understand the form of the product;
- *The York Potash Harbour Facilities Summary of Proposals* document; and
- The PER.

Exhibition attendance and feedback

6.42 The number of attendees at each event is summarised below:

Table 6.5 Number of attendees by venue

Date	Venue	No. of attendees
Wednesday 17 September, 10am to 5pm	Westfield Farm Community Centre, The Green, Dormanstown, TS10 5NA	37
Thursday 18 September, 12pm to 6.30pm	Tuned In, Majuba Road, Redcar, TS10 5BJ	24
Friday 26 September, 10am to 5pm	Tuned In, Majuba Road, Redcar, TS10 5BJ	14
Saturday 27 September, 10am to 2pm	Westfield Farm Community Centre, The Green, Dormanstown, TS10 5NA	9
Total		84

Source: YPL

- 6.43 The exhibitions were staffed by YPL's full time employees including various members of the senior management team including, at times, the Chief Executive Officer (CEO).
- 6.44 All attendees were encouraged to complete a hard copy feedback survey at the exhibitions or alternatively were directed to the Project website where the survey could be completed online (Appendix 23). The survey invited comments on:
- the overall Project, including views on the social, economic and environmental impacts;
 - whether sufficient information was available to allow consultees to understand the proposals and make informed comments; and
 - the harbour facilities proposal, including views on the overall impact of the proposal, its economic and social impact, the proposed location, the proposed route and design of the conveyor system that would transport the mineral from the MHF to the harbour facilities, the design and form of the proposed buildings, structures and two quay options, impacts on local wildlife and ecology interests, and impacts during the construction period including the proposed dredging.
- 6.45 The Project website also provided a dedicated postal address, email address (info@yorkpotash.co.uk) and telephone number (0845 543 864) that were set up to enable people to contact the YPL consultation team with enquiries and provide feedback on the proposals. These details were also included in the letter, feedback surveys and *The York Potash Harbour Facilities Summary of Proposals* document. The website also provided all of the consultation material.

Local planning authorities

- 6.46 Letters were sent offering presentations to councillors at RCBC and STBC (Appendix 24).

Business Networks

- 6.47 A letter and *The York Potash Harbour Facilities Summary of Proposals* document was sent offering briefings to key business networks including the Boards of Tees Valley Unlimited, the North East of England Process Industry Cluster, relevant Local Enterprise Partnerships, the Chamber of Commerce and the Federation of Small Businesses (Appendix 25).

Political Stakeholders

- 6.48 Letters and *The York Potash Harbour Facilities Summary of Proposals* document were sent to the local MPs advising them of the consultation and offering a Project briefing (Appendix 26).

Other Stakeholders

- 6.49 The need for liaison with other stakeholders, including local business groups, community interest groups and environmental groups (Appendix 27) was considered including whether it was necessary to formally write and issue a copy of *The York Potash Harbour Facilities Summary of Proposals* document. It was determined that these consultees had been the subject of liaison through other mechanisms including meetings and informal liaison and a decision was taken that it was unnecessary to formally write to these groups.

(iii) Section 48 Engagement

- 6.50 In parallel with the commencement of the Section 47 consultation, YPL publicised the proposed DCO application through the national and local press for two successive weeks and invited comments from the wider public on its proposals. The Section 48 notice was placed in the following newspapers:

Table 6.6 Section 48 newspaper notices

Date	Publication	Newspaper status
Thursday 11 September 2014	Northern Echo	Regional Daily
	Evening Gazette (Teesside)	Regional Daily
	The Independent	National Daily
	The London Gazette	National
Thursday 18 September 2014	Evening Gazette (Teesside)	Regional Daily
Friday 19 September	Northern Echo	Regional Daily

Date	Publication	Newspaper status
2014		

Source: YPL

- 6.51 The Section 48 notice was prepared in accordance with Regulation 4(2) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 and included details of the following:
- the name and address of YPL (as the applicant);
 - a statement of intent to make an application for a DCO to the Planning Inspectorate in relation to EIA development;
 - confirmation of the development site address;
 - a summary of the main proposals, including a description of the construction and operation of the proposed quay facility and the associated dredging requirements, the erection of surge bins, and the proposed construction of a conveyor system to transport the finished mineral product from the MHF to the proposed harbour facilities;
 - a statement that the relevant documents, plans and maps would be available for inspection in identified locations in the local area;
 - the latest date on which the documents would be available for inspection;
 - details of charges to be made for any copies of documents;
 - details of how to respond to the publicity; and
 - the deadline for receipt of responses.
- 6.52 The period for responses to the advertisement was timed to coincide with the close of the Section 42 and 47 consultations (16 October 2014), the final day being no less than 28 days following the date that the notice was last published in accordance with Regulation 4 (3)(i).
- 6.53 A copy of the Section 48 notice was sent to the prescribed consultees at the same time as the notice was first published. A copy of the Section 48 notice is provided in Appendix 27.

Summary

- 6.54 The Planning Inspectorate was initially consulted to define the scope of the Environmental Impact Assessment. This was then followed by consultation undertaken pursuant to Sections 42, 47 and 48 of the Planning Act 2008.
- 6.55 Section 42 statutory consultees were sent a letter informing them of the start of the consultation; providing them with information about the proposals; and, explaining the various ways they could comment, and the deadline for receipt of responses.

- 6.56 The methods for consulting the public pursuant to Section 47 was prepared and presented in a SoCC that was agreed with RCBC and STBC in advance of the consultation commencing. This established a number of ways of informing the local community about the consultation based on the location and relationship of areas relative to the site. The main public consultation exercise comprised four public exhibitions held in Redcar on separate days in September 2014. A non-technical *The York Potash Harbour Facilities Summary of Proposals* document was produced to assist interested parties to understand the nature of the proposals and their relationship to the wider YP Project. Business networks, political stakeholders, community interest groups and environmental groups were sent letters informing them of the consultation and inviting their comments.
- 6.57 The proposed DCO application was publicised in the national and local press in compliance with Section 48, and comments were invited over the same period as the Section 42 and 47 consultations.
- 6.58 Overall, it is considered that the consultation provided an appropriate level of information for consultees to understand the proposals. Further, it was conducted in a way that enabled those interested in the proposals to engage in the process, in accordance with the provision of The Planning Act 2008.

7.0 **Summary of Responses under Section 42**

7.1 Section 49(2) of the Planning Act 2008 requires the applicant to have regard to relevant responses to the consultation and publicity that has been undertaken pursuant to Sections 42, 47 and 48.

7.2 The Department for Communities and Local Government (DCLG) publication 'Guidance on the pre-application process' (August 2014) provides further detail on the pre-application consultation. It makes it clear that a key aspect of the consultation process is to describe how the application has been influenced by the responses received, outlining any changes made as a result, and providing a suitable explanation in the circumstances whereby a suggested change to a scheme or further examination of its impacts has not been followed.

7.3 This part of the report summarises the extent and nature of the responses received from prescribed consultees through the Section 42 consultation, and York Potash's response to the issues raised. It is the case that no responses were received through the separate Section 48 consultation and, as such, no further information on this aspect of the consultation is presented in the remainder of this report.

Summary of Consultation 'Themes' and York Potash's Response

7.4 A total of 45 organisations have responded to the Section 42 consultation and a full account of each of the comments received is provided in the schedule at Appendix 28.

7.5 In accordance with the guidance provided in The Planning Inspectorate's Advice Note 14 (April 2012), the remainder of this section groups the responses received under headline themes. In this way, and for clarity, the information presented focusses on the main issues raised. The process of arriving at these themes has been underpinned by a thorough review of all the comments received from each of the organisations. Care has been taken to ensure that the information presented is representative of the comments received.

1. Potential for impacts on existing infrastructure assets

7.6 The location of the proposed harbour facilities is heavily industrialised in character. The Northumbria Water Ltd Treatment Plant is located directly adjacent to the site, the SSI Steel Works is to the north and the wider Teesport Industrial Estate further to the south. These areas and the immediate surroundings include above and below ground pipelines and major road and rail corridors, embankments and structures, above ground and buried High Voltage cables, and major industrial effluent infrastructure.

- 7.7 The location of these existing assets directly adjacent to, and in some cases within, the application site boundary of the DCO has resulted in a number of responses from landowners, operators and agents. These have tended to focus on the need to agree appropriate measures with York Potash to protect the ongoing operation of these assets. The nature of the responses have primarily sought confirmation on the construction, operation and maintenance of the proposed harbour development and, related to this, what provisions are to be put in place, where appropriate, to safeguard existing assets in perpetuity.
- 7.8 Specific examples of responses received include those provided by Sembcorp, which owns approximately 667 hectares of land at Wilton International. Notwithstanding its general support for the Project, it comments that the harbour proposals should not hinder or disrupt existing operations or development currently in the initial design phase, including the proposed multi-million pound improvement and upgrade to SABIC's Olefins 6 plant and other Projects at the concept stage not currently in the public domain. The proposal to dredge a section of the River Tees and the potential impact on its (No. 2) tunnel in the area linking to its main operations at Wilton International is also raised by Sembcorp. Further, it highlights the potential conflict associated with the inclusion of Dabholme Gut within the proposed DCO application boundary – Sembcorp has existing rights to discharge into the Dabholme Gut in support of its operations generally.
- 7.9 In a similar theme, the over-sailing of the proposed conveyor system linking the MHF site at Wilton International complex to Bran Sands and the potential impacts on existing assets is raised as a potential issue by a number of responses, including those provided by Sembcorp, Network Rail and RCBC. Specific reference is made to the proposed design and placement of the conveyor footings in relation to existing apparatus, vertical clearances above and below various roadways and railways and the need to provide additional evidence to support the proposed routing of the conveyor above the A1085 and the existing road and rail crossings beyond. Related to this last point, RCBC comments that it will be necessary to ensure that the construction and operation of the conveyor do not impact on the structural integrity of the road or the safe flow of traffic.

York Potash response

- 7.10 YPL has responded to the comments made by arranging meetings or discussions with all the parties making representations on this issue and providing additional information on the proposed development. In addition, protective provisions have been added to the Draft DCO to protect the ongoing operations of the parties affected.
- 7.11 Specifically, YPL have been in discussions with the following in recent months:-

- 1 RWE Dea;
- 2 Huntsman Polyurethanes (UK) Limited;
- 3 Sembcorp Utilities;
- 4 SABIC;
- 5 SSI;
- 6 Northumbrian Water Limited;
- 7 Redcar and Cleveland Borough Council;
- 8 Tata Steel;
- 9 GDF Suez;
- 10 National Grid Electricity Transmission – discussions are ongoing and draft Protective Provisions have been included within the draft DCO based on the National Grid standard provisions;
- 11 Network Rail - in accordance with Network Rail's formal requirements for proposals of this nature, Protective Provisions have been included in the draft DCO in a form agreed with Network Rail;
- 12 BP;
- 13 Ensus;
- 14 Homes and Communities Agency;
- 15 BOC;
- 16 Price Waterhouse Coopers (administrators for Enron);
- 17 Air Products;
- 18 Ineos Chlor; and
- 19 Northern Gas Networks.

7.12 It should be noted that Enron were consulted as part of the s42 consultation and Price Waterhouse Coopers are currently operating as its administrators. Air Products interest was not known at the time of the s42 consultation and as a result it was not formally consulted at that time; however engagement has occurred since and as soon as its interest became known to YPL and its advisors.

2. Biodiversity and Habitats

7.13 Natural England (NE), the Environment Agency (EA), The Marine Management Organisation (MMO) and Hartlepool Borough Council have commented on the environmental information presented in the PER in respect of the potential effects on habitats and biodiversity. The main issues raised in these responses are summarised below.

(a) Habitats Regulation Assessment

- 7.14 NE noted that given the site's close proximity to the Teesmouth and Cleveland Coast Special Protection Area (SPA) European designated site, Teesmouth and Cleveland Coast Ramsar site and a number of Sites of Special Scientific Interest (SSSIs), the proposal has the potential to affect a number of interest features.
- 7.15 It welcomed the revisions made to the Habitats Regulation Assessment (HRA) that account for its comments provided earlier in the process. Notwithstanding, NE noted that the assessment in the PER and the mitigation measures proposed lead it to conclude that it was not possible to ascertain that the proposal will not result in adverse effects on site integrity. This is based on its view that further information is required within the HRA to support the conclusions reached. NE then went on to advise on the additional assessment work required (detailed in the consultation schedule at Appendix 28 of this report). This includes, for example, a request for information on all water bird species, night-time usage of the area by birds and further details on the nature of the physical works proposed (e.g. the height and scale of the conveyor as it traverses the Bran Sands Lagoon).

(b) Hydrodynamic and sedimentary regime

- 7.16 NE requested further information on the impacts of the proposed dredging, although it noted that the PER provided assurances that further details would be included in the final Environmental Statement. In addition, it commented that the impacts of predicated wave height as a result of the development on the spits at Seaton Channel entrance should be assessed and requested further clarification on certain details regarding the rates of sediment infill.
- 7.17 The EA raised the potential issue of existing sediment contamination and the implications of this for the disposal of dredged material. In this regard, it emphasised the importance for the sediment contamination results to be made available at the earliest opportunity. Details on the proposed type of dredger and the timings of dredging were also noted as important issues for discussion to ensure the protection of migratory fish. Further, the need to agree the measures for monitoring sediment levels was raised by the EA to allow for background and threshold levels to be set.

(c) Marine ecology

- 7.18 NE queried why worst case scenario pile diameters had not been used to assess the underwater acoustic effects. Further, it expected that the timings for repositioning and boring/pre-augering etc. to be fully documented in the piling method statement to understand the potential effects on the seal population. The EA made a similar comment regarding the potential noise and vibration impacts on migratory fish,

and stated that between the 1st March and 30th November, in any given year, no piling work should take place for 3 hours following low water to allow migration of adult salmon and sea trout. In addition, it stated that no piling should take place during the month of May to allow the migration of juvenile salmon and sea trout.

- 7.19 The EA highlighted in its response the importance of intertidal mudflats as key marine habitat for supporting large numbers of predatory birds and fishes. In this context, it requested more data on how regularly the frontage mudflats are exposed to provide a full understanding of the development impacts on the intertidal area, and whether the design needed amending to retain more of this habitat. Related to this point, the EA commented that further information should be provided on the assessment of any suitable alternatives to justify the loss of the mudflats. Further, it requested that information on the mitigation or compensation measures proposed should be provided. These requirements were also applied to the loss of subtidal habitat.

(d) Biodiversity enhancements

- 7.20 NE suggested that measures that are beneficial to wildlife, such as the provision of bat boxes and the greater provision of intertidal habitat could be incorporated as additional measures beyond those currently proposed for mitigation. This approach was supported by the EA in its response, with specific reference made to the provision of intertidal habitat and habitat creation, and enhancement measures beyond those required for mitigation.

York Potash response

- 7.21 In answer to these comments, YPL met with NE, the EA and the MMO on 24 October 2014 and gave a presentation which summarised the comments raised in their responses and described a proposed approach to addressing these comments. During the meeting a number of actions were identified. YPL wrote to NE, the EA and the MMO on 10 November 2014 to confirm that these actions identified were being progressed.
- 7.22 A further meeting took place on 27 November 2014 at which it was agreed to incorporate a series of habitat enhancement measures to the lagoon at Bran Sands as part of the DCO. These works will assist in enhancing the habitats for protected bird species who have been recorded within the designated sites and surrounding area (including within the application site). The measures respond directly to the comments made during the consultation period.
- 7.23 The further data requested by NE relating to water birds has been provided to them and is contained within the ES.

- 7.24 A further, more advanced, draft of the deemed marine licence was sent to the MMO on 25 November 2014.
- 7.25 At the request of the EA, YPL also commenced discussions in November 2014 with the Tees Valley Wildlife Trust regarding a potential contribution to a habitat creation scheme in the Tees Estuary (the Portrack Marsh Intertidal Creation Project). Such a contribution would be part of YPL's ongoing corporate social responsibility with any contribution secured by way of a direct agreement between YPL and the Wildlife Trust.

3. Contamination

- 7.26 The EA notes that the proposed development is on and around the Azko Nobel landfill site. It explained that the most recently submitted environmental monitoring (for 2013) showed some significant landfill gas migration issues, especially in the northern part of the site, and that this needs to be assessed and potential mitigation incorporated into the harbour facilities proposals.
- 7.27 In respect of the proposed routing of the conveyor system, the EA commented that this does seem to impinge on the landfill waste boundary, including areas containing existing waste monitoring infrastructure. It stated that this infrastructure must not be damaged and access to it must be maintained.
- 7.28 The EA raised some concerns regarding the proposed use of the landfill site as a laydown area for the construction materials and potentially permanent car parking on some areas. The potential damage to the engineered cap and restoration, gas and leachate monitoring and extraction pipeworks and access to the site was raised as a particular concern. In this regard, it considered there may be implications for the construction phase of the scheme.
- 7.29 Public Health England in its response confirms that having reviewed the PER, it was satisfied that potential impacts on public health associated with air, water and soil contamination have been suitably addressed and that adequate mitigation is proposed.

York Potash response

- 7.30 Discussions with EA continued following the period of formal consultation to review the comments made. The clarification of issues has led to the removal of the landfill site from the DCO boundary with previously proposed works (e.g. the construction compound) to be accommodated in other areas of the site.

4. Highways impacts

- 7.31 The Highways Agency (HA) in its response explained that its primary concern is the continued operation and safe use of the A1053 and the A1053/A174 Greystones junction.
- 7.32 It notes that the highest level of traffic generated at the Strategic Road Network (SRN) had been identified as being in the construction period during the first 4 months and at month 44. The HA requested that these are planned appropriately to not coincide with:
- traffic peaks on the highways network;
 - road works; and
 - other developments' peak flows of traffic (e.g. the Dogger Bank offshore wind farm critical construction period).
- 7.33 The HA requested that a construction transport management plan should be prepared for the development setting out a schedule of construction works and the traffic impact on the SNR. This should have regard to:
- Background traffic;
 - Traffic growth from development that is likely to come forward within the timescales of the construction phase;
 - The timescales and level of development created by the harbour facilities and the other York Potash Project elements; and
 - The impact of other Projects' construction phases (e.g. Dogger Bank).
- 7.34 Further, the HA requested that the construction traffic management plan should ensure that traffic is managed down to 2.5 employees per car. It also noted that a Transport Assessment should be prepared that demonstrates that the impact of the development will be within the capabilities of the SRN.
- 7.35 RCBC confirms in its response that it had no transport issues to raise at this stage, notwithstanding its comments regarding the issues associated with the conveyor over-sailing the A1085 and the need to demonstrate that this would not impact on the structural integrity of the road or the safe flow of traffic ((1) above).

York Potash response

- 7.36 In direct response to the comments raised, YPL wrote to the HA on 10 November 2014 to confirm that the submission will include a Construction Traffic Management Plan and Transport Assessment as agreed in discussions. Discussions have also continued with the highways authority at RCBC to refine the documentation.

5. Air Quality, Noise and Vibration

7.37 RCBC acknowledged that the conveyor will be enclosed in the vicinity of the A1085 crossing to minimise the potential for noise and dust pollution. Further, it confirmed its agreement to the methodologies for assessing the air quality, noise and vibration effects of the development proposed in the PER.

York Potash Response

7.38 The enclosed design of the conveyor in the vicinity of the A1085 has been retained as part of the DCO application on the basis that no objections were raised during the pre-application consultation. The assessments of air quality, noise and vibration effects have been carried out in accordance with methodology set out in the PER and agreed with RCBC.

6. Cultural Heritage

7.39 English Heritage (EH) confirmed that the proposed harbour facilities would have no direct impact upon any asset of national interest. In its comments on the wider York Potash Project, it advised that the construction and operation of the MHF and related infrastructure (which York Potash interprets as including those infrastructure works associated with the mineral conveyor linking the MHF to the Bran Sands harbour site) should have regard to any potential impacts on the Kirkleatham Conservation Area. It was recommended that York Potash liaises closely with RCBC and its archaeological consultants regarding the potential impacts on undesignated archaeological/heritage assets and archaeological/palaeoenvironmental material recovered in the course of the dredging activities.

York Potash response

7.40 In direct response to these comments York Potash wrote to English Heritage on 10 November 2014 to confirm that:

- The potential impact on the setting of the Kirkleatham Conservation Area has been assessed as part of the EIA;
- A heritage setting assessment specific to the Wilton site was addressed under Part 4 Chapter 13 (Cultural Heritage) of the separate but related Environmental Statement that accompanied the planning applications for the combined mine and minerals Transport System (MTS) and the Materials Handling Facility (MHF) submitted to Redcar & Cleveland Borough Council;
- An additional settings assessment (including further consideration and comment on Kirkleatham Conservation Area) will be included within the Cultural Heritage chapter of the Environmental Statement

that will accompany the Development Consent Order application;
and

- Cotswold Archaeology has undertaken an assessment of ground investigation information from a geoarchaeological perspective and the findings of this assessment is informing the EIA and requirement for, and scope of, any further required works, which may include a protocol for the recording of archaeological and palaeoenvironmental material recovered during the course of dredging activities.

7. Tourism and recreation

- 7.41 RCBC highlighted the potential impact of the proposal on public rights of way in the vicinity of the application site. The Council recommended that further discussions should be held with York Potash to discuss the measures to mitigate any disturbance to the public rights of way.

York Potash response

- 7.42 Additional consultation with RCBC following the statutory period of consultation has allowed further refinement to the proposals. It has been clarified that the effects on rights of way will be minimised albeit some temporary closures during the construction period are required for reasons of health and safety. The temporary closures during the construction period would mainly be undertaken at night to minimise impact on recreational users of footpaths.

8. Investment and Employment

- 7.43 The Homes and Community Agency (HCA), in its response, emphasised the importance of the proposed development to the Teesside economy and the potential new employment opportunities it will bring. It expressed its support for the development, albeit noting that the full environmental impact of the scheme needed to be carefully considered and mitigation provided where appropriate.

York Potash response

- 7.44 An Environmental Statement is being submitted as part of the DCO application. The scope of this document was agreed with the Planning Inspectorate prior to carrying out the environmental assessment work and the statutory consultation. This has provided a comprehensive assessment of the potential significant environmental effects of the harbour proposal, and includes suitable measures to mitigate impacts where appropriate. It is therefore concluded that the comments of the HCA have been suitably addressed.

9. Cumulative Impact of Developments

- 7.45 NYMNPAs raised the potential for cumulative environmental impacts between the proposed harbour facilities and other parts of the York Potash Project, as well as other plans and Projects in the area, and the need for these to be fully assessed. In particular, it referred to the potential for cumulative transport and ecology and habitats impacts.
- 7.46 Regarding transport impacts, NYMNPAs referred to the potential issues with all HGVs movements associated with constructing the minehead at Dove's Nest Farm, the three MTS intermediate shaft access sites and the harbour facilities site using the same transport links from the north.
- 7.47 NYMNPAs confirmed it has received an overarching Habitat Regulations Assessment (HRA) submitted as part of the separate mine and MTS application. It advised it would consider whether this provides a robust cumulative assessment of the impact of the whole of the York Potash Project, including the potential impact of harbour facilities on the protected habitats at Teesmouth, Cleveland Coast and the North York Moors.
- 7.48 The NYMNPAs advise in its response that on the basis of the information currently available, it did not think that there will be any harmful impacts from the proposed harbour facilities on the setting of the North York Moors National Park.

York Potash response

- 7.49 In response to comments made, YPL wrote to NYMNPAs on 10 November 2014 to confirm that the ES that will form part of the DCO application will include a Cumulative Impact Assessment which will assess potential cumulative impacts between the proposed harbour development, the remainder of the York Potash Project and other relevant plans and projects. In addition, YPL confirmed that the Habitats Regulations Assessment (HRA) will take an overarching approach to enable the implications of the entire York Potash Project, both alone and in combination with other plans and projects, on European sites and Ramsar site to be identified and assessed.

10. Other Public Health and Safety Considerations

- 7.50 Public Health England noted that the information provided in the PER did not consider the possible health impacts of Electric and Magnetic Fields (EMFs). It advised that York Potash should confirm that either the proposed development does not include or impact upon any potential sources of EMF, or ensure that an adequate assessment of the possible impacts is undertaken and included in the Environmental Statement.
- 7.51 The Health and Safety Executive (HSE) had confirmed:-

- the harbour facilities proposal does not fall within the Consultation Zones of major accident hazard pipelines;
- The HSE would not advise against the grant of permission for the proposal if any associated permanent workspace comprised less than 100 occupants in each building and less than 3 occupied storeys;
- There is no indication that the activities proposed would require Hazardous Substance Consent to be granted; and
- The proposal does not impinge on the separation distances of the explosives licensed site at Tees Port.

7.52 The Maritime & Coastguard Agency suggested that York Potash will need to liaise and consult with the local Harbour Authority to develop a robust Safety Management System (SMS) for the proposal under the Port Marine Safety Code (PMSC). It commented that this will need to ensure the harbour is fit for use and establish that the safety of navigation is not compromised.

York Potash response

7.53 The scheme does not give rise to any EMF and this is reported in the Environmental Statement submitted with the DCO application.

7.54 YPL wrote to the Maritime and Coastguard Agency to confirm that ongoing liaison would take place with the Agency and the local Harbour Authority as the scheme develops to supplement discussions that have taken place previously. Discussions with the Harbour Authority are ongoing.

11. Draft Development Consent Order

7.55 Trinity House is responsible for the safety of shipping, and the well-being of seafarers. It responded to the consultation specifically regarding the draft wording of the DCO. In particular it commented that in relation to draft Article 23, its own direction would override that of the Port Authority in the circumstances whereby notification is required to be served by York Potash regarding the damage to, or destruction or decay of, a tidal work or any part of it. Notwithstanding this, it requested that the Article omitted the reference to Trinity House, so that the undertaker must follow Tees and Hartlepool Port Authority's direction.

York Potash response

7.56 The draft wording of the DCO has been amended to address the suggested revisions proposed by Trinity House.

Summary

7.57

This section has shown that, following the formal period of s42 consultation, discussions and liaison has been ongoing with all parties who have raised matters for consideration. These issues have resulted in changes to the proposed draft DCO and to refinement of the proposals.

8.0 **Summary of Responses under Section 47**

8.1 This section identifies the extent and nature of the feedback received from the public during the Section 47 consultation in the form of the questionnaire survey responses. Information is also presented on York Potash's response to any issues raised, and the nature of any charges proposed to the harbour scheme to address these responses.

8.2 The detailed schedule of the individual responses received through the Section 47 consultation and YPL's response to each of the issues raised is provided in Appendix 29.

Summary of Section 47 Responses

8.3 A total of 107 survey responses were received from the public: 68 (64%) of these were received electronically using the online survey provided on the Project website. The remainder comprised completed hard copy surveys received in the post.

8.4 The online consultation responses were automatically logged onto a database system that is able to produce 'real-time' feedback of the changing levels of response to each of the survey questions (Appendix 30).

8.5 Based on the information received, YPL's consultation team has produced a schedule quantifying the different responses to the survey questions (Appendix 31).

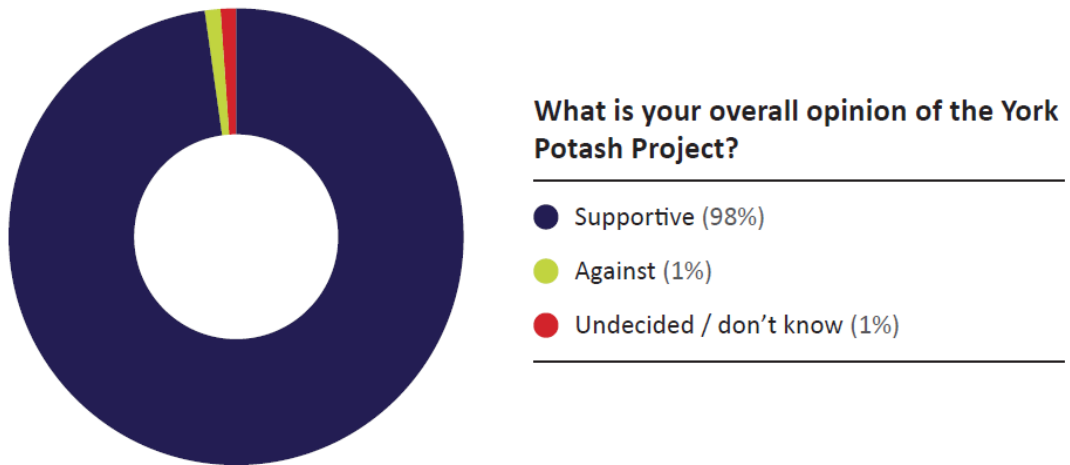
Survey response

8.6 A comparison of the online results with the overall results, including the hard copy responses, shows that both sets are broadly similar, and confirm an overwhelming level of support for both the Project and the harbour facilities component. An analysis of the results is provided below.

(i) YPL Project

8.7 Nearly all the respondents, 98% (106 of the 108 question respondents) support the wider Project, with 1% (or 1 person) declaring that they are against the development.

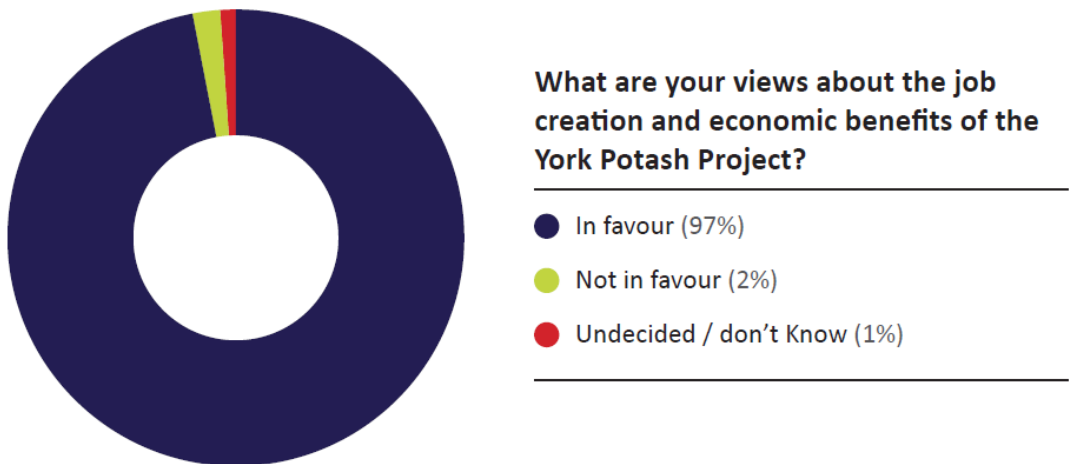
Figure 8.1 Public consultation responses to overall Project



Source: YPL consultation responses

8.8 On the **job creation and economic impacts of the Project**, 97% (105 of the 108 question respondents) are in favour of the proposals, with no responses commenting that they were not in favour.

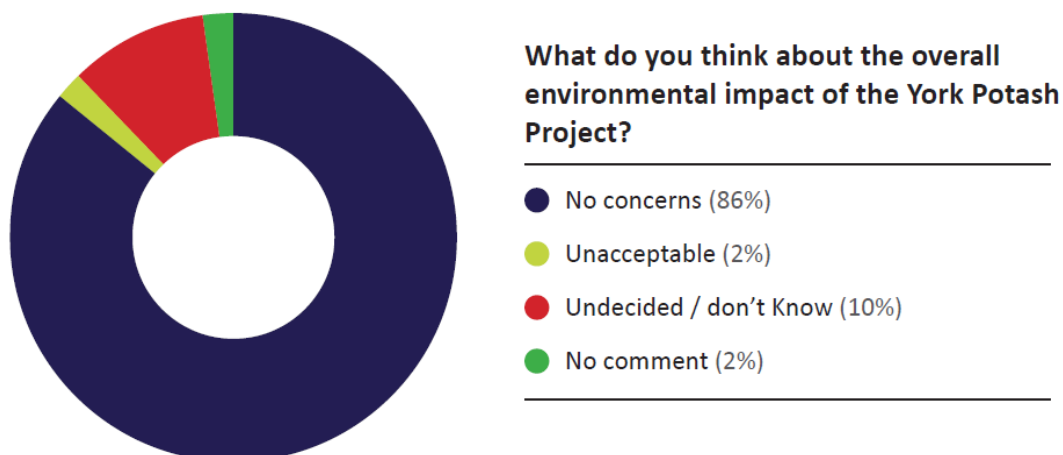
Figure 8.2 Consultation responses on the social and economic impacts of the Project



Source: YPL consultation responses

8.9 For the **overall environmental impact of the Project**, 86% (93 of the 108 question respondents) confirmed that they had no concerns, whilst only 2% (2 people) of the responses received considered the impacts would be unacceptable. Some 10% (11 people) were undecided.

Figure 8.3 Consultation responses on the environmental impacts of the Project



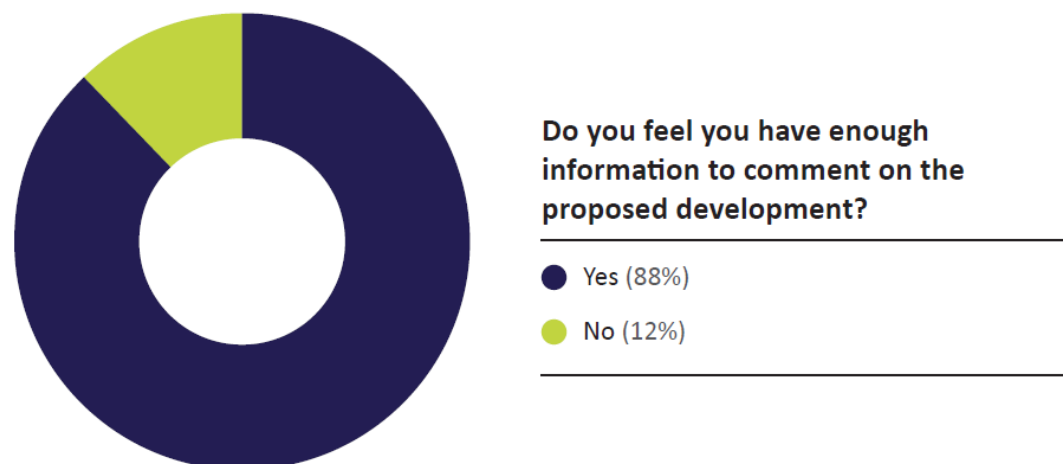
Source: YPL consultation responses

(ii) Harbour facilities proposals

8.10

Consultees were asked if they felt that **sufficient information** had been made available to enable them to comment on the harbour facilities proposals. 88% (91 of the 103 question respondents) considered that there was sufficient information, whilst only 12% (12 people) felt that more information was needed.

Figure 8.4 Consultation responses on the adequacy of the consultation material

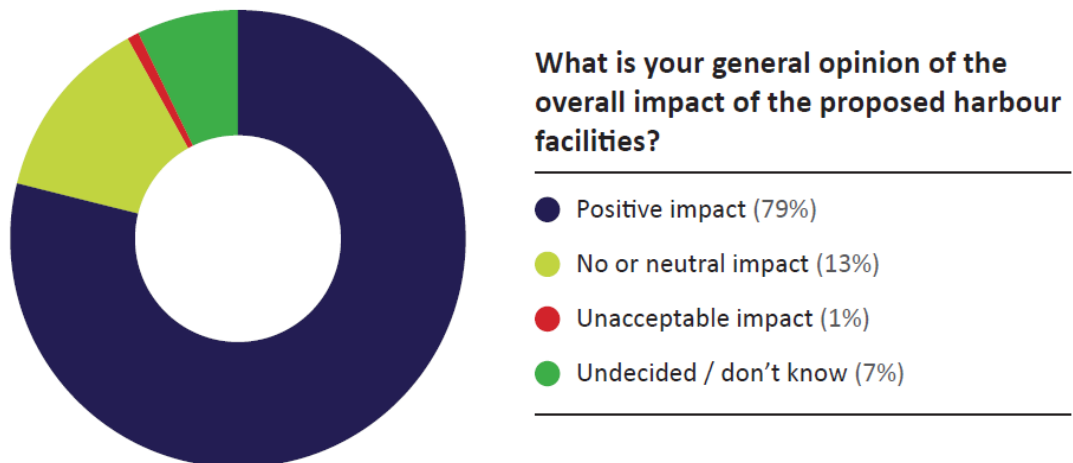


Source: YPL consultation responses

8.11

People's general views were invited on the anticipated overall impacts of the harbour facilities proposals. 92% of responses (93 of the 101 question respondents) consider that there will be a positive/no or neutral impact, whilst only 1% (1 person) felt there would be an unacceptable impact.

Figure 8.5 Consultation responses on the overall impact of the proposed harbour facilities



Source: YPL consultation responses

8.12

The other consultation responses received on the harbour facilities indicate:

- 96% (99 of the 103 question respondents) are in favour of the **job creation and other social and economic impacts**, whilst nobody expressed they were against the impacts. 3% (3 people) are undecided/don't know, with the remaining 1% (1 person) having no comment;
- 94% (95 of the 101 question respondents) support the **proposed location** of the harbour facilities, whilst only 1% (1 person) is against the use of the site. The remaining 5% (people) are undecided/don't know;
- 91% (89 of the 98 question respondents) support the **proposed design and route of the conveyor system** that will transport the minerals to the harbour facilities, including the proposed bridge crossing over the A1085. 2% (2 people) are against the designs and route, whilst 7% are undecided/don't know;
- 83% (83 of the 100 question respondents) support the **design and form of the proposed buildings, structures and two potential quay options**, whilst 1% (1 person) is against it. 15% (15 people) are undecided/don't know, whilst the remaining 1% (1 person) has no comment;
- 80% (80 of the 100 question respondents) are satisfied that the harbour facilities can proceed without **harming local wildlife and ecology interests**, whilst only 3% (3 people) consider there will be harm. 16% (16 people) are undecided/don't know, whilst the remaining 1% (1 person) has no comment;

- 93% (94 of the 101 question respondents) support the **construction impacts** or consider the need for the development outweighs the temporary construction impacts, whilst 1% (1 person) considers that the overall impact will be negative or more could be done to reduce the construction impacts. The remaining 5% (5 people) are undecided/don't know; and
- 89% (90 of the 101 respondents) support the proposed river dredging required to develop the harbour facilities, whilst only 2% (2 people) are concerned about the impact of these works. The remaining 9% of responses (9 people) are undecided/don't know.

Section 47 survey responses received outside the consultation period

- 8.13 One consultation response was received on 28 October 2014 following the consultation closing date and has been duly considered and factored into the overall results explained above. This expressed support for the proposals in responding to each of the survey questions and raised no issues.

Issues Raised During The Consultation

- 8.14 The Section 47 consultation responses show significant levels of support for the overall York Potash Project and the harbour facilities component. The majority of the responses refer to the significant economic benefits associated with the level of investment proposed and a number of comments support the use of Bran Sands for the harbour given the prevailing industrial character of the area and the existing port operations.
- 8.15 Notwithstanding this, a small number of comments received have raised some issues regarding the potential impacts of the harbour proposal. These, and York Potash's response to them, are summarised below:-

1. Conveyor bridge over the A1085

- 8.16 A comment was made that the final designs need to ensure that vehicles carrying abnormal loads can pass beneath the proposed structure rather than having to be re-routed. The visual impact of the bridge and the justification for the design was also raised in some of the responses.

York Potash response

- 8.17 The draft DCO includes parameters for the entire length of the conveyor structure which establish minimum heights above ground as well as maximum heights of the structure. In response to the comments made, the parameters established have had careful regard to the need to

ensure that sufficient clearance is given for vehicular traffic whenever the structure passes over routes such as the A1085.

- 8.18 In recognition of the comments made during the s47 process in respect of the illustrative forms that a bridge may take over the A1085, further engagement has taken place with RCBC. Information has been provided to officers that explains the background to the need to pass over the A1085 in a bridge structure and, secondly to provide further details of possible design solutions. The design details of a bridge structure are capable of being agreed at a later stage but discussions continue with officers of RCBC.

2. Use of the existing Northumbrian Water Jetty

- 8.19 A response received raised the capacity issues of this existing facility and questioned the viability of using it during the early phases of production when smaller volumes of mineral production are anticipated. It was suggested that an alternative approach would be to simply store the product until the overall production levels increase.

York Potash response

- 8.20 The option to utilise the existing NWL Jetty has been removed from the development.

3. General operations queries

- 8.21 One consultee raised a number of questions regarding the proposed operations, including whether there are any airborne health risks associated with dust emissions, the types of shiploaders to be used and if a stock area will be provided for loading the vessels.

York Potash response

- 8.22 The Environmental Statement submitted with the DCO application describes the development in detail (Section 3) gives full consideration to the environmental effects arising from the operation of the harbour facilities.

9.0 Conclusions

- 9.1 Consultation on the YPL Project, including the harbour facilities, has been ongoing since project inception in 2011 and has involved the local communities, local planning authorities, statutory consultees and other stakeholder groups. The early consultation greatly assisted with informing all interested parties on the nature of each element of the Project, as well as providing opportunities for the YPL Project team to understand and address potential concerns.
- 9.2 This earlier consultation has been supplemented by more recent consultation in respect of the harbour facilities undertaken in accordance with the requirements of the 2008 Planning Act.
- 9.3 The two combined exercises have ensured a high level of project appreciation amongst the local community and the various statutory consultees, and have helped to develop the environmental assessment and harbour designs.
- 9.4 The formal DCO harbour facilities consultation under sections 42, 47 and 48 carried out in September and October 2014 has been extensive, and has included:-
- Preparation of a variety of consultation material suitable for differing levels of technical expertise, ranging from the non-technical Summary of Proposals document to assist the general public's understanding of the proposals to the more technical documentation in the form of the Preliminary Environmental Report ('PER');
 - Agreement and publication of a Statement of Community Consultation that established an appropriate, inclusive consultation strategy that encouraged people to engage in the process;
 - A series of public exhibitions held in accessible locations close to the application site;
 - An up-to-date, user-friendly project website, providing the latest on the project developments and consultation process;
 - Regular press releases to the media and adverts of the consultation in the form of posters displayed in local community areas; and
 - Meetings with statutory bodies, asset owners and landowners to follow-up on issues raised to provide clarification or seek to resolve concerns.
- 9.5 The consultation process has assisted in identifying the issues of interest to those living in the local area and further afield, as well as technical matters raised by the statutory consultees, asset owners and landowners.

- 9.6 The responses from statutory consultees through the Section 42 consultations have raised a wider range of issues regarding more technical environmental matters associated with the potential impacts of the harbour facilities. The key issues can be considered to focus on marine ecology and nature conservation, dredging effects on hydrodynamics and sedimentation regimes, contamination, highways impacts, air quality, noise and vibration, effects on tourism and recreation, the cumulative impacts of the harbour development in conjunction with other offshore and onshore development, and the safety of shipping and navigation. These matters have been reviewed in the context of the environmental assessment work and design development, and have resulted in the removal of the proposed compound on the landfill site and inclusion of new habitat enhancement works as part of the draft DCO.
- 9.7 The outcome of the Section 47 consultation has shown an overwhelming level of support for both the overall York Potash Project (98%) and the harbour facilities component (92% commenting that there will be a positive or no/neutral impact). The few concerns raised have primarily focussed on the routing and design of the conveyor bridge over the A1085, whilst the few other comments received have raised queries regarding the use of the NWL Jetty and have requested clarification on specific aspects of the proposed operations. YPL has carefully considered the comments received and in response the use of the NWL Jetty has now been removed from the proposed development. In respect of the routing and design of the conveyor bridge, further information has been provided to officers at RCBC to form the basis of ongoing discussions as detailed design proposals emerge.
- 9.8 The pre-application consultation has been undertaken in accordance with the legal requirements and guidance provided in the Planning Act 2008 and supplementary guidance from the Planning Inspectorate. Overall, it is concluded that Consultation Report fulfils the requirements of Section 37(7) of the Planning Act 2008.