
Dated: 5 February 2018

- (1) North York Moors National Park Authority
- (2) York Potash Limited

Section 106 Supplemental Deed

made pursuant to section 106 and section 106A of the Town and Country Planning Act 1990 relating to land at Woodsmith Mine (formerly known as Doves Nest Farm) and Lady Cross, Scarborough, North Yorkshire

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THIS DEED is made on

5 February

2018

BETWEEN

- (1) North York Moors National Park Authority of The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP ("**NYMNPA**"); and
- (2) York Potash Limited (Company Registration Number 07251600) whose registered office is situated at 3rd Floor Greener House, 68 Haymarket, London, SW1Y 4RF ("**YPL**").

BACKGROUND

- (A) NYMNPA is the local planning authority for the purposes of Section 106 of the 1990 Act.
- (B) YPL is registered as the freehold owner of all of the DNF Obligation Land which is registered at HM Land Registry under title numbers NYK403401, NYK211933, NYK288512, NYK211934, NYK351074, NYK217353, NYK440715 and NYK441131.
- (C) YPL is registered as the freehold owner of the Lady Cross Obligation Land which is registered at HM Land Registry under title number NYK147939.
- (D) On 19 October 2015 NYMNPA and YPL (together with other parties) entered into the 2015 NYMNPA Agreement relating to the NYMNPA Planning Permission and containing planning obligations which bind the DNF Obligation Land and the Lady Cross Obligation Land (as defined in the 2015 NYMNPA Agreement).
- (E) Sirius Minerals Plc on behalf of YPL made the NYMNPA s.73 Application to NYMNPA on 17 July 2017.
- (F) NYMNPA has resolved to grant the NYMNPA s.73 Permission subject to conditions and subject to YPL entering into the obligations in this Deed which apply the provisions of the 2015 NYMNPA Agreement to the s.73 Development.
- (G) The 2015 NYMNPA Agreement shall remain fully effective as varied by this Deed and the terms of the 2015 NYMNPA Agreement shall have effect as though the provisions contained in this Deed had been contained in the 2015 NYMNPA Agreement with effect from the date hereof.
- (H) This Deed is made under sections 106 and 106A of the 1990 Act and is supplemental to the 2015 NYMNPA Agreement.

OPERATIVE PROVISIONS

1. DEFINITIONS AND INTERPRETATIONS

- 1.1 The terms and definitions contained in the 2015 NYMNPA Agreement shall apply to this Deed (save as varied by this Deed) in addition to the definitions set out below:

"the 2015 NYMNPA Agreement" the agreement made on 19 October 2015 pursuant to Section 106 of the 1990 Act between NYMNPA (1) YPL (2) Victoria Farm Garden Centre Limited (3) Margaret Ann Parker and Michael Leslie Parker (4) Jane Annabel Adamski and Alistair Paul Jackson and Fiona Gillian Clacherty (5) and Barclays Bank Plc (6)

"the NYMNPA Planning Permission" the planning permission issued by NYMNPA following the completion of the 2015 NYMNPA Agreement and the agreement made on 19 October 2015 pursuant to Section 106 of the 1990 Act between North Yorkshire County Council (1) YPL (2)

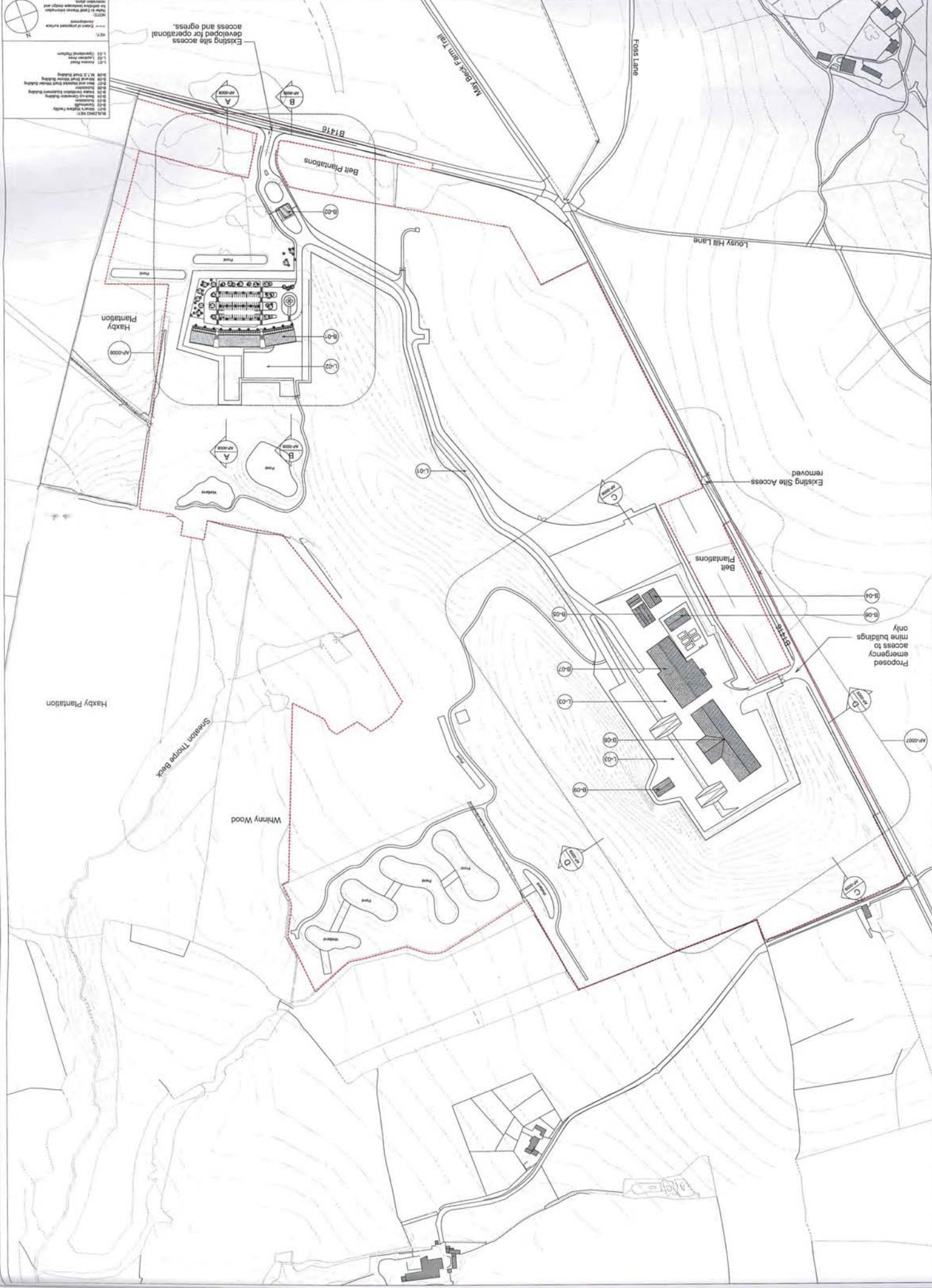
and Barclays Bank Plc (3) under reference NYM/2014/0676/MEIA dated 19 October 2015

"DNF Obligation Land"	the land shown edged red on Plan 1 attached to this deed
"Notice of Implementation"	means a notice specifying the date that the NYMNPA s.73 Permission is implemented
"Plan 1"	the plan attached hereto and marked as such
"NYMNPA s.73 Application"	the application for a variation of condition number 5 of the NYMNPA Planning Permission to allow minor material amendments relating to that part of the development at the Woodsmith Mine site (formerly known as Doves Nest Farm and Haxby Plantation), including; re-design of foreshafts and shaft construction methodology, changes to building layout and shaft access arrangements, revisions to construction and operational shaft platform levels, revisions to location and layout of surface water attenuation ponds, revisions to groundwater management arrangements and amendments to internal access road arrangements allocated reference NYM/2017/0505/MEIA
"S.73 Development"	means the development to be carried out pursuant to the NYMNPA s.73 Permission and the RCBC Permission
"Surety"	means Barclays Bank Plc (Company Registration Number 01026167) whose registered office is at 1 Churchill Place, London, E14 5HP
"Surety's Notice"	means a notice to the Surety from YPL pursuant to clause 3.1 and Schedule 1 of the Deed of Variation to the Bond entered into of even date herewith between the Surety (1) YPL (2) and NYMNPA (3) which notice shall notify the Surety of the Effective Date (as defined in clause 3.1 of the aforesaid Deed) being the date from which the Bond shall apply to the NYMNPA s.73 Permission and for the avoidance of doubt the Effective Date shall be the same date referred to in the Notice of Implementation
"NYMNPA s.73 Permission"	the planning permission to be issued by NYMNPA pursuant to the determination of the NYMNPA s.73 Application in substantially the form and subject to the conditions set out in draft in Schedule 1 .

2. **AGREED TERMS**

- 2.1 References to any party in this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of NYMNPA any successor to its statutory functions.
- 2.2 Clause headings shall not affect the interpretation of this Deed.
- 2.3 Words in this Deed importing the singular meaning where the context so admits include the plural meaning and vice versa.

Client: 653 York Polish	Project: 653-AP-0005	Scale: 1:1000	Date: 28 September 2012
Author: ISSUB	Issue: ISSUB	Drawn: ISSUB	Checked: ISSUB
Drawing Title: Proposed Site and Block Plan Drawing No: 11/050 04 Drawing Date: 28 September 2012			



- 2.4 Words in this Deed of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans, regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 All references in this Deed to clauses in the 2015 NYMNP Agreement are to clauses within the 2015 NYMNP Agreement.
- 2.7 No provision of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 2.8 This Deed and any dispute or claim arising out of or in connection with it or its subject matter or formation shall be governed by and construed in accordance with the law of England and Wales.

3. **STATUTORY PROVISION**

- 3.1 This Deed is made pursuant to section 106 and section 106A of the 1990 Act, section 1 of the Localism Act 2011, section 111 of the Local Government Act 1972 and all other enabling powers.
- 3.2 This Deed constitutes a planning obligation pursuant to section 106 of the 1990 Act which applies to the DNF Obligation Land and the Lady Cross Obligation Land and is enforceable in respect of those obligations set out in the 2015 NYMNP Agreement, by NYMNP against parties with an interest in the DNF Obligation Land and the Lady Cross Obligation Land in the manner specified in the 2015 NYMNP Agreement.

4. **VARIATIONS TO THE 2015 NYMNP AGREEMENT**

- 4.1 It is hereby agreed between the parties hereto that the obligations set out in the 2015 NYMNP Agreement shall continue in full force and effect and shall by virtue of this Deed apply to and bind the DNF Obligation Land and the Lady Cross Obligation Land (in the manner specified in the 2015 NYMNP Agreement) as the case may be, and will apply to the s.73 Development carried out pursuant to the NYMNP s.73 Permission as if the s.73 Development had been carried out pursuant to the NYMNP Planning Permission.
- 4.2 It is hereby agreed between the parties that subject to **clauses 4.4 and 4.5** as at the date referred to in the Notice of Implementation of the NYMNP s.73 Permission given under **clause 5.1** the Development as defined in the 2015 NYMNP Agreement shall be taken to mean the s.73 Development as defined herein and the Development as defined in the 2015 NYMNP Agreement shall no longer be capable of further implementation.
- 4.3 It is further hereby agreed that any performance of the obligations by any of the parties hereto pursuant to the 2015 NYMNP Agreement shall be deemed to have been taken for the purposes of the satisfaction of the obligations applied by the provisions of this Deed mutatis mutandis.
- 4.4 In the event of the NYMNP s.73 Permission expiring or being quashed or in the event of NYMNP revoking the NYMNP s.73 Permission prior to its implementation the variation to the 2015 NYMNP Agreement comprised in this Deed shall be of no further effect and the 2015 NYMNP Agreement shall continue in full force and effect as if this Deed had not been entered into.
- 4.5 In the event of the NYMNP s.73 Permission being quashed following provision of the Notice of Implementation the variation to the 2015 NYMNP Agreement comprised in this Deed shall be of no further effect and the 2015 NYMNP Agreement shall continue in full force and effect as if this Deed had not been entered into and the Development as defined in the 2015 NYMNP Agreement shall continue to be capable of further implementation.

5. **YPL'S PLANNING OBLIGATION**

5.1 YPL covenants that on the date of implementation of the NYMNPAs s.73 Permission it shall:

5.1.1 immediately provide NYMNPAs with the Notice of Implementation and provide a copy of the Surety's Notice; and

5.1.2 immediately following the provision of the Notice of Implementation to NYMNPAs (but not before) provide the Surety's Notice to the Surety,

such notices to be provided concurrently by email (and in respect of NYMNPAs to be emailed to the Senior Minerals Planner or equivalent) and sent by first class post immediately thereafter.

5.2 YPL covenants with NYMNPAs to observe and perform the covenants, restrictions and obligations contained in the 2015 NYMNPAs Agreement as varied by this Deed.

6. **NYMNPAs'S COVENANT**

NYMNPAs covenants with YPL to observe and perform its covenants and obligations contained in the 2015 NYMNPAs Agreement as varied by this Deed.

7. **LOCAL LAND CHARGE**

This Deed shall be registerable as a local land charge by NYMNPAs.

8. **NYMNPAs'S COSTS**

YPL shall pay to NYMNPAs on the date of completion of this Deed the legal costs of NYMNPAs incurred in connection with the preparation, completion and registration of this Deed.

This document is executed as a deed and delivered on the date stated at the beginning of this document.

SCHEDULE 1

Draft Planning Permission

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Sirius Minerals Plc
c/o Lichfields
14 Regent's Wharf
All Saints Street
London
N1 9RL

The above named Authority being the Planning Authority for the purposes of your application validated 18 July 2017, in respect of proposed development for the purposes of **variation of condition 5 of planning permission NYM/2014/0676/MEIA to allow minor material amendments relating to that part of the development at the Woodsmith Mine site (formerly known as Doves Nest Farm and Haxby Plantation), including; re-design of foreshafts and shaft construction methodology, changes to building layout and shaft access arrangements, revisions to construction and operational shaft platform levels, revisions to location and layout of surface water attenuation ponds, revisions to groundwater management arrangements and amendments to internal access road arrangements at Land at Woodsmith Mine (formerly Doves Nest Farm & Haxby Plantation) Sneatonthorpe (minehead); underneath 252 km2 of the NYMNPA (winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton Complex (mineral transport system); Ladycross Plantation near Egton Lockwood Beck Farm near Moorsholm Tocketts Lythe near Guisborough (intermediate shaft sites); site within the eastern limits of the Wilton Complex Teeside (tunnel portal)** has considered your said application and accompanying environmental information and has **granted** permission for the proposed development subject to the following conditions:

Glossary of Terms and Abbreviations

Glossary of Terms and Abbreviations Term	Meaning
Preparatory Works	Any of the following: <ul style="list-style-type: none"> i. trial holes or other operations to establish the ground conditions, site survey work, or works of remediation ii. archaeological investigations iii. any works of demolition or site clearance (but not including soil stripping other than that in iv below) iv. minor soil stripping for the purposes of the creation of the temporary access and lay down areas and preparation of drill pads v. any structural planting or landscaping works vi. ecological or nature conservation works associated with the Development vii. construction of boundary fencing or hoardings viii. construction of access or highway works (including related drainage works) ix. any other works agreed in writing with the Mineral Planning Authority (MPA) as Preparatory Works

Continued/Glossary of Terms and Abbreviations


Mr C M France
Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Glossary of Terms and Abbreviations (Continued)

Mineral Transport System (MTS)	Means the method of conveyance of excavated mineral from the Mine at Doves Nest Farm (DNF) to the Mineral Handling Facility at Wilton, Teesside, via a sub-surface tunnel on a mechanical conveyor system.
Commencement of Development	Means the commencement of any development pursuant to this permission excluding Preparatory Works.
Date of Production	Means the date at which polyhalite is placed on the conveyor within the MTS on a continuous production basis other than that polyhalite resulting from the construction of the chambers at the base of the shaft which are required to contain equipment and operations needed in support of subsequent ongoing mining operations.
Doves Nest Farm (DNF) site	Means all land shown edged in red on the 'Doves Nest Farm Existing Site Plan'. Ref Drawing No. 653-AP-0002 Rev 2. References to Doves Nest Farm (DNF) shall be taken to refer to Woodsmith Mine and vice versa.
Lady Cross Plantation / LCP Lady Cross Plantation site	Means all land shown edged in red on the 'Lady Cross Plantation Existing Site Plan' Ref Drawing No 653-LC-AP-0201 Rev 2
Permanent Above Ground Structures	Means all above ground structures shown on the 'Doves Nest Farm' Proposed Site and Block Plan' (Drawing No. 653-AP-0005 Rev 4) or the Lady Cross Plantation Proposed Site Plan (Drawing No. 653-LC-AP-0203 Rev 2) but excluding spoil mounds and bunds
Phase of Construction	A package of construction stage development activity, authorised by this permission, the scope and timing of which is to be determined in advance through discussion between the Operator and the MPA, and which forms the basis for the submission by the Operator of further information required by relevant conditions on this permission.
Prior to the Commencement of Operation	Before the Date of Production – defined above.
Mineral Extraction	The below ground working of polyhalite
Mine Development Plan	A document identifying the broad areas of the surface (kilometre grid squares from OS grid) above which mineral extraction is expected to occur in the subsequent 12 months such other basic information as the depth at which Mineral Extraction is to occur and a broad explanation of the techniques of mining so that the public may be aware of the nature of the mining expected from year to year.
Neighbouring Mineral Planning Permission	The area of NYMNPA planning permission R0030043B related to the neighbouring mine. This may be viewed at http://www.northyorkmoors.org.uk/planning/planning-applications/application-search-map?&inspect_query=appno&inspect_value=R0030043B&drill_down=true&scale=2048&show_layers=appno&hide_layers=Appeals&show_viewfinder=true&x=873794&y=629016

Continued/ Glossary of Terms and Abbreviations



Mr C M France
Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Glossary of Terms and Abbreviations (Continued)

Neighbouring Gasfields	The area of the gasfields subject to DECC Licences PL77 and PEDL120. These may be viewed at https://decc-edu.maps.arcgis.com/apps/webappviewer/index.html?id=29c31fa4b00248418e545d222e57ddaa
Mining Exclusion Zone	An area around RAF Fylingdales in which no mining is permitted as shown on SRK Consulting Drawing U5295 (May 2013). The exclusion zone may change reflecting actual monitoring data about underground mining including if monitoring data indicates the Angle of Draw associated with mining exceeds 60 degrees.
Vibration Sensitive Buildings and Infrastructure	Any building or structure or any service infrastructure such as roads, pipes, cables, mains etc at which vibration above the levels referred to in conditions 29 and 30 might cause damage to the fabric of buildings or structures or might adversely affect the utility of the building eg if it is an office, the ability for it to be used as such.
Operator	Any party relying on this planning permission to undertake the development approved by this planning permission.
Angle of Draw	The angle between a vertical line drawn upward to the surface from the edge of underground workings and a diagonal line drawn from the edge of underground workings to the closest point at the surface at which there is no subsidence caused by the underground workings.
Abbreviations	
AOD	Above Ordnance Datum
MOD	Ministry of Defence
MPA	Mineral Planning Authority
NYM	North York Moors
NPA	National Park Authority
NVMP	Noise and Vibration Management Plan
SBC EHO	Scarborough Borough Council Environmental Health Officer

Continued/Explanatory Conditions



Mr C M France
Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Explanatory Conditions

1.	<p>The development hereby permitted shall be commenced prior to the 19 October 2018.</p> <p>Reason: To comply with the requirements of Section 91 (as amended) off the Town and Country Planning Act 1990</p>
2.	<p>The permission hereby granted authorises the winning and working of the polyhalite form of Potash mineral and trace minerals intermingled with the polyhalite only, the construction of the mine and ancillary development at Doves Nest Farm and the construction of the Mineral Transport System within the National Park including the construction of the Intermediate shaft at Lady Cross Plantation. The winning and working of mineral shall cease after the expiry of a period of 103 years from the date of this permission.</p> <p>Reason: To comply with the requirements of Schedule 5 to the Town and Country Planning Act 1990 and to accord with NYM Core Policy A & E.</p>
3.	<p>The Mineral Planning Authority (MPA) shall be notified in writing in advance of the date of Commencement of Development and not less than 21 days in advance of the Date of Production.</p> <p>Reason: To enable the MPA to monitor compliance with the conditions of the planning permission and to accord with the provisions of NYM Core Policy E.</p>
4.	<p>Prior to the commencement of each Phase of Construction a plan shall be submitted to and agreed by the MPA setting out the proposed development and any associated temporary operations during that phase. The phasing plan shall be adhered to at all times.</p> <p>Reason: In the interests of amenity, highway safety and in accordance with NYM Development Policy 1.</p>
5.	<p>The development hereby permitted shall be carried out in complete accordance with the approved plans set out in Schedule 1 attached to this permission.</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Core Policy A.</p>

Continued/Explanatory Conditions



Mr C M France
Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Explanatory Conditions (Continued)

6.	<p>Unless otherwise required by other conditions attached to this planning permission, or otherwise agreed by the MPA in schemes related to the discharge of such other conditions, the Key Mitigation Measures described in the mitigation tables presented in Part 2 Section 17 and Part 3 Section 18 in the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) and the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant, save for those relating to development outside of the administrative area of the North York Moors National Park Authority, shall be implemented as part of the development hereby approved unless agreed previously in writing by the MPA.</p> <p>Reason: To ensure the satisfactory implementation of mitigation measures identified in the Environmental Statement and to ensure compliance with NYM Core Policies A and B and Development Policies 1, 3, 7 and 23.</p>
7.	<p>No polyhalite shall be transported by road from the Doves Nest Farm site or the Lady Cross Plantation site other than during a period of eight months during the sinking of the Doves Nest Farm shaft and before the commissioning of the MTS. During this period polyhalite may only be removed from the Doves Nest Farm site in covered vehicles.</p> <p>Records of the quantity of polyhalite produced during the whole period of construction and operation of the mine and of the means of its transportation from DNF shall be maintained and made available to the MPA on request and no more than 13 million tonnes of polyhalite shall be produced at the mine during any period of twelve consecutive months (a rolling twelve month period). Each year on the anniversary of the Date of Production a report of the quantities of polyhalite produced in each month of the previous five years shall be submitted by the mine Operator to the MPA.</p> <p>Reason: To limit the effects of the project on the local roads system, environment, population and businesses. To ensure that the development here permitted complies with the information submitted with the planning application. In order to comply with NYM Core Policy A and Development Policy 1.</p>
8.	<p>No Mineral Extraction shall take place within the areas cross-hatched blue as the 'Villages excluded from Mine Plan' on 'Mine and MTS Planning Boundary' Drawing submitted with the application. Drawing ref Y5154-0102M-CJD1- Revision 2.</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Core Policy A.</p>

Continued/Explanatory Conditions



Mr C M France
Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Explanatory Conditions (Continued)

9.	<p>One year from the commencement of production, a plan shall be submitted to the MPA detailing the area that has been worked in the preceding year. Such a plan shall be prepared and submitted every subsequent year for as long as production continues.</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Core Policy A.</p>
10.	<p>The Lady Cross Plantation Shaft constructed to provide access in emergency and for maintenance/ repair purposes shall be used for these purposes only following completion of the construction and the bringing into use of the MTS.</p> <p>Reason: For the avoidance of doubt and to comply with NYM Core Policy A.</p>

Subsidence

11.	<p>There shall be no Mineral Extraction within the Coastal Buffer until a scheme of extraction has been submitted to and approved by the MPA to demonstrate that there will be no increase in the rate of coastal erosion or increase in flood risk. The Coastal Buffer will be 1.5km (measured on a horizontal plane) of the Mean Low Water Mark as shown on OS Mastermap Topography or any other distance the MPA may determine based on the results of monitoring in the Subsidence Monitoring Strategy. The scheme shall include monitoring and remedial measures. Thereafter any extraction within the Coastal Buffer shall only be undertaken in accordance with the approved Coastal Buffer extraction scheme.</p> <p>Reason: To prevent an increase in flood risk or the rate of coastal erosion and to accord with the provisions of NYM Development Policy 1.</p>
12.	<p>Notification shall be given to the MPA before Mineral Extraction consented by this planning permission takes place within 1.5 km measured on a horizontal plane, or any other distance the MPA may determine based on the results of monitoring in the Subsidence Monitoring Strategy, of a boundary of:</p> <ul style="list-style-type: none"> i. Neighbouring Mineral Planning Permission ii. Neighbouring Gasfields <p>Prior to Mineral Extraction consented by this planning permission occurring within 1.5km (measured on a horizontal plane), or any other distance the MPA may determine based on the results of monitoring in the Subsidence Monitoring Strategy, of the boundaries of either of the above a scheme of monitoring and remedial measures shall be submitted to the MPA for approval.</p> <p>For the avoidance of doubt this condition does not apply to works associated with the construction of the MTS tunnel.</p>

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Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Exploratory Condition 12 (Continued)

	<p>Reason: To ensure managed extraction of all workable minerals in the area and to accord with NYM Core Policy E.</p>
13.	<p>An annual Mine Development Plan, including areas likely to be mined within the forthcoming year, shall to be submitted to the MPA together with any updates on monitoring and remedial measures. The first shall be submitted Prior to the Commencement of Operation.</p> <p>Reason: For the avoidance of doubt and for MPA to monitor the progress of the development in accordance with the provisions of NYM Core Policy A.</p>
14.	<p>Detailed schemes for monitoring and reporting of subsidence associated with mining operations which might affect RAF Fylingdales shall be submitted to and approved in writing by the MPA in consultation with the Ministry of Defence (MOD) and the Environment Agency in advance of the commencement of any significant new underground developments such as the construction of shafts and tunnels or new underground chambers or the commencement of Mineral Extraction in new areas or directions. The first such approved scheme shall be implemented before the commencement of shaft sinking.</p> <p>Reason: To protect the assets at RAF Fylingdales for National Defence purposes and in the interests of public amenity and to accord with the provisions of NYM Development Policy 1 and to inform the consideration of methods of extraction and mitigate the impacts of subsidence on; flood risk, water resources, coastal erosion, ecology and heritage assets.</p>
15.	<p>No Mineral Extraction shall commence until a Subsidence Monitoring Strategy (SMS) to identify subsidence caused by the mine workings here approved has been submitted to and approved in writing by the MPA. The Strategy shall include:</p> <ul style="list-style-type: none"> • Monitoring locations which shall include any affected watercourses, floodplains, flood defences, gauging station, source protection zones, and the coastal zone; • A methodology for monitoring; • Details of any infrastructure needed to facilitate monitoring; • A timetable for implementing the monitoring strategy, including the construction of any monitoring infrastructure. <p>The approved Subsidence Monitoring Strategy shall thereafter be implemented, with the results and an explanatory report submitted to the Mineral Planning Authority no less frequently than once every quarter. If the subsidence monitoring detects that subsidence has occurred, the Mineral Planning Authority shall be notified. If the level of subsidence is such that it might cause such damage to buildings, infrastructure, drainage or flood defences that might compromise their function any Mineral</p>

Continued/Explanatory Conditions 15



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Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Explanatory Conditions 15 (Continued)

	<p>Extraction within 1.5 km of the subsidence measured on a horizontal plane shall cease as soon as possible and within no more than one month of the monitoring taking place. No more than 8 weeks after subsidence is detected a Subsidence Remediation Strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The Subsidence Remediation Strategy shall include:</p> <ul style="list-style-type: none">• A comprehensive investigation into the extent of subsidence which has occurred;• An assessment of the impacts the subsidence has caused;• Measures to mitigate the subsidence impacts identified;• Proposals to revise the Mineral Extraction methodology to ensure no further subsidence occurs;• Proposals for more detailed subsidence monitoring in the area affected by subsidence. <p>Mineral Extraction ceased further to this condition shall only recommence if it can be proven that subsidence was not caused by the mining operations here approved or:</p> <ul style="list-style-type: none">• Once the remedial measures set out in the approved Subsidence Remediation Strategy have been implemented;• In accordance with the revised extraction methodology set out in the approved Subsidence Remediation Strategy;• Subject to the detailed subsidence monitoring set out in the approved Subsidence Remediation Strategy. <p>Reason: To ensure that Mineral Extraction ceases if potentially damaging subsidence is being caused and to fully accord with NYM Development Policy 1. To ensure resultant effects are fully investigated and mitigated.</p>
16.	<p>If any subsidence is identified within the Mining Exclusion Zone as shown on SRK Consulting Drawing U5295 (May 2013) then the MPA and the MOD shall be notified as soon as possible and within no more than one month of the date of identification. If the subsidence is within 1.5km (measured on a horizontal plane) of areas of active Mineral Extraction then the extraction in those areas shall cease until the cause is identified. If subsidence is proven to be as a consequence of the Operator's mine workings then a subsidence remediation scheme shall be submitted in writing for approval by the MPA, in consultation and agreement with the MOD, no more than 8 weeks after the subsidence was identified. The subsidence remediation scheme shall be implemented as approved before extraction recommences in those areas.</p> <p>Reason: To protect the assets at RAF Fylingdales for National Defence purposes and in the interests of public amenity and to accord with the provisions of NYM Development Policy 1.</p>

Continued/Explanatory Conditions



Mr C M France
Director of Planning

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TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Explanatory Conditions (Continued)

17.	<p>No Mineral Extraction shall take place within the Mining Exclusion Zone as shown on SRK Consulting Drawing U5295 (May 2013). Notification shall be made to the MPA and the MOD when workings are within 1.5Km (measured on a horizontal plane) of the Mining Exclusion Zone. The Mining Exclusion Zone shall be increased accordingly if the Angle of Draw is demonstrated to be greater than 60 degrees.</p> <p>Reason: To protect the assets at RAF Fylingdales for National Defence purposes and in the interests of public amenity and to accord with the provisions of NYM Development Policy 1.</p>
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Noise

18.	<p>Prior to the commencement of each Phase of Construction at Dove's Nest Farm or Lady Cross Plantation, a Noise and Vibration Management Plan (NVMP) for the control, mitigation and monitoring of noise and vibration for both construction and operational phases at the two sites shall be submitted to and approved in writing by the MPA in consultation with the SBC EHO. The scheme shall set out the following:</p> <ul style="list-style-type: none">• Noise-sensitive receptors for which predictions shall be made and at which the noise and vibration limits shall apply and which shall include recreational receptors.• Predicted noise levels at the noise-sensitive receptors from noise and vibration generated at the DNF and LCP sites for the key construction phases during the forthcoming year including any periods in which the higher daytime limit of 70 dB L_{Aeq} shall apply (permitted 56 days for temporary works to create noise-reducing bunds and/or barriers as per Conditions 20 and 22).• The best practicable means which will be used to control noise and vibration levels on site including such measures proposed in the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) and the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant. Such measures shall include, but are not limited to: the use of the quietest available plant, equipment and techniques; the regular maintenance and inspection of such plant and equipment; the use of cladding, attenuators and barriers to reduce noise levels from noisy plant and operations; the specification of appropriate reversing alarms to minimise annoyance; and, measures to reduce vibration and air overpressure during blasting.
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Continued/Explanatory Conditions 18



Mr C M France
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- Details of the noise and vibration monitoring system to be installed around the DNF and LCP sites to continuously log noise levels during construction and operation. The NVMP shall recommend the number and location of noise monitors installed around the boundaries of the Dove's Nest Farm and Lady Cross Plantation sites during different phases of construction and operation and shall include at least four monitors at key residential receptors near the Dove's Nest site and at least three monitors at key residential receptors near the Lady Cross Plantation site. The precise number and location of noise monitors shall be set out in the NVMP. The developer shall use reasonable endeavours to obtain access to the residential receptor properties for the installation of noise monitors and only if access cannot be obtained the number or location of noise monitors may be reduced. The MPA and the SBC EHO and/or their advisers shall be granted access to inspect the noise and vibration data whenever required, records of the data should be kept for a reasonable period and these records should be accessible by the public.
- Details of the procedure to be followed in the event that the noise predictions detailed in the NVMP or the noise limits detailed in conditions 20 to 23 are exceeded. Such procedures shall require the investigation of the reasons for the breach of the limits and the cessation of the activity causing the breach until such a time as additional mitigation can be provided.
- Details of how the residents will be informed and consulted about the site operations and progress, particularly in regard to blasting and especially noisy operations including details of complaints logging and management procedures and a 24-hour telephone incident hotline. Details of the procedure for investigating complaints and informing complainants of the results of such investigations and of any actions resulting from them.
- The NVMP shall be adhered to at all times unless agreed previously in writing by the MPA.

The NVMP shall be updated and agreed whenever appropriate to reflect changes in the programme during construction and operation and at intervals not less than 6 months after the initial start on site and thereafter annually.

Reason:

In the interests of amenity and to accord with the provisions of NYM Development Policy 1.

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19.	<p>Mobile earth-moving plant shall not be used between the hours of 19.00 to 07.00 unless otherwise agreed in advance with the MPA in consultation with the SBC EHO and any such operations shall accord with the Noise and Vibration Management Plan and other planning conditions relating to noise.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
20.	<p>Day-time (07.00 hrs to 19.00 hrs) noise levels $L_{Aeq\ 1hr}$ from mine construction at the Dove's Nest site, excluding blasting operations, shall not exceed 55 dB $L_{Aeq\ 1hr}$ and for short-term, construction activities solely relating to the demolition of existing buildings and erection of new structures excluding earth mound and bunds shall not exceed 65dB $L_{Aeq\ 1hr}$. An upper limit of 70 dB $L_{Aeq\ 1hr}$ for the purposes of temporary noisy operations to provide noise-reducing earth bunds and / or barriers may be permitted for up to 56 days in any calendar year provided such temporary operations are specified and agreed in the NVMP described in Condition 18. Each calendar day when the higher temporary noise level is exceeded shall be counted as one day. Noise levels shall be measured in accordance with BS 4142: 2014 and the limits apply at the curtilage boundary of residential properties and at the following recreational receptors: Falling Foss tea room, Lound House Camp / Caravan site, Sneaton Foss Lane Caravan site and at any location on the Wainwright Coast to Coast walk footpath as illustrated in drawing number PB1110-P2-7-002 which is Figure 7.2 of Part 2 of the York Potash Project Mine, MTS and MHF Environmental Statement dated September 2014.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
21.	<p>Evening (19.00 hrs to 22.00 hrs) and night-time (22.00 to 07.00 hrs) noise levels $L_{Aeq\ 1hr}$ from mine construction at the Dove's Nest site, excluding blasting operations, shall not exceed 42 dB $L_{Aeq\ 1hr}$. Noise levels shall be measured in accordance with BS 4142: 2014 and the limits apply at the curtilage boundary of residential properties and at the following recreational receptors: Lound House Camp / Caravan site and Sneaton Caravan site.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>

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22.	<p>Day-time (07.00 hrs to 19.00 hrs) noise levels $L_{Aeq\ 1hr}$ from mine construction at the Lady Cross Plantation site, excluding blasting operations, shall not exceed 55 dB $L_{Aeq\ 1hr}$ and for short-term, construction activities solely relating to the demolition of existing buildings and erection of new structures excluding earth mound and bunds shall not exceed 65dB $L_{Aeq\ 1hr}$. An upper limit of 70 dB $L_{Aeq\ 1hr}$ for the purposes of temporary noisy operations to provide noise-reducing earth bunds and / or barriers may be permitted for up to 56 days in any calendar year provided such temporary operations are specified and agreed in the NVMP described in Condition 18. Each calendar day when the higher temporary noise level is exceeded shall be counted as one day. Noise levels shall be measured in accordance with BS 4142: 2014 and shall apply at the curtilage boundary of residential properties and at the following recreational receptors: on the open access land to the north and east of the site at OS Grid Reference locations 816084 and 819077.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
23.	<p>Evening (19.00 hrs to 22.00 hrs) and night-time (22.00 to 07.00 hrs) noise levels $L_{Aeq\ 1hr}$ from mine construction at the Lady Cross Plantation site, excluding blasting operations, shall not exceed 42 dB $L_{Aeq\ 1hr}$. Noise levels shall be measured in accordance with BS4142: 2014 and the limits apply at the curtilage boundary of residential properties.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
24.	<p>Noise levels (air overpressure) from blasting shall not exceed 115dB (linear peak) as measured at any residential properties. No blasting shall take place outside the period 0700 until 2200 unless agreed in advance in writing by the MPA and it can be demonstrated that there will be no significant adverse noise effect on residents.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1</p>

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25.	<p>Noise levels from either Doves Nest Farm or Lady Cross Plantation, during the operational phase, shall not exceed 42 dB L_{Ar} during the daytime (07.00 to 19.00 hours) and 28 dB L_{Ar} during the evening and night (19.00 to 07.00 hours). In addition, noise from fixed plant and equipment, including fans and winding gear, shall not exceed 25 dB L_{Ar} at any time. Noise levels are to be rated and assessed at the curtilage boundary of residential properties according to BS 4142: 2014.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1 and to ensure that noise levels from mechanical plant are controlled in line with predictions in the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) (Part 2, Table 8.9 and Part 3, Table 8.65) and the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant.</p>
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Vibration

26.	<p>Vibration from construction work on site and during operation (but excluding blasting) shall not exceed 0.3mm/s (PPV) at any residential property at any time.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
27.	<p>Day time (07.00 hrs to 19.00 hrs) ground vibration as a result of underground chamber construction or blasting operations involved in shaft sinking shall not exceed a peak particle velocity of 6 mm/sec in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 10 mm/s as measured at vibration sensitive buildings. Evening (19.00 to 22.00 hrs) ground vibration as a result of underground chamber construction or blasting operations involved in shaft sinking shall not exceed a peak particle velocity of 4.5 mm/sec in 95% of all blasts measured over any period of 6 months and no individual blast shall exceed a peak particle velocity of 6 mm/s as measured at Vibration Sensitive Buildings and Infrastructure.</p> <p>Reason: In the interests of public amenity and to accord with the provisions of NYM Development Policy 1.</p>

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28.	<p>Night time (22:00 hrs to 07.00 hrs) ground vibration from construction/blasting shall not exceed a peak particle velocity of 2 mm/s in 95% of blasts at residential properties and no individual blast shall exceed a peak particle velocity of 3 mm/s as measured at Vibration Sensitive Buildings and Infrastructure.</p> <p>Reason: In the interests of public amenity and to accord with the provisions of NYM Development Policy 1.</p>
29.	<p>Prior to the commencement of any blasting operations associated with shaft sinking or chamber construction, a scheme for the monitoring of blasting vibration within 1 kilometre of the site shall be submitted to the MPA for approval. Blast monitoring shall take place in accordance with the approved scheme and the results forwarded to the MPA on a quarterly basis until the completion of those blasting operations.</p> <p>Reason: In the interests of public amenity and to accord with the provisions of NYM Development Policy 1.</p>
30.	<p>A Blasting and Vibration Management Plan for RAF Fylingdales shall be submitted to the MPA for approval in consultation with the MOD, prior to the commencement of activities with the potential to give rise to significant vibration arising from any underground works. Measures should include:</p> <ul style="list-style-type: none">• Details of the specific actions that will be taken if the level of vibration at RAF Fylingdales due to the permitted development exceeds 0.023 mm/s;• Details of the specific actions that will be taken if the stated vibration criteria are exceeded;• Technical changes to mining methods if the vibration levels in planning conditions are exceeded; and• Communication of information to affected parties. <p>The development shall thereafter be carried out in accordance with the approved Blasting and Vibration Management Plan.</p> <p>Reason: To protect National Defence interests by ensuring that management planning relating to adverse vibration is in place so that corrective action can be implemented without delay to provide for the proper control of blasting impacts and to accord with the provisions of NYM Development Policy 1.</p>

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31.	<p>Vibration monitoring equipment shall be installed, maintained and operated on or adjacent to RAF Fylingdales prior to the commencement of blasting, in accordance with the Blasting and Vibration Management Plan detailed plans of which shall be submitted to and approved by the MPA.</p> <p>Reason: To protect National Defence interests by ensuring that vibration levels are not detrimental to the operational activities at RAF Fylingdales and to accord with the provisions of NYM Development Policy 1.</p>
32.	<p>Ground vibration from construction/blasting shall not exceed a peak particle velocity of 0.025 mm/s in 95% of blasts as measured at RAF Fylingdales unless otherwise agreed in writing with the MPA in consultation and agreement with the MOD.</p> <p>Reason: To protect National Defence interests by ensuring that vibration levels are not detrimental to the operational activities at RAF Fylingdales and to accord with the provisions of NYM Development Policy 1.</p>
33.	<p>A scheme for prior notification of blasting for any of the chamber creations and shaft sinking shall be submitted to the MPA for approval prior to the shaft chamber sinking phase of the development. Such a scheme shall involve the regular provision of a schedule of proposed blasts. The notification shall include the following:</p> <ul style="list-style-type: none">Location of the blast site;Approximate times of blasting; andDetails of any warnings to be given prior to blasting. <p>Blasting operations shall be carried out in accordance with the blasting schedule. Any changes to the schedule arising through exceptional circumstances must be notified in writing with the MPA.</p> <p>Reason: To protect the amenity of adjoining landowners/occupiers of nearby properties, and to accord with the provisions of NYM Development Policy 1.</p>

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Transport

34.	<p>Prior to the commencement of each Phase of Construction a Construction Traffic Management Plan (CTMP), based upon the submitted Framework Construction Traffic Management Plan dated February 2015 shall be submitted to, and approved in writing by the MPA in consultation with the appropriate Highway Authority. The approved Construction Traffic Management Plan shall be adhered to throughout the construction period unless otherwise agreed in writing with the MPA. The CTMP shall provide for:</p> <ul style="list-style-type: none">• The appointment of a CTMP co-ordinator;• Measures to control the number of employees travelling individually to the sites and their mode of travel;• The Traffic Management Liaison Group agreed level of HGV trips to the site;• Measures to identify HGVs associated with the development travelling to the construction sites;• The links to the Traffic Management Liaison Group;• Signing for HGV routes including prohibitive signing;• Accident record monitoring;• Driver training;• A communications plan;• A complaints mechanism ;• An Incident reporting mechanism including near misses; and• A penalty system for breaches of the agreed CTMP. <p>Reason: To minimise the impact of HGV and employee trips and in the interests of highway safety and to accord with the provisions of NYM Development Policy 23.</p>
35.	<p>Prior to the Date of Production an Operational Travel Plan, based upon the submitted Framework Travel Plan dated August 2014, shall be submitted to and approved in writing by the MPA in consultation with the Highway Authority. Once approved it shall be implemented in full and all actions undertaken within the timescales indicated. This shall include the provision of the Park and Ride access to the DNF site and any infrastructure necessary to deliver the Park and Ride service.</p> <p>Reason: To minimise the number of operational phase car based vehicle trips to the Minehead site and in the interests of highway safety and to accord with the provisions of NYM Development Policy 23.</p>

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36.	<p>Prior to the Date of Production an Operational Delivery Management Plan shall be submitted to, and approved in writing by, the MPA in consultation with the appropriate Highway Authority. The approved Operational Delivery Management Plan shall be adhered to unless otherwise agreed in writing with the MPA.</p> <p>Reason: To minimise the impact of HGV trips and in the interests of highway safety and to accord with the provisions of NYM Development Policy 23.</p>
37.	<p>Prior to any off-site highways works requiring a TRO, details of the following Traffic Regulation Orders (TROs) shall have been submitted to and approved in writing by the MPA in consultation with the Highway Authority:</p> <ul style="list-style-type: none">• A “clearway” order along the B1416 in the vicinity of the Doves Nest Farm access and secondary construction access;• Temporary speed limits during construction; and• TROs related to the proposed off site highway works. <p>The approved details shall, at the applicant’s expense, undergo the legal process required. Subject to the successful completion of this legal process the measures will be implemented at the applicant’s cost according to a timetable to be approved in writing by the MPA in consultation with the Highway Authority.</p> <p>Reason: In accordance with policy Development Policy 23 and in the interests of highways safety and the general amenity of the area.</p>
38.	<p>The helicopter pad hereby permitted shall only be used for helicopter trips for emergency purposes or in training for emergencies and for no other use other than as may be agreed in writing with the MPA.</p> <p>Reason: To minimise the number of aircraft trips to and from the Doves Nest Farm site; in the interests of public amenity and to accord with the provisions of NYM Core Policy A.</p>

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39.	<p>Within 6 months of the date of this permission, a programme for the delivery of the off-site highway works shall be submitted to and approved in writing by the MPA in consultation with the Highway Authority. The programme shall have regard to the level of construction employee traffic, HGV deliveries, and base flow traffic movements. It shall include the timing of:-</p> <ul style="list-style-type: none">• Submissions of detailed designs and all construction documentation for the off-site highway works for approval;• The undertaking of the necessary independent Road Safety Audits of the submitted design shall be carried out in accordance with HD19/15 - Road Safety Audit and any superseding regulations;• Formal written approval of the details and all necessary permissions to allow works to commence on site;• The timing of construction of the approved works; and• Temporary traffic movement. <p>The off-site highways works, which shall be delivered in accordance with the approved details amended to address all issues raised by the Road Safety Audits, to the approved programme, shall include:</p> <ul style="list-style-type: none">• Normanby Bends A171: Reinforce/widen the carriageway within the existing adopted highway boundaries to optimise the carriageway available for passing HGVs;• A171 at Lady Cross: A permanent 'ghost island right turn lane' on the A171 the junction of the C82 to Egton;• A171 Whitby south of New Bridge: Provision of parking laybys on Helredale Road, north east side only, between Abbott's Road and St Peters Road to remove potential disruption to the free flow of traffic when additional HGVs pass vehicles currently parked half on half off verges. <p>The undertaking of the Necessary independent Road Safety Audits of the submitted design shall be carried out in accordance with HD19/15 - Road Safety Audit and any superseding regulations.</p> <p>Reason: In the interests of highways safety and to accord with the provisions of NYM Development Policy 23.</p>
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40.	<p>Other than in the event of an emergency and until the completion of the access point at Grid Ref. NE896045 (Haxby Plantation - The welfare access) access to and egress from Doves Nest Farm for all plant and materials delivery vehicles during the construction period shall only be achieved via the improved access at Grid Ref. NE 892054 (Ugglebarnby Moor - Shafts entrance). The original access to Dove Nest Farm shall not be used except to allow access for ecology or archaeology investigations or to carry out maintenance to farm buildings.</p> <p>Reason: In the interests of highway safety and to accord with the provisions of NYM Development Policy 23.</p>
41.	Condition 41 deleted
42.	<p>Prior to the commencement of Preparatory Works at Lady Cross Plantation proposals for construction of the access, parking, manoeuvring and turning areas at this site shall be submitted to and approved in writing by the MPA in consultation with the appropriate Highway Authority. The proposals shall include a programme for construction and shall include for:</p> <ul style="list-style-type: none">• vehicular, cycle, and pedestrian accesses and internal circulation routes;• vehicular and cycle parking;• vehicular turning arrangements;• manoeuvring arrangements;• loading and unloading arrangements;• temporary traffic management; and• downgrading to an occasional use access for HGVs following the Date of Production. <p>The works shall be carried out in accordance with the approved details and once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times until the Date of Production.</p> <p>Reason: In accordance with Development Policy 23 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.</p>

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43.	<p>Prior to the Date of Production, the access for light vehicles, parking, manoeuvring and turning areas at the Lady Cross Plantation site for vehicles associated with maintenance shall have been constructed in accordance with details submitted to and approved in writing by the MPA in consultation with the appropriate Highway Authority. The proposals shall include for:</p> <ul style="list-style-type: none">• Vehicular access for HGVs and light vehicles and internal circulation routes;• Vehicular parking;• Vehicular manoeuvring arrangements;• Loading and unloading arrangements; and• Temporary traffic management as needed. <p>Once created these areas shall be maintained, cleared of any obstruction and retained for their intended purpose at all times.</p> <p>Reason: In accordance with Development Policy 23 and to provide for appropriate on-site vehicle facilities in the interests of highway safety and general amenity of the development.</p>
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Habitats and Ecology

44.	<p>At all times during the construction and operation of the mine regard shall be had to the Habitats Regulations Assessment (HRA) prepared by Amec Foster Wheeler dated June 2015, with document reference 35190CGos064R; and as updated by the HRA prepared by Royal HaskoningDHV dated November 2017 with document reference 40-RHD-WS-83-WM-RP-0001 REV4; the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) and the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant, undertaken in respect of the development. The design and mitigation measures to avoid potential adverse effects to the North York Moors Special Protection Area and Special Area of Conservation included in those documents that accompanied the planning application shall be followed at all times.</p> <p>Reason: To avoid adverse effects on habitats protected under European legislation and species that use them in accordance with NYM Core Policy C and the first statutory purpose of the National Park.</p>
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45.	<p>Prior to commencement of shaft sinking or chamber formation beneath ground at the Doves Nest Farm site and in accordance with the details in the document "York Potash Project: Habitats Regulations Assessment" prepared by Amec Foster Wheeler dated June 2015 with document reference 35190CGos064R, and as updated by the HRA prepared by Royal HaskoningDHV dated November 2017 with document reference 40-RHD-WS-83-WM-RP-0001 REV4, a programme for the implementation of the following shall be submitted to and agreed in writing with the MPA:</p> <ul style="list-style-type: none">a. A recharge trench to promote re-infiltration of surface runoff to recharge the Moor Grit aquifer up hydraulic gradient of the source area to Moorside Farm Spring;b. Provision of groundwater drainage areas beneath bunds E and F to collect spring water issues from the Scarborough and Cloughton Formations for discharge via the mine site surface water drainage system. <p>The approved measures shall be brought into operation and maintained to the satisfaction of the MPA in accordance with the approved details.</p> <p>Reason: To ensure that adverse effects on the groundwater levels within North York Moors SAC/SPA, and in particular Ugglebarnby Moor, are avoided so as to protect the hydrological conditions and related moorland habitats and to accord with the provisions of the Habitat Regulations Assessment and Development Plan Policy 1.</p>
46.	<p>Prior to the commencement of each Phase of Construction at the Doves Nest Farm site, a Revised Hydro-geological Risk Assessment based on the most up to date monitoring data shall be undertaken in accordance with the details in the document "York Potash Project: Habitats Regulations Assessment" prepared by Amec Foster Wheeler dated June 2015, with document reference 35190CGos064R and as updated by the HRA prepared by Royal HaskoningDHV dated November 2017 with document reference 40-RHD-WS-83-WM-RP-0001 REV4; and submitted for approval in writing by the MPA in consultation with Natural England and the Environment Agency.</p> <p>Following the approval in writing by the MPA of the Revised Hydro-geological Risk Assessment, but prior to the commencement of each Phase of Construction at the Doves Nest Farm site, a Construction and Operation Phase Ground and Surface Water Monitoring Scheme shall be submitted to and approved in writing by the MPA in consultation with the Environment Agency and Natural England. The scheme shall include, but is not limited to:</p>

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	<ul style="list-style-type: none">• Details of the number, type and location of monitoring points;• A protocol for the removal and replacement of any existing boreholes;• Details of the frequency of monitoring during construction and operation;• A list of the ground and surface water determinants to be tested for;• Monitoring of groundwater levels and spring flows;• Monitoring of the effectiveness of groundwater recharge measures for the purposes of maintaining groundwater levels within the Moor Grit aquifer;• Monitoring of surface water quality including sediment, BOD, ammonia, pH;• Geomorphology in Sneaton Thorpe Beck;• A list of the SAC/SSSI habitat measures to be tested for;• Groundwater quality and level triggers;• Surface water quality triggers;• Surface water geomorphology triggers;• SAC/SSSI habitat triggers;• Monitoring of groundwater quality against ground water triggers;• A scheme for periodic review and refinement of the monitoring regime to take account of any approved changes to site layout/design, construction methods and monitoring data;• A protocol for notifying the MPA of any breach of the trigger levels, including the timing of any such notification; and• Details of the method and frequency with which monitoring results will be shared with the MPA, Natural England and the Environment Agency. <p>The approved Construction and Operation Phase Ground and Surface Water Monitoring Scheme for the mine shall thereafter be implemented in full, with monitoring continuing in accordance with the approved scheme until such time that it is agreed in writing by the MPA in consultation with Natural England and the Environment Agency that monitoring may cease.</p>
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Prior to the Commencement of each Phase of Construction at Doves Nest Farm a Remedial Action Plan, setting out the remedial actions to be taken in the event that any monitoring triggers of the approved Construction and Operation Phase Ground and Surface Water Monitoring Scheme are exceeded, shall be submitted to and approved in writing by the MPA in consultation with the Environment Agency.

Should any monitoring results exceed those triggers set out in the approved Construction and Operation Phase Ground and Surface Water Monitoring Scheme, the MPA, the Environment Agency and Natural England shall be informed as soon as possible, and the approved Remedial Action Plan shall thereafter be implemented as soon as possible and within one month of the relevant monitoring trigger having been exceeded. Following remedial action, monitoring in accordance with the Construction and Operation Phase Ground and Surface Water Monitoring Scheme will be undertaken in accordance with a timescale to be submitted to and approved by the MPA in consultation with the Environment Agency, the results of which shall be reported to the MPA within four weeks of the monitoring date.

Reason:

To ensure that any monitoring, undertaken since the submission of the planning application, fully informs the production of the Construction and Operation Phase Ground and Surface Water Monitoring Scheme and to accord with the provisions of Development Plan Policy 1; residual impacts on groundwater, surface water or SAC/SSSI habitats are detected; and, to protect groundwater base-flow, nearby springs and flushes, any watercourses they feed, local abstractions and water-dependent natural habitats.

To ensure that any above-trigger adverse impacts on groundwater, surface water or SAC/SSSI habitats are detected, remedied and monitored so as to protect groundwater base-flow, nearby springs and flushes any watercourses they feed, local abstractions and water-dependant natural habitats.

To enable the early detection of actual or likely effects in order to avoid adverse effects on habitats protected under European legislation and species that use them in accordance with NYM Core Policy C and the first statutory purpose of the National Park.

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47.	<p>Following the approval of the Revised Hydro-Geological Risk Assessment but prior to the commencement of each Phase of Construction and Prior to the Commencement of Operation at Doves Nest Farm, a Groundwater Management Scheme (covering construction, operation and post-operation phases as relevant), shall be submitted to and approved in writing by the MPA in consultation with the Environment Agency. The Scheme shall include technical drawings detailing the conceptualised hydrogeology together with the final detailed designs of the proposed mitigation measures, including the groundwater recharge trench to be constructed for the purposes of maintaining groundwater levels within the Moor Grit aquifer, as outlined in the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015); the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant; and in accordance with the details in the document York Potash Project: Habitats Regulations Assessment prepared by Amec Foster Wheeler dated June 2015 with document reference 35190CGos064R, as updated by the HRA prepared by Royal HaskoningDHV dated November 2017 with document reference 40-RHD-WS-83-WM-RP-0001 REV4. Such details shall also include the final design details of the lining systems for the proposed shafts. Development shall thereafter proceed only in strict accordance with the approved Scheme and a timetable to be included within it.</p> <p>Reason: To ensure that any monitoring, undertaken since the submission of the planning application, fully informs the production of the Groundwater Management Scheme and to accord with the provisions of Development Plan Policy 1; to protect the resource and quality of groundwater base-flow, nearby springs, flushes, any watercourses they feed, local abstractions and any groundwater-dependant/supported SAC/SSSI habitats; and, to ensure that any necessary groundwater management measures remain operational even after the mine has ceased operating and surface infrastructure has been removed.</p> <p>To ensure that adverse effects on the groundwater levels within North York Moors SAC/SPA, and in particular Ugglebarnby Moor, are avoided so as to protect the hydrological conditions and related moorland habitats; to minimise the seismic risk of fault reactivation within the aquifer; and to accord with the provisions of the Habitat Regulations Assessment and Development Plan Policy 1</p>
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48.	<p>In accordance with the details in the document "York Potash Project: Habitats Regulations Assessment" prepared by Amec Foster Wheeler dated June 2015 with document reference 35190CGos064R and as updated by the HRA prepared by Royal HaskoningDHV dated November 2017 with document reference 40-RHD-WS-83-WM-RP-0001 REV4; dust from polyhalite brought to the surface at the Doves Nest Farm site shall be controlled such that it does not have adverse effects on the special features of the North York Moors Special Area of Conservation. No more than 3,300 tonnes of polyhalite shall be stored on site at any time and storage must be within a three sided concrete bunker within which the height of the stockpile should not exceed the height of the walls. Polyhalite shall be removed from the site as quickly as possible in accordance with dust suppression requirements which shall include that all vehicles transporting polyhalite within and outside the site shall have their loads covered or sheeted and that measures shall be put in place to:</p> <ul style="list-style-type: none">a. avoid open air handling of polyhalite during periods when weather is dry and windy; andb. dampen polyhalite when necessary to reduce dust emissions. <p>Reason: To avoid adverse effects on habitats protected under European legislation and species that use them in accordance with NYM Core Policy C and the first statutory purpose of the National Park.</p>
49.	<p>In accordance with the details in the document "York Potash Project: Habitats Regulations Assessment" prepared by Amec Foster Wheeler dated June 2015 with document reference 35190CGos064R and as updated by the HRA prepared by Royal HaskoningDHV dated November 2017 with document reference 40-RHD-WS-83-WM-RP-0001 REV4; dust control shall be undertaken during the construction of the mine at the Doves Nest Farm site to prevent adverse impacts on vegetation within the North York Moors Special Area of Conservation and measures shall be put in place to:</p> <ul style="list-style-type: none">a. Avoid open air handling of dust emitting material during periods when weather is dry and windy;b. Use rubble chutes to minimise dust generation; andc. Dampen material when necessary to reduce dust emissions. <p>Reason: To avoid adverse effects on habitats protected under European legislation and species that use them. To enable the early detection of actual or likely effects. To accord with NYM Core Policy C and the first statutory purpose of the National Park.</p>

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50.	<p>In accordance with the details in the document "York Potash Project: Habitats Regulations Assessment" prepared by Amec Foster Wheeler dated June 2015 with document reference 35190CGos064R and the HRA prepared by Royal HaskoningDHV dated November 2017 with document reference 40-RHD-WS-83-WM-RP-0001 REV4; diesel generators installed at the Doves Nest Farm site during the construction period:</p> <ul style="list-style-type: none">a. Shall be fitted with Selective Catalytic Reduction (SCR) abatement technology on their exhausts which shall be shown by the suppliers to achieve a reduction in oxides of nitrogen within the generator exhausts of at least 88% when compared to what would be expected without SCR; andb. Shall at all times demonstrably be operated and maintained in a way to ensure a reduction in oxides of nitrogen within the generator exhausts of at least 88% when compared to what would be expected without SCR. <p>Reason: To avoid adverse effects on habitats protected under European legislation and species that use them. To enable the early detection of actual or likely effects. To accord with NYM Core Policy C and the first statutory purpose of the National Park.</p>
51.	<p>At all times in the construction and operation of the mine regard shall be had to the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) and the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant and the Design and Access statements including their appendices relating to the Doves Nest Farm and Lady Cross Plantation sites. The design and mitigation measures included in these documents that accompanied the planning application to avoid potential adverse effects to Sites of Special Scientific Interest and Protected Species and Habitats shall be followed at all times.</p> <p>Reason: To avoid adverse effects on SSSI interests. To accord with NYM Core Policy C and the first statutory purpose of the National Park.</p>

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Explanatory Conditions (Continued)

52.	<p>Protected Species Management Plans (PSMPs) shall be submitted to the MPA prior to the commencement of each Phase of Construction which shall not commence until the PSMPs have been agreed in writing by the MPA. The agreed details shall subsequently be followed unless modifications are agreed in writing by the MPA. The PSMPs may establish a programme of submissions to the MPA such that details are approved prior to works affecting different species and areas of the sites, shall concern protected species affected directly by works at the Doves Nest Far and Lady Cross Plantation sites, shall detail minimum requirements for mitigating or compensating for effects on protected species, shall require all licences that may be required in respect of effects on or re-location of protected species and their habitat to be obtained and complied with, and shall include but not be limited to consideration of the following species:</p> <ul style="list-style-type: none"> a. Bats (all species) b. Badger c. Adder d. Common lizard in particular at the western side of the Lady Cross Plantation e. Other protected reptiles f. Water vole g. Common Crossbill h. Goshawk <p>Reason: To ensure protected species are identified and dealt with according to the law. To accord with NYM Core Policy C and the first statutory purpose of the National Park.</p>
53.	Condition deleted
54.	Condition deleted
55.	<p>Breeding birds surveys of the wooded heath north of Lady Cross Plantation to identify the extent of its use as breeding habitat by nightjar must be undertaken and completed prior to the Commencement of Development at the Lady Cross Plantation site. Before the results of these surveys are known, noise emitted within the breeding season 15 May to 30 September inclusive must be controlled to levels that would not disturb nightjar breeding on the wooded heath north of Lady Cross Plantation. Should the surveys indicate the presence of nightjar breeding on wooded heath north of Lady Cross Plantation, mitigation measures must be agreed with the MPA and be implemented before noise at levels likely to disturb nightjar during the breeding season 15 May to 30 September inclusive is emitted from development at the Lady Cross Plantation site. The survey methodology shall be agreed with the MPA in advance of the surveys being undertaken.</p> <p>Reason: To avoid adverse effects on a bird protected under Annex 1 of European Parliament and Council Directive 2009/147/EC on the Conservation of Wild Birds and in accordance with NYM Core Policy C and the first statutory purpose of the National Park.</p>

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56.	<p>Schemes shall be put in place to avoid damage to species rich grassland in roadside verges in the vicinity of Doves Nest Farm and Lady Cross Plantation and Preparatory Works shall not be allowed to commence until these schemes have been established and agreed in writing by the MPA. The schemes shall cover the construction periods and shall identify precisely the species rich grassland roadside verge areas covered by the schemes and the means by which damage shall be avoided, and shall include provision for monitoring by the MPA and appropriate mitigation of any damage that does occur.</p> <p>Reason: To minimise harm to valuable natural capital in accordance with NYM Core Policy C and the first statutory purpose of the National Park.</p>
57.	<p>Prior to the commencement of each Phase of Construction, at either Doves Nest Farm or Lady Cross Plantation, Landscape and Ecological Management Plans for each site should be submitted to the MPA and approved in writing by the MPA and works should subsequently be undertaken in accordance with them. These plans should relate to land within the two development sites. The plans should set out the means by which the sites will be managed for landscape, ecology and biodiversity throughout the construction and operational phases of the mine. Construction and operational phases shall be dealt with in separate parts of the plans. The plans should cover the matters referred to in the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) and the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant, and the Design and Access Statements including their Appendices and indicate how the designs and mitigation set out in those documents shall be achieved. At the Doves Nest Farm site objectives should include establishment of heathland communities on restored spoil mounds. The details at both sites shall include Arboricultural Method Statements and Tree Protection Plans. The Landscape and Ecological Management Plans shall include provision for reporting to the MPA and set out the process by which remedial measures that the MPA may require should the plans not be fulfilling their objectives are undertaken. The operational phases of the Landscape and Ecological Management Plans shall include long term management proposals throughout the operational life of the mine which will be reviewed on a regular basis, at least every two years.</p> <p>Reason: To ensure management of ecology and biodiversity at the DNF and LCP sites through the construction and operation phases in accordance with NYM Core Policy C and the first statutory purpose of the National Park.</p>

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Explanatory Conditions (Continued)

58.	<p>Any plants forming part of the landscape and restoration proposals following completion of the construction phases which die within ten years of completion of construction shall be replanted like for like.</p> <p>Reason: To ensure management of ecology and biodiversity at the DNF and LCP sites through the construction and operation phases in accordance with NYM Core Policy C and the first statutory purpose of the National Park.</p>
59.	<p>External lighting of the Doves Nest site and the Lady Cross Plantation site shall not be used until the MPA has given written approval of the designs and proposed lighting arrangements which shall demonstrate how potential adverse effects of external lighting on protected species have been identified and addressed. Operation of external lighting shall be in accordance with the approved designs and arrangements.</p> <p>Reason: To ensure management of ecology and biodiversity at the DNF and LCP sites through the construction and operation capital in accordance with NYM Core Policy C and the first statutory purpose of the National Park.</p>
60.	<p>Surface water management at the Doves Nest Farm site during construction shall incorporate measures to slow water flow such that sediment settles out prior to surface water draining from the site into the Sneaton Thorpe Beck. Prior to the commencement of each Phase of Construction the design of the surface water management system at Doves Nest Farm shall be submitted to and agreed in writing by the MPA to ensure it incorporates measures that may be required to prevent sediment entering the Sneaton Thorpe Beck causing harm to the brown trout population present there.</p> <p>Surface water management at the Ladycross Plantation site during construction shall incorporate measures to slow water flow such that sediment settles out prior to surface water draining from the site into tributaries of the River Esk. Prior to the commencement of Preparatory Works the design of the surface water management system at Doves Nest Farm shall be submitted to and agreed in writing by the MPA to ensure it incorporates measures that may be required to prevent sediment entering these tributaries causing harm to the Freshwater Pearl Mussel, Salmon, Brown and Sea Trout populations present in the River Esk.</p> <p>Reason: Brown trout is a UK BAP Priority Species and is present in the Sneaton Thorpe Beck. To accord with NYM Development Policy 1. Freshwater Pearl Mussels are fully protected under Schedule 5 of the Wildlife & Countryside Act and listed in Annex II of the Habitats Directive. Atlantic salmon are listed on Appendix III of the Bern Convention and Annex II and V of the EC Habitats & Species Directive. The multi-sea-winter component of the Atlantic salmon population is included in the UK Biodiversity Action Plan Priority Species List. Brown and sea trout are on the UK Biodiversity Action Plan Priority Species List.</p>

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Lighting and Boundary Treatment

61.	<p>Following the Date of Production, other than within the materials lay down area behind the welfare/office block shown on the approved layout plan (drawing 653-AP-0006 rev 3), no storage of materials, machinery, mobile plant, vehicles other than cars, waste or other items shall take place outside the buildings on the Doves Nest Farm or Lady Cross Plantation sites without the prior written agreement of the MPA.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
62.	<p>Notwithstanding the submitted lighting details reference: York Potash Proposed Mine Head Site, Basis of Design – External Lighting (REP-P2_EL-002, June 2017) and MTS Intermediate Sites, Basis of Design – External Lighting (REP-P2-EL-003, July 2014) details of lighting column positions shall be submitted to and agreed by the MPA . Such details shall demonstrate how glare is minimised and demonstrate how potential adverse effects on protected species have been identified and addressed.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
63.	<p>External lighting for use during the operational period of the mine shall be installed and operated in accordance with the approved details until restoration operations take place.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
64.	<p>Prior to the commencement of each Phase of construction requiring temporary fencing, full details of the proposed temporary boundary treatment to the Dove's Nest Farm site, including any walls or security fences and the timetable to implement them, shall be submitted to and approved in writing by the MPA. The temporary site boundary works shall then be implemented in accordance with the approved details and maintained for the period of construction.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>

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Explanatory Conditions (Continued)

65.	<p>Prior to the commencement of each Phase of Construction, full details of the proposed temporary boundary treatment to the Lady Cross Plantation, including any walls or security fences and the timetable to implement them, shall be submitted to and approved in writing by the MPA. The temporary site boundary works shall then be implemented in accordance with the approved details and maintained for the period of construction.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
66.	<p>Notwithstanding the details of the boundary treatment submitted under condition 64, the details of the environmental/acoustic fencing at DNF to contain the welfare facility entrance road shall be submitted to the MPA for approval. The approved details shall be implemented in accordance with the approved plans prior to operation of the facility and satisfactorily maintained thereafter.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>

Design, landscaping, and site restoration

67.	<p>All facilities for the storage of oils and fuels shall be placed on impervious bases with impervious bunds placed around them and with all vents, filling points and hoses contained within the bunds. All tanks are to be double-skinned and the bunded areas shall have a capacity of 110% of the cumulative capacity of the tanks. The bunded areas shall be kept free of precipitation which, if removed, shall be disposed of to a licensed facility.</p> <p>Reason: For the protection of the water environment and to accord with the provisions of NYM Development Policy 1.</p>
68.	<p>Final details of all temporary structures, including samples of materials proposed including colour shall be submitted to and approved by the MPA prior to their construction. The temporary structures as approved shall be implemented in complete accordance with the details agreed.</p> <p>For the avoidance of doubt this also includes colours of the generator stacks.</p> <p>Reason: In the interests of visual amenity and in accordance with DYM Development Policy 3.</p>

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Explanatory Conditions (Continued)

69.	<p>The maximum height of the temporary winding tower at Dove's Nest Farm and Lady Cross Plantation shall not exceed 245.07m AOD.</p> <p>Reason: In the interests of visual amenity and in accordance with DYM Development Policy 3.</p>
70.	<p>Prior to the commencement of each Phase of Construction at Doves Nest Farm or Lady Cross a scheme shall be submitted to and approved by the MPA showing any existing trees, hedges and other vegetation to be retained, together with any measures for the protection and management/ reinforcement of these areas and also indicating trees, hedges and other vegetation to be removed. This shall include Arboricultural method statement and tree protection plans. These measures shall be implemented before site Preparatory Works occur and retained during construction period.</p> <p>Reason: To control the effects on habitats and vegetation and in accordance with NYM Development Policy 1.</p>
71.	<p>Within 6 months of development commencing the details of, and a timetable for, the implementation of both the hard and soft landscaping works shall be submitted to and approved by the MPA in accordance with the details approved under condition 57. The details shall include the advanced planting and final planting, specifying cultivations, plant species, sizes, planting densities and measures for protection for any new areas of planting. The approved details shall be carried out no later than the first planting season following the completion of each construction phase or in accordance with the programme agreed with the MPA.</p> <p>The approved landscape scheme shall be maintained for the life of the mine or unless otherwise agreed by the MPA.</p> <p>Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed or die or become severely damaged or diseased within 10 years of planting shall be replaced to the satisfaction of the MPA within the next planting season.</p> <p>Reason: To control the effects on habitats and vegetation and in accordance with NYM Development Policy 1.</p>

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Explanatory Conditions (Continued)

72.	<p>Tree protection measures identified on submitted plans relating to highway works (A171/B1416 right turn DWGref 2556.473.AIA.WhitbyYPL and at Lady Cross Plantation A171 right turn DWGref 2556.474.AIA Whitby.YPL) shall be implemented and maintained to the satisfaction of the MPA unless otherwise agreed in writing.</p> <p>Reason: To control the effects on habitats and vegetation and in accordance with NYM Development Policy 1.</p>
73.	<p>Prior to the commencement of each Phase of Construction at DNF a scheme to maintain and manage the Haxby and Belt Plantations with the exception of areas agreed for removal as part of the approved works as shown on plan 2309.MH02 rev 04 shall be submitted to and approved by the MPA.</p> <p>The details shall include the phased felling and replanting for long term management of the Plantations.</p> <p>The scheme shall be implemented in accordance with the approved details and thereafter maintained for the life of the development.</p> <p>Reason: To control the effects on habitats and vegetation and in accordance with NYM Development Policy 1.</p>
74.	<p>Prior to the commencement of construction of the Permanent Above Ground Structures at either Doves Nest Farm or Lady Cross Plantation, the Operator shall submit to the MPA details of the external treatment of the structures, including samples, for approval in respect of the area concerned. The approved Permanent Above Ground Structures shall be constructed in accordance with the approved details and shall be maintained satisfactorily for the life of the mine, unless otherwise agreed in writing by the MPA.</p> <p>Reason: To ensure that appropriate design standards are maintained and to accord with the provisions of NYM Development Policy 1 and 3.</p>
75.	<p>The Welfare Facilities Building at DNF shall achieve BREEAM rating of 'very good'. Pre-assessment and post completion certificates for the building shall be submitted to the MPA to confirm this rating. The pre-assessment certificate shall be submitted prior to the Commencement of Development. The post completion certificate shall be submitted prior to the Welfare Facilities Building being brought into use.</p> <p>Reason: To comply with NYM Core Policy D and Development Policy 1.</p>

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76.	<p>Prior to the commencement of each Phase of Construction, an updated soil management plan shall be submitted to the MPA for approval. This shall set out any circumstances during which soil handling is to be avoided and shall include the following measures:</p> <ul style="list-style-type: none">• Soil shall be moved when it is in a dry and friable condition as defined in Chapter 16 of the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) and the Supplementary Environmental Statement dated July 2017 (updated by further information dated October and November 2017) as relevant and shall not be moved between 1 October and 31 March unless agreed in writing by the MPA;• All topsoil and subsoil stripped from the surface area of the development shall be retained on site;• No plant or vehicles shall cross any area of un-stripped topsoil except if essential and unavoidable for the purposes of permitted operation;.• No part of the site shall be used for a road or for the stationing of plant or buildings until all available topsoil and subsoil have been stripped from that part;• Soil handling will be in accordance with the 'Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (DEFRA 2009)' and appropriate steps shall be taken to prevent the spread of soil-borne or animal diseases. <p>Any soil or spoil storage mounds that are to be in place for a period of more than 3 months are to be grass hydroseeded within 4 weeks of substantial completion with seed mix agreed by MPA. At all times during the construction period the approved updated soil management plan shall be adhered to.</p> <p>Reason: To protect and ensure that there is sufficient soil resource for restoration operations and to accord with the provisions of NYM Development Policy 3.</p>
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77.	<p>A scheme of restoration following decommissioning shall be submitted to the MPA, for approval by the earlier of:</p> <ul style="list-style-type: none">• 3 months from the end of a continuous period of twelve months throughout which the winning and working of mineral has ceased; or• two years before the expiry of this planning permission. <p>The restoration scheme may be modified only with the written approval of the MPA and shall include, but need not be restricted to;</p> <ul style="list-style-type: none">• The removal of buildings;• Removal of plant, equipment and above ground concrete structures;• Treatment/capping of mine shafts;• Creation of final landform;• Soil replacement;• Cultivation, seeding and planting measures; and• Removal of roads• Closure of unnecessary accesses to the highway and removal of the ghost island right turn lane at Haxby plantation;• An Aftercare Scheme outlining the steps to be taken in bringing the land to the required standard for use in agriculture including an outline strategy for a five year Aftercare period including annual review meetings with the MPA in accordance with Paragraphs 057 and 058 of Minerals Planning Practice Guidance (March 2014) (Reference ID: 27 – 057 – 20140306 and 27 – 058 – 20140306). <p>and shall prescribe timescales within which restoration will occur.</p> <p>The restoration scheme shall be implemented as approved.</p> <p>Reason: To ensure the restoration of the site following decommissioning and in to accord with NYM Core Policy C and Development Policy 1</p>
78.	<p>There shall be no importation of any controlled wastes to the mine.</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Core Policy A.</p>

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Water Environment

79.	<p>Prior to the commencement of each Phase of Construction at Doves Nest Farm, a detailed Surface Water Drainage Scheme for that Phase of Construction, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the MPA. The drainage strategy must demonstrate that surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include:</p> <ul style="list-style-type: none">• Confirmation that the surface water drainage system is to be built first so that it is available to provide the drainage for the construction phase as well as the completed mine head, and is to be in accordance with "Part 2 Chapter 15 Appendix 15.6 Mine Head Drainage Design Parameters". Details of the surface water drainage system will include a plan for silt management and reduction during the construction phase;• In order to construct the settlement facility/facilities some site preparation works have to be undertaken before the settlement facility/facilities are operational - details of temporary silt reduction and management measures shall be included;• Surface water discharge rates from the impermeable areas of the site are to be limited to greenfield Qbar flows as calculated in Section 4 of the submitted Baseline Surface Hydrology Report (an overall maximum surface water discharge of 119 litres per second distributed over three watercourses);• Sufficient attenuation storage for up to and including the 1 in 100 storm event plus a 30% allowance for climate change, and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into a watercourse;• Details of the design of the attenuation storage basins;• Details of the outfalls to watercourse(s), including the provision of a penstock, erosion protection measures and measures to ensure velocities are limited to no more than 0.3m per second unless otherwise agreed by the MPA in consultation with the Environment Agency;
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Explanatory Conditions 79 (Continued)

- Details of how the whole surface water drainage system will be designed so as to maximise its biodiversity benefits;
- Drainage from the landscaped areas is to drain into the proposed swales, upstream of a check dam where required to reduce velocities;
- Details of the proposed rainwater harvesting system;
- The provision of permeable surfacing on areas where it can be demonstrated that the risk of pollution is low;
- Details of how clean roof water shall be discharged to ground;
- Details of how the entire surface water drainage system will be maintained and managed throughout the lifetime of the development, including the construction phase. This must include details of maintenance to deal with any siltation of the attenuation storage basins and any resultant loss of capacity; and
- A timetable for the implementation of the Surface Water Drainage Scheme, including during the construction phase. This is to include details regarding the phasing of the construction works demonstrating that the storage available during construction is maximised (i.e. that the period of time that only the minimum 1 in 20 standard of protection is kept to the shortest possible).

Development shall thereafter proceed only in strict accordance with the approved Surface Water Drainage Scheme and the timetable included within it. Once implemented, the Surface Water Drainage Scheme shall be retained and maintained throughout the lifetime of the development such that it continues to function in the manner intended and so as to ensure identified limits are not breached.

Reason:

To ensure a satisfactory means of surface water drainage; reduce the risk of flooding; and, avoid increases in erosion of any affected watercourses and to accord with NYM Development Policy 1.

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Explanatory Conditions (Continued)

80.	<p>No development shall take place at Lady Cross Plantation until a Surface Water Drainage Scheme based on sustainable drainage principles (described in Section 6 and outlined in Appendix A of the FRA) and an assessment of the hydrological and hydro-geological context of the development has been submitted to and approved in writing by the MPA. The Scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The Scheme shall include:</p> <ul style="list-style-type: none">• Confirmation that the drainage scheme is to be built first to help minimise run-off from bare ground and to reduce any possible siltation of watercourses. It must also be in accordance with "Part 3, Chapter 15, Appendix 15.10 of the MTS Surface Water Drainage, Basis of Concept Design". Details of the surface water drainage system shall include a plan for silt management and reduction during the construction phase;• Surface water discharge rates from the impermeable areas of the site shall be limited to greenfield Qbar flows, as calculated in Section 6 of the submitted Baseline Hydrological Assessment;• During the Construction phase flows shall be attenuated up to and including the 1 in 20 event;• Drainage from the landscaped areas shall drain into the proposed swales, upstream of a check dam, where required, to reduce velocities;• During the Operational phase, the SuDS attenuation features will remain the same size as during the construction phase. Due to the decrease in impermeable area, these features shall attenuate flows up to and including the 1 in 100 event plus climate change event. Flow rates will still be restricted to greenfield Qbar flows during this time;• Details of biodiversity enhancement measures within the surface water management arrangements;• Details of how the surface water drainage system will be maintained and managed throughout the lifetime of the development, including the construction phase. This shall include details of maintenance to deal with any siltation of the attenuation storage basins and any resultant loss of capacity; and
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Explanatory Conditions 80 (Continued)

	<ul style="list-style-type: none"> • A timetable for the implementation of the Surface Water Drainage Scheme, including during the construction phase. This shall include details regarding the phasing of the construction works, demonstrating that the storage available during construction is maximised (i.e. that the period of time that only the minimum 1 in 20 standard of protection is kept to the shortest possible). <p>Development shall thereafter proceed only in strict accordance with the approved Surface Water Drainage Scheme and the timetable included within it. Once implemented, the Surface Water Drainage Scheme shall be retained and maintained throughout the lifetime of the development, such that it continues to function in the manner intended and so as to ensure identified limits are not breached.</p> <p>Reason: To ensure a satisfactory means of surface water drainage and to reduce the risk of flooding and to accord with NYM Development Policy 1.</p>
81.	<p>Prior to the commencement of the chamber construction work at either DNF or LCP, a Wastewater Management Scheme for the construction phase shall be submitted to and approved in writing by the MPA. The scheme shall accord with the supporting document 'Integrated Water and Wastewater Management Strategy (REP-P2-WSD-003, Rev5, 30 January 2015) and shall include:</p> <ul style="list-style-type: none"> • Full details of the non-domestic waste water treatment area and settlement tanks; • A plan showing the location of the non-domestic waste water treatment area and settlement tanks; • Detailed estimates of the amount of non-domestic waste water to be treated and estimates of the quantities predicted to be reused within the site or used for re-injection into the sandstone aquifer; • Details of how the non-domestic waste water treatment facility will be managed to ensure it functions effectively throughout the lifetime of the mine, including variations in flows over the construction period; • Details of the ongoing maintenance of the non-domestic waste water infrastructure;

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Explanatory Conditions 81 (Continued)

- Details of monitoring arrangements of the quality of the wastewater to be re-used within the site or re-injected into the sandstone aquifer, and related qualitative triggers;
- No discharges of treated domestic or non-domestic waste water to Sneaton Thorpe Beck;
- Domestic foul sewage and wheel-wash waste water to be tankered off-site for treatment at a licensed sewage treatment facility; and
- A timetable for the implementation of the Waste Water Management Scheme.

Prior to the commencement of the Welfare Building at DNF and LCP, a Foul Drainage Scheme for the operational phase shall be submitted to and approved in writing by the MPA. The scheme shall accord with the supporting document 'Integrated Water and Wastewater Management Strategy (REP-P2-WSD-003, Rev5, 30 January 2015) and shall include:-

- Full details of the package treatment plant to be provided, including the make, model and size;
- A plan showing the proposed location of the package treatment plant and any pre- or post-treatment balancing;
- Full details of the proposed discharge via the pumped MTS wastewater discharge provision to the Wilton site;
- Details of how the foul drainage infrastructure will be managed to ensure it functions effectively throughout the lifetime of the mine, including variations in flows resulting from the initial creation and growth of the mine, and from the ongoing pattern of shift work;
- Details of the ongoing maintenance of the foul drainage infrastructure in accordance with the British Water Code of Practice for Maintenance of Small Waste Water Treatment Systems;
- No discharges of treated foul effluent to Sneaton Thorpe Beck; and
- A timetable for the implementation of the Foul Drainage Scheme.

Development shall thereafter proceed only in strict accordance with the approved Foul Drainage Scheme and the Wastewater Management Scheme and the timetables included within them. The systems shall thereafter be managed and maintained in accordance with the approved Foul Drainage Scheme throughout the operational lifetime of the development, and with the Wastewater Management Scheme throughout the construction phase of the development.

Reason:

To ensure a satisfactory means of foul and wastewater management and disposal during the construction and operational phases of the development, to safeguard the ecology of Sneaton Thorpe Beck and to accord with NYM Development Policy 1

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Explanatory Conditions (Continued)

<p>82.</p>	<p>Surface water draining from areas of permanent hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, pond or soakaway. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the commencement of each phase of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle washdowns and detergents shall not be passed through the interceptor before passage to the approved SUDS scheme (Condition 53 refers).</p> <p>Reason: To reduce the risk of pollution to the water environment and to accord with the provisions of NYM Development Policy 2.</p>
<p>83.</p>	<p>All downpipes carrying rain water from areas of roof shall be sealed at ground-level on completion of individual buildings. The sealed construction shall thereafter be retained throughout the lifetime of the development.</p> <p>Reason: To prevent the contamination of clean surface water run-off and to accord with the provisions of NYM Development Policy 2.</p>
<p>84.</p>	<p>Inspection manholes shall be provided on all foul and surface water drainage runs such that discharges can be inspected/sampled if necessary. All manhole covers shall be marked to enable easy recognition. Foul will be marked in red. Surface water will be marked in blue. Direction of flow will also be denoted. Where more than one discharge point is proposed, manholes will also be numbered accordingly to correspond with their respective discharge point.</p> <p>Reason: To allow pollution incidents to be more readily traced and to accord with the provisions of NYM Development Policy 2.</p>
<p>85.</p>	<p>Unless otherwise approved in writing by the MPA there shall be no obstructions located over or within 3 metres of the centre line of the public water main across the northern boundary of the DNF site.</p> <p>Reason: In order to allow sufficient access for maintenance and repair of public infrastructure and to accord with the provisions of NYM Development Policy 1.</p>
<p>86.</p>	<p>There shall be no importation of clay to the LCP site or DNF site unless otherwise agreed in writing by the Mineral Planning Authority.</p> <p>Reason: In order to protect the surface water environment from pollution and to accord with the provisions of Development Policy 1.</p>

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Explanatory Conditions (Continued)

87.	<p>Prior to the commencement of each Phase of Construction in connection with either the mine shafts or MTS shaft, at Doves Nest Farm, a programme for the deep reinjection borehole to discharge water to the Sherwood sandstone aquifer shall be submitted to and agreed in writing with the MPA. The formation pressures resulting from reinjection at the groundwater borehole shall not exceed 450 psi above the initial formation pressure.</p> <p>Reason: To minimise the seismic risk of fault reactivation within the aquifer; and to accord with the provisions of Development Plan Policy 1 and findings of the Amec Foster Wheeler drafted Technical note: Review of RHDHV Assessment of Potential for Fault Activation due to Proposed Water Reinjection at Dove's Nest Farm Mine Site, dated August 2015, Doc Ref: 35190c072</p>
88.	<p>Prior to Commencement of Development for the MTS at Lady Cross Plantation and informed by the most up-to-date monitoring, a Revised Hydro-geological Risk Assessment shall be submitted to and approved in writing by the MPA in consultation with the Environment Agency.</p> <p>Following approval of the Revised Hydro-geological Risk Assessment, but prior to the Commencement of Development, a Construction and Operation Phase Ground and Surface Water Monitoring Scheme shall be submitted to and approved in writing by the MPA. The scheme shall include:</p> <ul style="list-style-type: none">• Groundwater quality and level triggers;• Surface water quality triggers, including those necessary to protect the health of the River Esk Peal Mussel beds;• Details of the number, type and location of monitoring points;• A protocol for the removal and replacement of any existing monitoring points; <p>Ground and Surface Water Monitoring Scheme; to accord with the provisions of Development Plan Policy 1; and, that any residual impacts on the water environment are detected.</p>

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Explanatory Conditions 88 (Continued)

	<ul style="list-style-type: none"> • Details of the frequency with which monitoring points will be monitored during construction and operation; • A list of the ground and surface water determinants to be tested for; • Monitoring of groundwater levels and spring flows; • Monitoring of groundwater quality against ground water triggers; • A scheme for periodic review and refinement of the monitoring regime to take account of any approved changes to site layout/design, construction methods and monitoring data; • A protocol for notifying the MPA of any breach of the trigger levels, including the timing of any such notification; and • Details of the method and frequency with which monitoring results will be shared with the MPA and the Environment Agency. <p>The approved scheme shall thereafter be implemented in full, with monitoring continuing in accordance with the approved scheme until such time that it is agreed in writing with the MPA that monitoring may cease.</p> <p>Reason: To ensure that any monitoring, undertaken since the submission of the planning application, fully informs the production of the Construction and Operation Phase</p>
89.	<p>Prior to the Commencement of Development at Lady Cross Plantation, a Remedial Action Plan, setting out the remedial actions to be taken in the event that any monitoring triggers of the approved Construction and Operation Phase Ground and Surface Water Monitoring Scheme are exceeded, shall be submitted to and approved in writing by the MPA in consultation with the Environment Agency. Should any monitoring result exceed those triggers set out in the approved Construction and Operation Phase Ground and Surface Water Monitoring Scheme, the MPA, the Environment Agency and Natural England shall be informed as soon as practicable, and the approved Remedial Action Plan shall thereafter be implemented as soon as practicable. Following remedial action, monitoring in accordance with the Construction and Operation Phase Ground and Surface Water Monitoring Scheme will be undertaken in accordance with a timescale to be submitted to and approved by the MPA in consultation with the Environment Agency, the results of which shall be reported to the MPA within four weeks of the monitoring date.</p> <p>Reason: To ensure that any above-trigger adverse impacts on the water environment are detected, remedied and monitored, and that mitigation measures are refined as a result; and to accord with the provisions of Development Plan Policy 1.</p>

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90.	<p>Following the approval of the Revised Hydro-Geological Risk Assessment for the MTS, but prior to the Commencement of Development of the MTS at Lady Cross Plantation, a Groundwater Management Scheme (covering construction, operation and post-operation phases), shall be submitted to and approved in writing by the MPA. The Scheme shall include technical drawings detailing the conceptualised hydrogeology with the final detailed designs of the proposed mitigation measures outlined in the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015). Development shall thereafter proceed only in strict accordance with the approved Scheme and a timetable to be included within it.</p> <p>Reason: To ensure that any monitoring, undertaken since the submission of the planning application, fully informs the production of the Groundwater Management Scheme; to protect the water environment and reduce the risk of pollution to ground and surface waters; and, to ensure that any necessary groundwater management measures remain operational even after the mine has ceased operating and surface infrastructure has been removed; and to accord with the provisions of Development Plan Policy 1.</p>
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Emissions to Atmosphere

91.	<p>The final specification and configuration of generators to be employed at Doves Nest Farm and Lady Cross Plantation, such to be fitted with Selective Catalytic Reduction (SCR), or other such emissions control measures as are necessary, will be submitted to the MPA for approval prior to commencement of their use. Results of air dispersion modelling will be submitted at the same time to verify that the identified configuration will lead to nutrient nitrogen and acid deposition at levels no greater than those that were demonstrated in the York Potash Environmental Statement (September 2014 as updated by the Supplementary Environmental Statement dated February 2015) as not leading to a significant effect on the integrity of the North York Moors SAC, SPA and SSSI.</p> <p>Reason: To ensure that any residual impacts on the water environment are detected and remedied, and that mitigation measures are refined as a result and to accord with the provisions of the Habitat Regulations Assessment and Development Plan Policy 1.</p>
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Explanatory Conditions (Continued)

92.	<p>Prior to the Commencement of each Phase of Construction at either Doves Nest Farm or Lady Cross Plantation, a Construction Vehicle and Plant Management Plan (CVPM) shall be submitted to and approved in writing by the MPA. The CVPM to shall include details of monitoring locations and baseline particulate emissions; predicted traffic movements into/out of the sites including levels at the A171/Mayfield junction; predicted particulate emissions from plant and HGVs during the construction period; proposed particulate control levels; proposed avoidance or mitigation measures to comply with control levels, and arrangements for monitoring over the construction period. Development shall only occur in strict accordance with the measures set out in the CVMP, unless otherwise agreed in writing with the MPA.</p> <p>Reason: In the interest of public amenity, to minimise the impact of air pollution and to accord with the provisions of the Habitat Regulations Assessment and Development Plan Policy 1.</p>
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Management of Construction

93.	<p>Prior to the commencement of each Phase of Construction in accordance with the approved Phasing Plan at either Doves Nest Farm or Lady Cross Plantation, an updated CEMP shall be based on the approved Construction Method Statement (CMS) and shall be submitted to and approved in writing by the MPA in consultation with the Environment Agency in respect of the area concerned. The CEMP shall include details of:</p> <ul style="list-style-type: none">• The size, location and design of any site compounds, including how any potentially polluting materials will be stored to minimise the risk of pollution;• An Incident Response Plan to deal with any pollution that may occur during the course of construction;• A protocol to deal with contaminated ground, should this be encountered, to ensure protection of water resources;• Details of how surface water run off shall be passed through a settlement facility or settlement facilities prior to being discharged into any watercourse or soakaway;
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Explanatory Conditions 93 (Continued)

	<ul style="list-style-type: none">• Plant and wheel washing including that it shall only be carried out in a designated area of hard standing at least 10 metres from any watercourse or surface water drain and that washings shall be collected in a sump, with settled solids removed regularly and water recycled and reused where possible;• A scheme for the recycling/disposing of waste resulting from demolition and construction works;• Storage of waste not covered by the Mine Waste Directive;• Measures to control the glare from on-site lighting;• Measures to manage deliveries by HGV including routing and timing for deliveries and details of the penalty system for breaches of the agreed controls;• Temporary traffic management;• The provision of a Dust Management Plan relating to phase 1 of the construction period (earthworks and bund formation) and Polyhalite handling and stockpiling to include dust generation modelling so as to identify sensitive receptors; likely dust generation and its disposition during the construction phases and operation over time and under different weather conditions; the avoidance and mitigation measures required to ensure dust deposition levels at the sensitive receptors are maintained at the residual levels identified in the approved EIA, and monitoring arrangements. The Dust Management Plan must comply with the criteria set out in the 'Dust and Air Emission Mitigation Measures' best practice guidance for control of dust on construction sites from the Institute of Air Quality Management 2012. The monitoring arrangements will include dust deposition or dust flux or real-time PM₁₀ continuous monitoring locations; baseline dust monitoring at least three months before construction commences; daily on-site and off-site inspections at monitoring locations with results recorded in a log to be made available to the MPA on request, and more frequent monitoring during periods of high dust generation;
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Explanatory Conditions 93 (Continued)

	<ul style="list-style-type: none">• In the event that there is insufficient clay within the Lady Cross Plantation site to form the 1m deep basal layer beneath the spoil storage area, a contingency plan to address the importation of clay, including the source, quantity and quality of such material, and how adverse effects on the water environment would be avoided;• How the requirements of the approved CEMP will be disseminated to all relevant staff/contractors throughout the construction period;• The location of the site notice board;• A scheme for parking, loading, unloading during construction;• A scheme for security and lighting during construction;• A protocol for the replenishment of tanks and containers including that all refuelling of vehicles, generators, plant and equipment shall be supervised and shall take place within a suitable bunded, impervious hardstanding;• Contingency proposals for if fuel cannot be delivered for the generators, e.g. due to adverse weather; and• How those artificial or historically straightened ephemeral surface water channels referenced in sections 15.7.22-15.7.24 of chapter 15 of part 2 of the ES are to be retained wherever possible, and enhanced to increase their capacity (e.g. through the introduction of meanders) and to increase their ability to capture sediment (e.g. through suitable planting).• Proposals / contingency plans for waste not managed as part of the Mine Waste Permit comprising the storage and management of temporary mining waste stored on-site for less than three years (e.g. Pyritic Mudstone); non-inert and non-hazardous materials stored for less than one year, and unexpected hazardous waste stored for less than six months, including measures to prevent the dispersal of dust, leachate and surface water runoff.
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Explanatory Conditions 93 (Continued)

	<ul style="list-style-type: none"> • A Precautionary Method of Working for Site Clearance (PMWSP) which shall be submitted to and agreed in writing by the MPA prior to commencement of each Phase of Construction and shall be adhered to thereafter. The PMSWP shall set out proposals for tree clearance and the demolition of structures and shall include that between March and September each year surveys of areas to be cleared should occur no less than 48 hours before clearance occurs so that occupied wild bird nests can be identified and prevented from being destroyed. • Alarms fitted to mobile plant and vehicles for the purposes of warning pedestrians of their movements. <p>Development shall only proceed in strict accordance with the measures set out in the CEMP, unless otherwise agreed in writing with the MPA. The site construction teams at DNF and LCP should each include a named individual who will be responsible for ensuring compliance with the CEMP and planning conditions.</p> <p>Reason: In the interest of public amenity, highway safety, to reduce the risk of pollution to ground and surface water, to protect the environment of the North York Moors SAC/SPA, and to accord with the provisions of NYM Development Policies 1 and 23.</p>
94.	<p>Prior to the commencement of each Phase of Construction at Doves Nest Farm or Lady Cross Plantation, a Construction Method Statement shall be submitted for that phase, and approved in writing by the MPA, in consultation with the appropriate Highway Authority. Each approved Statement shall be adhered to throughout the construction period. The Statements shall provide for:</p> <ul style="list-style-type: none"> (i) The parking of vehicles of site operatives and visitors clear of the highway; (ii) Loading and unloading of plant and materials; (iii) Storage of plant and materials used in constructing the development; (iv) Erection and maintenance of security fencing; (v) Wheel washing facilities; (vi) An outline construction method for sub-surface works including adherence to the 'rack and pillar' method of mining described in the SEI (14th February 2015) and the SRK Subsidence Memorandum (15th May 2013); (vii) Buildings and structures associated with the mine and tunnel shafts; (viii) Welfare/office building and security gatehouse; (ix) Screening bunds; (x) Hardstandings; (xi) Shuttle Bus terminal;

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Explanatory Conditions 94 (Continued)

	<ul style="list-style-type: none"> (xii) Park-and-Ride layby; (xiii) Emergency helipad; (xiv) Lighting columns; (xv) Internal access and haul roads; (xvi) Domestic wastewater (foul sewage) treatment plant; (xvii) Non-domestic wastewater treatment plant and settlement tanks; (xviii) Surface water attenuation ponds, settlement ponds, swales and wetland areas; (xix) Temporary spoil and Polyhalite storage areas; ; (xx) Removal of any temporary structures; and (xxi) Formation of spoil mounds and the establishment of vegetation on them. <p>The CMS shall contain a construction timetable and order of works noting any construction dependencies; refer to any inherent mitigation to address adverse impacts identified in the EIA, and cross refer to the CEMP in relation to any additional avoidance or mitigation measures.</p> <p>Reason: In accordance with NYM Development Policy 1 and 23 and to provide for appropriate on-site facilities during construction, in the interests of highway safety and the general amenity of the area.</p>
95.	<p>Prior to the commencement of each Phase of Construction the Operator shall submit to the MPA for approval, Written Schemes of Archaeological Investigation (WSIs) covering the areas of Dove's Nest Farm and Lady Cross Plantation. The WSIs are required to be submitted and approved prior to site Preparatory Works and implemented in accordance with the agreed programme. The WSIs shall be implemented as approved by the MPA prior to the Commencement of Development and alongside construction operations.</p> <p>Reason: To protect the historic environment and to accord with the provisions of the MPA Local Development Framework, specifically: Development Policy 7 – Archaeological Assets and Core Policy G – Landscape, Design and Historic Assets.</p>

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Explanatory Conditions (Continued)

96.	<p>Prior to the Date of Production the Operator shall submit to the MPA for written approval a scheme of contingency screening and landscaping measures for the purposes of mitigating light emission resulting from surface transport of mine employees from the welfare building to the mine access shaft via the mine head internal access road. Such measures may include both hard and soft screening and landscaping measures, which shall thereafter be implemented in accordance with a timetable to be included in the scheme and subsequently maintained for the duration of the development.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
97.	<p>Prior to the commencement of shaft sinking details of final expected internal diameters for the Production shaft, Service shaft and Mineral Transport System shaft shall be submitted to the MPA for written approval. Such details shall be accompanied by information demonstrating the expected total volume and tonnage of spoil and a breakdown of the volume and tonnage of the principle types of spoil expected to be generated during the sinking of each shaft and include updated information on the intended arrangements for the management of the spoil in accordance with the requirements of this permission.</p> <p>Reason: To ensure effective planning control over the development</p>
98.	<p>Prior to the commencement of permanent spoil disposal in the Bund C area, details of expected final contours and levels above ordnance datum of permanent spoil mounding in the Bund C area (as defined on drawing YP-P2-CX-032 Issue 10) shall be submitted to the MPA for written approval and final ground levels in the Bund C area shall be achieved in accordance with the approved details unless otherwise agreed in writing with the MPA.</p> <p>Reason: To ensure the satisfactory design of the development and to accord with the provisions of NYM Development Policy 3.</p>

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Schedule of approved plans and drawings (Planning permission NYM/2017/0505/MEIA)

Schedule 1: Plans approved by this planning permission	Plan or drawing number
Mine and MTS Planning Boundary	Y5154-0102M-CJD1 rev 2
Site Location Plan	YP-P2-CX-550 rev 1
Woodsmith Mine (Doves Nest Farm and Haxby Plantation)	
Doves Nest Farm Existing Site Plan	653-AP-0002 rev 2
Doves Nest Farm Site Plan - Existing Utilities and Borehole Locations	YP-P2-CX-510 rev 0
Doves Nest Farm Proposed Site Plan and Block Plan	653-AP-0005 rev 4
Proposed Welfare Buildings Site Plan	653-AP-0006 rev 3
Proposed Mine Buildings Site Plan	653-AP-0007 rev 11
Doves Nest Farm Proposed Hard Landscaping Plan	653-AP-0060 rev 4
Gatehouse – Proposed Plans, Sections and Elevations - Colour	653-AP-0032 rev 1
Miner's Welfare Facility - Proposed Floor and Roof Plans - Colour	653-AP-0033 rev 0
Miner's Welfare Facility - Proposed Sections & Elevations - Colour	653-AP-0034 rev 0
Miner's Welfare Facility - Elevation Study - Sheet 01	653-AP-0035 rev 0
Miner's Welfare Facility - Elevation Study - Sheet 02	653-AP-0036 rev 0
Mine Building 04 – Back-up Generator Plan, Section and Elevations - Colour	653-AP-0051 rev 5
Mine Building 05 – Intake Ventilation Shaft Plan, Section and Elevations - Colour	653-AP-0052 rev 5
Mine Building 06 – Substation Plan, Section and Elevations - Colour	653-AP-0053 rev 5
Mine Building 07 – Men and Material Shaft Winder Plan, Section and Elevations - Colour	653-AP-0054 rev 5
Mine Building 08 – Mineral Shaft Winder Plan, Section and Elevations - Colour	653-AP-0055 rev 6
Mine Building 09 – MTS Shaft Building Plan, Section and Elevations - Colour	653-AP-0056 rev 6

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Schedule 1: Approved by this Planning Permission (Continued)

Mine Building - Elevation Study - Colour	653-AP-0058 rev 4
Doves Nest Farm - Existing Site Sections Sheet 01	653-AP-0003 rev 0
Doves Nest Farm - Existing Site Sections Sheet 02	653-AP-0004 rev 0
Doves Nest Farm - Proposed Site Sections Sheet 01	653-AP-0008 rev 3
Doves Nest Farm - Proposed Site Sections Sheet 02	653-AP-0009 rev 14
Proposed Minehead – Site General Arrangement MTS Scheme Operation Masterplan	YP-P2-CX-031 rev 13
Proposed Minehead – Site General Arrangement MTS Scheme Earthworks Strategy Earthworks Bunds and Ponds	YP-P2-CX-032 rev 10
Proposed Minehead – Site General Arrangement MTS Scheme Earthworks Strategy Construction Platforms (illustrative)	YP-P2-CX-033 rev 8
Proposed Minehead – Pyritic Mudstone Facilities and Temporary NHNI Waste Storage Facility (illustrative)	YP-P2-CX-036 rev 5
Proposed Minehead – Dove's Nest Farm, Hours of Working	YP-P2-CX-080 rev 2
Proposed Phasing Strategy - Phase 7, Removal of all non-hazardous non inert material off site (illustrative)	YP-P2-CX-506 rev 1
Minehead Site Working Plan - General Arrangement and Earthworks	YP-P2-CX-508 rev 10
Minehead Site Working Plan – General Arrangement and Minimum Earthworks	40-ARI-WS-71-CI-DR-1035
Minehead Site Working Plan - Surface Water Drainage	YP-P2-CX-509 rev 3
Minehead Site Working Plan - Lighting	YP-P2-CX-511 rev 2
Proposed Minehead - Existing Landscape Features	2309.MH01 rev 04
Proposed Minehead - Removal of Existing Landscape Features	2309.MH02 rev 04
Proposed Minehead - Restoration Proposals	2309.MH03 rev 07
Proposed Minehead - Restoration Proposals – Cross Sections	2309.MH04 rev 06
Proposed Minehead - Restoration Proposals – Cross Sections	2309.MH05 rev 06

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Schedule 1: Approved by this Planning Permission (Continued)

Proposed Minehead - Restoration Proposals – Cross Sections	2309.MH06 rev 06
Tree protection measures for works in highways at A171/B1416 right turn	2556.473.AIA.Whitby.YPL
Mine head Site Welfare Entrance General Arrangement (From ES Appendix 3.3)	YP-P2-CX-043 Issue 0
Proposed Mine and MTS Sub-Surface Structures	1000-ENV-DFS-DWG-005 Rev4
Ladycross Plantation site	
Existing Site Plan	653-LC-AP-0201 rev 2
Existing Site Sections	653-LC-AP-0202 rev 0
Proposed Site Plan	653-LC-AP-0203 rev 2
Proposed Compound Site Plan and Block Plan	653-LC-AP-0204 rev 2
Proposed Site Sections	653-LC-AP-0205 rev 0
MTS Building Proposed Plan, Section and Elevations	653-LC-AP-0207 rev 0
Proposed Hard Landscaping Plan	653-LC-AP-0208 rev 3
Proposed Site Earthworks – Ladycross Plantation, Spoil Phasing	YP-P2-CX-443 rev 7
Drainage working plan	YP-P2-CX-528 rev 2
Proposed Phasing Strategy: Phases 1 - 5	YP-P2-CX-542 rev 2
Proposed Phasing Strategy: Phase 6	YP-P2-CX-543 rev 2
Working Plan: General Arrangement and Earthworks	YP-P2-CX-525 rev 2
Ladycross Plantation Drainage - Construction	YP-P2-CX-445 rev 7
Ladycross Plantation Drainage - Operation	YP-P2-CX-446 rev 7
Ladycross Plantation – Proposed Earthworks	YP-P2-CX-447 rev 6
Lady Cross Plantation Site Plan – Existing Utilities and Borehole Locations	YP-P2-CX-532 rev 0
Working Plan: Lighting	YP-P2-EL-503 rev 2

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Schedule 1: Approved by this Planning Permission (Continued)

Ladycross Plantation - Existing Landscape Features	2322.LCP01 rev 3
Ladycross Plantation - Removal of Existing Vegetation	2322.LCP02 rev 5
Restoration Proposals	2322.LCP03 rev 4
Restoration Proposals – Cross Sections	2322.LCP04 rev 1
Ladycross Plantation – Construction Masterplan	YP-P2-CX-440 rev 8
Ladycross Plantation – Operational Masterplan	YP-P2-CX-441 rev 8
Ladycross Plantation – Alternative access junction	YP-P2-SK-030-rev 0

Informatives

1. All references to Core Policies or Development Policies are to "North York Moors National Park Authority Local Development Framework Core Strategy and Development Policies November 2008".
2. Works affecting protected species can require special permission or licences to be issued by Natural England. It is recommended that Natural England be consulted in respect of any such licences that may be required. Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England
<http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx>. Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.
3. The development consented affects surface land in proximity to and mineral deposits beneath Special Areas of Conservation, Special Protection Areas, and Sites of Special Scientific Interest and notwithstanding the conditions of this planning permission relating to potential effects on these nature conservation designations the developer should be aware that these designations are protected by other legislation and that in the case of any uncertainty about potential effects on such designated areas it is recommended Natural England be consulted.
4. Traffic Regulation Orders are made by Highway Authorities. The Local Highway Authority for the Lady Cross Plantation and Doves Nest Farm sites is North Yorkshire County Council.

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Informatives (Continued)

5. Pursuant to Section 106 of the Town and Country Planning Act 1990, two Planning Agreements have been made by York Potash Limited and other parties interested in land affected by this planning permission. The first Agreement is between York Potash Limited and those other parties and NYMNPA as Minerals Planning Authority. The second planning agreement is between York Potash Limited and those other parties and North Yorkshire County Council as Highways Authority. The Section 106 Agreement with NYMNPA allows for various forms of mitigation of the effects of the development here consented which cannot be subject to planning conditions yet which have been considered necessary to enable NYMNPA to grant planning permission. The Section 106 Agreement with NYCC allows for mitigation of the effects on the highway system of the development here consented which cannot be subject to planning conditions yet which have been considered necessary to enable NYMNPA to grant planning permission.
6. Redcar and Cleveland Borough Council has separately granted planning permission (R/2014/0627/FFM) for development in that Council's jurisdiction as Mineral Planning Authority associated with the development here consented and there is an associated Section 106 Agreement which deals with environmental mitigation.
7. A Development Consent Order has also been applied for aspects of the overall York Potash project that affect the marine environment.
8. The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England can be found here - <http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>.
9. All on-site lighting should comply with the 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011' published by the Institute of Lighting Professionals to avoid impacts on residents and 'dark skies' conditions.
10. If any controlled waste is to be removed off site, then the site Operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.
11. The proposed re-injection borehole associated with the construction phase of this development will require an Environmental Permit from the Environment Agency under the Environmental Permitting Regulations 2010.
12. If the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose then an abstraction licence will be needed from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights.

Continued/Informatives



Mr C M France
Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Informatives (Continued)

13. Any sub-surface grouting works should be undertaken in accordance with:
Environment Agency Regulatory Position Statement MWRP-RPS-108 Civil engineering activities involving grouts or other media for the purpose of sealing or ground stabilisation;
Eurocode 7 BS EN 12715 (200) Execution of Special Geotechnical Work: Grouting, and 12716 Jet Grouting;
CIRIA C515 Groundwater control - design and practice ISBN 0 86017 515 4; and Practical Handbook of Grouting, soil, rock and structures. James Warner, P.E. published by Wiley ISBN 978 0 471 46303 0.
14. Under Section 199(2) of the Water Resources Act 1991 (as amended by the Water Act 2003) notice must be provided to the Environment Agency if it is intended to carry out drilling works for the purpose of searching for, or extracting minerals.
15. Any new outfall structures discharging surface water into the Ordinary Watercourses will need prior consent from the Lead Local Flood Authority consent. In this case this will be North Yorkshire County Council.
16. Construction Environment Management Plans should include measures consistent with the following guidance:
 - " Environment Agency Pollution Prevention Guideline 1: General Guide to the Prevention of Pollution;
 - " Environment Agency Pollution Prevention Guideline 5: Works and Maintenance in or near water;
 - " Environment Agency Pollution Prevention Guideline 6: Working at Construction and Demolition Sites;
 - " Ciria C532 Control of Water Pollution from Construction Sites - A Guide to Good Practice (2001); and
 - " Ciria C692 Environmental Good Practice on Site (third edition).
17. Any outfall structures discharging into the Ordinary Watercourses will need prior consent from the Lead Local Flood Authority.
18. In connection with Condition 95 above, the applicant's attention is drawn to the need to provide appropriate access to the site excavations and spoil to the MPA's authorised archaeologists and geologists.
19. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to the Coal Authority. Any intrusive activities which disturb or enter any coal seams, coalmine workings or coal mine entries (shafts and adits) requires the prior written permission of the Coal Authority. Property specific summary information on coal mining can be obtained from the Coal Authority's Property Search Service on 08457626848 Or at www.groundstability.com

Continued/ Explanation of how the Authority has Worked Positively with the Applicant/Agent



Mr C M France
Director of Planning

Date

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM/2017/0505/MEIA

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority has worked extensively with the applicant since the grant of permission for the development in October 2015. Senior members of staff have held meetings with the applicant and offered detailed advice on relevant matters relating to the discharge of conditions on the existing permission and on the process for considering proposed amendments to the development.

Officers have co-operated with the applicant and consultants acting on the applicant's behalf at pre-submission stage in considering the planning application documentation required in relation to the amendments proposed and provided input on the scoping of Environmental Impact Assessment. Officers have discussed the application with the applicant at meetings and have taken part in meetings involving statutory consultees including Natural England.



Mr C M France
Director of Planning

Date

IN WITNESS whereof the parties hereto have caused this Deed to be executed the day and year first before written

Executed as a deed by affixing)
the **Common Seal** of)
THE NORTH)
YORK MOORS NATIONAL PARK)
AUTHORITY)
in the presence of:)



2087

(RICHARD L SMITH)

Authorised Signatory

Executed as a deed by)
YORK POTASH LIMITED)
acting by one director in the presence)
of a witness)

Signature of Director:

Signature of Witness:

Witness Name: RACHEL DOLBY

Witness Address: RESOLUTION HOUSE, LAKE VIEW,

SCARBOROUGH, YO11 3ZB

Witness Occupation: SENIOR LEGAL COUNSEL