

The Examining Authority
The Planning Inspectorate
3/01 Kite Wing
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2 The Square
Temple Quay
Bristol BS1 6PN

Date: 16 December 2015
Your ref: TR030002
Our ref: HUTTONL\212082-000007
Direct: +44 20 7919 0660
Email: moragthomson@eversheds.com

BY COURIER

Dear Sir

**THE PLANNING ACT 2008 (AS AMENDED) - APPLICATION FOR YORK POTASH LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE YORK POTASH HARBOUR FACILITIES
DOCUMENTATION RESPONSE TO DEADLINE 6**

Further to the procedural decision set out in the Examining Authority's letter of 16 October 2015, please find enclosed the following documentation in response to Deadline 6:-

1. The Applicant's comments on the Examining Authority's draft DCO (Document 8.8);
2. The Applicant's responses to questions raised in the Rule 17 Letter and comments on the RIES (Document 8.9);
3. A further draft DCO (Tracked and Clean) containing some of the Examining Authority's suggested amendments and some further amendments resulting from discussions with various parties (Document 4.1D). The Applicant notes that a further draft DCO was not requested by the Examining Authority for Deadline 6, but thought it would be helpful to submit this as the final form of DCO the Applicant considers to be appropriate;
4. A schedule explaining the changes made to the draft DCO and the rationale behind those changes (Document 8.10);
5. The Applicant's response to BP CATS objection to the southern conveyor route (Document 8.11);
6. A revised Outline Construction Environmental Management Plan containing updated cross references to and amendments for consistency with the Governance Tracker (Document 6.10A);
7. A revised Outline Ecological Management Plan containing updated cross references to the Governance Tracker (Document 6.11A);
8. An updated Book of Reference (Tracked and Clean) (Document 5.3B) as indicated in my letter of 20 November containing the relevant updates to registered addresses and company names. The document also adds the BP CATS Deed of Grant as has been discussed with BP CATS;
9. An updated Document 3.16 following discussions showing revised Redcar Bulk Terminal (RBT) access arrangements; and
10. An updated document list reflecting appropriate additions (Document 1.4F). The changes to the document list are shown as track changes.

I thought it might be helpful if I summarised the position in relation to the parties with whom the Applicant has been in discussion.

Bond Dickinson (on behalf of Huntsman/SABIC/DEA)

The position with Bond Dickinson is set out in Appendix 1 to Document 8.10. The Applicant and Bond Dickinson have identified the outstanding issues, which all relate to the drafting of Schedule 9. It has been agreed that both parties (i.e. the Applicant and Bond Dickinson) will address those issues in the submissions for Deadline 6. It is not believed there is any scope for further agreement between the parties.

BP CATS

The wording of Schedule 9 is agreed with BP CATS (as proposed in the draft DCO submitted for Deadline 6 (Document 4.1D)) and one further amendment (see Document 8.10 for explanation) The only exception is an issue relating to the form of indemnity. This is addressed in Appendix 2 to Document 8.10.

There is a remaining objection on their part to the southern conveyor route and this objection is dealt with in Document 8.11.

It is not believed there is any scope for further agreement between the parties.

DLA Piper UK LLP (on behalf of TATA Steel UK Limited/Redcar Bulk Terminal)

Schedule 10 is now agreed with DLA Piper in the form contained in the draft DCO submitted for Deadline 6 (Document 4.1D).

DLA Piper have also made some suggested, very minor amendments to Schedule 9 which the Applicant received too late to incorporate and agree with the other parties. The Applicant has no objection to them (see Document 8.10 for explanation).

The plan referred to in Works No 5(9) (Document 3.16) has been amended following discussions with RBT. The revised plan was provided to RBT on 1 December 2015 and oral indications are that it is acceptable however formal confirmation is awaited.

SSI

It is understood that DLA Piper no longer act for SSI who are separately represented by the Official Receiver.

Northumbrian Water Limited and Northern PowerGrid

Agreement has now been reached with both of these parties and engrossments are in circulation for signature. It is understood that both parties will withdraw their objections immediately following completion of their respective agreements.

Yours sincerely



Morag Thomson
Partner
Planning and Infrastructure Consenting
Eversheds LLP

Encs

THE YORK POTASH HARBOUR FACILITIES ORDER 201X

Document List



Reg 5(2)(q)

Document 1.4F

Eversheds LLP

16 December 2015

YORKPOTASH
A Sirius Minerals Project



**The York Potash Harbour Facilities Order 201X
 Document List – Document 1.4FE**

Document/Plan	Regulation/Drawing/Plan No.	Document Number	Date Submitted to PINS
1. Application Form Etc.			
Application Form	Reg 5(1)	1.1	27 March 2015
Letter to accompany application	Reg 5(2)(q)	1.2	27 March 2015
Newspaper Notices Report	S48 and Reg 4	1.3	27 March 2015
Document List	Reg 5(2)(q)	1.4	27 March 2015
Document List – 21.08.15	Reg 5(2)(q)	1.4A	21 August 2015
Document List – 07.09.15	Reg 5(2)(q)	1.4B	7 September 2015
Document List – 02.10.15	Reg 5(2)(q)	1.4C	2 October 2015
Document List – 06.11.15	Reg 5(2)(q)	1.4D	6 November 2015
Document List – 20.11.15	Reg 5(2)(q)	1.4E	20 November 2015
Document List – 16.12.15	Reg 5(2)(q)	1.4F	16 December 2015
Applicant's s.55 Checklist	S55	1.5	27 March 2015
Issues and Document Tracker	Reg 5(2)(q)	1.6	27 March 2015
2. Plans /Drawings/Sections			
Land Plans	Reg 5(2)(i) and 5(2)(n)		
Key Plan	YPL Land Plan Key Plan Rev v4	2.1	6 November 2015
Sheet 1	YPL Land Plan Sheet 1 of 3 Rev v4	2.1A	6 November 2015
Sheet 2	YPL Land Plan Sheet 2 (i) (Northern Route) Rev v4	2.1B(i) (Northern Route)	6 November 2015
Sheet 2	YPL Land Plan Sheet 2 (ii) (Southern Route) Rev v4	2.1B(ii) (Southern Route)	6 November 2015
Sheet 3	YPL Land Plan Sheet 3 of 3 Rev v4	2.1C	6 November 2015
Inset 1	YPL Land Plan Inset 1 of 11 Rev v4	2.1D	6 November 2015
Inset 2	YPL Land Plan Inset 2 of 11 Rev	2.1E	6 November 2015

	v4		
Inset 3	YPL Land Plan Inset 3 of 11 Rev v4	2.1F	6 November 2015
Inset 4	YPL Land Plan Inset 4 of 11 Rev v4	2.1G	6 November 2015
Inset 5	YPL Land Plan Inset 5 of 11 Rev v4	2.1H	6 November 2015
Inset 6	YPL Land Plan Inset 6 of 11 Rev v4	2.1I	6 November 2015
Inset 7	YPL Land Plan Inset 7(i) (Northern Route) Rev v4	2.1J(i) (Northern Route)	6 November 2015
Inset 7	YPL Land Plan Inset 7(ii) (Southern Route) Rev v4	2.1J(ii) (Southern Route)	6 November 2015
Inset 8	YPL Land Plan Inset 8 of 11 Rev v4	2.1K	6 November 2015
Inset 9	YPL Land Plan Inset 9 of 11 Rev v4	2.1L	6 November 2015
Inset 10	YPL Land Plan Inset 10 of 11 Rev v4	2.1M	6 November 2015
Inset 11	YPL Land Plan Inset 11(i) (Northern Route)Rev v4	2.1N(i) (Northern Route)	6 November 2015
Inset 11	YPL Land Plan Inset 11(ii) (Northern Route)Rev v4	2.1N(ii) (Southern Route)	6 November 2015
Works Plans	Reg 5(2)(j)		
Key Plan	YPL Works Plan Key Plan Rev v1	2.2	27 March 2015
Sheet 1	YPL Works Plan Sheet 1 Rev v1	2.2A	27 March 2015
Sheet 2	YPL Works Plan Sheet 2 Rev v1	2.2B	27 March 2015
Sheet 3	YPL Works Plan Sheet 3 Rev v1	2.2C	27 March 2015
Sheet 4	YPL Works Plan Sheet 4 Rev v1	2.2D	27 March 2015
Sheet 5	YPL Works Plan Sheet 5 Rev v1	2.2E	27 March 2015
Sheet 6	YPL Works Plan Sheet 6 Rev v1	2.2F	27 March 2015

Access and Rights of Way Plans	Reg 5(2)(k)		
Key Plan	YPL Access and RoW Plan Key Plan Rev v1	2.3	27 March 2015
Sheet 1	YPL Access and RoW Plan Sheet 1 Rev v1	2.3A	27 March 2015
Sheet 2	YPL Access and RoW Plan Sheet 2 Rev v1	2.3B	27 March 2015
Sheet 3	YPL Access and RoW Plan Sheet 3 Rev v1	2.3C	27 March 2015
3. Other Plans necessary to describe proposed development			
	Reg 5(2)(o)		
Location Plan	PB1586-SK90 Rev 7	3.1	27 March 2015
Layout Plans (Ground Level) Northern Route KeyPlan	PB1586-SK710 Rev D	3.2A	27 March 2015
Layout Plans (Ground Level) Northern Route Sheet 1	PB1586-SK711 Rev G	3.2B	6 November 2015
Layout Plans (Ground Level) Northern Route Sheet 2	PB1586-SK712 Rev G	3.2C	6 November 2015
Layout Plans (Ground Level) Northern Route Sheet 3	PB1586-SK713 Rev G	3.2D	6 November 2015
Layout Plans (Ground Level) Northern Route Sheet 4	PB1586-SK714 Rev G	3.2E	6 November 2015
Layout Plans (Ground Level) Northern Route Sheet 5	PB1586-SK715 Rev F	3.2F	27 March 2015
Layout Plans (Ground Level) Southern Route KeyPlan	PB1586-SK720 Rev B	3.2G	27 March 2015
Layout Plans (Ground Level) Southern Route Sheet 1	PB1586-SK721 Rev D	3.2H	6 November 2015
Layout Plans (Ground Level) Southern Route Sheet 2	PB1586-SK722 Rev D	3.2I	6 November 2015
Layout Plans (Ground	PB1586-SK723 Rev D	3.2J	6 November 2015

Level) Southern Route Sheet 3			
Layout Plans (Ground Level) Southern Route Sheet 4	PB1586-SK724 Rev D	3.2K	6 November 2015
Layout Plans (Ground Level) Southern Route Sheet 5	PB1586-SK725 Rev C	3.2L	27 March 2015
Conveyor Route Southern Route - Key Plan	PB1586-SK1040 Rev E	3.3A	27 March 2015
Conveyor Route Plans – Southern Route - Sheet 1	PB1586-SK1041 Rev E	3.3B	27 March 2015
Conveyor Route Plans – Southern Route - Sheet 2	PB1586-SK1042 Rev E	3.3C	27 March 2015
Conveyor Route Plans – Southern Route - Sheet 3	PB1586-SK1043 Rev H	3.3D	6 November 2015
Conveyor Route Plans – Southern Route - Sheet 4	PB1586-SK1044 Rev H	3.3E	6 November 2015
Conveyor Route Plans – Southern Route - Sheet 5	PB1586-SK1045 Rev H	3.3F	6 November 2015
Conveyor Route Plans Southern Route - Sheet 6	PB1586-SK1046 Rev H	3.3G	6 November 2015
Conveyor Northern Route - Key Plan	PB1586-SK490 Rev E	3.3H	27 March 2015
Conveyor Route Plans Northern Route - Sheet 1	PB1586-SK491 Rev E	3.3I	27 March 2015
Conveyor Route Plans Northern Route - Sheet 2	PB1586-SK492 Rev E	3.3J	27 March 2015
Conveyor Route Plans Northern Route - Sheet 3	PB1586-SK493 Rev G	3.3K	6 November 2015
Conveyor Route Plans Northern Route - Sheet 4	PB1586-SK494 Rev F	3.3L	6 November 2015
Conveyor Route Plans Northern Route - Sheet 5	PB1586-SK495 Rev E	3.3M	27 March 2015
Conveyor Route Plans Northern Route - Sheet 6	PB1586-SK496 Rev E	3.3N	27 March 2015
Conveyor Route Plans Northern Route - Sheet 7	PB1586-SK497 Rev E	3.3O	27 March 2015
Location of Temporary Compounds (Sheet 1 of 2)	PB1586/SK56 Rev 10	3.4A	27 March 2015

Location of Temporary Compounds (Sheet 2 of 2)	PB1586/SK57 Rev 10	3.4B	27 March 2015
Temporary Compound Site A	PB1586-SK1021 Rev E	3.4C	27 March 2015
Temporary Compound Site B	PB1586-SK1022 Rev E	3.4D	27 March 2015
Temporary Compound Site D	PB1586-SK1023 Rev F	3.4E	6 November 2015
Temporary Compound Site E	PB1586-SK1024 Rev D	3.4F	27 March 2015
Temporary Compound Site F	PB1586-SK1025 Rev F	3.4G	27 March 2015
Permanent Compound Site A	PB1586-SK1026 Rev E	3.5A	21 August 2015
Permanent Compound Site C	PB1586-SK1027 Rev G	3.5B	21 August 2015
Permanent Building Elevations Site C	PB1586-SK1028 Rev C	3.6A	27 March 2015
Substation Elevations Sites A and C	PB1586-SK1029 Rev C	3.6B	27 March 2015
MHF Overall Site Layout Plan	143022-EIA-001 Rev 2	3.7	27 March 2015
Indicative Layout – Solid Quay Construction – Northern Route	PB1586-SK91 Rev 12	3.8A	27 March 2015
Indicative Layout – Solid Quay Construction – Southern Route	PB1586-SK122 Rev 2	3.8B	27 March 2015
Indicative Section Solid Quay Construction	PB1586-SK92 Rev 8	3.8C	27 March 2015
Indicative Elevation Solid Quay Construction	PB1586-SK120 Rev D	3.8D	27 March 2015
Indicative Layout - Open Quay Northern Route	PB1586-SK93 Rev 12	3.9A	27 March 2015
Indicative Layout - Open Quay Construction – Southern Route [“river frontage plan” for the purposes of Schedule 11]	PB1586-SK123 Rev 2	3.9B	27 March 2015
Indicative Section Open	PB1586-SK94 Rev 9	3.9C	27 March 2015

Quay Construction			
Indicative Elevation Open Quay Construction	PB1586-SK121 Rev D	3.9D	27 March 2015
Conveyor Typologies	PB1586-SK601 Rev 1	3.10	27 March 2015
Southern Option – Conveyor Vertical Limits of Deviation Plans Long Section	PB1586-SK420 Rev 6	3.11A	27 March 2015
Northern Option – Conveyor Vertical Limits of Deviation Plans Long Section	PB1586-SK421 Rev 6	3.11B	27 March 2015
Conveyor Cross Sections Location Plan – Northern Route	PB1586-SK1100 Rev E	3.12A	27 March 2015
Conveyor Cross Sections Northern Route Sheet 1	PB1586-SK1101 Rev E	3.12B	27 March 2015
Conveyor Cross Sections Northern Route Sheet 2	PB1586-SK1102 Rev D	3.12C	27 March 2015
Conveyor Cross Sections Location Plan – Southern Route	PB1586-SK1105 Rev B	3.12D	27 March 2015
Conveyor Cross Sections Southern Route Sheet 1	PB1586-SK1106 Rev C	3.12E	27 March 2015
Conveyor Cross Sections Southern Route Sheet 2	PB1586-SK1107 Rev D	3.12F	27 March 2015
Ease of Reference A3 Plans Bundle	Reg 5(2)(q)	3.13	27 March 2015
Harbour Construction Route Access	9Y0989_HCA_GA-01 Rev 4	3.14	27 March 2015
Pipeline Corridor Plan Key Plan	YPL Pipeline Corridor Plan Key Plan Rev v4	3.15	6 November 2015
Pipeline Corridor Plan Sheet 1	YPL Pipeline Corridor Plan Sheet 1 Rev v4	3.15A	6 November 2015
Pipeline Corridor Plan Sheet 2	YPL Pipeline Corridor Plan Sheet 2 Rev v4	3.15B	6 November 2015
Pipeline Corridor Plan Sheet 3	YPL Pipeline Corridor Plan Sheet 3 Rev v4	3.15C	6 November 2015
Conveyor Route Plan Northern Route – Access Around the RBT Conveyors	PB1586-SK1081 Rev GD	3.16	6 November 16 December 2015

4. Draft Development Consent Order			
Draft Development Consent Order (including requirements)	Reg 5(2)(b)	4.1	27 March 2015
Draft Development Consent Order (including requirements) (Tracked and Clean)	Reg 5(2)(b)	4.1A	7 September 2015
Draft Development Consent Order (including requirements) (Tracked and Clean)	Reg 5(2)(b)	4.1B	2 October 2015
Draft Development Consent Order (including requirements) (Tracked and Clean)	Reg 5(2)(b)	4.1C	6 November 2015
Draft Development Consent Order (including requirements) (Tracked and Clean)	Reg 5(2)(b)	4.1D	16 December 2015
Explanatory Memorandum	Reg 5(2)(c)	4.2	27 March 2015
Explanatory Memorandum (Tracked and Clean)	Reg 5(2)(c)	4.2A	7 September 2015
Explanatory Memorandum (Tracked and Clean)	Reg 5(2)(c)	4.2B	6 November 2015
5. Compulsory Acquisition Information			
Statement of Reasons	Reg 5(2)(h)	5.1	27 March 2015
Funding Statement	Reg 5(2)(h)	5.2	27 March 2015
Book of Reference	Reg 5(2)(d)	5.3	27 March 2015
Book of Reference (Tracked and Clean)	Reg 5(2)(d)	5.3A	6 November 2015
Book of Reference (Tracked and Clean)	Reg 5(2)(d)	5.3B	16 December 2015
6. Required Statements/Reports			
Consultation Report	Section 37(3)(c) Planning Act	6.1	27 March 2015

	2008		
Section 79(1) of Environmental Protection Act 1990 Statement (re statutory nuisance)	Reg 5(2)(f)	6.2	27 March 2015
Regulation 48 European Site Statement (Reg 5(2)(g)) Habitats Regulation Assessment Report	Reg5(2)(g)	6.3	27 March 2015
Environmental Statement	Reg 5(2)(a) Including: <ul style="list-style-type: none"> - Archaeological and Historic Environment Assessment Report and Plan (Reg 5(2)(m)) - Ecological Assessment Report and Plan (Reg 5(2)(l)) - Flood Risk Assessment (Reg 5(2)(e)) - Ecology Data (Reg 5(2)(g)) 	6.4	27 March 2015
Appendices to Environmental Statement	Reg 5(2)(a)	6.5	27 March 2015
Cumulative Impact Assessment	Reg 5(2)(a)	6.6	27 March 2015
Non-Technical Summary	Reg 5(2)(a)	6.7	27 March 2015
Governance Tracker	Reg 5(2)(q)	6.8	27 March 2015
Governance Tracker	Reg 5(2)(q)	6.8A	21 August 2015
Governance Tracker	Reg 5(2)(q)	6.8B	6 November 2015
Parameters Table	Reg 5(2)(q)	6.9	27 March 2015
Parameters Table	Reg 5(2)(q)	6.9A	21 August 2015
Outline Construction Environment Management Plan	Reg 5(2)(q)	6.10	21 August 2015
Outline Construction Environment Management Plan	Reg 5(2)(q)	6.10A	16 December 2015
Outline Ecological Management Plan	Reg 5(2)(q)	6.11	21 August 2015

Outline Ecological Management Plan	Reg 5(2)(q)	6.11A	6 November 2015
Outline Ecological Management Plan	Reg 5(2)(q)	6.11B	16 December 2015
Mitigation and Monitoring Strategy	Ref 5(2)(q)	6.12	7 September 2015
Mitigation and Monitoring Strategy	Ref 5(2)(q)	6.12A	6 November 2015
7. Other documents			
Planning Statement	Reg 5(2)(q) Including statement pursuant to Regulation 6(3)	7.1	27 March 2015
Summary of Proposals Document	Reg 5(2)(q)	7.2	27 March 2015
Project Position Statement	Reg 5(2)(q)	7.3	27 March 2015
Draft Development Consent Obligations – Heads of Terms	Reg 5(2)(q)	7.4	27 March 2015
Draft Development Consent Obligation	Reg 5(2)(q)	7.4A	21 August 2015
Development Consent Obligation dated 19 October 2015	Reg 5(2)(q)	7.4B	6 November 2015
Letter from Secretary of State for Business, Innovation and Skills	Reg 5(2)(q)	7.5	27 March 2015
The Crown Estate Consent Letter	Reg 5(2)(q)	7.6	27 March 2015
8. Responses to Examining Authority			
Responses to relevant representations		8.1	21 August 2015
Applicant's Responses to Examining Authority's First Questions		8.2	21 August 2015
Applicant's Responses to Written Representations		8.3	7 September 2015
Applicant's Responses to Other Parties Responses to		8.4	7 September 2015

Examining Authority's First Questions			
Applicant's Submissions from Hearings on 24 th and 25 th September		8.5	2 October 2015
Applicant's Responses to Examining Authority's Second Questions		8.6	6 November 2015
Applicant's Responses to Other Parties Responses to Examining Authority's Second Questions		8.7	20 November 2015
Applicant's Comments on the Examining Authority's Draft Development Consent Order		8.8	16 December 2015
Applicant's Responses to Questions in the Rule 17 Letter and Comments on the RIES		8.9	16 December 2015
Applicant's Schedule of Changes to the draft Development Consent Order		8.10	16 December 2015
Applicant's Response to BP CATS Objection to the Southern Conveyor Route		8.11	16 December 2015
9. Statements of Common Ground			
Highways England	Reg 5(2)(q)	9.1	21 August 2015
Redcar and Cleveland Borough Council (Transport)	Reg 5(2)(q)	9.2	21 August 2015
Natural England	Reg 5(2)(q)	9.3	21 August 2015
Environment Agency	Reg 5(2)(q)	9.4	21 August 2015
Redcar and Cleveland Borough Council (Planning)	Reg 5(2)(q)	9.5	21 August 2105