



North York Moors National Park Authority Planning Committee

Planning Application NYM/2014/0676/MEIA

<p>Redcar and Cleveland Borough, Ryedale District, Scarborough Borough</p> <p>Parish: LCPs of Aislaby, Brompton-by-Sawden, Broxa-Cum-Troutdale, Burniston, Cloughton, Danby Group, Darncombe-Cum-Langdale End, Egton, Eskdaleside-Cum-Ugglebarnby, Fylingdales, Glaisdale, Goathland, Grosmont, Hackness, Harwood Dale, Hawsker-cum-Stainsacre, Hutton Buscel, Irtton, Lockwood, Newby and Scalby, Newholm-Cum-Dunsley, Silpho, Sneaton Staintondale, Suffield-Cum-Everley, Whitby, Wykeham, West Ayton</p> <p>Applicant: York Potash Ltd</p> <p>Agent: Nathaniel Lichfield & Partners</p> <p>Date for decision: 30 June 2015</p>	<p>App No. NYM/2014/0676/MEIA</p>
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Proposed development: The winning and working of polyhalite by underground methods including the construction of a minehead at Dove's Nest Farm involving access, maintenance and ventilation shafts, the landforming of associated spoil, the construction of buildings, access roads, car parking and helicopter landing site, attenuation ponds, landscaping, restoration and aftercare and associated works. In addition, the construction of an underground tunnel between Dove's Nest Farm and land at Wilton that links to the mine below ground, comprising 1 no. shaft at Dove's Nest Farm, 3 no. intermediate access shaft sites, each with associated landforming of associated spoil, the construction of buildings, access roads and car parking, landscaping, restoration and aftercare, and the construction of a tunnel portal at Wilton comprising buildings, landforming of spoil and associated works

Location: Dove's Nest Farm & Haxby Plantation, Sneatonthorpe(proposed minehead); underneath 252 sq km of the NYMNPA(winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton International 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 International Complex, Teesside(tunnel portal)

Members are asked to note that this report is based on information as at 8 June 2015. Updated information, if required, will be provided at the meeting.

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Prepared by AFW on behalf of the NYMNPA

Appendix G Polyhalite Market Study – Executive Summary
Prepared by CRU Strategies for Sirius Minerals

Appendix H Review of CRU Report 'Polyhalite Market Study' – Executive Summary
Prepared by Fertecon for AFW on behalf of the NYMNPA

Appendix I The Agronomic Case for Polyhalite – Executive Summary
Prepared by ADAS for Sirius Minerals

Appendix J Review of ADAS Report 'The agronomic value of Polyhalite' – Summary section
Prepared by Mr J Johnston on behalf of the NYMNPA

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1. Background

1.1 The National Park – designation and statutory purposes

- 1.1.1 National Parks in England and Wales were designated following The National Parks and Access to the Countryside Act 1949 to ensure that the country's most beautiful landscapes would be protected and provision made for people to enjoy them. The 'Hobhouse Commission' was set up to advise the post-war Government on proposals for National Parks and its report recommended the designation of twelve National Parks in England and Wales. The North York Moors were included because of "their intrinsic merits as an area of beautiful and unspoilt country and magnificent coast with a wealth of architectural interest"¹ and the National Park was designated in 1952.
- 1.1.2 National Park statutory purposes are to conserve and enhance the natural beauty, wildlife and cultural heritage of the designated area and to promote opportunities for the understanding and enjoyment of its special qualities. These purposes were originally set out in the 1949 Act and were restated and amplified in the Environment Act 1995. Section 62 of the 1995 Act also requires any relevant Minister, public body, statutory undertaker or person holding public office to have regard to the statutory purposes when exercising any functions which affect land in a National Park. The Government continues to regard National Park designation as conferring the highest status of protection as far as landscape and natural beauty is concerned and, as in all National Parks, this Authority is required to ensure the conservation of the natural beauty, wildlife and cultural heritage of the area for which it is responsible. In pursuing the two statutory purposes, the Authority also has a duty to foster the economic and social well-being of local communities within the Park.
- 1.1.3 The Hobhouse Report said of the North York Moors "it contains, within a relatively small compass, an amazing wealth and variety of beauty. Indeed there are few places elsewhere in Britain which can offer such extensive and remote tracts of wild and unspoilt scenery within such easy reach of populated areas". These comments are still relevant today.

1.2 Potash and polyhalite

- 1.2.1 The term 'potash' is used to describe a range of minerals containing potassium, an element widely found in nature but only in concentrated amounts as soluble salt deposits. Potash is found in several countries throughout the world and is not a scarce mineral with world resources estimated to be 250 billion tonnes². Its economic value for fertiliser is normally expressed as an equivalent amount of potassium oxide (K₂O). The world's main source of potash for fertiliser production is sylvinite. Since 1970 sylvinite has been mined commercially at Boulby by Cleveland Potash Ltd (CPL) in the north of the National Park where it typically contains 20-30% K₂O equivalent. The sylvinite is processed on site to create a 'muriate of potash' (MOP) which contains 60% K₂O.
- 1.2.2 The mineral that York Potash Ltd (YPL) wishes to mine is polyhalite, which has a lower K₂O content, typically 14%, but also contains sulphur, calcium and magnesium. The applicant plans to pelletise polyhalite to be sold either as a "straight" fertiliser or as a source material to be combined with other nutrients in compound Nitrogen/Phosphorus/Potassium (NPK) fertilisers. Its potential benefit as a component of a compound fertiliser is the low level of chloride which is preferred by some high value vegetables and fruits, particularly in dry regions. It may also be useful for soils which require extra sulphur to provide optimal growing conditions.
- 1.2.3 Polyhalite may also be processed into a suite of chemical products notably 'sulphate of potash' (SOP), a process which produces by-products including gypsum and epsomite. Although the production of SOP was part of the wider project proposals originally discussed with the Authority, it is no longer part of the wider project for the purposes of this application.

¹ Report of the National Parks Committee (England and Wales) HMSO July 1947 (the 'Hobhouse Report')

² US Geological Survey, Mineral Commodity Summaries, February 2014. Amount expressed as K₂O equivalent.

- 1.2.4 CPL also mines up to 100,000 tonnes of polyhalite per annum which is crushed to form a straight fertiliser marketed as 'Polysulphate'. CPL has recently received planning permission for an additional storage and crushing building signifying its intention to increase extraction of polyhalite ore at Boulby up to 600,000 tonnes per annum by 2018.

1.3 Development of Proposals by York Potash Ltd

- 1.3.1 Discussions between YPL and the Authority started in January 2011 when the applicant outlined a major development proposal for a new potash mine within the National Park. The proposal was based on a review of historic exploratory boreholes and in the summer of 2011 the applicant began its own programme of exploratory drilling, initially focusing on the Harwood Dale area. From here, twin proposals for pipelines, processing plants and port facilities were considered for both a southerly route to the Humber and a northerly route to the Tees. Early feasibility studies also looked at the possibility of using rail links to transport the mineral but these were rejected on grounds of feasibility, cost and implementation timescales. The applicant then received advice that the Environment Agency would not support shaft sinking in the Harwood Dale area as it falls within the source protection zone for the Corallian limestone aquifer which supplies water to Scarborough and the focus of the company's exploratory drilling moved further north and west.
- 1.3.2 Drilling continued throughout 2012 to establish the depth, extent and quality of polyhalite in the company's area of interest. A total of sixteen borehole applications were submitted and approved although only eight were drilled. These were at Robin Hood's Bay, Howlett Hall, Raikes Lane, Jugger Howe, Newton House Plantation, Mortar Hall, Maybeck and Dove's Nest Farm. A borehole at Harwood Dale had to be abandoned and six others were not drilled at all (two in Langdale Forest and one each at Silpho, Littlebeck, Blue Bank and Honeysuckle Farm). Core samples from the drills were sent to the British Geological Survey for the mineral to be assayed. The results showed an upper seam of polyhalite referred to as the Shelf seam (47m thick at Howlett Hall, 85m at Mortar Hall and 21m at Dove's Nest Farm) and a second deeper seam known as the Basin seam (43m thick at Howlett Hall).
- 1.3.3 In September 2012, the applicant announced its preferred mine head site at Dove's Nest Farm/Haxby Plantation and the last two boreholes were drilled in the positions of the proposed mineshafts. The polyhalite resource has been independently verified using the Joint Ore Reserves Committee Code ('JORC') and reported as:
- A currently defined total 'Mineral Resource' of 2.66 billion tonnes of polyhalite with a mean grade of 85.7% - this is an estimate of the material with the potential to be exploited;
 - An 'Indicated Mineral Resource' of 820 million tonnes of polyhalite with a mean grade of 87.8% in the Shelf seam only centred at Dove's Nest Farm – this is an estimate of the proportion of the polyhalite resource referred to above for which tonnage, density, grade and mineral content can be estimated with a reasonable level of confidence;
 - A 'Probable Ore Reserve' of 250 million tonnes of polyhalite with a mean grade of 87.8% - this is an estimate of the part of the 820 million tonne Indicated Mineral Resource that can be mined in an economically viable fashion from the Shelf seam.
- 1.3.4 In developing proposals for the mine, the applicant considered two potential designs: first, a drift mine with the mine head constructed deep underground and an inclined tunnel to provide access from a separate surface location; and second, a vertical shaft mine design where as much of the mine head equipment as possible would be accommodated in chambers below ground level. The drift tunnel option was abandoned in August 2012 on grounds of safety, ventilation and cost and the current proposal is for a sub-surface vertical shaft mine design.
- 1.3.5 As Members will be aware, YPL submitted a planning application for the development of a mine at Dove's Nest Farm/Haxby Plantation in February 2013. A decision on this application was deferred at the company's request in July 2013 and the planning application was eventually withdrawn in January 2014. It is understood that the reasons related to the way in

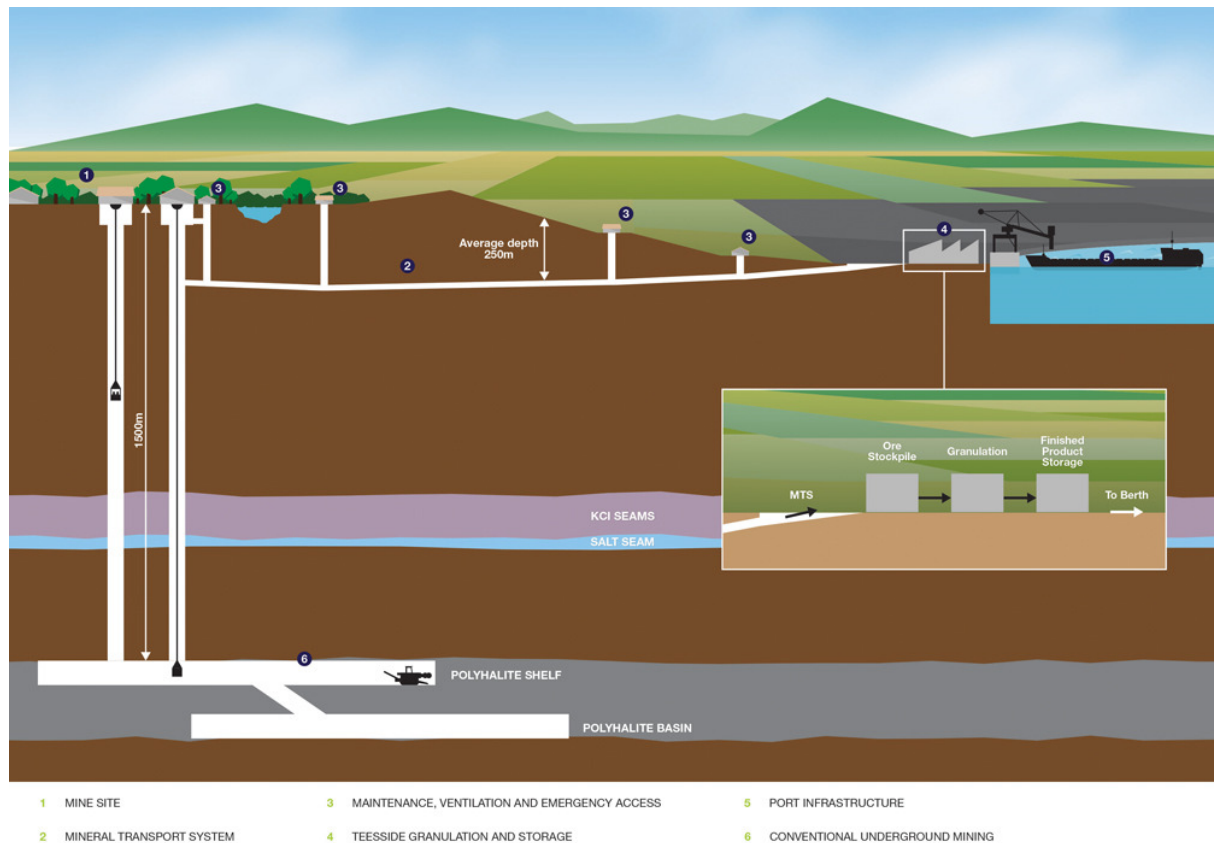
which the Environmental Impact Assessment had been undertaken, which did not allow for the proper cumulative assessment of all elements of the wider project. In addition, there was insufficient information relating to the assessment of likely significant effects of the port element of the project on the internationally protected habitats at Teesmouth and the Cleveland coast.

- 1.3.6 The applicant's current proposal is for a mine to extract polyhalite at the same location as the original application, though covering a larger site area, together with a Minerals Transport System (MTS) which comprises a tunnel containing a conveyor system to transport the ore to Wilton. This extends the development beyond the National Park and the application is therefore a County Matters "straddling application" submitted to Redcar and Cleveland Borough Council (RCBC) as well as this Authority. Initially, the applicant aims to extract polyhalite from the Shelf seam only but its total mineral resource estimate of 2.66 billion tonnes assumes that 1 billion tonnes would in time be derived from the deeper Basin seam. This seam also lies beneath the National Park, mostly to the east of the Shelf seam although there is a zone where the two overlap. Beyond the existing indicated and inferred resource areas, the mine could potentially extend extraction eastward beneath the North Sea, for which the applicant already has consent from the MMO, although that would require the major Trough Fault system to be negotiated.
- 1.3.7 The tunnel proposal was put forward following a major review of the previous planning application after the deferment in July 2013. When the tunnel proposal was announced, the applicant acknowledged that the earlier pipeline option would have had significant operational difficulties and that above ground bridging structures and extensive excavation and engineering works across valleys and rivers would have been needed to achieve the required gradients.

1.4 The York Potash Project – an overview

- 1.4.1 The current York Potash Project proposals comprise four main elements as shown on Figure 1.1 on the following page:
1. A mine with minehead, welfare and ancillary buildings at Dove's Nest Farm/Haxby Plantation;
 2. A Mineral Transport System (MTS) consisting of a 36.5km tunnel containing a series of linked conveyors to transport the mineral from the minehead to Wilton, with three intermediate access shafts at Lady Cross Plantation, Lockwood Beck and Tocketts Lythe;
 3. A Materials Handling Facility (MHF) comprising granulation and storage facilities at Wilton International Complex;
 4. Harbour facilities at Bran Sands, Wilton International Complex on the south bank of the River Tees estuary, connected to the MHF via a conveyor, for the bulk shipping of polyhalite and including provisions for domestic distribution by road.

Figure 1: Schematic Image of the York Potash Project



1.5 Consenting Authorities

1.5.1 Approval to develop the York Potash Project involves four consenting authorities and five separate consents for the main elements of the project:

- Planning consent is required from the National Park Authority and RCBC (as the relevant mineral planning authorities) for the parts of the mine and MTS development which lie within their respective areas;
- RCBC is also responsible for determining the planning application for granulation and storage facilities (the MHF) at Wilton International Complex;
- A Development Consent Order application must be considered by the Planning Inspectorate (PINS) for the harbour development at Bran Sands, Wilton as this is classed as a Nationally Significant Infrastructure Project (NSIP);
- The Marine Management Organisation (MMO) has granted a licence for the extraction of polyhalite from YPL's 'area of interest' beneath the sea bed. A marine licence will also be needed in connection with the harbour development works.

1.5.2 The MMO issued its Marine Licence on 18 January 2013 with the licence running from 2017 to 2037. At the time of writing this report, RCBC has resolved that it is minded to approve the mine and MTS planning application subject to a number of conditions and it not being 'called in' by central government. At the time of writing the report a decision notice has not been issued. The MHF application was approved under delegated powers on 29 April 2015 also subject to a number of conditions and it not being 'called in'. At the time of writing the report a decision notice has not been issued. An application for development consent for the harbour was submitted to PINS in December 2014 but later withdrawn and a revised application submitted in March 2015 was accepted on 21 April 2015. There is a statutory maximum timescale of fifteen months from acceptance for a decision to be made by the

Secretary of State. The National Park Authority is a consultee for the harbour development and is able to submit representations as part of the examination process.

1.6 Pre-application Activities

- 1.6.1 Detailed planning advice was provided to the applicant at an early stage, including the need to justify the proposal in accordance with government policy on major development proposals in protected landscapes and the inherent presumption against approving such development within National Parks.
- 1.6.2 The Authority had entered into a Planning Performance Agreement (PPA) with York Potash in connection with the 2013 application but this agreement ended when the application was withdrawn. In January 2014 the Authority entered into a new PPA with the applicant which set out a project management framework for considering the revised proposals and included a timetable for pre-application meetings and preparation of documentation. This new PPA enabled the Authority to obtain the specialist advice needed to assess draft documents that were available during the pre-application period.
- 1.6.3 In August 2012, following a formal tendering procedure, the Authority appointed AMEC Environment & Infrastructure UK Ltd (now Amec Foster Wheeler Environment & Infrastructure UK Ltd) to provide specialist minerals planning and environmental advice in connection with the planning application.
- 1.6.4 The Localism Act 2012 includes provisions for developers to consult local communities prior to submitting certain types of planning application. Although officers understand that the relevant sections of the Act have not yet been brought into force, the applicant carried out an extensive pre-application consultation exercise with the local community between June and September 2014. A Statement of Community Engagement has been submitted with the planning application and further details of the pre-application consultation are included in Section 6.
- 1.6.5 The Authority also engaged in pre-application consultations with key stakeholders and local communities in order to gather information from relevant organisations, explain National Park and government planning policies and the process involved in considering such a large scale application and to seek views from local residents.
- 1.6.6 A Pre-application Presentation to Members took place on 14 July 2014 in accordance with the Authority's normal procedures for dealing with large scale development proposals. The presentation was held at Raven Hall Hotel, Ravenscar and was well attended by members of the public. The applicant presented the revised proposals for the mine and MTS and responded to questions raised by Members on a variety of topics. A record of the meeting is at Appendix B.

1.7 Procedural Matters

- 1.7.1 Identical documents have been submitted to this Authority and to Redcar and Cleveland Borough Council for the mine and MTS 'straddling application'. The two authorities must consider the whole scheme in the context of the policies contained in the Development Plan for the area and any other material planning considerations. However, each authority's determination relates only to their respective 'part' of the proposals.
- 1.7.2 Planning application documents were submitted to this Authority and to Redcar & Cleveland Borough Council on 30 September 2014. Various amendments and missing documents were provided on 17 October 2014, 21 October 2014 and 12 November 2014. As an application for mineral extraction, the proposals are classed as 'major development' under the Town and Country Planning (Development Management Procedure) (England) Order 2010 with a statutory 16 week timescale for determination.
- 1.7.3 The term 'major development' is also used in paragraph 116 of the National Planning Policy Framework (NPPF) which says that such development should be refused in National Parks unless there are exceptional circumstances and the proposals are shown to be in the public

interest. 'Major development' is not defined in the NPPF and the Government's Planning Practice Guidance (PPG) says that it is a matter for the decision taker, taking into account the proposal in question and the local context. Recent case law suggests that, for policy purposes, planning authorities should not simply adopt the criteria used in the 2010 Order but should consider the circumstances and context of the proposals and use their judgment, applying the everyday meaning of the phrase 'major development'³. The scale of the YP application, involving construction works at five different sites over a stated five year period and including large scale buildings, deep excavations and extensive landform modifications means that, for policy purposes, there is no doubt that the proposals should be regarded as 'major development'. The applicant agrees with this conclusion.

- 1.7.4 Under the Environmental Impact Assessment (EIA) Regulations 2011 the proposals are EIA development under Schedule 2 and an Environmental Statement has been submitted with the planning application. Under the Conservation of Habitats and Species Regulations, an appropriate assessment is required to assess the impact of the proposed development on areas protected under the Habitats Regulations, including the North York Moors Special Area of Conservation (SAC) and Special Protection Area (SPA) and the Teesmouth and Cleveland Coast SPA. A Habitats Regulations Assessment report has been submitted with the planning application.
- 1.7.5 The initial assessment of the application documents raised a number of fundamental queries which the applicant addressed by submitting substantial Supplementary Environmental Information (SEI) on 17 February 2015. Statutory consultation as required under planning legislation has taken place on both the initial and amended application documents and the supplementary information.
- 1.7.6 A Members' Site Inspection took place on 2 April 2015 and the record of the site visit is at Appendix C.
- 1.7.7 Section 96 of the Environment Act 1995 requires a periodic review of all minerals planning permissions (ROMP). If Members were minded to approve the current application, the National Park Authority would review the permission every fifteen years and there would be the opportunity to amend or introduce new planning conditions, to take account of new circumstances which may be relevant at that time. Any new permission would also be covered by EIA regulations.

³ *Aston v Secretary of State for Communities and Local Government* [2013] EWHC 1936 (Admin) *and* R. (Forge Field Society) v Sevenoaks DC [2014] EWHC 1895 (Admin)

2. Sites and surroundings

2.1 Dove's Nest Farm/Haxby Plantation minehead site

- 2.1.1 The proposed minehead site is on elevated land which comprises Dove's Nest Farm and part of Haxby Plantation, approximately 2.5km south of the village of Sneaton. Littlebeck lies approximately 1.5km to the west and Sneatonthorpe 1.5km to the north-east. The site covers 63.9 hectares and is in the eastern part of the National Park approximately mid-way between the southern boundary at Cloughton and the northern boundary at Easington. The land rises gently from 185m at its lowest point at the eastern side to 214m AOD at its highest point near Red Gates on the B1416.
- 2.1.2 Dove's Nest is a mixed livestock and arable farm on Grade 3 land consisting of nine fields of varying sizes and a small farm house complex with ancillary buildings including three holiday letting 'chalets'. The original farm house is of stone with modern brick additions and alterations. There is also a cattle shed at the top of the access road from the B1416. The larger northern and central fields have been generally used for crop growing with the more poorly drained eastern fields, where the land slopes down towards Sneatonthorpe Beck, used for pasture. There is a spring located close to the farm buildings and an area of marshy ground at the eastern edge of the farm. The B1416 forms the western boundary and there is a 'belt' plantation of varied species of trees and shrubs adjacent to the road. Towards the north-western corner of the site the boundary is associated with a bank and ditch with occasional ornamental conifers, gorse and bracken.
- 2.1.3 Between 2013 and 2014, the applicant undertook exploratory drilling works towards the northern end of Dove's Nest Farm and there is a spoil mound from the works in this part of the site together with a new access point.
- 2.1.4 Haxby Plantation is a privately owned mature conifer plantation edged with some deciduous trees. It lies to the south-east of the farm and has a separate direct access from the B1416. The plantation is relatively uniform with small rides and areas kept clear of trees for access and a telegraph line. The trees have reached maturity and the tree canopy is approximately 15 metres in height. There are some areas of clear felling and replanting and a stone boundary wall along the B1416. The section of the plantation included in the application site forms part of a much larger wooded area that runs north along Sneaton Thorpe Beck and also connects with Whinny Wood to the north-west of the site.
- 2.1.5 The site is surrounded by nationally and internationally protected moorland on three sides; Ugglebarnby Moor, Sneaton Low Moor and Graystone Hills all form part of the North York Moors SAC, SPA and SSSI. There are a number of scattered farms and houses in the vicinity of the site together with Low Moor touring caravan site and Falling Foss Tea Garden. No public rights of way cross the site.

2.2 Lady Cross Plantation MTS access shaft site

- 2.2.1 The MTS access shaft site at Lady Cross Plantation covers 25.7 hectares and comprises two areas of grassland both of which are surrounded by planted trees, 14 to 15m in height. The site is generally at 210m AOD falling gently to 200m AOD towards the southern end with a footpath running north to south through the plantation and crossing the northern cleared area. Egton village lies approximately 1 km to the south and the current site access is from the minor road (C82) leading from the A171 to the village. Ladycross Caravan Park is situated immediately to the north east of the site, also within the plantation and with access from the C82. The site is surrounded on three sides by Section 3 moorland or heathland and within Lady Cross Plantation there are areas of deciduous trees. Egton Moor lies to the north east of the site on the opposite side of the minor road.

2.3 Lockwood Beck MTS access shaft site

- 2.3.1 The MTS access shaft site at Lockwood Beck lies just outside the National Park but is immediately adjacent to its boundary which at this point follows the line of the A171. The site forms part of a belt of mixed farmland, woodland, incised valleys and small settlements

which lie between the moors and the coast and provide the setting to the National Park along this northern boundary. Dale Beck runs within a narrow wooded valley through the centre of the site and the north-eastern site boundary runs along the edge of Sweet Hill Wood which includes an area of protected ancient woodland. Lockwood Beck reservoir, used for fly fishing, lies on the opposite side of the A171 within the National Park. The North York Moors Special Protection Area, Special Area of Conservation and Site of Special Scientific Interest lie to the south and south-west of the site adjacent to the A171 and beyond Lockwood reservoir.

- 2.3.2 The site covers 35.6 hectares with gradients generally falling from the south and west towards the north. To the east of Lockwood Beck, fields in the south-eastern part of the site are around 190m AOD falling to 170m AOD in the north and beyond the site to the east there is a mature conifer plantation. To the west of Lockwood Beck, fields lie at between 198m and 180m AOD dropping away sharply towards the beck itself. Field boundaries within the site are formed by dry-stone walls and occasional hedgerows. Just beyond the south west corner of the site there are large farm buildings at Lockwood Beck Farm. A public footpath runs through the northern edge of the site.

2.4 Tocketts Lythe MTS access shaft site

- 2.4.1 The MTS access shaft site at Tocketts Lythe lies within heavily wooded farmland 1.8 kms to the north-east of Guisborough and comprises a series of large arable fields to the east of a belt of mature woodland. The site covers 20.3 hectares and is generally at 100m AOD. Plantation Farm lies at the northern edge of the site and Tocketts Lythe Plantation abuts the south-western corner. To the north and east of the site there are areas of ancient woodland at Kateridden Wood and Dale Bank. Although not as close to the National Park as the Lockwood Beck site, Tocketts Lythe is within 2 kms of the Park boundary at Slapewath and is clearly visible from open areas along the elevated edge of the Cleveland Hills. It therefore forms part of the wider setting of the National Park along its northern boundary.

2.5 Wilton MTS portal site

- 2.5.1 The Wilton MTS portal site lies at the eastern edge of the existing heavily industrialised Wilton International Complex, approximately 8 kms from Middlesbrough and close to the south bank of the River Tees estuary. The 29.7 hectare 'brownfield' site is on level ground with link roads connecting the complex to the main road network along its north and east boundaries. The site forms part of the Tees Valley Enterprise Zone. The nearest residential areas are Dormanstown which lies 250m to the north east of the site and Kirkleatham Village, which is a designated Conservation Area to the south-east. The open area of land separating the Wilton Complex from Redcar to the east and north is designated as a Green Wedge and this means that, in views from the National Park, the site 'reads' as part of the surrounding industrial complex.

3. Planning history

3.1 Potash mining in the National Park

- 3.1.1 Prior to the establishment of the Boulby Mine, the UK fertiliser industry relied on imported potash to supplement natural potash levels and potash recycled via plant and animal wastes. During the 1960s techniques for deep mining advanced to such an extent that the commercial mining of potash in North Yorkshire became a possibility. By January 1971 over fifty exploratory boreholes had been sunk in the Whitby area, various seismic surveys had taken place and three companies had acquired mineral concessions; these were Cleveland Potash, Yorkshire Potash and Whitby Potash, subsidiaries of ICI, RTZ and Shell respectively. A pilot potash solution mine was established on Egton Low Moor in 1966 but closed in 1970.
- 3.1.2 A total of three planning applications for potash mining ventures were submitted in the late 1960s which would have provided for around two and a half times the UK consumption of

potash at that time. Cleveland Potash's dry mining proposal was the first to be granted planning permission (a subsequent 1996 Review of Old Mineral Permission (ROMP) extended the original temporary permission to 2023) and the others, Yorkshire Potash's dry mining and Whitby Potash's solution mining proposals, were approved by the Housing and Local Government Minister in 1970 with 'considerable weight' being given to 'balance of payments' arguments. In the event only the Cleveland Potash mine was developed.

- 3.1.3 In the late 1970s applications to re-instate the Whitby Potash solution mining proposal and Yorkshire dry potash mine proposals were refused by the National Park Authority's planning committee. The Whitby refusal was appealed and subsequently dismissed in 1979 by the Secretary of State, the decision notice making references to doubts about the solution mining approach, the possible sterilisation of deposits for the dry mining proposal at Boulby and increased emphasis given by the government to protection of National Parks. The dry mining Yorkshire Potash proposal, in many ways the forerunner of the York Potash proposal, was not appealed.
- 3.1.4 The substantive 1996 planning permission for Boulby mine on the northern edge of the Park was granted with numerous planning conditions covering issues such as: the extraction being limited to potash and salt, restrictions on mining under urban areas, restrictions on mining in a 1.5km coastal zone, a restoration scheme, limitations on mining techniques and methods, methods of waste disposal, limits on road transportation and requirements for schemes dealing with landscaping and building maintenance. There was also a Section 106 Agreement dealing with requirements to establish monitoring programmes for off-shore effluent and mining subsidence and adherence to a transport plan. There was no requirement for a financial bond for final restoration.

3.2 Dove's Nest Farm/Haxby Plantation.

- 3.2.1 The site's planning history dates from 1974 when planning permission was refused for three different schemes seeking to establish a static and touring caravan site on the grounds of adverse visual impact, the site being clearly visible from the B1416 to the west and A171 to the east. Over the next thirty years there was a steady series of planning applications for small agricultural buildings, accesses and a certificate of lawfulness for a park home to be used as holiday letting accommodation. More recently the site's history has related to various applications and enforcement investigations concerning exploratory potash boreholes. In October 2012 and March 2013, temporary permissions were granted for boreholes in the north of the site together with the creation of the new access. An application to revise the site boundaries of the previous permissions was approved in October 2014.

3.3 Lady Cross Plantation

- 3.3.1 The site's planning history dates from the 1980s since when various applications have been made relating to the caravan park at Lady Cross Plantation. Planning permission was granted in 2011 for 190 pitches including 124 touring caravans, 10 statics, 9 motor homes, 5 camping pods and 42 lodges. A subsequent application to re-position lodges and vary the site's opening times was approved in 2013.

3.4 MTS sites outside the National Park

- 3.4.1 The MTS access shaft sites at Lockwood Beck and Tocketts Lythe and the MTS portal site at Wilton fall within Redcar and Cleveland and their planning history is held by RCBC.

4. Proposals

4.0 The applicant seeks planning permission for the following developments:

- The underground extraction of polyhalite over 100 years within a 'mineable area' of 25,200 hectares;
- Construction of a minehead facility on a 64 hectare site at Dove's Nest Farm/Haxby Plantation: see plan at Appendix A: Minehead Construction Masterplan;
- Construction of MTS, including works at Dove's Nest Farm/Haxby Plantation, construction of a tunnel between the mine and the MHF at Wilton International Complex and development of three intermediate access shafts at Lady Cross Plantation, Lockwood Beck and Tocketts Lythe and a tunnel portal at Wilton.

The 'red line' application area covering these developments is shown at Appendix A

4.1 Extraction of polyhalite across application area

4.1.1 The mineable area extends from Dunsley in the north to Hutton Buscel in the south. Its eastern boundary is the low water mark of the North Sea except around Whitby. Its western boundary runs between the Lady Cross Plantation site and Hutton Buscel avoiding an area within 3 kms of RAF Fylingdales. 'Non-mining areas' are identified where extraction will not take place (shown in blue on the plan at Appendix A); these are generally in settled areas where the company has not negotiated with many separate mineral rights owners. The applicant states that the application area excludes land within the control of Cleveland Potash; however, it overlaps the approved Boulby mine potash extraction area around Dunsley and also overlaps the area of the Ebberston Moor natural gas field, which is to be further developed by Third Energy UK Gas Ltd and Moorland Energy Ltd.

4.1.2 The 'Indicated mineral resource' referred to in 1.3.3 above covers only a small part of the overall mineable area within approximately 2km of Dove's Nest Farm. This is the area from which polyhalite is likely to be extracted from the Shelf seam in the first 20 to 25 years of the operational life of the mine. In the longer term access to the deeper Basin seam would be via a drift mining tunnel from the upper seam.

4.1.3 Two deep mine shafts would be sunk at Dove's Nest Farm to access the Shelf seam which lies approximately 1,520 metres below ground level. The northern production shaft would contain hoisting systems to bring the excavated mineral to the level of the MTS tunnel (360m below the surface) and the southern 'men and materials' or service shaft would take materials and equipment to and from the pit bottom in an 80 tonne capacity cage. The shafts would be concrete lined and have a finished diameter of approximately 9.5 metres. Unlike conventional deep mines, the shaft winding head frames would be set below ground in chambers approximately 23 metres long, 17 metres wide and 45 metres deep. Staff amenities, maintenance workshops, diesel fuel storage, an electricity substation and stores would all be located at the pit bottom.

4.1.4 An additional air intake ventilation shaft would be sunk to enable air to be circulated through the mine workings via the main service (men and materials) shaft. This shaft would be approximately 45 metres deep and would connect to the service shaft via a ventilation tunnel. The infrastructure associated with this shaft would include the main fans which would force ventilation air down the service shaft and through the mine. Exhaust air would be taken out via the production shaft to the MTS level where it would be vented to the surface via the 360m MTS construction shaft.

4.1.5 The proposed mining method is traditional 'pillar and stall' mining from large horizontal drift tunnels up to 12 metres wide and between 5 and 40 metres high. Polyhalite ore would be extracted using conventional continuous mining and 'drill and blast' technology. Pillars of polyhalite would be left in-situ to ensure that openings have long-term stability and to provide support for the overlying strata particularly the important Sherwood sandstone aquifer 800m above. Continuous mining machines with rotating heads would 'win' the ore mechanically from a face before transferring it to shuttle cars/ flexible conveyor trains and onto the mine's internal conveyor network. The ore would be crushed to less than 150mm

size below ground, before being loaded into skips from the production level storage bunkers and hoisted up the production shaft to the intersection with the MTS level. From here it would be off loaded onto conveyors into the MTS level bunker system before being loaded onto the tunnel conveyor system and transported to the MHF at Wilton. The initial hoisting capacity would be 6.5 million tonnes per annum (6.5mtpa). No waste is anticipated as all the ore would be crushed for onward transportation.

- 4.1.6 The mine layout would be determined by a project mining plan which would be approved by HM Inspectorate of Mines. Around each shaft an area of mineral would be left unworked to provide a 'pillar of support' extending in a radius approximately half the depth of the shaft. Only access tunnels would be driven through this area. There would be no need to drive access tunnels in halite (salt) as happens at Boulby mine since polyhalite has a much stronger crystalline structure than sylvinitite. A diagrammatic representation of the below ground infrastructure is at Appendix A.
- 4.1.7 The first extraction of polyhalite would take place towards the end of the construction period when the area at the base of the shafts would be developed. During Phase 1 of the operational period the mine would be capable of a throughput of 6.5mtpa increasing to 13mtpa in Phase 2.

4.2 Minehead facility at Dove's Nest Farm/Haxby Plantation

- 4.2.1 The minehead facility at Dove's Nest Farm/Haxby Plantation would be a large new industrial development within the National Park comprising two distinct groups of buildings/structures:

- six buildings/structures associated with the mine shafts in the northern part of the site;
- a large welfare/office building, security gatehouse and 76 space car park set within a newly created clearing in Haxby Plantation in the southern part of the site.

- 4.2.2 The mine buildings would be set on a construction platform at 201 metres AOD. This is approximately 5 metres below the original ground level. The intention is that they would be largely screened from wider views by the adjacent new landforms resulting from the excavated spoil and existing and proposed woodland and scrub cover. The mine buildings would project above ground level by a maximum of just under 12 metres, with the maximum ridge height level set at approximately 213 metres AOD, slightly above the top of the adjacent mounds (which would be between 211 and 213 metres AOD). The six structures would be:

- a) Production shaft building: 59 x 28m
- b) Service shaft (men and materials) building: 109 x 53m (maximum dimensions)
- c) Intake ventilation shaft building: 46 x 26m
- d) MTS maintenance access and exhaust ventilation shaft building: 21 x 21m
- e) Electricity substation housing two transformers (with provision for a third to be added for Phase 2 production levels): 31 x 16m
- f) Building to house 5 x 1 Megawatt back-up generators: 32 x 32m

- 4.2.3 The buildings would be set on concrete plinths with grey coated metal cladding and grey sheet metal pitched roofs. The total footprint of the mine buildings is approximately 9,140m² and they are grouped in an area of hardstanding which occupies approximately 4.9 hectares. The chambers for the non-shaft infrastructure typically extend 5 to 6 metres beneath original ground level with the shaft chambers themselves extending to a depth of 45 metres below original ground level.

- 4.2.4 The two-storey welfare facility would be the largest building on the site (138 x 20m) with a long glazed south facing aspect with night closing timber louvres to minimise light escape. Its location on sloping land means there would be a cut and fill operation to create a finished floor level at 200 metres AOD. The building would be 13 metres at its tallest point and would be set on a concrete plinth with timber cladding on the north, west and east elevations. Its total ground floor area would be approximately 2795 m². The glazed front elevation of the welfare building would be broken by 'Corten' steel cladding around the two main entrances which would weather to a mottled red/brown colour. Within the building an internal 'street'

would give access to various facilities including a canteen, changing and showering areas, medical centre, offices, meeting and conference rooms and a workshop.

4.2.5 The existing vehicular access to Dove's Nest Farm would be closed and the access previously created for the exploratory borehole works would be used as the construction access for the site. At the operational stage, this would be downgraded to an emergency and maintenance access only. An existing small access into Haxby plantation would be upgraded to become the main permanent access point for the mine during operation.

4.2.6 Other elements of the proposals at Dove's Nest Farm/Haxby Plantation are:

- Drift tunnel access to the service mine shaft from a point approximately 150m from the rear of the welfare building;
- Shuttle bus terminal in the western part of the welfare building including 4 coach parking bays;
- 76 space car park with 8 spaces reserved for disabled employees and 5 spaces reserved for visitors;
- Vehicle layby at the front of the welfare building for Park and Ride buses;
- Single storey security gatehouse 13m x 14m x 5m high at entrance to car park area, incorporating a glazed façade and louvres on the south elevation;
- Emergency helipad;
- Lay-down area for materials and equipment to the rear of the welfare building;
- Provision of 66kV electricity supply through the MTS tunnel terminating at the electricity substation from which power would be distributed around the mine site via 11kV buried cables;
- New mains water supply taken from the Yorkshire Water reservoir opposite the site;
- Domestic waste water (foul sewage) treatment plant located to the rear of the welfare building (originally intended to discharge into Sneatonthorpe Beck but proposals revised so that treated effluent would be piped through the MTS to be discharged into the River Tees). Extracted sludge would be transported to an external treatment facility, possibly the one at Whitby, every two months;
- Surface water attenuation ponds, swales and wetland areas to be created to the north of the welfare building and to the east of the new landforms as part of a sustainable drainage system;
- A groundwater recharge borehole close to the new main entrance, which is needed to dispose of water entering into the mine shafts and tunnels from water bearing strata during construction and operation;
- Road widening and provision of right turn lanes at both the construction and the operational main entrance points on the B1416;
- Internal access roads together with unsurfaced haul roads for spoil disposal, although the location of these is not shown;
- 8m high lighting columns along the main access road/parking areas, externally mounted lighting on the service shaft and welfare buildings and discreet low level lighting to mark entrances to other mine buildings;
- Perimeter fencing and "environmental barrier".

4.2.7 The mine would be in operation 7 days a week. At Phase 1 production levels there would be three shifts with 140 miners per shift. The intention is that most workers would travel to and from the mine on buses from Park and Ride sites in Whitby or Scarborough. A car sharing policy would be put in place for workers travelling directly to the site.

4.3 Dove's Nest Farm/Haxby Plantation - Landform modification

4.3.1 The proposals include major landform modification at Dove's Nest Farm/Haxby Plantation to accommodate material excavated from the mine shafts, sub-surface chambers and linking tunnels and the southern section of the MTS. Most of this material would be incorporated into the landscaping proposals as a series of mounds or bunds and would provide screening to the surface infrastructure.

4.3.2 Some excavated material would be used on site for construction purposes, for example near-surface sandstone as a building or foundation material, clay for pond lining and topsoils for restoration planting. Excavated rock from the deeper horizons of the two main shafts that is regarded as having a higher polluting potential would be taken off site by road. Polyhalite extracted as part of the final shaft sinking and pit-bottom development works in the later stages of construction would also be taken off site. Initial polyhalite production from the shafts would be treated as spoil and transported off site with other spoil. However, subsequent product grade material would be made available for sale and YPL believes that the programme would allow it to be transported via a temporary connection with the MTS. However, the application includes a contingency plan for this material to be taken to Wilton by road if there are delays in the MTS construction timescale.

4.3.3 The applicant estimates that there would be approximately 1.3 million m³ of unbulked excavated material and stripped soils to be incorporated in permanent new landforms at the minehead site. These would be a series of linked mounds across the site, varying in size and shape to wrap around the mine buildings and provide long term screening of the mine complex:

- **North/north-east mound (Bund F):** a U-shaped mound which wraps around the mine buildings. The mound has a narrow linear form between the mine buildings and the B1416. Existing ground level here is between 206 and 208m AOD and the new mound would rise to 213m AOD. The slope alongside the B1416 would rise steeply with a gradient of 1:4 to approximately 5 metres above the level of the road. The mound has a very steep profile to the north and east of the mine buildings and 1:1 slopes facing the mine buildings would be created using a reinforced system. There would be more rounded profiles along the northern and eastern boundaries of the site where the gradient of the slopes varies between 1:7 and 1:15.
- **South-east mound (Bund E):** a 'lozenge shaped' bund to the east of the internal access road which is separated from the north east bund by a narrow valley allowing surface water to flow to the attenuation ponds. Existing ground level here lies between 198 and 192m AOD (again sloping down from west to east) and the maximum height of the bund would be 208m AOD, approximately 10 metres above the present level. Typical gradients are 1:5 to 1:7.
- **South-west mound (Bund C):** a large rounded mound with a gently flattened top lying between the welfare and the mine buildings. Existing ground level here lies between 210m and 200m AOD and the maximum height of the new mound would be 218.5m AOD, approximately 8 metres above the present level (210m AOD at this point). Gradients would be gentler on this bund at around 1:15 to 1:18.

There would be two temporary spoil mounds at the north-east and south-west of the site during construction which would have a maximum height of 13m.

4.3.4 The MTS would be constructed through pyritic Redcar mudstone and excavated material from the southern section of the tunnel (that would be constructed from the minehead) would need to be accommodated in the bunds at Dove's Nest Farm. Since this material has the potential to leach contamination, it is proposed that it would be compacted and underlain with clay obtained from the shallow excavations on site to minimise the leaching risk. The main spoil storage mounds would also be covered with a geosynthetic drainage layer to minimise rainfall percolation into the mound, prior to being covered with 500mm of subsoil and 200mm of topsoil.

4.3.5 New woodland planting is proposed on the lower slopes of the mounds with open scrub and grassland above as shown on the Restoration Proposals plan at Appendix A. The woodland planting to the east of the mine buildings is intended to provide long term screening in views from the moorland to the east.

4.4 Dove's Nest Farm/Haxby Plantation - Construction proposals

4.4.1 The application states that the minehead would be constructed over 58 months in seven phases:

1. Month 1-6: General site preparation and construction of shaft platform;
2. Month 6-16: Construction of deep shaft chambers, ventilation shaft and drift access tunnel;
3. Month 17-25: Construction of MTS shaft and chamber and set-up for MTS tunnel boring;
4. Month 26-32: Main shaft sinking, start of MTS tunnel drive;
5. Month 33-40: Final phase of deep shaft construction;
6. Month 41-58: Pit bottom development and commencement of construction of welfare building;
7. Month 52-58: Completion of welfare building.

4.4.2 Three temporary winding tower headgear frames would be required for sinking the two main shafts and the MTS shaft. Temporary crane systems would be used for the initial shaft chamber construction and following this, the temporary winders for the two deep shafts would be erected for operations to commence in Month 10 of the construction period. These would be in operation to the end of Month 47 (services shaft) and Month 58 (production shaft). The temporary winding gear for the MTS shaft would operate between Months 12 and 39. The winding gear would be enclosed to limit noise and particle escape and each tower would be 45m high. Twenty x 1.25MW diesel generators would be placed on site to provide power for the construction period, five of which would be retained during the operational period as emergency back-up generators. There would also be two 40m high generator stacks to emit the exhaust gas with additional air quality mitigation measures proposed as part of the SEI submission. Temporary lighting would be needed to ensure safe working on site and a lighting strategy is presented which aims to illuminate areas only where necessary and minimise upward light spill. 8-10m multi-head lighting columns would be used and moved around the site as works progress.

4.4.3 Considerable quantities of water would be required during construction for shaft drilling, grouting, concrete batching and welfare facilities for the construction workforce. The existing water supply to Dove's Nest Farm would be used for the first phase of construction prior to the new permanent supply being available from the second phase of construction.

4.4.4 A major element of the construction activities would be the earthworks required to handle stripped soils and excavated material from the shaft sinking and construction of sub-surface chambers and tunnels. A phased earthworks strategy is provided with the ES showing how material would be moved around the site into temporary and permanent bunds over the course of the construction period.

4.4.5 Construction of the mine shafts would involve zones being sealed by advanced grouting before material is excavated. Once a section is excavated, it would then be lined to prevent further ingress of groundwater into the shaft. Non-domestic waste water arising from the excavation of the shafts, chambers and tunnels would need to be dealt with during construction, estimated to be 724m³ per day as a maximum rate. This water would be saline and may contain high levels of iron, calcium bicarbonate or ammonia. Treatment facilities would be provided near the shaft sinking platform to allow the water to be re-cycled or returned to water bearing strata via the recharge borehole. The remaining slurry would be taken off site either by tanker or further processed to be removed as 'cakes' of dry solids.

4.4.6 Construction of the shafts and tunnels would take place over 24 hours 7 days a week with workers operating on a three shift basis. The shafts would be sunk using a conventional drill and blast method with up to two blasts per shaft per day. Concrete for the shaft lining would be provided from an on-site batching plant and the average rate of advance of shafts would be three metres per day. Apart from shaft sinking, the construction working hours are stated as up to 7 days a week, daytime hours with night working as a contingency.

- 4.4.7 The number of workers needed would vary between different stages of the construction and the average monthly requirement is given as 480. The majority of the construction workforce would come to and from site by bus from the proposed construction Park and Ride site opposite Whitby Business Park. No employee parking would be permitted at the mine site.
- 4.4.8 By Month 58 the facility would be set up for Phase 1 production of 6.5mtpa polyhalite. The ES states that works needed to 'ramp-up' to the Phase 2 production level of 13mtpa would take approximately six months to implement and is expected to be completed by Month 112. Details are not given but officers understand that the works would be largely underground.

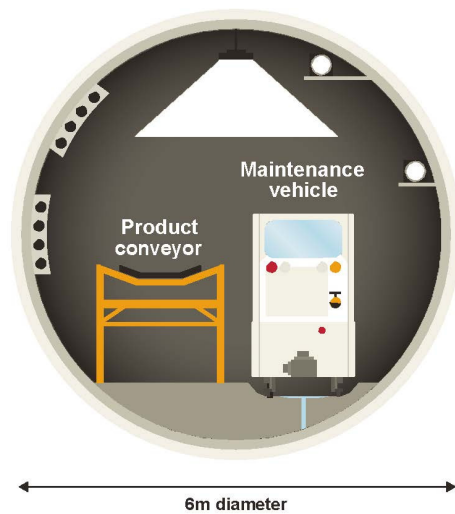
4.5 Dove's Nest Farm/Haxby Plantation – Decommissioning, restoration and after use

- 4.5.1 At the end of mining operations, which could last 100 years (current application) or more, the mine would be sealed underground by waterproof plugs and the shafts capped to ensure that the shafts and tunnels do not become pathways for water to move between different aquifers. The applicant notes that detailed decommissioning requirements cannot be known at this point but best practice would be followed. Buildings and other structures around the shaft platform would be cleared of equipment and demolished and site access roads would be removed. The bunds would remain although the steepest slopes adjacent to the mine buildings would be reduced to a maximum gradient of 1:3. Surface water drainage ponds and swales would also be retained.
- 4.5.2 The welfare facility and gate house would be demolished and the car park and lighting columns removed. The access tunnel between the welfare facility and the mine shaft would be filled in. Water, electricity and telecommunications connections and the foul drainage treatment plant would be removed and the recharge borehole would be sealed. Disturbed areas would be landscaped and planted.

4.6 Mineral Transport System (MTS)

- 4.6.1 The MTS would transport extracted polyhalite from the mine at Dove's Nest Farm/Haxby Plantation to the Mineral Handling Facility (MHF) at Wilton International Complex. A tunnel containing a series of linked conveyor belts would be constructed in the Redcar Mudstone geological seam that naturally surfaces at Teesside. The conveyors would be 1.2m to 1.4m wide and would have a capacity of 1,000 tonnes per hour for Phase 1. Additional drives would be installed to cater for Phase 2 production levels when the conveyor capacity would be 2,000 tonnes per hour.
- 4.6.2 The tunnel would be 36.7km long with an external diameter of 6m (increasing to 6.5m at 'joining' sections) and an internal diameter of 5.7m. However, at the three intermediate shaft sites, large underground chambers of varying length and cross-sectional dimensions (see below) would be constructed to erect the Tunnel Boring Machines (TBMs), subsequently remove them and then act as conveyor transfer stations. The MTS tunnel would be connected to the production shaft at Dove's Nest Farm 360m below ground level and would follow a direct route to Wilton via the three intermediate access shaft sites at Lady Cross Plantation, Lockwood Beck and Tocketts Lythe. The tunnel would be at depths of 339m, 345m and 119m below ground level respectively at these points and would surface at Wilton with a drift portal. The tunnel would be vented from the MTS portal with fans located at the base of the MTS shaft at Dove's Nest Farm to draw the air through the tunnel. In addition to the conveyors, the tunnel would contain a maintenance train track, provision for two 66kV electricity cables and sumps and pipes for carrying treated waste water to Wilton. The intermediate shafts would provide maintenance and emergency access to the MTS during its operational period.

Figure 2: Diagrammatic section of MTS



4.6.3 The tunnel would be constructed in five separate drives using tunnel boring machines. At each MTS shaft location, an underground cavern would be created at the base of the shaft to allow the assembly and launch of the tunnel boring machine. The caverns would be horseshoe shaped, but would have a square working section of 12m wide by 12m high over a length of 60m, before reducing at either end to a 9m x 9m section before connecting to the circular sectioned main TBM tunnel. Because of local considerations, i.e. change of grade, the tunnel caverns would be 136 m long at Lady Cross Plantation; 167 m long at Lockwood Beck and 100 m long at Tocketts Lythe. The caverns would also house the conveyor drive systems and provide passing points for maintenance trains and transfer points between conveyors during the operational period. The overall construction period for the MTS is given as approximately 39 months and works would mostly start simultaneously at the various sites with tunnel drives as follows:

- Drive 1 – north west from the MTS shaft at Dove's Nest Farm
- Drive 2 – north west from the intermediate access shaft at Lady Cross Plantation
- Drive 3 – south east from the intermediate access shaft at Lockwood Beck
- Drive 4 – south east from the intermediate access shaft at Tocketts Lythe
- Drive 5 – south east from the tunnel portal at Wilton

4.6.4 Material excavated from the shafts and the tunnel would be retained at each site in landscaped bunds. The applicant estimates the amounts of 'bulked' spoil to be 306,000m³ at Lady Cross Plantation, 369,000m³ at Lockwood Beck and 207,000m³ at Tocketts Lythe.

4.6.5 The MTS works at Dove's Nest Farm/Haxby Plantation have been outlined above with the minehead details. Construction proposals for the three MTS intermediate access shaft sites have the following elements in common:

- A construction platform would support shaft sinking equipment including 45m high temporary winding headgear frames which would be fully clad. These would be on site from month 12 for 28 months at Lady Cross Plantation, 26 months at Lockwood Beck and 22 months at Tocketts Lythe;
- Other temporary structures would include gantry cranes (although no specific heights are given, those used at the minehead site range in height from 42 to 76m), waste water treatment and concrete batching plants, site offices and welfare facilities, car parking and laydown areas, security fencing and gatehouse;
- Each site would have seven diesel generators with an associated 20m high stack (30m at Lady Cross Plantation) to provide power during construction;

- Water storage tanks would be provided on site to avoid overloading the mains supply at peak periods during construction;
- Domestic waste water (foul sewage) and waste water from shaft sinking and tunnelling would be tankered off site for treatment;
- A phased earthworks strategy would be adopted to handle stripped soil and excavated material which would be placed in bunds to become permanent new landforms;
- Special soil handling techniques and measures to avoid leaching from pyritic mudstones excavated from the tunnel would be adopted and there would be temporary surface water drainage works during construction;
- Proposed above ground construction working hours are 07.00 to 19.00, seven days a week with night working as a contingency. Shaft sinking and tunnelling would be carried out 24 hours, seven days a week;
- Each site would adopt a lighting strategy similar to that proposed at Dove's Nest Farm/Haxby Plantation.

4.6.6 When in operation, the access shaft sites would have:

- An agricultural style shaft top building 20m x 20m x 8m high to house electrical equipment (transformer, emergency ventilation fan and generator) and an emergency pulley and mobile winder;
- Low level lighting on the main access point and shaft top building.
- A sustainable drainage system and new planting to integrate with the surrounding area.

Maintenance access would be needed for weekly visual inspections, six monthly emergency generator checks and three yearly emergency pulley checks.

4.6.7 At **Lady Cross Plantation**, a new access point would be created for construction vehicles and there would be highway improvements at the A171 junction. The 340m deep MTS shaft would be constructed in the southern field with excavated spoil placed in a rounded bund rising to 219.5m AOD in the northern field. At the western side of the bund, the new landform would be 6m above existing ground level. Ponds would be created at the base of the spoil mound and near the shaft building. The footpath crossing the site would be diverted around the site perimeter during construction but would revert to its original route on completion and would then cross the new landform. Landscaping proposals include woodland edge planting and species rich grassland on the spoil mound. A second maintenance access would be created for the operational period and the construction access would be downgraded. The total construction period at Lady Cross Plantation is given as 38 months.

4.6.8 At **Lockwood Beck**, the junction of Swindale Lane with the A171 would be relocated and a right turn lane provided. A new access into the site from Swindale Lane would be created close to the access shaft which would be 345m deep. A haul road would be built across the deep Lockwood Beck valley to enable excavated material to be moved to sloping ground in the northern part of the site. A new landform adjacent to Stanghow Road would rise between 1 and 6m above existing ground level. New valley side profiles would be created on the slopes facing Lockwood Beck. For a large part of the construction period there would also be a temporary soil mound adjacent to the A171; this would be seeded with grass in the first growing season. Five wildlife and sustainable drainage ponds would be created as part of the landscaping proposals, as well as new woodland planting at the south-east corner of the site to connect to existing woodland. Walls and fences would be reinstated and the site returned to agricultural use with the new access retained. The total construction period at Lockwood Beck is given as 36 months.

4.6.9 At **Tocketts Lythe**, there would be a realigned junction from the A173 into Plantation Farm. The access shaft would be 119m deep and would be constructed south of the farm buildings on land surrounded by existing woodland. Excavated material would be placed in a bund up to 8m above existing ground level in the south-eastern part of the site adjacent to Waterfall Gill. The new landform would have steep slopes facing the valley with gentler slopes on the

more visible western face. Ponds and swales would be created around the base of the new mound. During operation of the MTS the site would be returned to agricultural use with new woodland planting on the steeper parts of the new landform and the new access retained. The construction period is given as 32 months.

4.6.10 At the **Wilton International Complex**, a tunnel portal and canopy 91m x 16m x 7.6m high would be constructed along the eastern edge of the site. Other structures would be:

- Train shed with train maintenance area, 75m x 45m x 11m high;
- Pump return tank and water treatment works for tunnel drainage;
- Storage shed;
- Control room for operation of mechanical and electrical systems within the tunnel;
- Welfare facilities and administrative building;
- Car parking area and security station;
- Transformers and electricity substation compound;
- 'Run of mine' storage building, capable of storing material from the tunnel portal conveyor belt in the event of an emergency.

Buildings on site would be steel framed with concrete retaining walls, steel sheet cladding and homogeneous elevations to integrate with the surrounding industrial area. There would be a large spoil mound in the western part of the site and a narrower mound along the eastern edge. A belt of woodland would be planted on the eastern mound to screen views from nearby residential properties in Dormanstown.

4.6.11 Plans showing the construction and operational layout of the MTS access shaft sites are at Appendix A.

4.6.12 As with the mine shafts, it is not intended to backfill either the tunnel or the intermediate shafts at the end of mining operations. The tunnel would be sealed from access at Dove's Nest Farm and the intermediate shafts would be cleared of equipment and services and then plugged and capped at surface level. All buildings would be removed. The MTS portal at Wilton would be filled in.

4.7 The wider York Potash project

4.7.1 There are a number of other developments which comprise the wider York Potash project but which are not the subject of this application:

- Materials Handling Facility (MHF) at Wilton International Complex
- Harbour facilities at Bran Sands, Wilton International Complex;
- Extension to Whitby Park and Ride facility;
- Construction Park and Ride facility on land opposite Whitby Business Park within Scarborough Borough Council's planning area;
- Potential temporary construction village at the same site consisting of stackable, portable buildings to house 300 workers;
- Off-site highway improvements.

4.7.2 A potential longer term future development in the National Park is a ventilation shaft approximately 6-7km away from the mine shafts at Dove's Nest Farm (Harwood Dale was at one point mentioned by the company as a possible location) to access other reserves of polyhalite from beyond the inferred mineral resource area in the future. However, this is an eventuality that may or not happen and should not influence the determination of this application.

5. Proposed Developer Contributions

5.1 Planning Obligations and the Community Infrastructure Levy Regulations.

5.1.1 Government advice on planning obligations is set out in paragraphs 203 to 206 of the NPPF and Regulation 123 of the Community Infrastructure Levy Regulations 2010 (the CIL Regulations). Local planning authorities may consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations provided the obligations are:

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

Planning obligations which reasonably relate to the direct impacts arising from a development and are required to make the adverse impacts of a development acceptable in planning terms should be included in a Section 106 agreement and due weight can be given to them in the planning decision. If agreement cannot be reached between the applicant and the planning authority, the applicant may still make an offer of direct impact mitigation or compensation by means of a 'CIL compliant' Section 106 unilateral undertaking for the authority to consider. Again due weight can be given to the mitigation or compensation measures.

5.1.2 An applicant may also offer contributions which are not directly related to the impacts of the development for altruistic or reputational reasons. However, as such commitments do not directly relate to the impacts of the development or are not required to make the development acceptable, they are not material considerations and no planning weight should be given to the offer. It is an important principle of the UK planning system that a planning permission cannot be bought or sold.

5.1.3 Following the introduction of the CIL Regulations, the Authority has considered whether the Levy should be applied to new development in the National Park. It has been decided that a CIL charging scheme should not be pursued at the present time and it remains the position that any infrastructure requirements which flow from a particular development proposal in the National Park should be addressed through a S106 agreement.

5.2 Proposed Section 106 Obligations

5.2.1 The applicant's original Section 106 submission explains the background to the planning obligations that are offered and includes a draft Section 106 Agreement. Several of the items have been carried forward from offers made in connection with the 2013 planning application but there are also new elements which represent a different approach being taken by the company.

5.2.2 Since the application was lodged, discussions with the applicant over the level of residual harm have been ongoing and revised versions of the draft S106 Agreement have been placed on the Authority's website. Most of the S106 obligations would be contained in an Agreement made between the applicant, this Authority and Scarborough BC. However, certain offers would be implemented through agreements with Redcar and Cleveland BC and NYCC. The proposed obligations are based on a Construction Period which would start at commencement of construction and end 12 months following the removal of the winding towers at Dove's Nest Farm/Lady Cross Plantation, a 'Post Construction Period' which would equal the length of the Construction Period and an Operational Period which would run from the end of the Post Construction Period for the operational life of the mine. The proposed obligations very largely reflect officers' assessment and have thus been derived from the expected level of residual harm, resources required to meet policy requirements, effective safeguards etc. They are:

NYMNPA/SBC agreement

- **Management Plan Contribution**

- Up to £100,000 per annum (pa) from commencement of construction, increasing by £100,000pa for each year of the Construction Period up to a maximum drawdown of £500,000pa;
- Up to £500,000pa during the Post Construction and Operational Periods.

Offered to address concern about the impact of the development on the National Park in terms of visual impact, ecology and dark skies. Funds would be provided to assist implementation of relevant aspects of the NYM Management Plan.

- **Core Policy D Contribution**

- Up to £150,000pa from commencement of construction, increasing by £150,000pa for each year of the Construction and Post Construction Periods up to a maximum of £750,000pa;
- Up to £750,000pa for the Operational Period.

Offered for the planting of deciduous woodland within the National Park to address the objectives of NYM Core Policy D.

- **Tourism Contributions**

- £100,000pa for NYMNPA promotional activities during the Construction and Post Construction Periods (subject to tourism review);
- Between £100,000 and £250,000pa for NYMNPA promotional activities after the Post Construction Period (subject to tourism review);
- £50,000pa for NYMNPA for support of local tourism businesses during the Construction and Post Construction Periods;
- £200,000pa for Welcome to Yorkshire during the Construction and Post Construction Periods;
- £50,000pa for Visit England during the Construction and Post Construction Periods;
- £50,000pa for Visit Britain during the Construction and Post Construction Periods;
- £400,000 for road signage;
- £50,000pa Whitby Tourism Contribution (payable to SBC) for ten years from commencement of construction;
- Up to £100,000pa for independent review of tourism data and visitor surveys during the Construction and Post Construction Periods.

Offered to address concern about adverse impacts on tourism.

- **Archaeological Data Contribution: £22,500pa during the Construction Period**

Offered towards re-interpretation of archaeological finds in recognition of the potential for archaeological resources to be discovered during construction.

- **Geological Data Contribution: £22,500pa during the Construction Period**

Offered towards recording of geological data gained during excavations into existing geological records.

- **Liaison Group**

The applicant has made a commitment to set up a local liaison forum to facilitate regular meetings between local residents, Parish Councils, local authorities and other interested stakeholders.

- **Police Contribution: £150,000**

Offered for automatic number plate recognition infrastructure which would be used in the vicinity of the construction sites to minimise the risk of increased crime.

- **Scarborough Local Opportunities Contribution: £40,000pa during the Construction Period**

For identification and preparation of local people for construction job opportunities (payable to SBC).

- **Implementation of Skills Strategy Action Plan**
To use reasonable endeavours to implement the Action Plan which would create apprenticeships and skills training opportunities.
- **Monitoring Contribution**
 - £50,000 one-off initial payment;
 - £100,000pa during the Construction Period and the following two years;
 - £50,000pa thereafter.

Offered to meet the Authority's costs for monitoring compliance with approved plans, planning conditions and mitigation measures outlined in the applicant's Environmental Statement.

- **Security Provisions**
The applicant undertakes not to commence development until security provisions to the Authority's satisfaction have been put in place for
 - Reinstatement costs during construction;
 - Reinstatement costs during operation;
 - Payment of monetary contributions.
- **Bridleway at Dove's Nest Farm**
To use reasonable endeavours to provide new bridleway in the vicinity of Dove's Nest Farm.
- **Noise mitigation for Dove's Nest Farm neighbours**
To set up a scheme to pay for mitigation measures to comply with the Scarborough Environmental Health Officer's requirements regarding noise impacts for neighbours of construction sites.

NYCC agreement

- **Rail Services Contribution: Up to £2,250,000**
 - £1,500,000 over three years for subsidy of rail services;
 - £750,000 maximum for extra subsidy if needed;

To provide additional services on the Esk Valley railway to address the impact of increased traffic on the A171 during construction and improve alternative transport services for visitors to the National Park and Whitby.
- **Rail Infrastructure Contribution: Up to £4,500,000**
To upgrade infrastructure needed to provide additional rail services without causing a negative impact on the services of the North Yorkshire Moors Railway.
- **STEM Contribution: £40,000pa for two years**
To improve awareness of science, technology, engineering and maths in primary and secondary schools. This contribution is offered to maximise job opportunities for local people and avoid a future shortage of skilled labour which might affect other local businesses.
- **NYBEP Contribution: £37,500pa for ten years**
Funding for STEM resources and activities to be applied through the North Yorkshire Business and Education Partnership. This contribution is offered to maximise job opportunities for local people and avoid a future shortage of skilled labour which might affect other local businesses.
- **Highway works: Estimated cost £5,300,000**
Offered for various highway works including upgrade to Mayfield Road junction, widening of A171 at Normanby, provision of right hand turn lanes, temporary traffic

management at construction sites, improved pedestrian crossing facilities. Works to be actioned through a S278 Highways Agreement.

- **ATC counters**
To monitor construction traffic movements at Dove's Nest Farm and Lady Cross Plantation.
- **Transport Management Liaison Group**
To establish and administer a Liaison Group to monitor the Construction Traffic Management Plan and the impact of the development on key junctions and routes, any emerging accident trends and identify appropriate intervention.

5.2.3 The total value of the applicant's proposed Section 106 contributions is up to £175 million over more than 100 years. The largest contributions are the Management Plan, Core Policy D and Tourism contributions together with funding for additional train services on the Esk Valley railway.

5.2.4 At the time of writing the report S106 negotiations are ongoing and Members will be updated of any further developments at the meeting.

5.3 Officers' advice regarding Section 106 offers

5.3.1 The S106 offers have been made following pre-application discussions where NPA officers expressed concerns about both short and long term harmful effects on a range of environmental matters including the National Park's special qualities. The company states that it is prepared to offer substantial contributions to address these concerns and mitigate or compensate as far as possible for any residual harmful effects by offering funding for a range of local measures and improvements relating to special quality, visual and other objectives. The submission also says that it is for the determining authorities (this Authority and Redcar and Cleveland Borough Council) to decide whether the offers comply with guidance in the NPPF and the CIL Regulations.

5.3.2 Officers have received legal advice that decision makers must assess offers against the three CIL criteria set out in 5.1.1 with an appropriate degree of rigour. Decisions must be rational and supported by intelligible reasoning so that the basis for the conclusions reached is clear. This means:

- identifying the nature, extent and scale of the residual harmful impacts that would be caused by the development;
- identifying the nature, extent, scale and deliverability of the offers that are meant to address that harm;
- assessing the extent to which the offer ameliorates or compensates for the impact and how it does so.

Officers have carried out an assessment of this type and the conclusions are summarised in the table at Appendix L. The final column shows the extent to which each of the applicant's S106 offers is CIL compliant and can be taken into account as a material consideration in the planning decision.

5.3.3 Further details of the offers and whether they would adequately mitigate or compensate for harmful impacts are in the conclusions of the planning assessment (Section 18 below).

5.4 York Potash Foundation

5.4.1 The York Potash Foundation (YPF) was set up by the applicant in May 2012 to provide a fund to support local community projects. The Foundation is run by seven Trustees and is seeking charitable status. Its objectives are to:

1. enhance education and skills, promote general health and wellbeing of the community;
2. advance environmental protection and improvements;

3. advance citizenship and community development by improving community facilities and;
4. assist those in financial hardship particularly by helping the long-term unemployed to gain skills.

The applicant states that a payment of two million pounds would be made on commencement of construction and thereafter there would be an annual contribution of 0.5% of revenue from the company to YPF.

- 5.4.2 Since the obligation would not involve monies being paid to the local planning authorities, the proposal is for it to be secured through an agreement made under Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011 (legislation which allows authorities to enter into agreements to further their objectives). This means that the YPF obligation would not be binding on any land, but the Authority would in principle be able to enforce it through the agreement provided the development is carried out by York Potash Ltd rather than another company.
- 5.4.3 Officers welcome the commitment to a community fund but have sought legal advice on the approach that should be taken to the YPF in the planning determination. As with any other developer 'offer', it can only be taken into account if there is a direct connection between the intended use of the funds and the proposed development.
- 5.4.4 All four of the YPF objectives are very broad in scope and officers consider that the third and fourth objectives in particular would not meet the test of being directly related to the development and are more related to wider community benefit. Schemes to enhance education and skills (part of the first objective) and to advance environmental protection and improvements (the second objective) could in principle be considered to be related to the development, to mitigate against a potential skills shortage and compensate for environmental harm but details of specific projects are not yet available. The YP website suggests that most grants would be for projects within the North York Moors and Redcar and Cleveland and Scarborough Boroughs but the Trustees may also choose to allocate funds to projects and charities outside this "area of benefit". Since Trustees would have discretion to decide how and where to distribute YPF funds, there can be no certainty over whether grants would be given for CIL compliant projects or how much of the total would be allocated to such projects.
- 5.4.5 Further, any agreement with the Authority would not run with the land. Overall, the York Potash Foundation may or may not lead to money being spent on matters necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. In those circumstances, Members are advised to give very little if any weight to the York Potash Foundation proposal.

6. Consultations

6.1 York Potash pre-application community consultation

- 6.1.1 The planning application includes a Statement of Community Engagement (SOCE) which gives details of the company's pre-application community consultation. This started with the launch of the York Potash project in January 2011 when the company set up a project website and embarked upon extensive stakeholder and public consultation in relation to the 2013 planning application. The SOCE notes that there was widespread public support for the mine and pipeline proposals but also negative comments regarding the environmental impacts of the pipeline which the company took into account in the design review which followed the withdrawal of the 2013 application.
- 6.1.2 Pre-application stakeholder engagement on the current application took place throughout 2014 using a wide range of engagement methods. There were monthly update meetings with the local planning authorities, regular updates to parish and town councils and liaison meetings with a variety of statutory consultees and other stakeholders. The company also worked with schools and other educational institutions to build an education and training programme and raise awareness of career opportunities.
- 6.1.3 The SOCE gives details of the formal pre-application public consultation exercise carried out between June and September 2014 which was based on a strategy agreed with the planning authorities. The consultation included coverage of the proposals in the media, further meetings with parish and town councils and business networks and the production of a non-technical brochure 'The York Potash Project Explained'. The main focus of the consultation was a series of ten public exhibitions held at local venues where plans were displayed, queries answered and people were asked to give their views using a survey questionnaire. Around 765 people attended the exhibitions and the information and questionnaires were also available on the company's website, reaching a wider audience. The survey included questions on a number of topics and spaces for additional comments. The total survey response during the consultation period was 1,741.
- 6.1.4 The survey showed a very high level of overall support for the proposals at local, regional and national level (97%) with particularly strong support (95%) for the social and economic impacts of the project. When asked what they thought about the overall environmental impacts of the project, 86% of respondents had no concerns, 12% were undecided and just 1% considered the impacts would be unacceptable. The level of support from areas most directly affected (the National Park, Whitby, Scarborough and Redcar & Cleveland) ranged from 88% support in the National Park to 97% in Redcar and Cleveland. There was a slightly higher level of support for the mine (95%) than for the MTS/MHF part of the proposals (93%).
- 6.1.5 In relation to the mine, 95% thought that the overall impact would be positive or neutral and 96% were satisfied with the building and landscape design. 92% were satisfied with measures to reduce vehicle traffic during operation and 94% thought that overall the need for the development outweighed the temporary construction impacts. It should be noted that, although the survey included a specific question about traffic during the operational period, it did not include one about traffic impacts during construction. There was only one general question asking for views on construction impacts with possible answers including 'overall impacts will be positive/negative', 'need for project outweighs temporary construction impacts' and 'more could be done to reduce the construction impacts'. Not including a specific question on construction traffic is considered to have been an omission since concern about HGVs was a major issue raised by local communities in connection with the 2013 application.
- 6.1.6 In relation to the MTS, 89% supported the locations of the intermediate access points and 88% supported the proposed design and layout. 86% supported the proposed layout and building design of the MHF.
- 6.1.7 The main issues raised in the public consultation, either by those opposed to the development or by supporters who also expressed some concerns, were:

- increase in HGV movements and other traffic caused by the development;
- potential environmental impacts on existing water sources, wildlife and landscape, light pollution and noise during construction;
- the National Park not being a suitable location for this type of development;
- project viability and whether there is a market for polyhalite;
- local economic impact and whether jobs would go to local people.

- 6.1.8 The SOCE gives York Potash's response to the consultation, explaining how these issues have been addressed in developing the proposals. It notes that the transport strategy includes defined HGV routes which avoid minor roads, measures to manage the daily and hourly flows of vehicles and Park and Ride and car sharing arrangements. Proposed construction methods and practices would avoid pollution from surface water run off and control noise levels and the lighting strategy has been prepared to minimise light pollution. Mitigation measures are proposed to limit ecological impacts and improve biodiversity, for example retaining trees and existing vegetation where possible and replacing those that are lost with native species that provide amenity and ecological value. Spoil mounds are designed to respect the local landscape character and help to screen the developments in the long term.
- 6.1.9 The SOCE comments that the Major Development Test Planning Statement demonstrates that the project meets and exceeds the policy requirements in relation to need and alternatives. The company is committed to maximising the local economic benefit and would recruit as many personnel from the local labour market as possible. The SOCE concludes that there is exceptional local public support for the revised project.
- 6.1.10 The applicant has gone to great lengths to publicise the proposals and make its case for the potential benefits of the project with the public, political figures and stakeholders at all levels. Its pre-application consultation has been extensive and thorough, particularly with the local community, and its approach to publicity has resulted in the proposals having a very high public profile. Officers' view of whether the issues raised in the pre-application consultation have been adequately addressed is covered in the relevant planning assessment sections of this report (see Section 12 below).

6.2 Statutory consultation: responses from constituent local authorities

- 6.2.1 Statutory consultees' responses to the application are summarised below and can be viewed in full on the Authority's website.

North Yorkshire County Council (NYCC)

- 6.2.2 NYCC welcomes the economic and other benefits both inside and outside the National Park that the project offers but also recognises the importance of the landscape and natural beauty in the National Park and the need for mitigation which the NPA will need to consider in making a decision. The County Council has a particular interest in relation to transport, economic, employment and training benefits that the development would bring and requests that full account is taken of the NYCC's representations. Comments are provided by the different service areas of the County Council.
- 6.2.3 *Strategic Policy:* NYCC has an interest in the proposal as a major development in the sub-region, it also has an interest in relation to the County Council's role as an infrastructure and service provider and also to the potential economic and skills benefits for the County. NYCC recognises that the NPA must determine the application in accordance with the Development Plan and the decision should take account of the Major Development Test in the NPPF and the guidance in Circular 2010. NYCC considers that the main benefits of the development would be in relation to its contribution to the national, regional and local economy. The balancing arguments in relation to possible harm to the environment and the suitability of any mitigation and the landscape and recreational opportunities in the National Park are matters for the NPA who must decide whether the proposal amounts to exceptional circumstances in terms of its benefits and whether the benefits outweigh the harm. In relation to waste it is noted that a large majority of waste will be disposed of on-site with a relatively small quantity requiring off-site disposal. It is not considered that the proposed off-site disposal is likely to give rise to any strategically significant issues in relation to waste

management capacity in North Yorkshire. NYCC states with reference to the supply of construction materials that it would be helpful if the applicant could provide an indication of the volume of minerals that may be required for the construction of the development in order that the potential strategic minerals supply issues that may arise can be taken into account. NYCC states that it is unclear whether the potential of any subsidence impacts on surface structures has been addressed. In this respect it would be helpful if the applicant could provide more clarity in relation to this. In the event that such impacts could occur clarification should be sought on prevention or mitigation measures.

- 6.2.4 *Local Economic Partnership:* NYCC supports the application in relation to the benefits for the local, regional and national economy.
- 6.2.5 *Children and Young People's Service- Skills Strategy:* The application recognises the potential for the local labour market to provide a significant proportion of the workforce to meet the company's needs. The Skills strategy identifies the educational and training deficit which will need to be addressed so that local people can maximise the employment opportunities available. The Strategy shows a commitment to support local people in order to gain employment. York Potash has worked with a range of local partners to shape and support the Strategy. NYCC is responding separately on the Draft S106 and has recommended some amendments.
- 6.2.6 *Historic Environment:* No comments and defer to the archaeological advisors at the National Park Authority and Redcar and Cleveland.
- 6.2.7 *Natural Environment:* No comments to make in relation to ecology as the NPA is the competent authority. In relation to the landscape impacts NYCC state that this is a significant industrial development located in a nationally designated landscape of high sensitivity. The applicant has sought to minimise the impacts of the development and has included mitigation proposals. NYCC has no comments to make and defers to the landscape consultants employed by the Authority.
- 6.2.8 *Public Rights of Way:* Any PROW issues will be addressed by the NPA and any diversions or extinguishments should be notified to NYCC.
- 6.2.9 *Emergency Planning Unit:* No specific concerns but wish to be consulted throughout the process.

Ryedale District Council

- 6.2.10 *Economic Impact;* the District Council strongly endorses the 'assessment of need and impact' of this proposal that was undertaken by the York, North Yorkshire and East Riding Local Enterprise Partnership (LEP) which overwhelmingly supports this vital proposal. The LEP's assessment states that the development will help to reduce the UK's trade deficit, create a more export driven economy, generate substantial GVA, increase levels of production and employment and achieve investment in the north of England. These are all Government policy objectives.
- 6.2.11 The area covered by the LEP faces serious challenges, including low wages and skills, high unemployment and other social issues. The potash project has been recognised by Ryedale and the LEP as the major economic opportunity to address these issues and it features highly in the Council's Economic Action Plan and in the LEP's Economic Plan. The LEP's submission reinforces the need for a transformational project and major development.
- 6.2.12 Even if taking a cautious view the outputs, in terms of jobs, GVA, exports per year and tax gains are significant. There will be benefits for the supply chain and skills in the LEP area and in the Tees Valley Unlimited LEP.
- 6.2.13 Ryedale recognises the importance of protecting the National Parks and that major development should only proceed where significant benefits can be achieved. This is a proposal that is of fundamental importance economically and socially. The tourism impacts can be expected to be outweighed by the long term economic benefits, particularly given the mitigation package. Ryedale DC strongly encourages the Authority to support this proposal

as this is a unique opportunity to fundamentally address the long standing economic challenges of the area.

6.2.14 Ryedale is mindful of the need to mitigate against any potential impacts on the area and would highlight; the need for targeted funds to those businesses that will be negatively impacted, the need to ensure that existing local engineering firms are not detrimentally impacted, the need to ensure that there is a commitment to ensure local suppliers are used, the need to ensure that the improved connection to the Esk Valley Railway does not impact negatively on the NYM Railway, the need to ensure that the financial support to the community is distributed appropriately and is inclusive of those in Ryedale on a low wage and the need to secure resources for local policing in Ryedale.

6.2.15 *Planning and Environmental Impacts:* no objections are raised.

Scarborough Borough Council (SBC)

6.2.16 **SBC formal response:** SBC **supports** this proposal in principle. It recognises the economic benefits of the proposal for the whole of Scarborough Borough, inside and outside the National Park, and considers that the overwhelming economic benefits outweigh other planning considerations. The NPA is asked to attach considerable weight to the economic benefits of the project to the local area. The Borough considers that it is not appropriate to simply consider the economic impact within the National Park. The Committee does not wish to see the landscape character and appearance of the National Park harmed, but recognises the need for additional jobs in the area, particularly for young people.

6.2.17 The NPA should carefully consider the need for the mineral in relation to the Major Development Test. The Borough Council considers that this mineral is an international asset that should be exploited. The Committee asks that steps be taken to ensure that local jobs are maximised. The Council considers the site at Dove's Nest to be preferable to any other alternative sites as it will have much less impact on visual and residential amenity.

6.2.18 With regards to the visual impact of the development the Authority should be satisfied that the scale and the number of minehead buildings is the minimum necessary; the facilities and accommodation within the welfare building are necessarily located at the Dove's Nest site; the levels of on-site car parking is the minimum required to meet operational requirements, taking account of green travel initiatives; care should also be taken to minimise the impact of external lighting. The Borough Council also states that it will be important to ensure that existing and proposed vegetation is managed in a way that maintains an effective screen throughout the life time of the development.

6.2.19 SBC considers it is essential that the Authority considers the wider socio-economic impact of the development. The National Park has a duty to fully assess the wider trans-boundary impacts of the proposal, both positive and negative. The NPA should also consider the trans-boundary impact of the development on the tourism economy and ensure that any necessary mitigation measures are implemented. SBC will make provision outside the National Park to cater for the demand for additional housing generated by this development, thereby reducing pressure for additional housing need within the National Park.

6.2.20 The Borough has particular concerns about the HGV traffic during construction and notes that there is inconsistency in the predicted number of movements per hour during the construction phase. There is a potential for severe harm to residential amenity. It is therefore essential that mitigation measures are introduced to minimise the impacts of HGV transport including: lorry routing and delivery and work times with a view to avoiding early morning, night time deliveries, week-ends and bank holidays and when there may be a conflict with peak tourist traffic. The Committee does not regard the construction phase as being short term and is concerned about the capacity of the road network in and around Whitby to cope with the increased levels of HGV traffic. Concerns were also expressed in relation to light pollution, noise and air quality during the construction phase. Adequate measures must be taken to minimise these impacts on both the landscape and residential amenity.

- 6.2.21 **Officer comments from the SBC Regeneration Unit:** The Council's Economic Development Manager **supports** the application saying it is an unprecedented economic opportunity for the Borough that would lead to new investment and new business opportunities for local companies. The area has struggled with low growth rates over recent years and is characterised by low wages and skills and a narrow employment base. The proposed investment could transform the coastal economy bringing significant economic growth and job creation. The project's headline figures for direct, indirect and construction jobs and the major contribution to national GDP and exports are impressive.
- 6.2.22 The Council is working to support the investment by delivering a local recruitment process through Scarborough Jobmatch, investing £2.5m at Whitby Business Park to develop 30 acres of serviced land for the mine supply chain, developing the construction village at Middle Deepdale in partnership with Groundwork Trust, the Construction Industry Training Board and Yorkshire Coast College, developing a regional supply chain strategy with York Potash and investing in a construction, manufacturing and engineering apprenticeship programme. The Economic Development Manager concludes that the development of the new mine is critical to enabling the Borough to further diversify the coastal economy and create a more resilient economic base. The Council fully endorses the consultation response sent in by the York, North Yorkshire and East Riding Local Enterprise Partnership.
- 6.2.23 **Further officer comments from the SBC Regeneration Unit on the impact on the visitor economy in Whitby:** In the light of the SEI SBC has undertaken an assessment of the potential for the YPL project to impact on the visitor economy in Whitby. The assessment considers whether visitors to Whitby are likely to be negatively affected by the potential YPL construction impacts to the extent that they would be unlikely to return, or that their perceptions of the impacts would deter them from visiting in the first place. SBC has put a specific focus on the construction phase as this is when it is most likely that there could be a potential for negative impact. The report states that the assessments by YPL and the NP do not include a direct assessment of the impact on Whitby tourism and states that there are close links between the tourism economies of the National Park and Whitby. The report focuses primarily on those people who are coming to Whitby as their primary destination and the potential impacts that the YPL development might have on them.
- 6.2.24 *Tourism in Whitby:* The visitor economy is a major player in the Borough's economy. The total value of tourism activity in Whitby in 2012 is estimated to have been around £83,233,000, 13% of the total value of tourism activity in Scarborough. This income to the local economy is estimated to have supported around 1,444 full time jobs and 1,990 actual jobs (including seasonal and part-time), about 13% of all County tourism jobs.
- 6.2.25 *Review of YPL Tourism Assessment:* The conclusion of the YPL tourism assessment was that the potential impact was likely to be 'no worse than minor adverse' during construction and negligible when the mine was operational. SBC considers the extent to which the findings and methodology principles applied by YPL can be applied to assess the potential tourism impacts in Whitby. SBC considers it is relevant that the potential visual impact of the YPL development on the Special Qualities associated with the landscape and character of the National Park is assessed in the context of the possible effects on those visiting Whitby as their primary destination. These potential impacts could be experienced on the journey to and from the town. The Ipsos Mori survey submitted by YPL indicates that there is the potential for the perceptions of people intending to visit the area to be affected by the YPL development. The survey also shows clear links between tourism in the National Park and Whitby. Although it is difficult and statistically unsound to extrapolate the findings of this survey to Whitby it appears that there is a risk that a minority of people considering visiting Whitby could be impacted by their perceptions of the YPL development to the extent that they might be less likely to visit. SBC considers that the potential perceptions impacts on visitors considering visiting the area to be the most relevant issue for the Whitby visitor economy in relation to YPL.
- 6.2.26 *Landscape and Visual Impacts* YPL's assessment shows that the mine site would not be visible from the centre of Whitby, there would be distant views of the winding towers from the outer edges of Whitby and from higher ground around Whitby Abbey. SBC's assessment also considers the potential indirect impacts on visitors as they drive to and from Whitby,

due to views of the mine and the MTS construction sites. The maximum time that visitors to Whitby would experience a significant visual impact from a main route into Whitby associated with YPL construction sites would be less than 3 minutes (A171 Guisborough to Whitby). SBC therefore considers that given the sporadic and relatively short occurrences of views towards the construction sites from the main routes into Whitby there would not be a significant impact experienced by visitors on the journey to the town.

- 6.2.27 *Visual Impact on Whitby Abbey:* Whitby Abbey is a key heritage asset that attracted 112,000 visitors in 2013 and is therefore important for the visitor economy. SBC considers that visitors would be unlikely to be impacted to the extent that having visited they would not return to the Abbey again, or that visitors would be deterred from visiting in the first place.
- 6.2.28 *Overall Conclusions in Relation to Visual Impact and Visitor Experience:* SBC does not consider that the visual impact of the YPL development would negatively impact the experience of visitors to Whitby, either once they have arrived or during their journey, to the extent that they would not return and therefore it is unlikely to have a significant detrimental effect on the local visitor economy. There are many reasons why people visit Whitby. SBC does not consider that the YPL development would negatively impact on the reasons why people visit Whitby and it would not spoil the visitor experience or result in a reduction in visitors returning.
- 6.2.29 *Traffic Impacts:* The traffic impacts of the YPL development are an important consideration. SBC has considered especially whether construction traffic could have a negative impact on tourists, especially day visitors, and in particular those travelling along the A171 from the north. SBC considers that the key traffic issues in relation to tourism impact on Whitby are congestion and driver delay and this could affect the likelihood of repeat visits.
- 6.2.30 *All construction vehicles:* -SBC would ask that the daily flow times could be extended from 7.00am to 7.00pm to 6.00am to 8.00pm to minimise the impact during peak traffic times. The Mayfield Road junction is of particular interest to SBC as this has been the subject of concern as a potential hotspot for congestion problems. SBC considers overall that given the maximum forecasted delay is approximately one minute that it is very unlikely that this would be a detrimental enough impact to deter visitors from returning, subject to the Mayfield Road improvements being implemented before the major construction works commence.
- 6.2.31 *Managing and Monitoring YPL Construction Traffic:* SBC welcomes the proposals set out in the revised CTMP to limit traffic impacts, and specifically in relation to tourism. SBC requests that this is represented to the YPP Liaison Group which would be set up to oversee the implementation of the CTMP. Further local representation from Whitby should also be considered.
- 6.2.32 *Overall conclusions in relation to Traffic Impacts on Tourism in Whitby:* SBC considers that the methodologies used by YPL are robust and the documents are comprehensive enough to enable the impacts on Whitby tourism to be assessed. SBC agrees with YPL that there would be no significant impacts after mitigation measures have been implemented. SBC requests that controls are put in place to ensure the CTMP is agreed and implemented and that SBC is represented on the YPP Liaison Group. SBC does not consider that the YPL development is likely to have a significant negative impact on tourists travelling to the area in terms of significant additional congestion or driver delay.
- 6.2.33 *Perception Impacts:* There is a risk that people considering a visit to Whitby could perceive that there is likely to be a negative impact on their experience, especially in relation to traffic, which could influence their likelihood to visit the town. SBC considers that potential perception impacts are the most relevant issue for the Whitby visitor economy in relation to the YPL development.
- 6.2.34 *Mitigating Tourism Impacts:* SBC welcomes the contributions, subject to £50,000pa over 10 years to be allocated to SBC for dedicated Whitby town tourism promotions, and considers that the payments for promotional activity would be sufficient to offset the potential perception impacts related to tourism. SBC also considers that promotional activity should

also cover the coastal area and Whitby in particular, in addition to the National Park. Promotions should be co-ordinated to complement each other where possible. The YPL funding will add value and extend the reach of the work already undertaken by Welcome to Yorkshire, Visit Britain, Visit England, SBC and the NP. If used correctly this funding could potentially boost the local tourism economy and create more employment. SBC also welcomes the proposal to fund additional trains on the existing Esk Valley line between Whitby and Middlesbrough.

SBC Environmental Health Officer

- 6.2.35 Initial response: The Council's Environmental Health Officer (EHO) comments that construction work at all locations must be carried out according to the methods set out in the application and there must be continuous dust monitoring to minimise impacts on adjacent properties. Although the predicted noise and vibration levels are within the guidance in the NPPF and British Standard code of practice, there could be problems for properties close to the mine, particularly at night. Since the construction would take place over a long period, there must be adequate monitoring at these properties and work must be undertaken in a flexible and sympathetic way to minimise disturbance. The most noisy activities should take place during the day and blasting should only take place at night when it can be shown that there is little impact on properties due to the depth of the operation. The EHO recommends that predicted noise and vibration levels are set as maximum levels. These comments also apply to the construction of the MTS and there should be monitoring at each site to ensure little or no disturbance to nearby properties.
- 6.2.36 Predicted noise levels for the mine site during its operational period should be set as maximum levels and construction details should be specified to give a better level of noise insulation than is assumed in the acoustic report. This would give a better safety margin for properties close by. Although it is not expected that there would be noise and vibration problems in connection with the operation of the MTS due to its depth, the EHO asks for the relevant assessments to be provided. He asks that no groundwater abstraction sites should be materially affected or compromised by the works in terms of quality of quantity of the existing supply.
- 6.2.37 Further response: The EHO has confirmed in relation to the proposed tunnel that the conclusions in the ARUP report are reasonable given the distance and depths involved and that these are consistent with other reports about tunnelling elsewhere. The report is considered to be sufficiently robust to enable a decision to be made in relation to this element of the application. He further notes that there are powers available which will allow action to be taken to rectify any problems which may arise during the construction and operational phase.
- 6.2.38 The EHO has provided a list of draft conditions to address the potential environmental impacts from the development to protect the qualities of the Park and the residents. The draft conditions relate to the matters of noise, vibration and dust both during the constructional and operational phases. There are also draft conditions relating to the MTS both in the constructional and operational phases. Conditions are also proposed relating to the protection of ground water, artificial lighting and in relation to the noise from vehicles on site.

6.3 Statutory consultation: responses from Parish and Town Councils

- 6.3.1 The following parish and town councils **support** the application:
- Aislaby: No further comments to make in relation to SEI.
 - Burniston
 - Cloughton
 - Danby Group: The Council commented that any short term inconveniences and problems are outweighed by the long term benefits and gains.
 - Fylingdales: The Council supports the application with the condition that the National Park has considered where the spoil will be put and the impact on roads and traffic during construction.

- Glaisdale: Members were happy to support the application in principle but asked for more details on noise and visual impact during construction, skills training for local people and how local employment promises will be upheld.
- Grosmont: The Council supports the application because of the economic benefits it will bring to the area.
- Hawsker cum Stainsacre: The Council supports the application because of the prosperity and other benefits it will bring to the local area and to the added benefits for other local industries.
- Lockwood: Members had considered the proposal and its impact on the area from a financial and environmental perspective and no objections had been received from residents.
- Newby and Scalby: The application is supported in principle.
- Sneaton: The Council commented that the mine will be of great benefit to the region as a whole and the UK. World population has increased so there are additional requirements for food and polyhalite is considered to be a very good fertiliser. The MTS will have less impact on the environment and the site is far enough outside Whitby for it not to upset tourism. Transport, noise and pollution levels are to be monitored and kept under review. If noise levels are monitored, the tranquillity of the area should not be affected.
- Whitby Town Council: The Council supports the application for the long term benefits for Whitby and area provided major efforts are made to mitigate the considerable impact of the construction period and subject to the provision of the construction village. In addition the four Local Authorities should meet to discuss the Transport Plan before the determination of the application.
- Wykeham: Whilst supporting the application because of the economic growth for the area and the Country as a whole, the Council hopes that everything possible is done to mitigate any environmental issues, particularly subsidence which is the factor of most concern to local people.

6.3.2 The following parish councils offer **no objection** to the application:

- Eskdaleside cum Ugglebarnby Parish Council: Initial response - No objection subject to there being signage at either end of the Iburndale/Ugglebarnby 'rat run' to stop traffic using this route and there should be an emergency contact number for residents to report any construction traffic using this road or for any other incidents. SEI consultation response - No objection subject to a number of comments/concerns. 'No Mine Traffic' signs should be displayed at either end of the Iburndale (leading to Ugglebarnby), Littlebeck and B1410 junctions to prohibit mine traffic from using these three routes during the construction and operation of the mine. There should be an emergency contact number for residents to ring should there be any traffic breaches or any other incidents. Better enforcement of parking and road design (especially round the Sleights shops) should be considered to ensure the free flow of traffic through Sleights. This is especially important for vehicles travelling north having travelled down Blue Bank due to potential issues of runaway lorries. The increases in HGV movements will exacerbate the situation around the shops further.
- Goathland

6.3.3 Staintondale Parish Council has considerable reservations about some aspects of the development specifically the management of traffic from the A64, the long term impact on tourism, the long term impact of the development as a whole and concerns about the disposal of the tunnel and minehead arisings.

6.3.4 No comment has been submitted by Hackness & Harwood Dale Group Parish Council. It was agreed that councillors would submit their comments as individuals.

6.3.5 The following Parish Councils, which are adjacent to the application site, have written in support of the application:

- Loftus: Satisfied that the application addresses the concerns raised in the previous application and that the environmental impact of the project has been minimised. The

economic and employment benefits to the region are potentially huge. The creation of jobs from Whitby to Teesport should bring a welcome boost to local industry. (SEI consultation response: No objection.)

- Roxby: The project will not have any detrimental effect on the surrounding countryside and in no way will it affect the beauty of the National Park. Roxby is very close to Cleveland Potash and it is not considered that this has affected tourism in Staithes and the surrounding area. Tourism is a big part of this area but this cannot support the area alone, all the economic benefits of such a big operation will be massive bringing well paid jobs and this will support other businesses. There are many aspects which need to be considered but the Authority should not stand in the way of this application.
- Skelton and Brotton (SEI consultation response): The project will help to boost the local economy and bring employment opportunities to local people. Members are also pleased that the Community Fund will be available to local groups/organisations.

6.4 Statutory consultation: responses from other bodies (in alphabetical order)

Campaign for National Parks (CNP)

- 6.4.1 CNP **objects** to the application. CNP considers that this application has even more impact on the National Park than the previous one. CNP does not consider that proper account has been taken of the statutory purposes of National Parks and considers that York Potash has placed too great an emphasis on the economic benefits over the primary purpose of designation. In addition York Potash has failed to demonstrate that the Major Development Test has been met in terms of demonstrating any exceptional circumstances, or that the application is in the public interest. They have failed to evidence a robust UK market need for polyhalite, have not fully investigated alternative sites outside the National Park and have not demonstrated that the proposals can be satisfactorily mitigated within the designated area. CNP is also concerned about the cumulative impacts on the special qualities of the National Park should the proposals be permitted alongside the existing Boulby mine. CNP has concerns that the harm inflicted by the lengthy construction phase on the environment, including existing habitats, landscape and vegetation loss will be significant and believe that the proposal is not appropriate within the National Park. The mound structures will be too large and will stand out in the landscape as being unnatural and artificial landforms.
- 6.4.2 CNP considers that the proposals are contrary to National Park planning policies, specifically Core Policies A, C and E of the CSDP relating to National Park purposes, the natural environment and minerals and to Development Policies 1, 3, 14, 23 relating to environmental protection, design, tourism and recreation and transport.
- 6.4.3 CNP is also concerned about the impacts of the proposal on the landscape, visual amenity and biodiversity within the National Park during both the construction and operational phases. These adverse impacts will be significant and York Potash has failed to demonstrate that these impacts can be mitigated, it is not therefore appropriate in a National Park. CNP considers that the suggested planting schemes may not be successful due to localised conditions. In addition CNP considers that the defined 14 special qualities of the National Park will be significantly impacted upon. CNP suggests that there will be an adverse impact on tranquillity, the feeling of remoteness and maintaining dark skies due to the proposed lighting schemes and the increased traffic would adversely affect the special qualities of the National Park. CNP is also concerned that bats at Dove's Nest are more likely to leave this habitat and find an alternative roost and the proposed mitigation is inadequate.
- 6.4.4 CNP is concerned that the increased number of vehicle movements including HGVs will impact on the enjoyment of the National Park, its residents and visitors. CNP argues that the proposals should be refused on the grounds that the transport elements alone would have severe adverse impacts on the National Park. Users of public rights of ways will also be adversely affected by the visual impacts, by the reduction in air quality and by the increase in traffic with the associated noise. CNP further considers that the development will detrimentally impact the tourism industry affecting local businesses and settlements. CNP seeks clarity on the travel plans and queries why a construction village for up to 400 workers is required if the workers are expected to be locally sourced.

- 6.4.5 CNP considers that the cumulative impact of this development and other major developments within and outside the National Park will significantly alter the special qualities of the National Park. Views into and out of the National Park will be damaged by a series of construction works which will cumulatively harm the landscape and discourage visitors. This will introduce elements of the industrial landscape of Teesside to the National Park. CNP finds it difficult to understand how a decision on one aspect of the project can be made by one consenting body without having to have regard to the decision by another consenting body.
- 6.4.6 CNP has considered the SEI and is of the opinion that the updates and revised amendments are not sufficient to lessen the strength of its **objection**. CNP considers that the increase in height of the spoil mounds will further detrimentally impact on the landscape and visual amenity of the National Park and place additional pressures on the Ugglebarnby SAC. There will be increased loss of habitats which will add significant adverse impact on ecology, endangered species and special qualities. CNP reiterates its concerns in relation to the height of the mound structures and note that these will now be more prominent. CNP strongly objects to the proposed extension to the time of the constructional period and to the 50 extra vehicle movements per day for the removal of polyhalite.
- Campaign to Protect Rural England (CPRE) - North Yorkshire Coastal Branch**
- 6.4.7 CPRE considers that planning permission should be **refused** on four grounds: the proposals are contrary to both national and local planning policies; the proposals fail the Major Development Test; the harm that would be inflicted on the landscape and biodiversity of the National Park and the loss of the National Park's special qualities, including tranquillity and dark skies.
- 6.4.8 *Proposals contrary to National and Local Policies:* CPRE provides a detailed discussion of policy issues to be considered in assessing the application and considers that the proposals are contrary to Core Policies A, B and C and Development Policies 1, 3, 14 and 23 of the NYM Local Development Framework. CPRE considers that the applicant has incorrectly interpreted the meaning of sustainable development in the NPPF and questions the need for a further mine within the National Park.
- 6.4.9 CPRE believes that the cumulative development of the proposal and the associated level of activity will have an unacceptable impact on the wider landscape, the enjoyment of the tranquillity of the Park and will detract from the enjoyment of visitors. The scale and height of the buildings on completion are not compatible with the surrounding area and will have an adverse effect on the adjacent landscape and nearest residential homes and the existing settlement of Egton close to Ladycross Plantation. The application will potentially harm building features in Conservation Areas at Egton and within Teesside and impact on historic assets and landscape features of the National Park. CPRE has concerns about the setting of the National Park including views both into and out of the Park from Whitby Abbey and the nearby Heritage Coast. Given the scale of the development, CPRE is of the view that a five year construction period (at its shortest) is simply too lengthy a time period for such a negative impact for a National Park to endure.
- 6.4.10 CPRE questions the reality of the economic benefits of the proposal to the existing local community. It is highly unlikely that many local people will benefit from the employment opportunities at the mine as specialist engineer roles will be required and construction work will be limited to trained specialist firms with proven experience in the field. CPRE is concerned that construction impacts across all sites will have a detrimental effect on tourism, preventing visitors to the National Park from returning and leading to reduced levels of annual turnover and numbers of employees. Noise and dust alongside significant adverse visual impact will affect the Coast to Coast walk and could deter visitors to the area. Tourism employees who would be made redundant would not necessarily have the requisite skills for working at the mine and small businesses who depend on tourists visiting the Moors would cease operation. CPRE is also concerned that the new mine would undermine Boulby Mine's operation as employees may be poached.
- 6.4.11 The existing road infrastructure is not adequate for the number of visitors to the area at present in the main tourist season and will certainly not be suitable for the amount of

construction vehicles proposed. The number of HGV movements is not appropriate for the National Park and CPRE considers that the application could be refused on the grounds of the impact of traffic generated by the proposal on the Park's special qualities. CPRE is also concerned as to where and how non-hazardous and non-inert material will be removed from site.

- 6.4.12 *Proposals fail the Major Development Test:* The applicant has failed to demonstrate that the proposals satisfy the 'Major Development Test' (MDT) set out in paragraph 116 of the NPPF. The applicant's case is based on a potential international market for the mineral and does not demonstrate an existing demand within the UK which would justify the proposal being permitted within a National Park. Polyhalite is a relatively new mineral used in fertiliser and there is currently no established demand. CPRE believes that the need for the mineral has already been satisfied within the UK by Boulby mine and a new mine which would significantly harm the landscape, biodiversity and special qualities of the National Park is not needed. Reliance on international markets for boosting UK exports does not constitute sufficient exceptional circumstances to demonstrate that the proposal meets the MDT. Alternative sites have not been fully considered and further investigations should be undertaken at Whitby and Cloughton. Based on the information provided in the application, there is ample mineral at the Whitby Enclave to serve the potential UK market over the lifetime of the mine. It is not acceptable to choose a location in the National Park simply because it is more cost-effective than other locations. The applicant has not demonstrated exceptional circumstances nor that the development would be in the public interest. The proposals would have a detrimental effect both on their own and in accumulation with existing major developments within the National Park, including Boulby mine and RAF Fylingdales.
- 6.4.13 *Harm to landscape and biodiversity of the National Park:* National Parks have the highest status of protection in relation to landscape and scenic beauty and the temporary winding towers, generator stacks and mobile cranes during the construction period will have an adverse impact on the landscape. CPRE is concerned about the amounts of spoil being used to form landscaping mounds and that they will be alien in context to the surrounding landscape features. The series of large spoil mounds at Dove's Nest Farm will not amalgamate into the landscape but will stand out as being unnatural. The new earth mound 6m above existing ground level at Ladycross Plantation will look artificial and will not effectively screen the new building; the proposed landscaping scheme will not moderate the effects on nearby recreational opportunities. CPRE considers that the compensation offered in the applicant's S106 agreement is not able to replace or compensate for the harm that will be inflicted on the National Park. Once the special landscape has been destroyed, it cannot be replaced.
- 6.4.14 The significant loss of woodland habitat at the mine site, particularly the loss of mature trees which provide habitation for a wide variety of birdlife and wildlife at Haxby Plantation, is unacceptable. Even though replacement tree planting is proposed, there is no guarantee that habitats will fully recover or that birds and wildlife, including protected species, will return to this new area. CPRE considers that it would take at least 15 years for new vegetation to mature and the harmful impacts in relation to landscape and environment would last longer than the applicant suggests. Because of the long construction timescales, wildlife will effectively be 'scared away' from the area and will not return. There would be a detrimental impact on protected species which reside in the area and also on neighbouring European protected sites. There is also potential for dust clouds during both the construction and production phases which could be harmful to flora and fauna in the area.
- 6.4.15 *Loss of National Park special qualities, including tranquillity and dark skies:* Permitting the development would result in the degradation of the National Park's special qualities including tranquillity and dark skies. Even in the most rural parts of the British countryside, genuine dark starry nights are becoming hard to find. Dove's Nest Farm is in an area where dark skies currently can be observed. While the applicant's proposal to use minimal lighting during the operational period is welcomed, there would be extensive lighting during the long construction period and the Park's special quality of dark skies would be negatively affected. CPRE is concerned about the disturbance of tranquillity resulting from the cumulative effects of the mine site and three MTS intermediate sites especially during construction.

- 6.4.16 SEI reconsultaion: CPRE continues to **object** to the application and considers that the SEI revisions do not reduce the significant detrimental impact that the development will have on the National Park. The proposed amendments at Dove's Nest Farm continue to be contrary to the MDT and the amendments result in more land take. The amendments to landforms and drainage at Dove's Nest, Lady Cross, Lockwood Beck and Tocketts Lythe will involve the creation of more prominent mounds, a loss of mature coniferous plantation and the loss of 3.8ha of improved grassland. These amendments will increase the significant adverse impact of the development on the landscape, ecology and endangered species of the National Park and will subsequently impact upon the special qualities of the National Park. The CPRE does not consider that the provision of a bridleway at Dove's Nest will aid the tourist industry which so many local workers depend on. The CPRE continues to be concerned about the length of the construction phase and the effect this will have on the special qualities of the National Park. Any extension to this time is therefore objected to. CPRE also objects to the additional 50 loads of polyhalite per day as this will increase the detrimental effect of the development on the National Park's residents and visitors. The CPRE's initial objection in relation to traffic still stands. CPRE is also concerned that the amended lighting scheme at Dove's Nest will result in a 'sky-glow' at the site and this will further impact on an area known for its Dark Skies. Whilst some negative elements of the lighting scheme have been removed some of the proposed amendments will not reduce the overall impact of the development on the National Park.
- 6.4.17 CPRE considers that the proposal is not in accordance with local or national planning policy. The proposed amendments do not reduce or mitigate against the significant detrimental impact of the development on the special qualities of the National Park. The amendments have not changed the fundamental nature of the operation and the amendments have worsened the impact, especially with regard to the proposed increase in the height of the spoil mounds. The application should therefore be refused.
- 6.4.18 **Cleveland Potash Ltd** submitted two responses, **objecting** to the operational and economic impacts of the development and the location of the MTS near Egton.
- 6.4.19 *Operational issues:* Part of the application area at Newholm-cum-Dunsley is within the existing approved planning boundary for Boulby Mine and CPL notes that future workings at Boulby are progressing towards this area. It is extremely undesirable for two different mining companies to work in the same area because of the need to maintain control of ground conditions and stability of support systems. CPL considers it inappropriate for YP to be granted permission to mine in this area.
- 6.4.20 The MTS tunnel and access shaft at Ladycross Plantation abut the Boulby planning boundary to the north of Egton and CPL is concerned about the potential for subsidence damage to the tunnel and the restriction and sterilisation of future potash working that would be needed to avoid this eventuality. The extraction of minerals in this area is part of CPL's future business planning and the access shaft site should either be relocated at least 1.5km clear of the Boulby boundary or there should be a planning condition to cover arrangements that would ensure no financial detriment to CPL as a result of any limitation or interference with normal mining operations.
- 6.4.21 The onshore section of the application area directly abuts the Boulby planning boundary from Ladycross Plantation through to Sandsend and CPL is concerned about possible subsidence interaction between future potash workings. CPL proposes a 1.5km barrier between the approved CPL mining boundary and the proposed YP boundary. YP should take full responsibility for all subsidence 1.5km beyond the limit of any YP workings approaching this barrier to avoid any future issue of who is responsible for surface ground movement.
- 6.4.22 The YP application area directly abuts the Boulby planning boundary along the coastline from Whitby to the north end of Robin Hood's Bay and the two companies' lease boundaries directly abut running north from this point offshore. CPL recommends a 250m 'offshore safety barrier' along these boundaries for protection should either mine succumb to flooding or the presence of gas.

- 6.4.23 When the Boulby planning boundary was set, the maximum feasible extent of workings away from pit bottom was 15km. Improvements in mining operation systems mean that it is now possible to work areas much further away from pit bottom and CPL is concerned that the proposed YP development would effectively limit the future expansion of Boulby mine to the south. Boulby mine is in a better position to recover the mineral reserves in this area in years to come and the YP mine should, if at all, be relocated further south so as not to interfere with the longer term expansion of Boulby mine.
- 6.4.24 *Staffing/workforce issues:* CPL disputes the applicant's claim that there would be limited labour market displacement and is concerned that YPL has deliberately understated the task of recruiting sufficient experienced staff to operate the proposed mine. The demise of coal mining in the UK has led to a serious shortage of skilled mining personnel and CPL is concerned that the only source open to YPL would be from Boulby mine. CPL fears that the company would offer short-term high level wages to its experienced staff to transfer to the new mine, leaving its own operation seriously understaffed. CPL is particularly concerned about shot firers needed for the shaft sinking stage of YPL's development, senior operational posts which require specialised training and experience and shaft maintenance personnel. The threat of staff being taken from Boulby is very real and despite succession planning, the 'poaching' of these staff would severely compromise CPL's operations. CPL's experience of attracting people who have left the industry back has been disappointing and it takes at least 18 months to train workers without previous underground experience. CPL considers that YPL's business plan is too aggressive and does not allow for this time factor.
- 6.4.25 CPL also questions whether the MHF could operate with 80% of workers not having previous industry experience. It is a pre-requisite of any new operation to recruit a core team of experienced production labour and, due to salary differentials between chemicals companies in the north east and operations such as CPL, there is a possibility of worker migration to the MHF. CPL acknowledges that a free labour market exists in the UK but there is a risk that the loss of key technical/operational expertise from CPL would detrimentally affect the operational capability of its own polyhalite operation. In summary, CPL is an established business and there is a limited workforce for its activity in the area. There is a significant risk that CPL will lose employees with a resulting severe economic impact.
- 6.4.26 The **Coal Authority** has **no objection** to the development. The applicant has correctly identified areas of historic coal and ironstone mining and considered them in the ES. The Authority agrees that coal mining features do not pose a risk to any aspects of the mining operation that are at or close to the surface. The Authority considers that the content and conclusions of the ES demonstrate that the application site can be made safe and stable for the proposed development.
- 6.4.27 SEI re-consultation: The application falls within the defined Development High Risk Area. No specific observations are raised at this stage, but previously made comments on the application are reiterated and remain valid.
- English Heritage (EH)**
- 6.4.28 EH submitted two responses, the first recommending **approval with a condition** regarding written schemes of investigation for archaeological mitigation and the second asking for an assessment of the impact of the development at Dove's Nest Farm on Whitby Abbey and provision of an agreed landscaping scheme to ensure effective screening of the development during its operational phase.
- 6.4.29 For the mine site, EH notes that the impact on the significance of listed buildings, scheduled monuments and undesignated archaeological remains in the wider area would be visual (generated by the construction works and erection of head frames) and temporary. There would be no physical impact on these historic assets although there would be a temporary impact on the setting and special qualities of the National Park, particularly long views largely uninterrupted by modern infrastructure. Whitby Abbey Headland is 6.3km north of the mine site and Haxby Plantation is clearly visible on the skyline when looking south from the Abbey grounds. The tall winding tower headframes would be visible and construction noise might be discernible from the headland. This may impact on public enjoyment and

perception of the Abbey site although EH comments that key views are from south to north and east to west rather than from north to south and that harm to the significance of the Abbey, although up to five years duration, would be temporary.

- 6.4.30 EH agrees with the applicant's assessment of significance, impacts and suggested mitigation in relation to the MTS access shaft sites, none of which include designated heritage assets. At Ladycross Plantation, there are two scheduled Bronze Age barrows, other prehistoric burial monuments, enclosures and the remains of 19th century industrial sites in the surrounding area. The winding towers and cranes of the construction site would affect the setting, views and experience enjoyed in proximity to the site but this would be a temporary feature. For Lockwood Beck, EH comments that the impacts on Moorsholm Conservation Area would be temporary and the impacts on undesignated archaeological assets (the Kateridden settlement, a potential medieval road and a medieval rig and furrow field system) would be mitigated by a watching brief. At Tocketts Lythe the adverse impacts on heritage assets would be slight and temporary and the suggested mitigation in relation to a tramway associated with Waterfall Mine is considered appropriate. EH asks whether the impact of the winding towers on the setting of Guisborough Priory has been specifically assessed.
- 6.4.31 SEI reconsultation: EH confirms, with regard to *Guisborough Priory* and the proposed revisions to the layout of the facility at Tockett's Lythe, that there are **no objections** to the amendments. EH confirm that it is now satisfied that the temporary winding tower will not cause 'harm' to the setting and heritage significance of Guisborough Priory.
- 6.4.32 With regard to *Whitby Abbey Headland* and its heritage assets this is considered to be more problematic. EH's assessment of the significance of the heritage assets on the Whitby Abbey Headland indicated that 'setting' was a contributory factor in their significance. This setting was primarily in views to the north, west and east, but also included views to the south. The overall impression gained from surrounding views is that the headland is a remote location, but with integrity as a 'working landscape', there is nothing in the views that constitutes a negative or untoward intervention. Attention was also drawn by EH to the south facing aspect of the Grade I listed Abbey House and specifically to the long views into the moorland from the upper floors. The images provided by York Potash show that the winding towers and generator stacks will be visible on the horizon in the setting of the heritage asset during the construction phase and will be clearly modern and alien in what is a wild moorland location. As such EH considers that the construction phase will constitute 'harm' to the significance of Whitby Abbey and Abbey House, and this is contrary to the information contained in the amended information which downplays the impact of the winding towers from key views. There may also be extraneous sound from the application site which will be heard on the Headland. EH accepts that the 'harm' would be temporary.
- 6.4.33 The revised information sets out a detailed and acceptable approach to the landscaping strategy at Dove's Nest Farm, although it is clear that even though the constructional phase will be of 5 years the tree planting and screening will take considerably longer. Nevertheless EH considers that the application site will be effectively screened from the Abbey Headland during the Operational phase. EH therefore considers that the amended ES meets the majority of the concerns expressed with the exception of the assessment of 'harm' to the significant assets of the heritage assets on the Abbey Headland, principally Whitby Abbey and Abbey House. As such it remains EH's view that para. 134 of the NPPF applies, that there is 'harm', but that will be temporary in nature.

Environment Agency (EA)

- 6.4.34 *Mine Head*: EA welcome the change to the method of foul drainage which no longer involves a discharge to Sneaton Thorpe Beck. This change to the method of foul drainage will safeguard the ecology of the watercourse by eliminating the risks associated with potential permit non-compliance. The treated foul effluent will now be incorporated with other sources of non-domestic water and will be pumped to the materials handling facility at Wilton where it will be incorporated into the potash granulation process.
- 6.4.35 EA has considered the hydrogeological information and proposed mitigation measures and is satisfied that there would be minimal risk to groundwater from the mine head

development. Nonetheless, EA suggests detailed planning conditions to ensure that, in the unlikely event that groundwater management measures are insufficient; any residual impacts would be detected and remedied. The conditions cover provision and approval of an updated Hydrogeological Risk Assessment, a Groundwater Management Scheme, a Ground and Surface Water Monitoring Scheme and a Remedial Action Plan prior to commencement of development. EA comments that if the National Park Authority considers it necessary for these documents to be supplied and approved prior to determination, the proposed conditions could be amended accordingly. A condition requiring provision and approval of a Sub-Surface Construction Method Statement to ensure that sub-surface construction would not result in contamination of groundwater is also suggested.

- 6.4.36 The applicant should be informed that an Environmental Permit will be needed for the proposed re-injection borehole to discharge waters generated during construction of the shafts back into the Sherwood Sandstone aquifer. The applicant will need to demonstrate how it will ensure that there is no deterioration of the quality of the receiving groundwater. Conditions are also suggested to cover pollution prevention during construction including arrangements for storing potentially polluting materials, fuel delivery, plant and wheel washing, and how surface water run-off will be managed.
- 6.4.37 EA is satisfied with the information provided in relation to flood risk and surface water drainage and suggests conditions based on sustainable drainage principles which maximise biodiversity benefits to cover the detailed proposals during construction and the operational period.
- 6.4.38 EA queries whether the MTS has been covered in the applicant's assessment of potential subsidence and asks to be informed if there are any concerns about the subsidence evidence that has been provided. A Subsidence Monitoring condition is suggested and EA would support a planning condition which did not allow mining in a 1.5km coastal zone in order to protect coastal processes including coastal erosion and tidal flooding.
- 6.4.39 EA gives advice on waste management and notes that a bespoke Environmental Permit for non-hazardous, non-inert mining waste will be needed at each of the sites. EA is satisfied with the information submitted but comments that pyritic mudstone from the excavations will need to be carefully managed as it has potential to cause pollution to surface water run-off and groundwater. EA states that the information contained in the ES relating to managing this material appears to be consistent with the information EA would require at Environmental Permit stage. Mining waste, including pyritic mudstone will be controlled through the Mining Waste Directive and Environmental Permitting Regulations and additional planning conditions are therefore not needed to cover these areas. EA comments that waste management facilities in Ryedale and Scarborough do not have sufficient capacity to deal with the quantity of waste material that is proposed to be taken off site and those sites may lack the necessary permit to accept such quantities. Teesside has been identified as a potential end point for the material. EA states that there is more likely to be capacity at the facilities there. This will be dependent on the capacity at that time. EA considers that transportation to Teesside forms a reasonable basis for the assessment of the project's potential transport impacts. Informatives are suggested to ensure the waste is dealt with responsibly.
- 6.4.40 EA state that it will act as the competent authority in relation to the Habitat Regulations, as yet no Environmental Permit applications have been received for such as the mining waste activity and groundwater recharge well. EA state that on the information provided in the ES it is satisfied that the project is of a type and nature that it should be capable of being adequately regulated under the Environmental Permitting Regulations.
- 6.4.41 Regarding the 'Major Development Test' and the need to consider the scope for developing outside the National Park, EA advised York Potash at an early stage that the mine head should be steered away from any areas of principal aquifers or source protection zones as these would be more vulnerable than the secondary aquifer on which the mine head is now proposed. EA welcomes the fact that the mine head location has avoided the more sensitive Corallian Limestone aquifer further south.

- 6.4.42 *Mineral Transport System*: EA has **no objection** to the development in relation to groundwater impacts, subject to a number of planning conditions similar to those proposed for the minehead site. These are set out for each of the MTS sites together with conditions to cover pollution prevention during construction and surface water drainage. EA notes that it has some concerns about the residual risk of pollution from the Ladycross Plantation site which drains into a section of the River Esk where there are populations of pearl mussels. Although a pollution incident is unlikely because of the mitigation measures proposed, the consequences could be significant because pearl mussels are extremely sensitive to pollution, including sediment. EA therefore suggests a S106 funding contribution to the Pearl Mussel and Salmon Recovery Project to help improve resilience of the existing population. EA requests further pre-construction surveys for otter at the Lockwood Beck site and, if otter are found, appropriate mitigation measures should be incorporated into the development.
- 6.4.43 **Esk Valley Railway supports** the application and confirms that it fully reflects the Railway's discussions with the company. The proposals are also supported by the Department for Transport and the bidders for the next northern franchise, all of whom recognise it as a unique opportunity to radically improve services on the line.
- 6.4.44 **HM Mines Inspectorate** (part of the Health and Safety Executive) raises **no objection** to the application. HMMI has been in regular contact with the company throughout the planning of the project. Particular attention has been paid to the shafts, winding systems, the MTS tunnel and its accesses with particular reference to fire prevention and escape. HMMI is content that hazards have been identified and suitable control measures for the risks will be implemented.
- 6.4.45 SEI re-consultation: The removal of the exhaust shaft will reduce exposure to shaft sinking, inspection and maintenance hazards and is therefore supported. Other changes are essentially cosmetic and have no Health and Safety impacts. Potential subsidence effects on the MOD site at Fylingdales appear to have been adequately addressed. Although not addressed in the additional documents subsidence effects could be avoided on the MTS tunnel by the creation of a suitable separation distance from the adjacent mine workings to avoid any possible interaction.
- 6.4.46 The **Highways Agency** has provided comments in relation to the whole of the York Potash Project, i.e. the MHF and harbour facilities as well as the mine and MTS. The Agency is concerned about impacts during construction on sections of the strategic road network in Redcar and Cleveland, the A1053 and A174 between Westgate and Greystones roundabouts and the A174 between the A1053 and A19. Conditions are suggested for traffic management for the MHF and MTS works. The Agency has no issues for the operational period of the development. SEI reconsultation: No further comments.
- Local Highway Authority (NYCC)**
- 6.4.47 The Local Highway Authority does not consider that the residual cumulative impacts of either the construction of the development or its operation on North Yorkshire highway network can be considered as 'severe'. Consequently there are no valid reasons to prevent development on highway grounds within North Yorkshire. In reaching this conclusion the LHA has taken into account the information provided by the applicant in the Travel Plan, the Transport Assessment and the Mine and MTS Framework Construction Traffic Management Plan. The detailed work within the Transport Assessment has shown that the construction phase of the development will generate the most traffic on the road network. Improvements are proposed to mitigate the impact of the development and the LHA seeks to ensure that mitigation delivery does not impact on the highway, particularly during the tourist season, a delivery programme is therefore required and this will target early delivery of key mitigation.
- 6.4.48 Mitigation measures are to include improvements to the Mayfield Junction signals, improvements at Normanby (A171) to optimise the carriage way for passing HGVs and the creation of permanent 'ghost island right turn lanes' at the junctions of the A171 with B1416 and the A171 with C82 to prevent HGVs from interrupting through traffic on the A171. Further improvements are required at Dove's Nest Farm, (Minehead site) and the Ladycross (MTS site). At A171 Whitby South of New Bridge improved pedestrian crossing facilities to

the side roads and measures to formally allow vehicles to park on verges are required to assist with the free flow of traffic.

- 6.4.49 The LHA response recommends a number of matters to be included in the proposed S106 Agreement including the establishment of a Traffic Management Liaison Group to monitor the Construction Traffic Management Plan and to assess the impact of the development on key junctions and routes. The S106 agreement will also include provisions for the routing and timing of construction traffic and HGVs associated with the operation of the site, the installation of traffic counters, mechanisms to control the export of mined material and measures to assess and remedy damage to the adopted highway. Various planning conditions are recommended to ensure the implementation of the highway improvement works and to secure implementation and adherence to Traffic Management Plans and Travel Plans. Traffic Regulation Orders are also required to create 'clearways' on the B1416 and to secure temporary speed limits during construction.
- 6.4.50 The **Ministry of Defence** does **not object** to the application subject to the imposition of planning conditions to manage potential vibration impacts on RAF Fylingdales. The capability at the radar site is extremely sensitive to ground borne vibration or ground movement of any type and the MOD does have concerns with the application in relation to vibration and subsidence. However, it agrees with the overall view that the risk of subsidence impacting RAF Fylingdales should be very low if the proposed room and pillar methods of mining are adopted and the mining exclusion zone is applied. Planning conditions should be agreed in conjunction with MOD to protect the facility including provision of detailed vibration and subsidence monitoring schemes and a blasting and vibration management plan prior to commencement of development. The proposed conditions include a requirement that mineral extraction should cease at the nearest working face and a remediation strategy be provided if subsidence does occur.
- 6.4.51 The MOD confirms that the site at Dove's Nest Farm falls within the 10.5m height safeguarding zone surrounding RAF Fylingdales. However, since the mine head buildings and welfare facility will not be within the line of site of the radar, the MOD has no statutory safeguarding objections to the proposals.
- Natural England (NE)**
- 6.4.52 NE **objects** to the application on landscape grounds (visual, cumulative landscape and cumulative visual) in relation to the construction phase. The proposal is for a major development across various sites within and near to the nationally protected landscape of the National Park and the North Yorkshire and Cleveland Heritage Coast. Although the scheme has been designed with high quality landscape mitigation and would not result in extensive permanent significant impacts on the landscape, it would have a significant adverse impact on the landscape and setting of the National Park during construction. The main on-site structures would be clearly seen as prominent and dominant features within the immediate and wider landscape and often against the skyline. Each site would present as a major development in its own right and this part of the National Park and its setting could become associated with major development rather than natural beauty. The Park's special qualities of undeveloped skylines, remoteness, tranquillity and wildness would be affected and from some angles there would be conflict with local distinctive landforms such as Freebrough Hill. NE notes that the shaft sites would take less time to construct than the minehead but also comments that it would take time for areas disturbed during construction to blend back into the surrounding landscape. There would also be significant visual impacts on the Heritage Coast during the construction phase. NE's further detailed comments on landscape impact in relation to the mine and the MTS are incorporated into the planning assessment at Section 15
- 6.4.53 NE asks for further information in relation to biodiversity and sites protected by European and national designations. The shadow appropriate assessment provided by the applicant does not provide enough detail about the MHF or harbour to be certain that the proposals will not have adverse effects on the Teesmouth and Cleveland Coast SPA and NE asks for further information on the impacts on the waterbird assemblage, how leachates in Bran Sands Lagoon will be managed and proposed mitigation measures. NE is satisfied with that potential hydrogeological impacts on the North York Moors SAC and SSSI features have

been addressed but requires further information in relation to air quality impacts at the minehead and MTS shaft sites.

- 6.4.54 NE comments that only a small area of 'best and most versatile' agricultural land would be affected by the development (at Lockwood Beck) and it should be possible for disturbed land to be reinstated where appropriate to productive agricultural use. NE recommends that soil handling and movement should not be carried out in the winter months between October and March.
- 6.4.55 NE refers to its standing advice on protected species and advises the Authority to take account of local and national biodiversity priority habitats and species as well as local sites and local landscape character in assessing the proposals. It welcomes the proposed S106 funding contribution for recording geological data.
- 6.4.56 SEI reconsultation: NE advises that apart from its objection on landscape grounds, all other issues are now satisfactorily dealt with through the proposed mitigation measures.
- 6.4.57 *Protected landscape:* The SEI does not alter NE's earlier advice and the objection still remains. There will be an increase in the construction phase impacts including increased lorry movements with the associated increased disturbance to the landscape, including further effects on tranquillity. In addition there will be limited contingency time to accommodate unforeseen problems. The increased material will emphasise the degree to which the new landforms appear as artificial, it will therefore be important to ensure that planting is effective and well managed. The loss of aviation lighting on the winding towers is welcomed, it is noted however that lighting on the cranes and plant will still remain. NE is concerned about the contingency plan to transport polyhalite by lorry through the National Park. It is hoped that the MTS will be operational for the start of polyhalite production and if not, it will be important to consider mitigation measures.
- 6.4.58 *Biodiversity- Internationally and nationally designated sites: **No objection*** - NE considers that it is now possible to conclude the development will not result in adverse effects on site integrity of Teesmouth and Cleveland Coast SPA. NE confirms that the minehead site and the MTS shaft site at Lockwood Beck are in close proximity to the SPA and the SAC, the site is also SSSI. As a competent authority the National Park should have regard for any potential impacts that a proposal may have. An Appropriate Assessment provided by the applicant concludes that the National Park is able to ascertain that the proposal will not result in adverse effects on integrity (AEOI). This is a decision for the National Park. NE does however concur with the assessment provided that all mitigation measures are appropriately secured in any permission.

National Trust

- 6.4.59 The application covers an extremely sensitive area and is subject to multiple designations it is essential therefore that the full cumulative impacts of all aspects of the proposal are fully and properly understood. It appears that there is still a separation between the various elements and this runs contrary to relevant UK and European planning and environmental law.
- 6.4.60 The National Trust's understanding is that there may be adverse impacts upon the landscape and wildlife of the National Park, its tranquillity, dark skies and feeling of remoteness. The complexity and scale of the application has made it difficult for external organisations such as the National Trust with limited resources to fully assess the implications and technical issues, this has been compounded by the number of amendments and supplementary information submitted over the course of the application and the fact that it has been split into a number of elements. Comments are therefore given on the basis of the National Trust's current understanding.
- 6.4.61 The National Trust is extremely concerned about the implications of the development upon the special qualities of the National Park and its designated status and the precedent which may be set for other large scale development in this and other National Parks.

- 6.4.62 The National Trust notes that there will be at least 5 years of major construction, this will result in a significant increase in traffic, including HGVs, there will be considerable change to the landforms due to the volumes to be extracted and there are still questions to be answered in relation to the impacts upon internationally designated sites and species. The National Trust considers that there will be permanent adverse effects on the tranquillity of this protected area and points out that there is a conflict of expert opinion in relation to the need and the market for polyhalite, this calls in to question whether the application passes the MDT.
- 6.4.63 The National Trust re iterates the statutory purposes of National Parks as set out in the Environment Act 1995 and sets out the details of the NPPF in relation to National Parks, minerals and the MDT. The National Trust notes that York Potash states their application is based upon a national, regional and economic need for the area and an international agronomic need for the product. The National Trust understands that the demand for the mineral is outside this country and this therefore calls in to question the 'national' need for it. In addition the National Trust notes that the need and international market also appears to be in question. The National Trust considers that it is essential that these issues are properly examined to fully understand the likely financial benefits and whether these are sufficient to outweigh the likely impacts on the landscape and environment. The exploitation of the resource for financial gain only would not constitute sustainable development. The National Trust does not consider that all the tests of the NPPF have been correctly applied by York Potash or that the harm that would be caused to the National Park landscape is justified.
- 6.4.64 Due to the enormity, complexity and fragmented nature of the development the National Trust has asked for the application to be called in under S77 of the Town and Country Planning Act.
- 6.4.65 **Network Rail supports** the proposed improvements to the Whitby Line. The terms suggested in the proposed S106 agreement are acceptable however additional assessments are required in terms of level crossings. Once the assessments have been completed more specific details in terms of the cost of infrastructure improvements can be provided. The developer will require easements and agreements for work on Network Rail land.
- 6.4.66 **North Yorkshire Fire and Rescue Service** has **no objection/observation** to the proposed development at this stage and will make further comments regarding the suitability of proposed fire safety measures as part of the Building Regulations consultation. SEI re-consultation: **No objection/observation**. Further comments will be made in relation to the suitability of the proposed fire measures when a statutory Building Regulations consultation is received.
- North Yorkshire Moors Association (NYMA)**
- 6.4.67 NYMA **objects** to the application on the grounds that the development will have a detrimental impact on the landscape, visual amenity and biodiversity of the National Park both during construction and operation of the proposed mine. The development is also objected to on the grounds of its detrimental impact on residents and visitors. The proposals are in addition considered to be contrary to National Park policies, the applicants have failed to demonstrate that the Major Development Test has been met and there are concerns in relation to the fragmentation of the determining process.
- 6.4.68 NYMA considers that the proposal is inappropriate industrial development which will jeopardise the flourishing tourist industry of Whitby. The construction period will have a huge impact on residents and visitors to the National Park and Whitby. The development at Dove's Nest Farm will resemble at best a large heavy industrial estate. This taken together with the increased traffic will change the character of the site. Attempts to camouflage or mitigate the impact of the mine by reconstructing the landscape with bunds will emphasise the drastic change. Tree planting will be slow to establish. This is unacceptable development in a National Park. The excavation of the shafts and the tunnel for the MTS will generate a significant amount of spoil which will be retained at the various sites. Lady Cross

and Lockwood are alongside the A171, major tourist routes into the National Park and Whitby.

- 6.4.69 NYMA considers that the details of the traffic movements associated with the mine construction are likely to result in severe problems along many sections of the A171, A169 and B4116. This will have a significant impact on the road network through Whitby and on the main tourist routes into and through the National Park.
- 6.4.70 NYMA considers that the development does not pass the MDT as there is no exceptional need, the mine could be located elsewhere and it is not in the public interest. There is no national need for polyhalite, should a need develop it can be met by Cleveland Potash. The project is directed towards the bulk export of polyhalite and the impact of this will create considerable and irreversible harm to the landscape of the National Park and to tourism, especially over the five or more years of construction.
- 6.4.71 The proposal will have a significant harmful effect on the tourist industry which is a major employer in the National Park and Whitby this will be especially so during the construction phase. NYMA accepts that some jobs will be created, although this is uncertain and it is not clear how many will be taken by local people. This must be set against the possibility of 255 direct full time jobs in the tourist sector.
- 6.4.72 NYMA has concerns that there is insufficient borehole data in relation to polyhalite. This does not allow a complete picture of the areas where there is polyhalite and consequently the possibility of siting a mine head outside the National Park. In addition NYMA considers that Boulby Mine is well placed to increase production of polyhalite as and when any market develops.
- 6.4.73 NYMA considers that the development at Dove's Nest Farm represents industrial development and is contrary to local planning policies and contrary to policies in the National Park Management Plan. The MTS is also considered to be contrary to local planning policies and those of the National Park Management Plan. The impact of the development during the construction phase will be harmful to the landscape and to biodiversity. Post construction the impact of the development at Dove's Nest Farm together with the associated traffic will make it an unacceptable industrial intrusion contrary to the special qualities of the National Park. The proposed mitigation is considered to fall short both during construction and post construction. NYMA concludes that the MDT is not satisfied and the planning application should be refused.
- 6.4.74 The traffic associated with construction is of great concern, especially the increase in HGVs. The source of the baseline data is questioned. NYMA also questions whether the roads have been adequately assessed in terms of highway safety. Many roads are subject to sea and hill fog. It also appears that features such as the Skelder section of the A171 and Blue Bank on A169 have not been fully considered. The NYMA considers that the increase in construction traffic particularly HGVs can only substantially add to existing traffic problems in the area and it is not clear how the mitigation measures will have any effect on reducing them. NYMA is concerned that there has been an under estimate of the sensitivity of some highway links to traffic changes and that the effect on tourism has been grossly underestimated.
- 6.4.75 NYMA is also concerned that the excavated spoil will result in pollution in Sneatonthorpe Beck and other ground water systems both at the minehead and the other shaft sites. There is also concern that the lighting and noise emanating from the minehead and the moving construction traffic will adversely affect the special qualities of the National Park in terms of tranquillity and dark skies. Noise will also be generated at the shaft sites at Lady Cross and Lockwood Beck. The increased noise will impact on residences in the area and spoil the enjoyment of visitors. This will be contrary to the advice contained in the NPPF and be contrary to local planning policies.
- 6.4.76 The SEI confirms there are additional detrimental effects for the landscape of the National Park and this strengthens the NYMA's view that the development is unacceptable.

- 6.4.77 **North Yorkshire Moors Railway (NYMR)** comments that the railway is a significant contributor to economic benefit, bringing approximately £30 million of visitor generated benefit to the region including the National Park. Improvements to Whitby station have allowed NYMR to operate an increased number of trains and plays a significant role in bringing people into the Park. It is important for NYMR and the local tourist economy that the impact of any development is minimised in terms of the ability to attract visitors.
- 6.4.78 NYM supports the application on condition of a number of factors relating to the S106 offers. The commitment to support tourism is welcomed but tourism funding should be ring-fenced for promotion within the National Park itself rather than more generally. Brown directional road signs should be used to address the needs of the railway and other local attractions. The proposed support for improvements to the Esk Valley railway line is welcomed but clarification should be sought on the cost of the rail infrastructure work needed to ensure that there is no negative impact on NYMR services. The capital works would be essential to ensure that the current level of services is maintained. NYMR is concerned that the proposed cap on costs is not yet identified and the cost could be as high as four to five million pounds. However, provided this work goes ahead, the additional visitors generated by improving the line should be beneficial, giving a boost to tourism. A modest contribution from York Potash should be requested for improvements to Whitby railway station.
- 6.4.79 The creation of additional employment for the region is welcomed but NYMR do have concerns that specialist skilled staff might be attracted away by greater job opportunities and pay rates that YP could offer. The proposed STEM and apprenticeship initiatives are therefore welcomed. There is a concern over the potential for traffic congestion during the construction period and this should be addressed in the terms of any approval given.
- 6.4.80 **North Yorkshire Police** has no issues or concerns with respect to the proposals at this time. The Architectural Liaison Officer and the Counter Terrorism Security Advisers have discussed security with the applicant and their security consultants and security is fully integrated into the submitted Design and Access Statement. There has also been direct negotiation with the company regarding the provision of vehicle number plate recognition cameras and CCTV. SEI re-consultation: No comments.
- 6.4.81 **Northumbrian Water** has engaged directly with the applicant on various aspects of the project to ensure that any impacts of the development on the network can be identified and managed. This engagement is ongoing and Northumbrian Water has no further comments to make at this stage. SEI re-consultation: No additional comments to make.
- 6.4.82 **RSPB objects** to the application as its earlier concerns regarding the 2013 application have not been fully addressed and information is still outstanding. The outstanding concerns relate to the minehead and Lockwood Beck sites which are in close proximity to the North York Moors SPA, SAC and SSSI. The development is likely to have a significant effect on SPA and Annex 1 species through noise disturbance and possible displacement. Insufficient information has been provided to ascertain that there will not be an adverse effect on the integrity of the SPA or on nightjar, an Annex 1 species. Detailed maps showing the areas covered by bird surveys should be provided and information is needed to identify the use of the areas around the minehead site by nightjar and identify potential impacts such as disturbance by noise or traffic during construction and operation. The SPA and SSSI should have been included as a receptor in the noise assessment and full details of potential impacts provided; it is hard to understand how noise from blasting and diesel generators in what is currently a relatively quiet location 'would not be significantly above those currently experienced in the area'.
- 6.4.83 The RSPB has **no objection** to the proposed MTS developments at Ladycross Plantation and Tocketts Lythe and welcomes the consideration of in-combination and cumulative effects of the MTS, MHF and harbour in the EIA and HRA.
- 6.4.84 The **Ramblers Association** request that the temporary diversions for the Public Rights of Way at Ladycross Plantation and Tocketts Lythe (Millers Lane) are open at all times. It is noted that Millers Lane is to be restored but this should happen when works are completed. SEI re-consultation: No objections subject to the diverted footpath at Ladycross

Plantation and the existing PROW at Tocketts Lythe being open at all times, the avoidance of road walking and assurances that the appropriate risk assessments are being made and followed.

- 6.4.85 **Tees Valley Unlimited**, the Local Enterprise Partnership for the Tees Valley **supports** the application which would provide much needed jobs growth at both the mine site and within Tees Valley where the product is to be processed and distributed. This would help to drive forward the growth agenda in the Tees Valley and reinforce its position as one of the last remaining substantial areas of industrial activity in the UK.
- 6.4.86 The **York, North Yorkshire and East Riding Local Enterprise Partnership** strongly supports the proposal which is a unique opportunity to fundamentally address the long standing economic challenges of the area. The proposal would significantly assist in reducing the UK's trade deficit and create a more export driven economy. It would generate substantial GVA, increase levels of production, generate major employment in the private sector (helping to rebalance the economy away from the public sector) and bring considerable investment to the north of England – all primary Government policy objectives.
- 6.4.87 The North Yorkshire coast and adjoining areas face serious challenges including low wages and skills and relatively high unemployment, benefit claimant levels and deprivation. These economic challenges spread into adjoining rural areas of North Yorkshire and East Riding and there is also marked deprivation to the north of the LEP area in the Tees Valley. There has been a long history of low growth in the coastal and adjoining relatively inaccessible areas of Yorkshire and growth is forecast to lag behind other areas without pivotal investment in the local area to create new employment.
- 6.4.88 The potash project is recognised by the LEP as the major economic opportunity to address these issues and it figures highly in the Strategic Economic Plan for the area. Even when taking a cautious view using the Phase 1 production level of 6.5mtpa, the outputs would be very significant: 700 direct and 600 indirect jobs created, an average of 700 construction jobs a year and a further 1660 indirect jobs via the construction impacts, £500m of direct GVA and £600m of exports per annum plus £117m tax gains and £112m supply chain benefits per annum. These benefits are of great relevance and value at both a national and local level.
- 6.4.89 The proposals include strategies for supply chain impacts and skills which seek to maximise the benefits of the development for the local area and it is reasonable to expect that a large proportion of jobs would be taken by local job seekers and workers and that there would be very significant local economic and social benefits, not least for businesses in the LEP area and in the Tees Valley.
- 6.4.90 The proposal is in a designated landscape which draws many visitors and is in itself of great economic value to the LEP area. The LEP recognises the importance of protecting National Parks and it is acknowledged that major development such as this should only proceed in exceptional circumstances and if it can be shown to be in the public interest. This proposal is of fundamental importance to the economic and social well-being of areas both within and outside the National Park, the boundary of which is not reflective of any functional economic areas. The impacts of the development on tourism activity are expected to be insignificant in comparison to the long-term economic benefits for the area, particularly given the mitigation package offered through the S106.
- 6.4.91 Further detailed supporting information is provided in the LEP response which has been incorporated into the planning assessment below.
- 6.4.92 **Yorkshire Water (YW)** requires a 3 metre protection zone on either side of the existing water main which crosses the northern part of the Dove's Nest Farm site. It notes that a water supply can be provided for the development and comments that the submitted Foul Sewage Disposal Whole Life Assessment document is satisfactory. YW has considered the submitted hydrogeological reports and concludes that there are unlikely to be any negative impacts on YW groundwater assets arising from the development.

- 6.4.93 **Yorkshire Wildlife Trust (YWT) objects** to the application and agrees with the CPRE Coastal Branch that it is contrary to Core Policies A, B, C and E and Development Policies 1, 3, 14 and 23 of the North York Moors Development Plan.
- 6.4.94 *Overall concerns:* The mine and MTS construction areas will be highly intrusive for many years before any screening can successfully mask what will be very artificial landforms. Re-establishment of vegetation on compact spoil is notoriously difficult and species rich grassland which requires thinner layers of topsoil could be influenced by underlying acidic spoil making establishment more difficult. YWT is concerned that spoil quantities may be seriously underestimated, for example, because an inappropriate bulking factor for sandstone has been used. Any miscalculation would lead to the need for more extensive areas of disposal, increased height of mounds or disposal off site, all of which would have significant visual and environmental impacts. Details of how spoil with high levels of leachate will be disposed of off-site are not given and the Authority should not approve an application which may result in major ecological impacts elsewhere.
- 6.4.95 The discussion of habitat and wildlife within sites which are outside SSSIs and European sites in the ES is unsatisfactory. Local Wildlife Sites are effectively 'scoped out' by being considered of low sensitivity. However, they can be as important as and more sensitive than national sites.
- 6.4.96 Due to the underestimation of traffic increases, lighting and loss of dark skies, and noise and disturbance, the effects of the development on tourism are likely to be considerably greater than stated. A development of this size within the National Park will set a precedent which may make it difficult for the Authority to resist inappropriate applications in the future.
- 6.4.97 *Concerns regarding minehead and mining operation:* The minehead is less than 1 km from the YWT reserve at Little Beck Wood and increased traffic and traffic congestion, noise and light and air pollution from the development would all affect the reserve. YWT is concerned that the impact of the increase in traffic particularly HGVs has been underestimated. The B1416 is not designed for this number of HGVs and the potential for air pollution and nitrification of surrounding habitats and noise and disturbance to wildlife is very high. Use of diesel generators during construction will add to the air pollution caused by the development. Noise figures seem unrealistically low considering that the site will be a major industrial development with blasting, heavy earth moving equipment and tipping of spoil and materials. The combined effects will lead to the area being unable to support many species, including SPA birds, European protected bat species and priority species such as brown hare.
- 6.4.98 Lighting figures seem extremely low and it is likely that the combined glare from buildings, internal roads, equipment and machinery used for 24 hour working will be considerable. Birds such as nightjar, bats and invertebrates could be particularly affected and YWT agrees with the RSPB comment that there is insufficient information to ascertain that the development will not adversely affect the SPA or nightjar. Local wildlife sites or Sites of Importance for Nature Conservation that are nearby, e.g. Sneaton Beck woodland, Haxby Plantation, a strip of species rich grassland and the B1416 road verge have not been adequately considered hence mitigation and compensation are not adequate.
- 6.4.99 It is not clear how containment of leachate from the spoil will be achieved. Clay cappings or a base may not be sufficient if the bunds at Dove's Nest Farm are very steep sided and any membrane used to cover and protect the spoil from erosion is unlikely to last the lifetime of the development. Acidic leachate from spoil will have damaging effects on habitats and watercourses. Establishing woodland on the bunds is likely to be very difficult in this exposed area and the vegetation which eventually establishes is unlikely to be similar to the moorland, woodland and grassland found at present.
- 6.4.100 It is important that no stockpiling of material is allowed on the site at a later date as associated dust, pollution and leachate would have a significant impact on sensitive heathland and ancient woodland sites downwind. The development will use extremely large amounts of energy and the design does not appear to provide opportunities for generating renewable energy such as ground source heat pumps or photovoltaic panels.

- 6.4.101 *Concerns regarding suggested mitigation and compensation:* Mitigation for the development should include peat restoration and restoration of Ancient Woodland planted with conifers (PAWS) as well as planting of broadleaved woodland. There may also be opportunities for nature tourism which could assist with respect to the negative impact the development will have on tourism. 50% of the York Potash Foundation fund should be ring fenced to cover environmental and biodiversity impacts and enhancement and provide confidence that if there were accidents or pollution incidents which damaged the environment, there would be resources for restoration.
- 6.4.102 SEI reconsultation: The Trust continues to object to the proposals and the new information does not change the potential that the application has to impact on the wildlife, habitats and landscape of the North York Moors.
- 6.4.103 Overall the Trust is concerned that the bunds and spoil piles will be higher and wider at Dove's Nest Farm and the other shaft sites. This will result in the development being more obtrusive. The Trust is concerned that the run off from non-inert spoil heaps could pollute water bodies and the water table. In addition the application is still unclear about the way spoil will be disposed of off-site. This could result in large quantities of spoil being taken off site with possible pollution outside the National Park. Approval cannot be granted if the application may result in major ecological impacts elsewhere. The new information provides details of increased HGV movements; this will mean an increase in noise disturbance and emissions within the National Park and possible pollution together with impacts on tourism. Increased storage of spoil and polyhalite at the minehead will lead to further loss of habitat, potentially impacting on nightjar and reptile populations and the loss of heathland restoration. Changes to lighting will not reduce the impact of the scheme on wildlife, tranquillity and Dark Skies.
- 6.4.104 The new information does not provide any consideration of how to protect important habitats which are outside the national and international sites. In addition higher bunds will be even more difficult to establish valuable habitat on. The updated information on air pollution still gives cause for concern. The cumulative deposition of pollutants will impact on the adjacent SAC at Ugglebarnaby Moor and this will prevent future restoration of the area to blanket bog and is likely to damage the habitat. An approval to such a large scale source of pollution will result in long term damage to sensitive protected habitats. The Trust restates its previous concerns in relation to the proposed mitigation. It will not be possible to mitigate or compensate for the many and varied impacts of the development. If approval is given a number of suggestions are made for more effective mitigation including; improving adjacent moorland habitat, replanting of plantation woodland, promotion of tourism, a new gateway site, a new nature reserve and initiatives to support habitats, tourism, environmental training and the community.

7. Third Party Representations

7.1 General points

- 7.1.1 At the time of preparing this report the Authority has received and recorded 882 third party responses, these responses are continuing to be received and all of them have not yet been fully assessed and recorded Any additional comments received will therefore be provided by way of a written and/or verbal update at the Special Planning Meeting.
- 7.1.2 In view of the number of letters received in response to the application and the additionally submitted information it has not been possible to attribute individual comments to individual names, all representations received are however public documents and are available for viewing either in hard copy or are available on the Authority's web site. In order to ensure that the application is assessed in accordance with the Authority's planning application procedures, a list of those names and addresses in support, those against and those expressing more neutral views is provided in Appendix D together with the names of those who have written to the Authority in response to the re-consultation information received on 17 February 2015.
- 7.1.3 In order to ensure that the third party responses can be taken full account of this report includes a précis of the comments in support of the application, the objection comments and also a list of comments which raise questions and or observations which were neither expressing clear support nor clear objection to the development and were therefore considered to be of a more neutral nature. The comments made generally fall into a number of categories and have been grouped for ease of reading and to enable comparisons of the different arguments to be easily made.
- 7.1.4 Of the 882 third party responses received and recorded at the time of writing 92.9% of responses were in favour of the development, with 6.8% being against and 0.3% expressing neither view. This will be a changing scene and further comments may be received prior to the Special Planning Committee Meeting. Updated figures will therefore be provided at the meeting.

7.2 Comments in support of the application

- 7.2.1 Of the third party comments received so far 819 letters expressing support have been received, this equates to 92.9% of the total number of representations received at the time of writing. 124 responses have been received from those living in the National Park boundary. 81% (100) of those responding and residing in the National Park support the application.
- 7.2.2 The overwhelming reason for supporting the application relates to the perceived boost that the proposed mine will bring to the area, the region and the Country in terms of job creation and in terms of the UK's economy. Many of the supporters have highlighted the decline of the region and the lack of all year round well paid jobs and in this respect the mine could provide jobs to those no longer employed in farming, agriculture, tourism and those made redundant following the closure of local businesses. The proposal is considered by many to be a life line to the area with the potential to allow young people training opportunities leading to long term careers helping them to stay in the area. The supporters consider that the economic benefit is so great as to outweigh the disruption to what many perceive to be a small unattractive area of the National Park landscape and that in any case the revised application has been well considered and designed so as to minimise its environmental impact. Many consider the MTS to be a better solution than the previously suggested pipeline. The supporters also consider that the need for the potash is so great that it would address food security issues and that it would reduce the price of potash which would assist in food production and pricing. In addition the supporters have expressed their confidence in the Company's ability to successfully deliver the project and consider that the proposed Section 106 payments would help in the long term to overcome any perceived negative impacts of the development in terms of landscape, the local economy and in terms of supporting the local community. The proposed payments are also regarded by the

supporters to be helpful in preserving and protecting the future of the National Park in times of public spending cuts.

7.2.3 The précised reasons for support are set out below and a list of those persons in support of the application is attached in Appendix D.

7.2.4 **National Planning Policy and Aims of a National Park**

- National Policy contains a presumption against major development in National Parks unless there are exceptional circumstances and the development can be shown to be in the public interest. There are considered to be a number of exceptional circumstances in this case and the development is considered to be in the public interest.
- More specifically the proposal is considered to meet the requirements of the NPPF relating to major development within National Parks (paras. 115 and 116) particularly in relation to the exceptional circumstances and the public interest, the positive contributions to be made to the local economy, the lack of scope for meeting the need elsewhere and the minimal detrimental impacts on the National Park.
- The proposal accords with the NPPF policies relating to sustainable development, building a strong economic competitive economy, and also conserving and enhancing the natural environment. The NPPF is clear that decisions should take into account the sustainable development principles, which include economic growth, and that economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- A 4% reduction in the UK deficit is not to be turned down lightly and it can be argued in this case that exceptional circumstances do exist.
- The application is considered to meet the National Park's duty to foster the social and economic wellbeing of the area.
- The National Park is not a museum, but is a living breathing working environment where people have a right to live in a beautiful area, alongside earning a good salary for their family.
- The National Park is a living community not just a landscape enjoyed by day trippers and the retired.
- Before its creation the National Park was not a sterile area where nothing happened, nor should it be now.
- If the application is lawful it is hoped that a positive recommendation will be made. It would be brave and fool hardly to refuse the application if it is lawful and in accordance with National and Local Policy. The cost to the Authority would be huge if policy was not followed correctly and there would be fewer funds available to preserve the Park's special qualities.

7.2.5 **Precedent and Credibility of National Park Authority**

- There have been two recent major developments in National Parks; the gold mine in Loch Lomond and the Liquefied Natural Gas Pipeline in the Brecon Beacons. Clearly exceptional circumstances applied in these cases as they do in the Potash application.
- Planning permission has been granted for a gold mine in the Trossachs National Park, a far more scenic area than this area of the NYM National Park, surely there can be no objection to this development bearing in mind its importance to the local and national economy.
- The Authority has wasted huge sums of money in pedantic arguments in opposition against the development.
- It is irresponsible to have delayed the planning decision; people for whom this project will provide employment do not deserve to wait and wait. They need work now.

7.2.6 **York Potash Company**

- York Potash have a very professional and dedicated team in place ensuring all UK regulations are complied with and adhered to at every stage and to a high standard.
- York Potash has shown themselves to be very professional, honourable and trustworthy.
- York Potash is a committed and caring team who deserve to succeed.

- The application is well thought out and the potash will be mined responsibly and this is a big change from mining in parts of Africa and potash mining in Canada and Russia where the environment is hardly considered.
- The company has adopted ten sustainable development principles and follows its own internal set of key responsible development objectives.
- Very impressed by the proactive work York Potash have done with local schools so far to develop and invest in young people who will become their future workforce. They are supporting work with students that will act as a catalyst for more young people being interested in STEM related careers. York Potash has already demonstrated a real commitment to the area and its young people.

7.2.7 **Content and Determination of Application**

- It is a robust submission of national importance.
- The revised project is supported by the majority of residents in the area and York Potash has made huge improvements to the project to reduce its environmental impact. Any outstanding concerns can be dealt with by on-going negotiation.
- If 97% of people living in and around the National Park want planning consent to be granted then it is the responsibility of those in power to give the people what they want.
- The proposals are supported by a very large majority of people living near to Whitby.
- The Authority should use its scarce resources wisely and approve the application to avoid a costly appeal.
- Local Authorities are encouraged to determine planning applications that relate to their area locally. Legislation supports this approach.
- The Authority should accept the evidence provided and reflect the mood and wishes of local residents and commercial interests which are inextricably intertwined. To stand in the way of an excellent scheme would be unjustifiable and lead to legal action.
- Better to approve it and negotiate planning gains than to have it called in by Central Government and potentially lose those opportunities.
- If an appeal is lodged it is certain that the applicant would win if the Authority had come to a legally unreasonable decision. This would be costly and damaging to the National Park.
- Concerned that the Authority has delayed the decision.
- Disappointing that the Authority has sought agronomy reports from two people with close ties to the potash establishment, especially when there are more broad minded agronomists available.

7.2.8 **Global Need for Fertiliser and Potential Market for Polyhalite**

- The unique multi nutrient qualities of polyhalite provide an unrivalled opportunity for UK and world agriculture.
- It is in the national interest to secure additional and long term supplies of potash for many generations to come and there is a strong and clear national need for the development.
- MOP and SOP products tend to be expensive meaning that farmers will often forego application of fertilizer and grow crops without it. Polyhalite is considerably cheaper to extract as it requires so little processing, meaning that it could provide a cheaper alternative for farmers around the world.
- It has been shown that polyhalite exceeds other more common forms of fertilizer and is environmentally better than synthetic alternatives.
- The proposal will help boost crops, help feed a world with a growing population and reduce the need for harmful chemicals currently in use. Fertilizers will be needed in the near future to enhance yields and quality and to secure World food supplies.
- This is an opportunity to boost greater food production in 3rd world areas and the market is showing great interest in this project. China, India, Africa and all over the World will benefit and this will bring income to the local community.
- Potash is a very important product used for growing crops and is applied every year to keep the correct levels of nutrient in the soil. There have been large price increases

in potash as the world demand rises for it with limited production. This makes this project even more important for the future.

- There is a clear imperative to improve our crop yield as British and global populations increase. Such increases in potash yield as the mine produces should impact positively on food prices in Britain and improve our balance of trade.
- The growing world population will necessitate a 50% increase in food production by 2100. The mine would play a huge role in meeting this demand.
- Unpredictable and changing weather means potash may be needed to fill the gap where crops failed and other chemicals were wasted.
- Climate change, as well as increased competition for land and water is driving significant change in agricultural practices and these will accelerate.
- UK food security would be assured and imports reduced if polyhalite can be extracted.
- One of the main ingredients of polyhalite is potassium sulphate which is the preferred form of potash required for horticultural crops. The main source of this is currently from mainland Europe eg. Germany.
- Polyhalite contains the key nutrients potatoes need for successful growth; potassium, magnesium, calcium and sulphur. McCain appreciates the value of an additional fertilizer source, a potential secure supply of polyhalite for the very long term. Trials conducted by a number of independent research establishments have shown that polyhalite has considerable advantages over conventional fertilizers in terms of crop yield, cost of application and reduction of environmental contamination.
- Polyhalite as a source of potassium has a number of advantages, not least it has no chlorine and so yields may be higher than from other fertilizers and it contains other nutrients.
- Switching to polyhalite and increasing yields will in part help counter carbon emissions by reducing the pressure of converting forest to crop land.
- Whilst the 'sustainability' of the mine's locality may be perceived to be affected there remains far greater potential for sustainability gains elsewhere by 'sparing' land with greater natural value (such as rainforest).
- York Potash has shown that there is a considerable market for polyhalite with large contracts signed or very close to being signed.
- The forward contracts the company has entered into demonstrate the demand for polyhalite.
- There is a slight glut in the world market because the Indians and Chinese have delayed signing new contracts with the major producers in America and Canada. This will not be expected to last long and access to assured local supplies of high grade potash will become important to this Country in the future.

7.2.9 **Why Two Mines?**

- Boulby's long term future is questionable and its operating expense is high. Boulby's has a small deposit of polyhalite that may only last 10 years. The demand is such that both mines can co-exist for as long as Boulby remains profitable.
- It is uncertain whether Cleveland Potash will remain a viable supply of indigenous potash in the near future. Recent press articles have highlighted this. This should be fully investigated as the Authority would not want to refuse consent on the basis of indigenous national need as part of the Major Development Test only for the current supplier to not remain as a going concern soon after, despite the Authority being made aware of that information. That could prove expensive at Judicial Review.
- Surely the prospect of two mines in the vicinity is better than no mines. The long term futures of any redundant miners could be secured at York Potash.

7.2.10 **Options for Development Outside the National Park**

- In view of the geology, and for economic and safety reasons, the polyhalite can only be mined at the application site.
- It would be wrong to have the mine head at a distance outside the Park such that mining has to pass through hazardous geology (the Donovan geological fault) to access the ore, is not feasible on mine safety grounds. Safety should be the

overriding consideration. It would also be uneconomic to have the mine head elsewhere.

7.2.11 **Economic Benefits**

- GDP generation of £500 million, rising to £1 billion – making a significant contribution to the UK growth agenda and the north east region.
- Exports of £600 million, rising to £1.2 billion which would decrease the trade deficit by 2% and up 4% respectively. Export driven growth will help to ensure a sustainable and positive economic future. Extractive industries are a strategically important sector to the UK.
- It will therefore boost the national economy by raising tax money created by export and income.
- The economic boost to the National economy is very significant and should be considered as part of the Major Development Test. The income provided to the NYMNP at this time of cut backs and austerity will supplement the resources available to the Authority. This will allow the NP to continue to undertake the work that it does in preserving the special qualities of the National Park. If the application is called in the National Park will not have the same control over these agreements.
- It will increase North Yorkshire's economy by 10%, annually £48 million will be injected directly into the local economy.
- The pledge of approximately £56 Million in the S106 agreement should not be overlooked.
- Any temporary inconvenience caused would be more than mitigated by the proposed S106 payments.
- Re-balancing economic activity towards investment and trade is a priority for the UK and agri-food has been identified as a key sector.
- As a nation we need to embrace chances to shift our economy onto primary activities such as mining or manufacturing and away from a narrow reliance on finance or tourism.
- The York Potash mine will provide economic benefits for over 40 to 50 years while Cleveland Potash's resources will end well before this as their mine becomes uneconomic.
- The approved gold mine in the Loch Lomond and Trossachs National Park was granted consent despite only making a £50 million annual contribution to the UK economy. The York Potash contribution will be 45 times larger and is not an off shore registered company. It could be argued that the gold mines tailings dam is aesthetically far more intrusive than the York Potash proposal.
- It will benefit the local economy and jobs market without having a significant adverse impact on the National Park environment.
- Winning of polyhalites will benefit the nation as well as the local economy.
- This area and its people need jobs and investment which the York Potash project will bring.
- Understand that the Potash mine aim to employ 80% of their staff from local resources.
- Tax revenues are declining with an ageing and declining North Sea oil industry, the Country needs another large contributor to the Chancellor's purse. This will be particularly important if Scotland becomes independent in the future.
- The North East Chamber of Trade supports the application and is impressed by York Potash's commitment to using local suppliers and employees and the lengths they have gone to minimise the environmental impacts.
- The project represents a major opportunity and is aligned to the priorities of the CBI and regional and national economic development objectives.
- The mine and the thousands of jobs both directly and indirectly will bring untold benefits to the area. Shops and suppliers will benefit.
- The benefit to the majority must outweigh the convenience to the minority.
- The benefits of the overall scheme are local, national and international.
- The development of this new industry will have great economic benefits for the whole region. This together the renewables growth in Hull and the Humber can transform the area's prospects and aligns with the green ambitions.

- Vince Cable (former Sec of State for Business, Innovation and Skills) recently confirmed that 'minerals are essential to support sustainable economic growth and our quality of life. It is therefore important that there is a sufficient supply of materials to provide the infrastructure, buildings, energy and goods that the country needs.' The UK Minerals Forum has recently highlighted that an adequate and resilient supply of minerals is essential to the growth of the UK economy and the wellbeing of the population.
- UK Trade and Investment Tanzania has been working with Sirius Minerals since 2013 to establish trade links with the appropriate parties in Tanzania for the distribution of polyhalite for use in agriculture. This will benefit both the East African and UK economies.
- NEPIC (The North East of England Process Industry Cluster) represents 720 Chemical and technological companies across the North East, the organisation supports the application and considers that it will be of high importance to the local economy supporting the represented industries and their supply chains. The employment and training impacts are also welcomed.
- All current coal mines will close next year and this project will accommodate a number of people who will be out of work by these closures.
- The proposals have already resulted in business for UK drilling companies who have worked with York Potash on a number of drilling wells in the area.
- Scarborough is in the final stages of its Renaissance programme which has resulted in many improvements in the town and York Potash will bring a renewed vitality to this process, leading to more investors and more regeneration.
- The seaside towns of Scarborough and Whitby desperately need this project to be approved.
- The County of Yorkshire, The Country of England and the World needs this project to happen.
- Opportunities like this only happen once in a generation. This is a win/win situation for all.
- Any decision other than granting permission will blight the area for decades and this opportunity must be grabbed with both hands.
- Major employment could put an end to unnecessary travelling and expense for a large number of local people.
- Family houses are being bought at inflated prices for holiday lets, the mine will stem the tide of holiday homes and bring all year round sustainable employment and life to the area.
- Do not focus on the objectors who are not directly affected by a shortage of work opportunities in this area.

7.2.12 **Community Benefits**

- The area is still suffering the effects of the recession; there could not be a better time to help the local community.
- There will be over 1000 direct jobs and another 4000 to 5000 indirect jobs. It would be a tragedy for the local community to lose such a big potential employer.
- GDP will benefit by £1 Billion annually, there will be over £1 Billion of exports annually, over £200 Million tax contribution annually, nearly £50 Million in local payments and a further 1600 construction jobs.
- The jobs will be well paid and permanent. Young people cannot build a future around part time, seasonal, low wage jobs in tourism.
- York Potash has promised to work with local businesses and employ local people of the right calibre.
- The fishing and agricultural industries have declined, local businesses have closed and public sector jobs have been cut so too has the heavy industrial base of Teesside which used to provide employment for many people in the area.
- There are many rural communities fighting for survival in the area and significant fuel poverty and food banks running low on supplies as people are forced increasingly to rely on them. People in the area need a prosperous present and future, not a museum akin to Beamish.

- This will stop the deterioration of living standards of the Whitby people, stop the young moving out of the area and will keep families together.
- The company will work with the local community to alleviate any potential problems. That is our experience with them so far.
- This represents a chance for a major project in an area that has been neglected.
- Understand that the Potash mine aim to employ the majority of their staff from local resources.
- The morale of the people in the region will improve with more people in employment and not on benefits.
- The CBI welcome York Potash's plans to fund provision to increase awareness of STEM related careers, to enrich the science curriculum in schools and colleges, the commitment to take on 50 apprentices, provide an apprentice programme an undergraduate programme and regular targeted action at the locally unemployed.
- This is an opportunity to establish a high tech centre of excellence in North Yorkshire, to provide excellent training and employment for many hundreds of local young people and to improve the North East regional economy.
- There will be benefits in training local workers including transference of skills and apprenticeships.
- Local colleges including Redcar and Cleveland, Prior Pursglove, Caedmon, Yorkshire Coast and Scarborough Sixth Form are developing skills for the future supply of skilled labour to ensure that if the mine does come on stream that there will be an adequately skilled local labour force for its successful operations. Staff at York Potash have spent time liaising with staff and students developing their Skills Strategy and the mine will offer excellent employment opportunities allowing them to remain in the area with stable, long term career opportunities. In today's climate there is a need to support employers who are willing to engage proactively with educational institutions in order to fulfil the skill needs of the future. York Potash has employed a former local student as an IT apprentice. The S106 agreement also offers many financial commitments in relation to future education and training.
- Hull University (Scarborough Campus) support the application, subject to appropriate controls to protect the environment as it is an excellent opportunity to nurture local talent and retain it in the region.
- Teesside University support the application as it will increase opportunities for the region to retain highly qualified graduates ensuring their skills will not be lost to the economy. Sirius Minerals have engaged with the University to develop appropriate skills.
- Hull College Group support the application as it has the potential to be transformational for people in the local area, creating highly skilled job opportunities and increased local business and investment in the area.
- Hull University supports the application and are working with York Potash on the development of the Scarborough University Technical College which will open in 2016 providing local young people with a direct route to careers with York Potash and other companies or into higher education.
- The site will provide a valuable educational experience for pupils of local schools by way of school visits and employees coming into school to talk about the project and its benefits to the area. The mine would be of benefit to local school pupils of all ages.

7.2.13 **Landscape and Proposed Mine and Tunnel Design**

- The North York Moors are beautiful and to be enjoyed but they are also vast and a relatively small mine head above ground will make a minimal impact on the Moors' beauty or allure.
- The mine head and transport system will have a small footprint area which equates to 1/2000th of the National Park.
- The development is a thorough and sympathetic design and great effort has been put in to mitigate and minimise any environmental and social impacts.
- The sites are already largely naturally screen with woodland and Dove's Nest is screened by existing trees.
- The application is on Grade 3 grassland/farmland not affecting the heather moors in any way.

- The site is on the eastern fringe of the National Park and it is not attractive to tourists and when the development is built it will not be seen.
- The company has gone a long way to make sure that they keep the beautiful countryside unspoilt.
- The design and proposed mitigation for the surface infrastructure sets a new standard for sustainable and sensitive development.
- The positioning of the shaft headgear below ground and the creation of bunds around the shafts mean that the visual impact of the development is significantly ameliorated.
- Following the decision to transport material for processing to Teesside by tunnel the impact on the surface, which is screened by trees, will be negligible.
- The shaft head frames will be sunken into the landscape such that they will be no more than 2 storey from existing ground level. They are designed to look like agricultural buildings.
- The extraction at this site does not produce the substantial quantities of clay and salt which typically require disposal at other potash mining facilities; spoil extraction will be largely limited to the shaft construction phase, reducing the environmental impact of the development.
- The tipping point in favour has been surpassed by the revised application with a 70% reduction in the building footprint along with the new mineral transport system. The Authority should be proud that it has forced the company to re think its previous application to preserve the special qualities of the National Park and reduce the impact on the area.
- The land is a living thing and is always being developed; it should not be the role of the National Park to stifle development.
- Mining has gone on in the NP area for centuries and it has made the Moors what they are today. There is history of mining and industry in the National Park from alum workings near Sandsend, iron extraction in Rosedale, Whinstone mining in Grosmont, Brickworks in Grosmont and the mine at Boulby. These historic workings do not detract from the area.
- All of the National Park has evidence of the great industrial past that created villages, communities, skylines, tracks, bridleways and railway lines. Without these developments the Park would not be so accessible and enjoyed by the many visitors it has had over the years. York Potash is a continuation of this evolution. There were protests when Fylingdales was constructed in the 1960s then recently when the station was to be demolished there were objections to its demolition, as the station had become a local tourist attraction.
- Industry does not mean that an area is scarred forever and temporary unsightliness should be tolerated for the greater good.
- Compared to the incongruous structures of Fylingdales and Bilsdale Mast, the York Potash proposals, which will look like a few sheds in the middle of a conifer plantation, seem comparatively sympathetic to the environment.
- Pipelines were put through the National Park in the 1970s; today no one would be aware of them.
- The mine will not be a 'blot on the landscape' like the existing one at Boulby.

7.2.14 **Length of Construction Period**

- There will be short term disruption to safeguard the long term prosperity and protection of the Park and its people for generations.

7.2.15 **General Environment Comments**

- The project could provide a class leading template for future similar developments in the UK and set the standard in terms of minimising environmental and visual impact.
- The mine is approximately one mile from the nearest village which will help to minimise potential impacts on residents.
- There will be a stream of further benefits to the National Park and local communities through the proposed Section 106 agreement and the YPL Trust including assistance with the aims of the Management Plan, tree planting, tourism benefits, additional train services, training and education opportunities, contributions towards traffic management, police contributions, archaeological and geological data funding

together with assistance with monitoring the development. The York Potash Foundation will be formalised and funded for community projects.

- Future royalty payments would enable land owners to carry out conservation projects on their own land. Current farming returns do not allow this to happen.
- The future well-being of this vital green space and its community are being negatively affected by increasing economic and social decline. That together with the reduction in Government grants to National Parks is making it far more difficult for Authorities to sustain these green spaces for the benefit of the environment and those within them. There are few economic opportunities for National Parks to find new sources of vital income. This mine would bring long term security for the National Park and its residents.
- It will restore the proud heritage of mining in the North East.
- The extraction of polyhalite does not produce the substantial quantities of clay and salt which requires disposal at other potash mining facilities; spoil extraction is therefore largely restricted to the shaft construction phase, significantly reducing the environmental impact of the development.
- The provision of an alternative grid connection to the area will provide better connections. It is noted that Northern Power grid now support the application.
- The company has taken reasonable steps to address the MoD's previous concerns.
- The disturbance to the environment is minimal with current methods of tunnelling.
- Any detriment to the environment is likely to be of a short duration and capable of remedial work and repair.
- The NYM's recently won a multi-million pound bid for its 'This exploited Land' project that primarily aims to focus on our industrial heritage – much of which is attributed to mining and associated activities.
- A great new investment but the spoil should be removed from the site by rail and this would result in investment in the local rail network.
- If approved the mine will mean that farmers will not be so reliant on over stocking or over utilisation of their farm and more farms and properties will be maintained and improved, with stone walls and fencing, this would have a positive impact on businesses, like local saw mills, as well as encouraging tourism.
- Maximum benefits can be achieved by working with the company. It doesn't need to be a choice between economics versus the environment.
- During operation no ore will come to the surface and no surface processing will take place.
- Surely a wind farm hub on Endeavour Wharf in Whitby will be more unsightly than a mine that you cannot see?

7.2.16 **Impact on Special Qualities**

- The project has been developed under strict and innovative environmental criteria which will significantly reduce and prevent potential environmental impacts during each phase of the development.

7.2.17 **Tourism Impacts**

- Visitors will still come to the National Park irrespective of the outcome.
- The walkers and visitors will find alternative places in the National Park that are not affected by the proposals.
- The mine will be a tourist attraction in itself, bringing additional money to the area.
- The increase in general support businesses and visitor numbers brought by the mine will be welcomed by the wider tourism economy.
- Visitor perception surveys cannot demonstrate with any certainty that visitor numbers will be impacted or by how much.
- 'Welcome to Yorkshire' considers that York Potash should recognise the findings from the Ipsos MORI North York Moors Visitor Survey and ensure plans, measures and a marketing budgets are put in place to protect tourism and visitor economy – during and post construction. It is considered that the overall benefits of the proposed development, taken together with mitigation measures and a high profile marketing campaign will allow visitors to be able to enjoy the unique qualities of the National

Park and the tourism economy will continue to thrive and could benefit in the long term.

- The modernisation work that took place in 1990 at Fylingdales was of a similar scale to this proposal and this had no impact on numbers employed in tourism within the 3 year period of the works.
- Without industry there would be no railways and no North Yorkshire Moors Railway, today a tourist attraction.

7.2.18 **Traffic Impacts**

- The proposed underground tunnel to transport the raw materials to Teesside greatly reduces transport and emissions impacts.
- The park and ride system for workers will reduce the increase in traffic and the tunnel will mean that HGV traffic will just about be non-existent.
- It offers much needed improvements to the A171 and A64 using spoil excavated from the tunnel. These have been inadequate for 50 years.
- The increase in traffic during the construction phase is a small price to pay for the benefits the project will bring to the area.
- The application is supported subject to the Authority ensuring that the developers adhere to the plans including the vehicle routes, particularly during the summer months.
- Whitby Civic Society is supportive of the application but would like the developers to work alongside NYCC/Government to improve transport in the area. The Society is concerned about traffic congestion and safety along the A171 and through Whitby to overcome this the Society suggests more transport by rail and additional transport and parking for tourists together with highway improvements and the introduction of Park and Ride at Whitby Business Park for tourists and workers and this should remain after the construction period. The Society also questions whether the MTS could be made dual purpose and used for a local transport system. (The Society is keen to ensure that proposals by York Potash to reduce noise, light and dust pollution are enforced and questions what consideration has been given to any damage caused by blasting to local buildings and whether the noise caused by generators has been fully considered.)

7.2.19 **Noise Pollution**

- Polyhalite mined at Boulby is likely to be conveyed to Teesside by rail and this may lead to freight noise to local residents and road disruption. This disruption would be permanent, unlike the temporary disruption of the Sirius proposals.

7.2.20 **Wildlife and Habitats Impacts**

- The company has gone to great lengths to overcome the previous problems and aims to ensure that the effect on the countryside and habitats will be kept to a minimum.
- Common sense should prevail over the minority who want to preserve the area for their own private enjoyment, or put forward spurious arguments about the effect on wildlife which is well able to adapt and look after itself, particularly given the effort put in to minimise any effect.
- The Minerals Transport System is a much improved planning proposal and should result in virtually no impact on the moorland much of which is an SSSI.
- This is a project that nature will soon absorb as opposed to wind turbines that are a blight to all.

7.2.21 **Impacts on Water Supplies**

- There is a low risk of damage to the water supply.

7.2.22 **Public Rights of Ways**

- Sufficient funds should be made available through the Foundation to support community projects such as the maintenance, improvement and increased use of the Cinder Track which is a permissive path for pedestrians, cyclists and equestrians. Improvements to the Cinder Track from Whitby to Stainsacre would also provide part of a safe sustainable transport route for workers at the proposed mine.

- As Government funding has been greatly reduced and heavy cut backs have had to be made this is a good opportunity to get financial support from Sirius. Such financial help could be put toward the maintenance of footpaths and bridle paths.

7.2.23 **Carbon Footprint**

- Over its lifespan the proposed mine will more than offset its carbon contribution during construction and operations. The high yield fertilizer it produces will remove huge quantities of CO₂ from the atmosphere over many years.
- The Authority is obligated to incorporate and promote the 2008 Climate Change Act in its decisions.

7.2.24 **Future Use of the Mine**

- The proposals are supported subject to steps being taken to ensure that any possible future salt mining and storage are considered now.

7.2.25 **Potential for Subsidence**

- There will be no subsidence as it is a high strength rock.
- The roofs and pillars will not deform over time.

7.2.26 **Monitoring the Development**

- The proposal has the potential to be a win/win situation subject to stringent requirements and effective policing to protect the environment and subject to the creation of a wide variety of local jobs.

7.2.27 **Miscellaneous**

- Teesside possesses the skills base to create additional downstream polyhalite based products.
- The port of Teesside will be upgraded and this will bring ancillary benefits to the area.
- This good and interesting project may be better if a tube conveyor system was used in the tunnel and on the plant to reduce the dust and the scattering of material.
- The development will enhance the current manufacturing services available in the North East chemical process industry which will increase the potential to bring further new projects to the area.

7.3 **Objection comments**

7.3.1 Of the third party comments received so far 60 letters of objection have been received, this equates to 6.8% of the total number of representations received at the time of writing. 124 responses have been received from those living in the National Park boundary. 18.5% (23) of those responding and residing in the National Park are opposed to the application.

7.3.2 The main reasons for objection relate principally to the application being contrary to the aims and objectives of the National Park designation and to the proposal not satisfying the Major Development Test in the National Planning Policy Framework. The objectors consider that the National Park is a unique environment that is worth protecting at any cost irrespective of the employment or other economic benefits to the region, the UK or globally. If planning permission were to be granted for this major industrial scale development this may undermine the policies for the protection of this and other National Parks and other specially protected areas. The objectors are also concerned that there is no overriding need for the mine as there is no shortage of potash in this Country or elsewhere in the world and that a further mine may lead to the closure of Boulby mine. The objectors consider that the site including the proposed buildings and the spoil heaps will be visually prominent in the landscape and that the traffic disruptions particularly during the construction phase, will be detrimental to existing residents and to tourism in the area. In addition the objectors consider that issues relating to possible pollution and subsidence have not been fully addressed and it is unclear whether there are sufficient resources for the necessary future monitoring of the development. The objectors are also concerned that York Potash is an exploratory company with no mining experience.

7.3.3 The précised reasons for objecting are set out below and a list of those persons opposed to the application is attached in Appendix D.

7.3.4 **National Planning Policy and Aims of a National Park**

- Allowing the development would be contrary to the statutes upon which National Parks are based. The 1995 Environment Act sets out the two purposes of National Park Authorities and where there is a conflict greater weight should be attached to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area.
- The development is in breach of the NPPF as it is not sustainable development and the development does not pass the Major Development Test. The applicants have not given sufficient weight to the protection that should be afforded to National Parks as set out in para. 116 of the NPPF.
- The NPPF states unequivocally that any major development can only be permitted in a designated area if there are exceptional circumstances and if it can be shown that it would be in the public interest.
- The international status of National Parks as 'protected areas' has recently been re-affirmed.
- The development would be contrary to the North York Moors National Park Local Development Framework specifically Core Policies A, D and E.
- The development would be contrary to the policies contained in the North York Moors National Park Management Plan 2012 (specifically E1, E2, E3, E4 and E20).
- It is relevant that since the application was submitted that the Government has made it clear that all National Parks will be excluded from fracking, if protection is given from this it should also be given against the mining of potash.
- In a heavily populated country the National Parks are our jewels in the crown and should not be put at risk or compromised with projects of this scale. It is in the national interest to reject this proposal.
- Allowing a second large mine will be the tipping point in the decline of this important area of natural beauty which we have a duty to protect for the benefit of future generations in our increasingly overcrowded country.
- The amount of extracted material does not fit with the ethos of a National Park and will have a huge and permanent ecological and visual impact on the area. The area will be known for heavy industry rather than outstanding natural beauty, resulting in detrimental impacts on tourism.
- Private interests will not put the needs of the Park first. It may well seek to minimise environmental impact but that is not good enough and the Authority should protect this precious environment.
- There are no exceptional circumstances which would require the National Park to be industrialised for the next 120 years.
- Do not gamble with our National Park.
- The Yorkshire Dales Society, Scottish Campaign for National Parks, The Open Spaces Society and Friends of Pembrokeshire National Park object to the application on the above grounds and on the grounds of precedent that would be set for major development in National Parks. Objections are also made on the grounds of the development's impact on the landscape, visual amenity, special qualities and biodiversity of the area and its impact on residents and visitors.

7.3.5 **Precedent and Credibility of National Park Authority**

- This large scale development would set a precedent that would erode the current protection afforded to the National Parks.
- If this application is granted it will set a precedent which will change the interpretation and understanding of the Major Development Test to the extent that it will be difficult to prevent future industrial developments in the North York Moors and other National Parks.
- If approved a dangerous precedent will be created and it will be difficult in years to come for the Authority to resist applications for quarrying stone and gravel or to extract shale gas by fracking.
- The development makes a mockery of all the rules and regulations in place to preserve the Park. There are tight rules on new development, such as window materials and stone work, how can an industrial complex then be built within 3 to 4 miles of houses that have been made to comply with these regulations.

7.3.6 **York Potash Company**

- Sirius Minerals is an exploratory company with no mining experience; they have proved their inexperience through the planning process.
- York Potash is a mineral exploration and development company. It has never opened or run a mine or processing plant, nor mined an ounce of commercial ore. None of Sirius Minerals' many previous ventures have succeeded and there are concerns relating to the history and credibility of the company.
- Many of the company's promises are not enforceable planning matters.

7.3.7 **Content and Determination of Application**

- The application is deeply flawed with many false assertions, inaccuracies and misleading statements.
- The application is not a referendum. It should not be decided or influenced by the number of votes for or against, or by which politician gives support but by established planning law and policy.
- The application, including important aspects of it has changed often and this is confusing. This has invalidated the consultation process.
- The information submitted in relation to spoil amounts is underestimated this will lead to further plans for redistributing the spoil on site.
- How can such a large project be made without the 100% assurance that the funding is in place to complete this project?
- ARUP Consultancy appears to have been involved at a late stage and this is a concern given the scale of the engineering project.
- York Potash's Statement of Community Engagement cannot be said to be sufficient as there were only 1780 respondents to its survey and only 765 persons visited the 10 exhibitions.
- The MTS is an essential part of the total integrated potash development. In spite of its mission critical nature full details of the proposed system are not available. The Authority should be 100% convinced that the design, operational and environmental aspects of the total integrated scheme – including the MTS- are all fully defined and workable prior to planning approval. As it stands there are too many unresolved issues.
- There should be a full technical specification of the MTS tunnel, conveyor and railway through to a formal hazard and operability study. This study should scrutinise operation of the MTS as an integrated part of the mine, not as a stand-alone item.
- There should be an absolute embargo on ground level transportation of polyhalite as a fall back if problems arise with the MTS.
- There should be an investigation by the Authority of comparable underground conveying systems currently in successful operation across the world. This will provide practical reassurance. A sanction quality cost estimate for the tunnel, conveyor and railway system should be prepared. Any changes from previous figures may affect commercial viability.
- The ARUP report on noise and vibration seems to be lacking in detail and is dependent on assumptions, its accuracy is questioned and cannot be relied on.
- The possibility of environmental disturbance on a 24/7 basis to those using and residing in the Park has not been eliminated. It is essential that a minimum environmental performance guarantee in terms of noise and vibration is agreed.
- A minimum standard for noise and vibration at surface level within the Park should be imposed within the environs of the MTS. This would provide a baseline for monitoring and compliance.
- A minimum (horizontal) distance of approach to properties and recreational centres should be superimposed. The tunnel features and route ought to be upgraded to comply.
- The application does not specify the quantities of cement and sand that will be required for the Shotcrete to support the proposed tunnel construction. It could be 300,000 tonnes or 20,000 wagon journeys to and from the mine. It does not specify how the rebounded material will be disposed of.

- A decision on the application should be deferred until the implications of the new Mines Regulations and associated Government Guidance Note on Mining are known in April 2015. This will replace all previous legislation.
- York Potash has already exceeded their planning consent at Dove's Nest.

7.3.8 **Global Need for Fertiliser and Potential Market for Polyhalite**

- Development in the National Park can only be justified if there is overwhelming evidence of national need or compelling economic benefits to the UK. York Potash has failed to demonstrate a national need for the product. Britain can be adequately supplied with polyhalite fertiliser from the existing mine at Boulby. The economic benefits to the UK and to North Yorkshire have been overstated and the prime beneficiary would be the overseas parent company.
- There is no shortage of potash/polyhalite and there is an existing alternative supplier.
- The 'need' for a mineral is not the same as 'demand'. The fact that an organisation is able to make a profit from an activity does not equate to a national need for that product.
- The mine is unnecessary, unsustainable, depending on a flawed business plan based on unreliable evidence for the product, its market and likely revenue. This results in the project being risky with many unknowns and few contingency plans should there be technical problems or construction overruns.
- There is very little information about the market they expect to supply other than it might be China or Tanzania. It will be at least 5 years before they can deliver all they propose at a competitive price, if they ever can.
- Selling polyhalite in bulk at discounted prices from a beautiful National Park to the most polluted countries in the world is inherently wrong and would increase pollution levels in the UK.
- The UK could exhaust potash reserves in 50 to 100 years if it is sold in volume at bulk discount. In contrast the supply could last the UK for 100 to 500 years. The same happened with coal and now the UK imports it at a much higher price relatively.
- There is no clear evidence provided to substantiate their claims that this product will benefit agriculture. The only evidence is York Potash's limited trials and there is no scientific methodology available. Their claimed results are therefore valueless.
- Why not leave some resources for future generations who might really need it.

7.3.9 **Why Two Mines?**

- Boulby presently supplies 65% of the UK potash market and they could provide 100% if necessary. A second mine seems totally unnecessary.
- The existing Cleveland Potash mine will be producing polyhalite in the near future and that will negate the need for this development.
- Why consider another mine when Boulby is already established, been given a grant, have employed additional staff and already have the infrastructure there to produce and transport the goods.

7.3.10 **Options for Development Outside the National Park**

- It is entirely feasible that the mine could be developed outside the National Park. Any problems could be overcome with engineering solutions, but clearly this will have a cost implication. The scale of profits anticipated mean that alternatives are possible albeit with reduced profit margins.
- The mine shaft and the tunnel to Teesside could be sunk outside the National Park and work could then extend under the National Park.
- If it is to be as financially successful as York Potash claim surely it could be outside the National Park.

7.3.11 **Economic Benefits**

- It would be employment at a very heavy cost to the environment and the character of the National Park.
- The primary concern is for profit not for the environment. The applicant has engendered a public ground swell of opinion by the lure of local employment.
- Any job creation will be for those recruited from outside the area with specialist mining knowledge.

- It appears that the local jobs created are likely to be very few, only about 33.
- The employment forecasts are vague on where and when the jobs will be created.
- York Potash has made no secret of the fact that they intend to employ overseas workers, housed in a purpose made village.
- The UK is in the G7 which means it has a robust economy with wealthy reserves. The Government does not need to risk any kind of large development in any of the National Parks, in order to improve its status. The UK economy is predicted to grow without such projects.
- As Boulby can produce enough potash for this country, it is likely once the proposed mine is open that Boulby will become redundant causing hundreds of workers to be unemployed. York Potash claim that their mine will be fully automated so there will not be jobs for the redundant Boulby miners or the York Potash construction workers.
- It is possible that much of the added value may be abroad and relatively little tax may be generated by the project to the UK Exchequer. A considerable tax loss may be a consequence of loss of tourism to the area and the Country.
- A far better way to help with rural employment would be the improvement of broadband and mobile communications, which would allow and encourage working from home in rural villages and towns at no environmental cost. These would be local jobs, not drawing on workers from afar.

7.3.12 **Community Benefits**

- If the funds promised to local good causes are not indexed linked the sums may be worth very little at a future date.
- It will not provide as many local jobs as promised unless there is a condition that only local people should be employed.
- National Parks are areas where the general public can unwind, de-stress and breathe in fresh air. Relaxing in these environments creates a happy, healthier population.

7.3.13 **Landscape and Proposed Mine and Tunnel Design**

- The mine site is elevated and will be highly visible from much of the eastern side of the National Park. The development and the associated works will be hideously incongruous and cannot be disguised behind trees and bunds.
- A development of this industrial scale is inappropriate in a National Park.
- It is doubted if trees will grow to their full potential on this windy site and grass bunds will sit uncomfortably in the moorland landscape. High towers will be visible while the tunnel is constructed introducing an industrial landscape.
- The mine buildings will not fit in with the local buildings, as they will not be low level, built of stone with pantiled roofs.
- The superstructure above ground with the associated works, ponds, spoil heaps and car parking will be unsightly and will be highly visible.
- There will be huge amounts of waste resulting in large mounds visible for long distances.
- The tip of 30 feet in height will be visible on the skyline; this should be removed and taken through the tunnel to Wilton to be processed outside the National Park.
- It is not clear how temporary the mineshaft at Lady Cross will be. It will be a blot on the landscape in views from Egton.
- Commercial opportunism and China's need for potash should not take precedence over the need to preserve our countryside.

7.3.14 **General Environment Comments**

- The damage to the environment will be great to the surrounding areas of farmland, woodlands and village residents.
- There will be air borne contamination, particularly when high coastal winds are the norm. Permanent earthworks and tree screening will not stop high rates of air movement and it is not clear what preventative measures will be put in place. There will be adverse impacts on local air quality including the adjoining SAC, SPA and SSSI of Ugglebarnby Moor and Sneaton Low Moor.
- The heavy traffic passing close to listed and historic buildings and structures could cause serious structural damage.

- The North York Moors and Whitby may lose more than it will gain. Concern about how the decision has been made to locate the proposed park and ride and construction village at Stainsacre Lane, Whitby rather than York Potash's preferred location at Whitby Business Park. The developer has been forced to place a substantial development on green fields adjacent to homes and businesses and adjacent to the National Park. There has been no consultation in respect of this. It should not be acceptable to minimise damage at the mine head whilst allowing destruction of the environment in Whitby, causing damage to wildlife and the appearance of the landscape.

7.3.15 **Impact on Special Qualities**

- The proposal will cause significant harm to the Special Qualities of the National Park including loss of tranquillity, dark skies at night and a strong feeling of remoteness.
- People derive many benefits from a National Park not least tranquillity and beauty of the physical landscape. This proposal will compromise both. If permitted this will diminish the very nature of all the National Parks stand for and reduce visitor enjoyment.

7.3.16 **Tourism Impacts**

- This is one of our Country's treasures and brings in large amounts of income through tourism which will be affected.
- The development of this major industrial complex will harm the North York Moors reputation as a whole, as an area that contains unspoilt and beautiful landscapes. This is bound to have a wider impact on the Park's attraction to tourists.
- How is it possible that the biggest potash mine in the world will not have a negative effect on tourism and the lives of residents?
- The negative impact on tourism means that many established businesses will be forced to close.
- The economic benefits do not outweigh the damage to the environment and any financial gain would be outweighed by the damage to the tourist industry, especially during the construction period.
- Whilst the potash type may not be common, it is not of sufficient importance to justify spoiling the National Park with the obvious effects it will have on tourism and the businesses associated with tourism.
- York Potash workers are to use the park and ride and this would steal spaces from Whitby's visitors who are already struggling with parking. Every space is valuable and Whitby cannot afford to lose them. Whitby has been hit hard and businesses are already struggling, with the new mine with the associated traffic implications, many may be forced to close.
- The Caravan Club consider that the proposed mine will have a serious and lasting detrimental impact on the local landscape and the enjoyment of the National Park. This will have a profound effect on local businesses and the local economy and specifically on the Low Moor Touring Caravan Site at Sneaton which is approximately 0.7 miles from the proposed mine head. Should permission be granted construction, mineral workings and mine head operations should be restricted to the hours of 8am to 6pm Monday to Saturday (Excluding Bank Holidays) together with noise and visual attenuation measures. There should be strict controls to ensure noise does not exceed present ambient levels and all electric power supplies to the site should be underground. If these measures are not possible an alternative touring caravan site should be provided by York Potash until the conditions can be met or until the operations at the mine head cease.
- The Tour de France provided an opportunity for the rest of the world to see North Yorkshire's beautiful landscapes. In May 2015 the Tour de Yorkshire rode through the National Park. All of this will bring more tourists which should be a priority for Whitby and the National Park. The construction of the largest, deepest and hottest potash mine in the world will not provide a positive stimulus for the rest of the world to visit North Yorkshire; mining areas do not top the list of 'places to visit'.

7.3.17 **Traffic Impacts**

- The rural road system is already totally inadequate to support this development. Increased traffic on the main roads will increase danger for the various users and force traffic onto alternative routes which are narrow and steep with difficult junctions. None of the measures put forward would be effective or enforceable.
- There will be a huge amount of heavy vehicles going to and from the mine shaft area for many years to come. This will change the character of the area and cause pollution and congestion.
- There are some very serious drawbacks especially during the long constructional period such as damage to the Park, damage to the Whitby tourist trade and inconvenience to residents and those who work in the area which will be brought about by the constructional traffic. Transport issues could be resolved by building a short rail spur to the Esk Valley Line.
- Traffic in Whitby, especially in the summer months, will be gridlocked and there will be major delays at key junctions. If the road network is changed to alleviate pressure the character of this beautiful area will be changed again.
- Emergency Ambulance travel time is already well outside the accepted norms and this will be exacerbated by the increase in traffic.
- Moor House is within 600 metres of the site and having experienced the conditions during the test drilling there is concern about the noise and traffic disruption to nearby dwellings.
- The speed and volume of traffic on the A171 make access to and from Egton difficult. The additional traffic will make this worse, and it is hoped that this has been taken into account as it may become an even greater accident blackspot.
- The additional traffic along Helredale Road and Mayfield Road and close to 6 schools will be significant.
- The additional traffic will cause noise and vibration for those living beside the routes.

7.3.18 **Noise Pollution**

- The site is to operate a four shift system covering 24 hours 7 days a week. The site currently has very low noise levels during the day and zero at night. With 24 hour construction for the construction period the company will not be able to maintain these current levels. It will be far from tranquil.
- Local residents experienced noise and light pollution in 2012 at Dove's Nest, this will be nothing compared to the prolonged and massive operation proposed.
- The noise levels from the proposed fans may have been significantly underestimated. They may also be of different frequencies.
- There will be noise pollution from the increased construction traffic.
- The helipad facility should be strictly limited to air ambulance use only to restrict the use of helicopters with the associated noise and disturbance.

7.3.19 **Light Pollution**

- The development will erode the present clear night sky and result in light pollution.
- The Environmental Report on existing lighting did not include a night survey as weather conditions prevented it. The report is inadequate and mitigation will not remedy the harm.

7.3.20 **Wildlife and Habitats Impacts**

- An increase in traffic will mean carnage for wildlife; especially if there will be shift working involving late nights and early mornings.
- The Woodland Trust objects to the application on the basis that the intermediate access shafts at Lockwood Beck and Tockett's Lythe have direct and indirect impacts on irreplaceable ancient woodland and habitats. These impacts have not been recognised by the applicant in the ES, and no mitigation measures to reduce the effects on the woodland are proposed.

7.3.21 **Impacts on Water Supplies**

- There is potential for pollution of soils, ground water and water resources and the application contains no convincing evidence that pollution will not occur.

7.3.22 **Public Rights of Ways**

- The local, individual users of the road and the rights of way network have not been adequately considered.
- As the construction phase of the mine will create the greatest disturbance to the users of the roads and the rights of way network it is important that any mitigation should be in place before the work starts. Improvements to rights of way are required. York Potash have ignored requests for increased public access across their land, they should be required to provide new safer public rights of way.
- There will be an impact on equestrian user groups and all those equestrians living locally.

7.3.23 **Carbon Footprint**

- The most sustainable option is to leave the polyhalite in the ground for future generations and it will then be available in the event of a real need for its properties.
- The application is not clear how the mine will achieve 10% of its energy demand from renewable sources.
- During the construction phase this development would generate a very heavy carbon footprint.

7.3.24 **Potential for Subsidence**

- There is insufficient information in the application relating to subsidence.
- Many communities do not have assurances that there will not be mining under them and they are likely to be affected by underground shafts.
- There is a likelihood of sink holes and subsidence especially to properties within a 20 mile radius of mining. There should be a programme of preventative measures in place. It is not clear how the company propose to compensate each property owner.
- There is concern in relation to the potential damage to historic property resulting from subsidence and vibration from underground blasting. It is noted that some areas have been excluded from the red line area eg. Sneaton. Given the historic nature of properties at New Houses, Grosmont it is requested that this area be excluded.
- There is also concern that increased HGV traffic will cause vibration damage to historic buildings close to main routes carrying additional traffic as a result of the development.

7.3.25 **Monitoring the Development**

- Even with the offer of money it is questioned whether the National Park Authority nor the Borough Councils have the resources, personnel, expertise or ability to adequately monitor or enforce the many impacts of this complex scheme.
- It is also hoped that there will be adequate financial bonds in place to protect and re instate the environment should the project not be completed and maintained.

7.3.26 **Miscellaneous**

- Concern that there are sufficient provisions in place for the re instatement of the landscape should the enterprise fail.
- Property values will fall and the benefits of living in a quiet, unpolluted and beautiful countryside will be lost.
- The UK Government is a signatory to the World Health Organisation's Framework Convention on Tobacco Control. Has the Government secured guarantees that none of the polyhalite from this mine should be used in the production of tobacco?

7.4 **Neutral Comments or Questions**

7.4.1 Of the third party comments received so far 3 representations raise questions or comments without expressing either support or objections. A précised list of the comments/questions is set out below and a list of those persons making the comments is attached in Appendix D

7.4.2 **Tourism and Transport Comments**

- Comments received in relation to highway and pedestrian safety implications of additional HGV traffic on the A171 from Hawsker Hill Top down to the junction with

Hawsker Lane. Illuminated speed limit signs (20mph) in this area should ensure the safety of all highway users.

- The 'Coastal Tourism Advisory Board' consider that a joint appraisal of the likely traffic impact of the proposals on tourism in Whitby, particularly during the construction phase is required, together with an appraisal of the most appropriate method of organising the constructional traffic to minimise its effect on Whitby tourism and effective mechanisms need to be put in place for managing unforeseen eventualities and the associated constructional traffic.
- 'Whitby Area Development Trust' (WADT) is keen to ensure that the Authority is fully aware of the implications for Whitby's visitor economy as follows:
- Tourism- Whitby is the main destination of 59% of all day visitors to the National Park, any significant drop in visitors to Whitby would have a marked effect on tourism days, revenues and employment for the National Park. Ipsos Mori estimates are net figures for the National Park and they assume that most of Whitby's lost revenue will be spent elsewhere in the Park. Whitby could experience a loss of almost 4.5 million day visits and £150 million of day visitor revenue during the 5 year construction period. A drop in day visitor revenues of £30 million per year could result in the loss of 255 full time jobs in Whitby, following the start of construction in 2015. It seems unlikely given Whitby's unique appeal that day visitors would go elsewhere. Well over 25% of day visitors to the National Park use the A171 from Guisborough which will be severely affected by York Potash's HGV construction traffic. Whitby and the National Park could lose 4.45 million day visits and £150m revenue during the construction period. The proposed creation of 31 local jobs at the mine from 2024 compares to 255 existing jobs in the day visitor economy being lost from 2015. 2018 is the 250th anniversary of Capt. Cook's departure in the Endeavour from Whitby. This could be a major boost for the Whitby economy. This coincides with year 3 of the York Potash constructional activity. In this respect the proposals do not demonstrate 'an overriding economic benefit to the community.'
- Traffic – High numbers of HGVs on the A171 from Guisborough would detract from the special qualities that attract visitors to the National Park. For visitors from Teesside there is no realistic alternative to the A171. Very substantial increases on the A171 would be a significant deterrent to visitor traffic. York Potash construction traffic would increase levels on the A171 Mayfield Road into Whitby by 13% from 2015. This will far exceed the total growth of 4% experienced over the past 12 years and making congestion worse than before the Park and Ride. Some crucial elements of the actual traffic flows in Whitby are not reflected in the York Potash computer assessment eg. Analysis of Friday traffic flows, analysis of constructional traffic during busier times of the day and no cumulative impact assessment has been made of York Potash and the approved schemes which have yet to be developed in Whitby. It cannot be relied on therefore to accurately predict the effect of additional York Potash construction traffic on Whitby and as such further analysis is required to reflect these issues.
- The evidence collated by the WADT does not support York Potash's conclusion that the residual effect on tourism is to be no worse than minor adverse during the constructional phase.

7.5 SEI Consultation

- 7.5.1 As a result of the Supplementary Environmental Information (SEI) being submitted by York Potash on 17 February 2015 the Authority undertook to re consult with all of the third parties that had previously contacted the Authority. The re-consultation exercise took place on **24 February 2015**. At the time of writing 41 responses had been received. Any responses containing comments specifically in connection with the SEI received after that date have been précised below. The comments have been divided into supporting/opposing and more neutral comments and a list of the names and addresses of the third parties expressing general support/opposition or views of a more neutral nature after the submission of the SEI are included in Appendix D. (It should be noted that in some cases it was not clear whether the third party letter received after 24 February 2015 was in connection with the SEI or was of a more general response to the application. If the comments were of a more general

nature their comments are expressed in the lists of comments above and are not repeated in this section.)

7.5.2 **Comments in support of the application**

- The additional information demonstrates the dedication of the York Potash Team to address and mitigate all environmental concerns.
- The company has gone far and beyond to make sure that they keep the beautiful countryside unspoilt.
- It will be an ecologically and environmentally friendly project.
- The application is of National importance yet the Committee keep putting off making what should be an automatic, bold and sensible decision to approve the development.
- A vast amount of talk over very little disturbance and massive gains for the country.
- Applaud the efforts of York Potash and the Authority in rigorously ensuring that all aspects meet all the regulations and approval should be given as soon as possible to enable the project to go ahead.
- It is surprising and frustrating that it is taking so long to approve the application and it must be causing considerable extra expense.
- Common-sense must prevail on economic and social grounds and the project should proceed. The area and Country should not lose this very important development.
- It is surprising that permission continues to be given to develop the Boulby mine with an obtrusive building yet a sensitively designed project is taking so long to be granted.
- The support for the York Potash project is overwhelmingly positive.
- Account should be taken of the benefits of polyhalite over MOP fertilizer disclosed by the recent Corn and Rice Crop Study Results. These tests have a clear and important bearing on the merits of the project and provide a strong conclusion that there will be enormous need and demand for polyhalite worldwide.
- There are legal standards in terms of what is acceptable with regards to noise and other impacts during the construction phase and the statutory consultees will ensure that York Potash work within these laws.
- Only spoil that is non-hazardous will be retained at the shaft sites, Pyritic mudstone that is deemed hazardous will be removed from the National Park.
- The amended proposed contouring of spoil would look very similar to other nearby natural formations.
- Traffic volumes during construction will have an average of a less than 10% increase on existing. Construction workers will live in the Construction Workers Village. During operation employees will be compelled to use the proposed park and ride. Various road improvements are also proposed.
- The road improvements are welcomed and they would not happen without the application. The slight delays in the construction period are a small price to pay for the long term overall benefits.
- The MDT has been misinterpreted by some and should be broadly defined as it does not exclude non-national considerations when judging if need exists. In addition need in terms of national considerations must include that which is essential to national prosperity and well-being. This includes the need for employment, need for wealth creation and the need to increase sources of supply of vital fertilizers.
- Incorrect information has been suggested by objectors relating to the Polysulphate product from Boulby and this cannot be used to support an argument that there is scope to develop elsewhere outside the National Park. In addition there is no practical way to extend or re-develop Boulby to supply the demand demonstrated.
- Concern is expressed in relation to the tactics being used by a small group of objectors to frustrate the planning process.

7.5.3 **Objection Comments**

- Continue to object to the application.
- The visual implications of the original application were significant, the revised application is worse.
- The increased traffic continues to be a major concern particularly in relation to the issues raised by the 'Coastal Tourism Advisory Board' and the 'Whitby Area Development Trust'. These figures state there would be an average of one extra HGV

every 2.6 minutes travelling along the A171 which will significantly impact on an already busy road and this will also impact on other local roads to the mine.

- Allowing such a number of loaded lorries to pass through Hawsker at 40 miles an hour must greatly increase the possibility of a serious accident.
- York Potash say they are committed to sourcing local labour so why is it necessary to build a development to house 416 people, which they state would be used to accommodate migrant workers. This will change the character of the area and put a strain on local services.
- No significant changes have been made to spoil volumes. These will greatly exceed those stated, with consequent enlargement of spoil heaps and increased environmental impact.
- No significant change has been made to mitigate the potential hazard to ground waters from near surface deposition of large quantities of (potentially acid-forming) Pyritic Redcar Mudstone.
- The construction traffic will be a serious hazard to locals and visitors. The A171 is inadequate even for existing traffic. Footpaths used by children and families are very narrow.
- No non HGV service traffic is included in the traffic assessments. This will be considerable and could be free to use any non A roads in the area.
- No clarification of how any part of the traffic plan can be policed.
- No clarification of total energy requirements making estimation of Carbon Footprint impossible. Policies cannot be assessed without this.
- Further significant removal of established woodland. (The submission states 54.5 hectares of permanent habitat loss would be 'moderately beneficial'.)
- Surface stockpiling and road transport of product will take place, contrary to previous assurances.
- Polyhalite has too little potassium K to compete with MOP/SOP/SOPM.
- It is not a balanced fertilizer.
- If used as a sole fertilizer it would need 4 times the same volume as MOP, and result in unwanted sulphate. It may not compete successfully with other sulphate fertilizers.
- The reports of the crop studies are misleading and should have been published by a reputable scientific journal and peer reviewed before any conclusions can be reached.
- UK potash consumption is currently about half of Cleveland Potash's production capacity.
- Present world potash capacity far exceeds demand. The market for polyhalite is not as large as York Potash market studies are projecting.
- A national need has not been demonstrated and there are no exceptional circumstances which would justify this massive development within this precious National Park which has recently been ranked highly in the list of World's Protected Areas in terms of visitor numbers.

7.5.4 Neutral Comments

- The 'Coastal Tourism Advisory Board' (CATB) welcomes the proposed traffic Liaison Group but states that its effectiveness will depend on its powers and its representation. There should be a nominee from the 'Whitby and District Tourism Association' and a member of Whitby Town Council. CATB support the SBC assessment of the impact of the mine on Whitby and endorses the three suggestions relating to constructional traffic ie extension of the HGV window to 6am to 8pm, construction of pull over points for HGVs on A171 and Whitby representation on the proposed Liaison Group. Further clarification is sought in relation to traffic impacts and further comments may be made. Concerned that time is running out and asks whether the Liaison Group could have the power and the flexibility to decide the details of traffic management.
- The CTAB is concerned to point out that its neutral stance might be interpreted as covert opposition. Its stance has been re-affirmed as neutral not one of opposition. The Board's professional expertise is in tourism and the Board's aim is to make the project better. The Board continues to consider that additional traffic mitigation measures are needed.

7.6 Responses from Neighbouring Property (within 1 KM of the Mine Head and Shaft Sites)

- 7.6.1 The Authority has identified a number of properties within 1km of Dove's Nest Farm, Lady Cross Plantation and Lockwood Beck which are considered to be most likely to be directly affected by the development proposals. It should be noted that in identifying these theoretical boundaries the Authority is not indicating that those beyond these boundaries are not impacted by the development or that their comments are not to be accorded weight in the determination of the application. It is however an appropriate means of identifying those properties/businesses which are by reason of close proximity likely to be more affected and to enable members to take their specific comments into account. Some of the properties will be closer to the development sites than others in the identified area due to the size and form of the red line area and the proposed associated service/landscape areas. 5 of the residents have made representations to the Authority and 1 business has made representations.
- 7.6.2 Given the small number, and the potential impact of the development on these properties, the names and addresses of those in support and those objecting to the application are listed below together with a précis of all their comments.
- 7.6.3 (It should be noted however that their general comments have already been included in the above lists of third party representations received for the sake of completeness in order to allow all the third party comments to be considered together. Their detailed comments have however been précised below so that these near neighbours, and Low Moor Caravan Site, can be considered aside from those not living in close proximity.)

Supporting comments

- 7.6.4 **Mr K Froggatt, Moorside Farm, Littlebeck, Whitby YO22 5JB;** We would like to place on record our support for the application. It will be a great boost for the local economy and should not be opposed simply because it is "in our own back yard". There will be disruption while the mine is being constructed but the short term pain will be rewarded by a huge boost to jobs etc. locally as well as for the country. Sirius will make a good job of disguising the mine and will work with the local community to alleviate any problems. This has been our experience so far. The project is a small part of the Park on the eastern fringe that is not attractive to tourists and will when built not be seen by anyone. Please approve the application and stop the deteriorating living standards of the Whitby people. Stop the young moving out and plan to keep families together.
- 7.6.5 **Mrs E Worthy, Deneside, Littlebeck Lane, Sneaton, Whitby YO22 5HY;** Wish to support the application as this will bring much needed jobs for the Whitby area for yours to come. It will also bring business to local suppliers and businesses initially and in the future which will enhance the economy. The sales of polyhalite will bring funds regionally, nationally and to the mineral right owners locally. York Potash is supporting students in the area and other projects through the S106 agreement; all this will benefit local people. It is acknowledged that the construction period will be difficult but the end result will be worthwhile. The application is fully supported and it should be given the go ahead.

Objection Comments:

- 7.6.6 **Ms L Forster, Moor House Farm, Sneaton, Whitby, YO22 5JB;** I object to the application as my property is the closest to the mine being less than 600 metres away. After experiencing test drilling I am concerned about the noise and disruption that will be caused to me, my family and neighbours during the construction period and in the future. The mine will eventually be 15 times bigger than Boulby, Whitby will then have the biggest potash mine in the world less than 5 miles from the town, how is it possible that this will not have a negative impact on tourism and the lives of residents? York Potash has made no secret of the fact that they intend to employ workers from overseas, which are to be housed in the purpose built village. Many of these may stay once construction is over. As Boulby can already produce enough potash for this Country it is likely that once the new mine is operational Boulby will quickly become redundant causing unemployment and the new mine will be automated resulting in no jobs for the Boulby miners or the construction workers. In addition it should be noted that Sirius Minerals are an exploratory company with no mining

experience, they have proved their inexperience through the planning process. I strongly believe that the North York Moors and Whitby will lose more than it will gain.

- 7.6.7 **Mr J and Mrs J Gaunt, 1 Barn Cottages, The Green, Egton, Whitby YO21 1UG;** The North York Moors should be protected from large scale, ill-considered developments. Appropriate development and conservation will not be going 'side by side' as up to 6 years of construction will destroy habitats, flora and fauna. The area around Ladycross Plantation should be safeguarded as an irreplaceable natural and tourist asset. There will be a lack of control over who enforces the development and congestion will be caused during the construction phase. Protection and pragmatism should go hand in hand when refusing the application.
- 7.6.8 **Mr CD and Mrs SJ Jones, 4 Barn Cottages, Egton, YO21 1UG;** Shocked and horrified at the proposed work which is to be carried out in a National Park. This area should be protected and not decimated. It is not made clear how long the 'temporary' mineshaft at Ladycross will be there. From Egton it will be monstrous, a blot on the rural landscape. The existing traffic on the A171 makes it very difficult to get out of the Egton junctions, this will be made worse for tourists and residents. The proposals will destroy a wonderful natural resource and create an eyesore in the Egton area and the other areas involved, contrary to the National Park's aims and vision.
- 7.6.9 **The Caravan Club on behalf of Low Moor Touring Caravan Site, Sneaton YO22 5JE;** Consider that the proposed mine will have a serious and lasting detrimental impact on the local landscape and the enjoyment of the National Park. This will have a profound effect on local businesses and the local economy and specifically on the Low Moor Touring Caravan Site at Sneaton which is approximately 0.7 miles from the proposed mine head. Should permission be granted construction, mineral workings and mine head operations should be restricted to the hours of 8am to 6 pm Monday to Saturday (Excluding Bank Holidays) together with noise and visual attenuation measures. There should be strict controls to ensure noise does not exceed present ambient levels and all electric power supplies to the site should be underground. If these measures are not possible an alternative touring caravan site should be provided by York Potash until the conditions can be met or until the operations at the mine head cease.

7.7 Public Meeting

- 7.7.1 The Authority held a public meeting on 10 November 2014 at Lady Lumley's School, Pickering. The meeting was well attended and a wide range of topics was covered. A note of the meeting is available on the Authority's website and the main questions are summarised below.
- 7.7.2 Points made in support of the proposals included the positive benefits the project is already having for other businesses in the area and the fact that there were likely to be benefits for a lot of general businesses. The application was an exciting opportunity for the area. The proposed mine site was probably the best location that could be found within the Park.
- 7.7.3 Points made objecting to or raising concerns about the proposals included increased traffic flows and the number of HGVs during construction. The project would be detrimental to tourism, for example having a major impact on small bed and breakfast businesses and walkers using the Coast to Coast. There were concerns that the Esk Valley railway line would not be able to cope with the extra number of trains in the summer. The S106 offer must not damage the railway.
- 7.7.4 Many other topics were raised and there was considerable discussion about the information available in the application and presented at the meeting for traffic movements and visitor numbers. Questions included:
- What was the length of the construction period – there appeared to be discrepancies in the documents?
 - How many construction jobs would be locally sourced and how many would come from further afield?

- How might the York Potash project impact on Boulby Mine?
- Although there may be a large employment impact during construction, are the figures which the applicants have presented in relation to projected employment from the York Potash operation realistic? East Cleveland is still an area of deprivation despite the existence of Boulby mine.
- Would there really be such a big reduction in tourism? It needs to be put in context, for instance, Staithes is a thriving and prosperous community.
- Could some of the Section 106 monies be used to help tiny local tourism businesses which may be damaged during the construction phase, to help them survive the initial set up?
- Would HGV movements be 24/7 and is the information in the application an adequate basis for working out the adverse traffic impacts of the development?
- What would happen to the pyritic mudstone spoil at Dove's Nest Farm?
- Are there any plans to use local accommodation during the construction period?
- What is the significance of the Restoration Bond at Dove's Nest Farm? Is it there for the community and would it be indexed from the date of the planning permission so its real value would be retained?
- The coastal plain area is not as attractive as other areas in the National Park - are there certain areas in the Park which are considered more important than others?
- If a national need for the project were proven, would the scale of the economic development put the National Park status in jeopardy?
- If the York Potash project is granted permission, would it then be harder to turn down other projects such as fracking?

8. Planning Policy and Guidance

8.1 National Park purposes and the planning status of National Park Authorities

8.1.1 The North York Moors National Park Authority was made the sole local planning authority for the National Park under section 4A of the Town and Country Planning Act 1990. This confers on it all the responsibilities of a local planning authority, including minerals and waste planning and development management functions. This is because the town and country planning system is a key instrument in the achievement of National Park purposes and ensures that there is a strong link between the statutory purposes of Planning (Planning and Compulsory Purchase Act 2004 and The Town and Country Planning Act 1990), which is the delivery of sustainable development, and the statutory purposes of National Parks which are:

- i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- ii) to promote opportunities for the understanding and enjoyment of the special qualities of the area by the public (National Parks and Access to the Countryside Act 1949).

In pursuing these purposes a National Park Authority shall seek to foster the economic and social well-being of local communities within the National Park.

8.1.2 Section 11A of the National Parks and Access to Countryside Act 1949 states that if it appears that there is a conflict between these purposes which cannot be resolved greater weight shall be attached to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Park.

8.1.3 These purposes and, in their pursuance, the duty, are an important material planning consideration but they are also fundamentally interwoven into the National Park Authority's Local Development Framework. In assessing the proposal, the Authority therefore has an additional responsibility to consider whether it contributes to the statutory purposes and duty. It is this particular dual statutory role of the National Park Authority which sets it apart from other local planning authorities as planning decisions should ideally contribute to the achievement of National Park Purposes.

8.2 Determination of Planning Applications in accordance with the Development Plan

8.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan. This is set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that *"If regard is to be had to the development plan for the purpose of any determination under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*. This effectively establishes the primacy of the 'development plan' in the planning system and the Government has confirmed this in the National Planning Policy Framework which sets out that the planning system should be 'genuinely plan-led' (paragraph 17).

8.2.2 As a county matters straddling application, the proposed York Potash development must be considered against two Development Plans. The parts which lie within RCBC must be determined by RBCB in accordance with the RCBC Development Plan and the parts which lie in the National Park must be determined by this Authority in accordance with the North York Moors Development Plan. Each Authority must however take the whole of the proposed development into account in its consideration.

8.3 The Development Plan: North York Moors National Park Authority

8.3.1 The Development Plan for the National Park consists of the North York Moors National Park Authority Core Strategy and Development Policies (November 2008) and the Whitby Business Park Area Action Plan (adopted November 2014). There are no Neighbourhood Development Plans yet adopted in the National Park and the Yorkshire and Humber Regional Strategy has now been abolished. Since the publication of the National Planning Policy Framework (NPPF), due weight should be given to relevant policies in existing development plans according to their degree of consistency with the Framework, the closer the policies in the plan to the policies in the Framework, the greater the weight that may be

given. In this respect the Authority has undertaken a self-assessment of the Core Strategy and Development Policies which concluded (Oct 2012) that the Plan as a whole is in general conformity with the NPPF and should therefore be given full weight beyond the transitional period set out in the NPPF. Appeal decisions since the publication of the NPPF have not indicated otherwise. The applicant however, takes a different view on this on the basis of the age of the core strategy document, pre-dating the NPPF by four years. The 'Major Development Test Planning Statement' (MDTPS), submitted in support of the proposal sets out in detail the implications of this, generally concluding that the changes brought about by the NPPF require greater weight to be given to the economic benefits of a mining proposal than would have been the case when the Core Strategy was adopted and that this should realign the balance of the development plan more strongly in favour of granting planning permission. This point is not accepted by officers and justification for the approach taken in the Core Strategy is set out in detail in section 8.8 of this report.

8.3.2 In assessing the application against the Core Strategy and Development Policies, there is a need to look at the Plan as a whole and have regard to its overarching strategy and aims as well as a more detailed assessment of its most relevant policies in relation to the application. The document includes both strategic Core and more specific detailed Development Policies to take forward the vision, objectives and spatial strategy for the North York Moors National Park. In particular, Core Policy A sets out an overarching approach which will be relevant to all proposals which seeks to deliver National Park purposes through sustainable development.

8.3.3 The most relevant policies in the Core Strategy and Development Policies document are:

CORE POLICY A: Delivering National Park Purposes and Sustainable Development
CORE POLICY B; Spatial Strategy
CORE POLICY C: Natural Environment, Biodiversity and Geodiversity
DEVELOPMENT POLICY 1: Environmental Protection
CORE POLICY D: Climate Change
DEVELOPMENT POLICY 2: Flood Risk
CORE POLICY E: Minerals
DEVELOPMENT POLICY 3: Design
DEVELOPMENT POLICY 7: Archaeological Assets
CORE POLICY H: Rural Economy
DEVELOPMENT POLICY 10: New Employment and Training Development
DEVELOPMENT POLICY 23: New Development and Transport

8.3.4 The most pertinent policy is that relating to mineral extraction, Core Policy E, which is set out in full below:

CORE POLICY E, Minerals

Minerals extraction in the National Park will enable the provision of materials necessary for preserving traditional buildings and for maintaining and enhancing the character of settlements and the countryside of the National Park. Minerals extraction or the re-working of former quarries will be permitted where:

- 1. It is of a scale appropriate for its location in the National Park and is for meeting a local need for building stone.*
- 2. There are no suitable sources of previously used materials to meet the identified need.*
- 3. Any waste materials from extraction will be re-used or recycled wherever possible.*
- 4. A scheme for restoration and after-use of the site based upon protecting and enhancing the special qualities of the National Park forms an integral part of the proposal.*

Development which would compromise the future extraction of important building stone at existing or former quarries will not be permitted.

All other minerals developments will be considered against the major development tests. The continued extraction of potash at Boulby will be permitted provided that any detrimental

effect on the environment, landscape or residential or visitor amenity is not unacceptable in the context of any overriding need for the development.

- 8.3.5 Core Policy E essentially permits only small scale mineral extraction to meet a local need for building stone and the continued extraction of potash at Boulby Mine subject to environmental safeguards, in recognition of the national need for potash as a fertiliser. All other minerals development is to be considered against the 'major development test'. The York Potash application falls within the definition of 'major development' in the context of this policy.

The 'Major Development Test'

- 8.3.6 It is long established government policy that major development should be refused in National Parks except in exceptional circumstances and where public interest can be demonstrated. There are cases where successive governments have concluded that 'wider national interests' should override National Park objectives but only after such proposals have been subject to the most rigorous examination before being allowed to proceed. The origin of this 'test' stems from the impact of quarrying in National Parks and was created by the Minister for Town & Country Planning in 1949, Lewis Silkin, hence it became known as 'The Silkin Test'. This policy approach was subsequently used for other types of 'major development' and was embodied in national policy in Circular DOE 4/76 and subsequent planning guidance in PPG7, PPS7 and MPS1.
- 8.3.7 A major review of National Parks took place in 1991 when the report of the National Parks Review Panel, 'Fit for the Future' was published. This included a detailed look at the 'Major Development Test' and recommended a number of actions including, the incorporation of the 'Silkin Test' within legislation (in a new National Parks Act) and the issuing of a Planning Policy Guidance Note on National Parks. Specifically the Review Panel considered that the Silkin Test required further interpretation – for example there should be government guidance on what is meant by 'the national interest'. Neither of these recommendations was acted upon and the 'Major Development Test' remains as a strategic government policy, and is now set out in the NPPF (see paragraph 8.4.5 of this report). Because of the inclusion of the 'major development test' in Core Policy E, this important government policy is both part of the 'development plan' and also a key material planning consideration.

8.4 The Development Plan – Redcar & Cleveland Borough Council

- 8.4.1 The Development Plan for RCBC consists of the Core Strategy adopted in July 2007, the Development Policies Document adopted in July 2007 and the Tees Valley Joint Minerals and Waste Development Plan adopted in September 2011. The most relevant policies to the proposed development were identified by RCBC as:

Core Strategy

- CS1 Securing a Better Quality of Life
- CS2 Locational Strategy
- CS3 Spatial Strategy for Greater Eston
- CS4 Spatial Strategy for South Tees Employment Area
- CS6 Spatial Strategy for East Cleveland and the Villages
- CS8 Scale and Location of New Employment Development
- CS10 Steel, Chemical and Port-related Industries
- CS20 Promoting Good Design
- CS22 Protecting and Enhancing the Borough's Landscape
- CS23 Green Infrastructure
- CS24 Biodiversity and Geological Conservation
- CS25 Built and Historic Environment
- CS26 Managing Travel Demand

Development Policies DPD:

- DP1 Development Limits
- DP2 Location of Development
- DP3 Sustainable Design
- DP4 Developer Contributions
- DP5 Art and Development

- DP6 Pollution Control
- DP7 Potentially Contaminated and Unstable Land
- DP9 Conservation Areas
- DP10 Listed Buildings
- DP11 Archaeological Sites and Monuments
- DP13 Protecting Open Spaces
- Minerals and Waste Core Strategy and Development Policies DPDs
 - MWC1 Minerals Strategy
 - MWC10 Sustainable Transport
 - MWC11 Safeguarding of Port and Rail Facilities
 - MPWP1 Waste Audits

8.4.2 Many of these policies are consistent with policies in the North York Moors Local Development Framework, for instance setting out objectives in respect of design, environmental protection, transport, ecology, recreation and tourism. However, there are also economic development policies to bring forward new employment land and support the continued development and expansion of the chemical, steel and port industries on Teesside as well as policies relating to pollution and contaminated land.

8.5 Material considerations: The National Planning Policy Framework

8.5.1 Material considerations are important planning related issues which will be specific to each planning case and which also need to be considered in determining an application. Although they are not part of the development plan, they can be of such importance as to override planning policy. The NPPF was published in March 2012 and sets out the Government's planning policies for England and how these are expected to be applied. This concise document replaces much of the extensive policy guidance previously contained within former Planning Policy Statements and Planning Policy Guidance Notes most of which have now been rescinded. It therefore constitutes policy guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications. As the NPPF makes plain in paragraph 6, the policies in the document (in paragraphs 18-219) taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system and the Framework is therefore to be considered as a whole. However, as with the Development Plan, certain policies are of particular relevance and in the context of minerals extraction and protected landscapes these are as follows:

PARAGRAPH 143

"In preparing Local Plans, local planning authorities should:

- *Identify and include policies for extraction of mineral resource of local and national importance in their area...."*

Annex 2 of the NPPF identifies a wide range of minerals which are necessary to meet society's needs and are considered to be of local and national importance. Potash is included in this definition.

PARAGRAPH 144

"When determining planning applications, local planning authorities should:

- *Give great weight to the benefits of the mineral extraction, including to the economy."*

8.5.2 The above references indicate the importance the government attaches to society's need for Potash and the economic benefits of mineral extraction generally. They are however generic in the sense that they are not location-specific and therefore the government's planning policies relating to major minerals development within National Parks needs to be considered so that these policies are seen in context. Paragraph 115 sets out the importance of the National Park first purpose in the planning system and as such is a key consideration when considering any development within a National Park.

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

8.5.3 It would seem that there is an inherent tension between these two policies which give great weight to both the economic benefits of mineral extraction and to the need to conserve National Parks and the individual conservation assets they contain. However, as in all cases of policy, the full extract has to be considered and therefore paragraph 144 is further qualified by stating that:

“When determining planning applications, local planning authorities should:

- *Ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment...”*

8.5.4 It is clear therefore that the need to give great weight to the economic benefits of mineral extraction should not override unacceptable environmental harm, particularly in areas which have statutory landscape, cultural and biodiversity protection.

8.5.5 Paragraph 116 sets out how major development should be assessed within these designated areas and although not technically a ‘test’, it represents the government’s current interpretation of the long standing ‘major development test’ as previously set out in PPS7. The policy represents one of the very few policy approaches in the entire planning system where a presumption against development forms the starting point (in the sense that the default position is that permission should be refused). This reflects the fact that major development by definition is likely to have an unacceptably harmful effect on designated areas due to its scale and nature and as such is intrinsically in conflict with the purposes for which these areas are designated. Approval should therefore be given only in exceptional circumstances and where there is demonstrable public interest. Paragraph 116 of the NPPF is set out below:

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

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

8.5.6 In its Major Development Test Planning supporting document, the applicant has set out in some detail its interpretation of relevant parts of the NPPF and specifically paragraph 116 and this is important in terms of how the proposal should be assessed against these key planning criteria. This is set out in section 8.7 below followed by the officer’s response and summary of planning policy.

8.6 Material considerations: Planning Practice Guidance

8.6.1 The Planning Practice Guidance is online planning guidance intended to assist practitioners which can be updated regularly. The Guidance is a material consideration in planning decisions. The Guidance says that Local Planning Authorities should have regard to National Park Management Plans, which may also be a material consideration in making decision where they raise relevant issues.

8.6.2 Reference ID: 27-001-20140306 states that minerals can only be worked (ie extracted) where they naturally occur, so location options for the economically viable and environmentally acceptable extraction of minerals may be limited.

8.6.3 Reference ID: 8-005-20140306 states that planning permission should be refused for major development in a National Park, the Broads or an Area of Outstanding Natural Beauty except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development in these designated areas should be treated as a major development, to which the policy in paragraph 116 of the Framework applies, will be a matter for the relevant decision taker, taking into account the proposal in question and the local context. The Framework is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas irrespective of whether the policy in paragraph 116 is applicable.

8.7 Material considerations: Defra Circular 2010 – English National Parks and the Broads

8.7.1 The English National Parks and the Broads UK Government Vision and Circular 2010 is the Government's most recent policy guidance specifically on the English National Parks and the Broads and replaces DoE Circular 12/96. Produced under the administration at the time the Circular was adopted as the Coalition Government's 'Vision' for National Parks and is cross-referenced in the NPPF in paragraph 115 through footnote 25.

8.7.2 Again, the contents of the Circular need to be taken as a whole; however, there are some key areas of relevance to the proposal within the context of the Government's priorities for the Parks over a five year period (2010-2015). These priorities include the achievement of a number of outcomes including:

- A renewed focus on achieving the Park Purposes;
- Leading the way in adapting to, and mitigating climate change.

8.7.3 The Circular also sets out that the government expects National Park Authorities to be exemplars in achieving sustainable development which they should deliver through their statutory purposes. Specifically it states that: *Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come. Within the Parks, conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities.* (paragraph 29).

8.7.4 This advice confirms that achieving sustainable development within National Parks is intrinsically linked to the delivery of National Park purposes and the public's enjoyment of the special qualities of the National Park. Importantly it also sees this as fundamental to developing strong economies and vibrant National Park communities. In the context of the York Potash proposal it is important to consider whether this meets the definition of sustainable development within National Parks and indeed its degree of conflict with the achievement of National Park purposes as set out above. Paragraph 31 of the Circular restates the government's policy on major development in National Parks.

8.7.5 The 'major development test' policy is therefore a key material consideration, set out in both the National Parks Circular and the NPPF and as referenced in paragraph 8.3.2 above is also embodied in the Development Plan. For these reasons, officers consider this is the most significant planning policy at both a local and national level in relation to the York Potash application.

8.7.6 The Circular also provides advice on the duty to seek to foster and maintain thriving rural economies in the Parks, recognising that National Park Authorities have key statutory responsibilities in areas with some of England's lowest wages and low levels of economic productivity. In this respect paragraph 70 of the Circular confirms that the Parks' socio-economic duty has been given added weight and momentum by the Taylor and Rural Advocate's Reports on the economic potential of rural England. Both reports pointed to the need to accommodate growth, development and investment in all rural areas – though "at an appropriate scale and form". Paragraph 74 makes it clear that the Government sees the Authorities' role as focusing on developing those businesses which can help contribute and gain value through the delivery of National Park purposes : "The Authorities' role (and that of local and regional partners) in fostering a positive environment for sustaining and developing

business in the Parks should be cognisant of those sectors and activities which are most likely to sustain their communities, are appropriate to their setting and maximise the benefits of a high quality environment.”

8.7.7 The York Potash proposal needs to be assessed in the context of these government expectations and an awareness of the clear and close relationship between the purposes of National Park designation and the Authority’s duty to foster the social and economic well-being of National Park communities. The National Parks and Access to the Countryside Act 1949 makes it clear that the duty is to be achieved through the delivery of the statutory purposes (as set out in paragraph 8.1.1 above) rather than being a stand-alone economic development function in itself, which is erroneously stated to be the case by a number of consultation responses.

8.8 Material considerations: The National Park Management Plan, 2012

8.8.1 The National Park Management Plan was adopted by the Authority in June 2012 and sets out the vision, strategic policies and outcomes for the National Park over a long term period. It is the overarching management framework for the Park and although not part of the statutory town and country planning system, it represents an important material consideration in the determination of planning applications as the outcome of each planning decision will cumulatively impact on the achievement of some of the plan’s aspirations.

8.8.2 Whilst the Management Plan is the key programme for setting out the delivery of National Park purposes, this most recent document adopts a new approach by recognising the outputs and role of key parts of the rural economy and how these can deliver wider benefits to the nation, within the context of National Park purposes generally and without detriment to the Park’s special qualities specifically. This new approach reflects the principles of ‘ecosystem services’ so for example, it looks at how the Park can be managed to provide more locally produced food, clean water and air, improved health benefits, increased tourism, more woodland and how it can contribute towards mitigation of and adaptation to climate change.

8.9 Material considerations: Redcar & Cleveland Borough Council’s assessment of the application

8.9.1 RCBC considered the York Potash mine and MTS straddling application at a meeting of the Regeneration Services Committee (*check correct title*) on 23 April 2015. The officer report assessed the proposals against policies in the RCBC Local Development Plan and other material considerations (which included policies in the North York Moors Local Development Plan) and the Council resolved to approve the application subject to detailed planning conditions, completion of a Section 106 agreement and Appropriate Assessment and subject to the application not being ‘called in’ by central government.

8.9.2 RCBC’s resolution and the assessment set out in the RCBC officer report are a material consideration which must be taken into account by this Authority in its decision on the application. The report concluded: “The development would result in significant negative impact upon the landscape of the mine and the intermediate shaft sites during the construction phase of the project that cannot be fully mitigated and will result in the loss of part of a ridge farrow field feature at Lockwood Beck that cannot be mitigated. The economic benefits of the project are of local, regional and national importance. This, alongside the findings of the assessments that demonstrate the need for the proposals; the lack of alternatives and the nature of the environmental impacts (as evidenced in the submitted EIA and SEI) allows the Authority to conclude that, in its opinion, the requirements of the Major Development Test are met. It is considered that the economic benefits of the proposals create the exceptional circumstances required by paragraph 116 of the NPPF, and justify why the proposals can be approved in the public interest. Some limited policy conflict does arise in respect of the application but, in view of the above report, officers conclude that in accordance with para 14 of the NPPF the adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against policy in the NPPF as a whole.”

8.10 Applicant's Interpretation of Planning Policy and Guidance

8.10.1 As stated in paragraph 8.4.6 the applicant has submitted detailed supporting documentation which provides an interpretation of how the applicant thinks the application should be assessed in relation to the NPPF, specifically paragraph 116 (the MDT) and the 'changes' in national planning policy which in its view affect the emphasis of the Authority's development plan. These are important points and it is equally important to assess them and respond, so that members are advised objectively on the extent to which the York Potash application meets the policy objectives of the development plan and other material considerations as required under the planning acts. For clarification, the applicant's interpretation of the planning policy is set out under three main areas: the NPPF, The Development Plan and the Major Development Test:

The NPPF: Sustainable Development

8.10.2 The NPPF contains a 'golden thread' of a presumption in favour of sustainable development, which in terms of planning means that development that accords with the development plan should be approved without delay and where the development plan is absent, silent or out of date permission should be granted unless...specific policies in the Framework indicate development should be restricted. The fact that policies in the Framework do indicate that development should be restricted in National Parks means that these areas are effectively exempt from the general presumption in favour of sustainable development. It is then stated by the applicant that the consequence of this is that planning applications in the National Park will be considered in the "*traditional way*" starting with the development plan and then taking account of any material considerations including relevant policies in the NPPF.

8.10.3 The Applicant has stated that, in interpreting the definition of "sustainable development" within the NPPF, the government has singled out the economic role (as opposed to the social or environmental one) for particular weight. It draws the conclusion from this that this is consistent with the Government's overall plan for economic growth and that this puts a greater emphasis on economic development both in the NPPF and correspondingly on the development plan. Additionally the NPPF for the first time specifically gives great weight to the benefits of mineral extraction, including to the economy.

The Development Plan (NYM Core Strategy and Development Document)

8.10.4 The applicant has concluded that the Authority's Core Strategy and Development Plan Document is out of date with the NPPF because it was adopted in 2008 and informed by cancelled national planning guidance. It therefore does not recognise the revised emphasis on the NPPF on the need to give great weight to the economic benefits of mineral extraction or recognise that the Major Development Test does not now include a national need justification in terms of the need for the mineral as opposed to any wider need, as this specific requirement in previous Minerals Planning Policy has now been cancelled. The implications are that there should be a realignment of the balance in the Core Strategy to more strongly favour a grant of planning permission for such projects.

The Major Development Test Interpretation: National Need and Economic Considerations:

8.10.5 The applicant considers that this 'test' forms a central basis for assessing the acceptability in planning terms of proposals such as this one in National Parks. There has been substantial debate with officers during the pre-application advice meetings over the interpretation of the MDT and this is indeed an important area as it is the key policy in relation to the application. The Applicant's main points are:

- The test should not be applied in isolation and the other NPPF requirements should be given regard, notably the importance of minerals to support sustainable economic growth and the economic benefits of mineral extraction, which can be local, regional or national and not confined to the Park;
- There is now no need to demonstrate a national need for the development or the mineral, the test is simply whether exceptional circumstances exist, so that the grant of permission would be in the public interest;

- Economic benefits, even if they are principally local benefits are capable of meeting the test's requirements of exceptional circumstances and public benefit;
- Notwithstanding the importance of conserving the scenic beauty of National Parks, development with significant environmental effects can be acceptable and that the degree of reduction of impact is a relevant consideration.

8.11 Officers' Interpretation of Planning Policy and Guidance

8.11.1 The above points are important in that interpretation of policy wording will have an influence on how the planning decision is reached. Although there are some key areas where officers would advise Members differently to some of the applicant's points, there are also areas of common ground and it is considered that key differences will arise in the weight that may be attributed to different elements of the policy criteria rather than the actual meaning of the criteria (with the exception of the requirement to assess the national need for the development, where there are important differences in interpretation). Officers have held comprehensive and detailed discussions with the applicant's planning advisers on these matters during the pre-application advice meetings and provided views in advance of the application submission. Officer views have been subject to high level barrister advice which has endorsed the approach taken.

The NPPF: Sustainable Development

8.11.2 Officers agree that the NPPF (in Footnote 9 to paragraph 14) exempts National Parks from the general presumption in the NPPF in favour of sustainable development. This though is simply in relation to plan-making and decision taking and not to any wider meaning of the term sustainable development, which is quite clearly an important part of delivering National Park purposes. The implications of this are that in relation to determining planning applications within National Parks (and the other areas referred to in the footnote), if the development plan is absent, silent or relevant policies are out of date, planning permission should not be granted by default because there are specific policies in the NPPF which indicate that development should be restricted. The applicant's reference to the need to determine planning applications in the traditional way, starting with the policies of the development plan and then taking into account any material considerations is puzzling as all planning decisions must be reached in this way as required under Section 38(6) of the 2004 Planning Act and this is not a specific consequence of footnote 9.

8.11.3 Officers disagree with the applicant's conclusions on the way the NPPF interprets sustainable development, which is argued to put greater emphasis on the economic role. The concept of sustainable development is advanced on an equal weighting of the three pillars or roles: economic, social and environmental. If either of these is given greater prominence the result is arguably unsustainable development. The NPPF makes this clear at paragraph 8: "*These roles should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards and well-designed buildings and places can improve the lives of people and communities. Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.*"

8.11.4 The NPPF also refers to the need to conserve and enhance the natural environment and give great weight to environmental and biodiversity interests (e.g. paragraphs 109-125). Clearly, the NPPF does provide a greater focus for planning to facilitate economic growth and includes reference to the need to give great weight to the economic benefits of mineral extraction. This does not however override the protection afforded to the natural environment and in particular the strong protection the NPPF affords to National Parks where it makes it clear that development in such areas is to be restricted and in terms of major development only permitted in exceptional circumstances and where environmental harm is acceptable. The definition of sustainable development is widely accepted and is a statutory role of the planning system. The fact that equal weight is given to the three roles of sustainable development is inherent in its definition and emphasised in the recent report of the Communities and Local Government Committee report into the operation of the NPPF in December 2014.

The Development Plan

- 8.11.5 Officers do not share the applicant's opinion that the North York Moors Core Strategy and Development Policies Document is out of date with the NPPF and consequently that its balance should be realigned to more strongly favour the grant of planning permission for such projects. Existing development plans cannot in any case be 'realigned' and if they are considered to be in conflict with the NPPF, it is already clear that the presumption in favour of sustainable development should apply, unless policies in the NPPF indicate that development should be restricted, which in National Parks of course they do. Secondly, the key policy within the Core Strategy in relation to the application is Core Policy E, which refers to the major development test, which is set out in the NPPF and remains unchanged in terms of its policy requirements. Thirdly, the policy basis of the Core Strategy is essentially one set by National Park purposes, which remain unchanged through statute and are specifically highlighted in government policy in the NPPF.
- 8.11.6 In terms of the age of the Core Strategy, although it pre-dates the NPPF by four years, the Authority's self-assessment did not find anything in direct conflict with government policy, though there were areas of policy gaps, mostly arising from the revocation of the regional plan. The Core Strategy has been found to be consistent with the NPPF in all appeal decisions since 2012 and in a recent specific appeal decision where the appellant's case referred to the policies being out of date, the Inspector found this not to be the case, stating: "*Overall, the proposal would clearly conflict with the strategic and housing policies of the C.S. Although it is suggested that these may be out of date, I have found them to be entirely in line with the sustainability objectives of the National Planning Policy Framework and I afford them substantial weight.*"

The Major Development Test Interpretation: National Need and Economic Considerations

- 8.11.7 The applicant has made four separate points in relation to the interpretation of the Major Development Test and generally there are areas of agreement. The key area of difference is in relation to the requirement to assess the proposal against the national need for the development and what this part of the policy actually means. To help assist understanding of the requirements of this fundamental policy, it is important to set out how the policy is generally applied and used to help inform a decision:
- 8.11.8 The Major Development Test should not be regarded as a sequential series of 'pass or fail' tests, rather it is a policy which includes a number of matters which should be assessed to enable a planning judgment to be made as to whether a proposal demonstrates exceptional circumstances and is in the public interest. Officers agree that it should not be applied in isolation and that other relevant parts of the Development Plan and the NPPF form an important part of the overall planning judgment. It is however, a fundamental element of the determination process as it requires there to be exceptional circumstances and public interest to be demonstrated to set aside the default position of the policy of a refusal of planning permission.
- 8.11.9 The statement that the economic benefits of mineral extraction should be given regard is correct and officers agree with this. Similarly, economic benefits at local, regional or national level are all important planning considerations and should be given weight in the planning judgment. However, the key area of disagreement with the applicant's advisers is in relation to the meaning of an "*assessment of the need for the development including in terms of any national considerations*" Significantly, the applicant argues that there is now no need to demonstrate a national need for the development or the mineral and that the test is simply whether exceptional circumstances and public interest exist.
- 8.11.10 The assessment of the need for the development is a fundamental point and the policy states that this is *including in terms of any national considerations*. The word "*including*" implies that this element of the policy must be applied. The term "national considerations" is explained by the Government in the Overarching National Policy Statement for Energy in relation to major energy related development in National Parks submitted under the nationally important infrastructure regime. This states that "*National considerations should be understood to include the national need for the infrastructure... and the contribution of the infrastructure to the national economy*". It is clear therefore that a major development

proposal in a National Park **must** be assessed in terms of both the national need for the development itself and the national economic benefits arising from it and that a proposal which can demonstrate that it is addressing a clear national need in both respects is likely to be afforded greater weight than one which isn't. The 'need for the development' when assessing a minerals application must reasonably include an assessment of the national need for the mineral itself, because its extraction is the development which is being proposed. The applicant's view that these policy criteria do not need to be applied and that a development simply has to be considered to represent exceptional circumstances and public interest is not therefore shared. The requirements of the policy (and other relevant planning considerations) are set out in the major development test to enable an assessment to be made as to whether the development is exceptional and should be allowed to progress in the public interest.

- 8.11.11 In terms of the weight to be afforded to the different elements of the policy criteria, this is a matter for the decision maker. So, although a proposal which can demonstrate very strong national economic benefits is an important part of the policy consideration, it is only a part of it and the Authority, because of its statutory purposes, may wish to give less weight to a need argument based on general benefits to the economy arising from the creation of jobs and revenue, as opposed to a case based on need for the mineral itself. Where there is a need for the mineral, it can be argued that such need should be given substantial weight, because minerals can be mined only where they occur. However, if the main argument in favour of the development is a more general economic one, it is harder for the applicant to establish that there is an exceptional case for the development in the National Park as jobs and economic activity can be generated from various types of development, many or most of which do not need a specific location in a National Park.
- 8.11.12 The case that economic benefits, even if they are principally local benefits are capable of meeting the test's requirements of exceptional circumstances is, in theory considered to be correct. However, an exceptional circumstances case based on solely local benefits will be harder to justify than at a national level as the planning judgment will need to consider the public interest involved in protecting a **national** asset, i.e. the National Park.
- 8.11.13 The applicant's final point on this issue is that notwithstanding the importance of conserving the scenic beauty of National Parks, development with significant environmental effects can be acceptable and that the degree of reduction of impact is a relevant consideration. This statement is correct and harmful development takes place, indeed the recent report into the operation of the NPPF referred to above has acknowledged that one of the findings of the investigation was that the NPPF is not preventing unsustainable development in some places. Harm to important planning interests has to be weighed against the potential benefits arising from development and an overall planning judgment made. The level of harm and the extent to which that can be moderated is of course a key policy consideration and is explicitly set out as the last policy criterion in the major development test.

8.12 **Summary of planning policy and guidance**

- 8.12.1 Both the Development Plan and the NPPF need to be considered as a whole, including the relevant sections on minerals. It is clear that the Development Plan and government policies in both the National Park Circular and the NPPF give pre-eminence to the protection of National Parks, and that, whilst each Park contains living and working communities, the scale and nature of development should be appropriate to and ideally contribute to National Park purposes unless there are exceptional reasons not to. Sustainable development in National Parks is closely linked to the achievement of National Park purposes and the rural economy should be strengthened and diversified through opportunities which arise through the maintenance of a high quality environment and the public enjoyment of it which in turn delivers economic benefits. In essence there needs to be a different approach to economic development and sustainable development in these areas. Importantly, the long established principle that major developments which by their nature are likely to result in harm to National Parks should be refused in all but exceptional circumstances remains in place.

8.12.2 The Authority now needs to consider how the application complies with the relevant policies in the Development Plan, taking account of relevant material considerations and importantly whether the proposal constitutes sustainable development in the context of the NPPF, the National Parks Circular and National Park purposes. This consideration is set out in Sections 10-18 of this report taking into account the conclusions of the Environmental Impact Assessment and the Appropriate Assessment under the Habitats Regulations set out in sections 10 and 11.

Main Issues

- 9.1 The planning application is for a large and complex industrial development that could be in operation for 100 years. The main issues to be considered in assessing the proposals are:
- a) Whether the development is needed to meet the UK's current and future requirement for potash and specifically polyhalite;
 - b) Whether the development is needed because of economic considerations such as providing additional employment and tax revenues, increasing competition or reducing the UK's reliance on imports;
 - c) Whether the company's conclusion that there is no scope for development of the minehead elsewhere outside the National Park is justified;
 - d) Whether there is scope for the need for the development to be met in any other way;
 - e) Whether the proposed development is likely to deliver the large scale economic benefits that are suggested; this requires consideration of the potential world-wide market for polyhalite and the company's claims regarding its agronomic benefits. It is also necessary to have an outline understanding of the company's proposed business model;
 - f) What impact there would be on the National Park's landscape and its special qualities, taking account of the mitigation measures incorporated into the proposals;
 - g) What impact there would be on protected species and habitats, particularly the adjacent internationally protected moorland and whether HRA requirements have been properly addressed;
 - h) What other environmental impacts there would be, including visual and traffic impacts, noise and vibration, air pollution, light pollution, any impact on heritage assets;
 - i) What impact there would be on recreational opportunities and the visitor economy, particularly during construction;
 - j) What impact there would be on the amenities and livelihoods of local residents and communities in the vicinity of the development sites;
 - k) Whether potential hydrology and hydrogeology risks during construction have been properly addressed;
 - l) Whether the transport proposals are acceptable for a major development in a remote rural location and rural road network;
 - m) Whether there are technical or practical risks in the minehead and MTS design and construction and whether the proposals for dealing with spoil from the excavation, shaft sinking and tunnel construction are satisfactory;
 - n) Whether there would be implications for Cleveland Potash's mining operation at Boulby;
 - o) To what extent the proposed Section 106 provisions can be taken into account in the planning decision and whether those that can be considered are sufficient to mitigate and compensate for direct development impacts;
 - p) Whether the proposed restoration arrangements and other legal safeguards are adequate.
- 9.2 These issues are considered in the following Planning Assessment sections. The conclusions are set out in Section 19 which summarises the extent of the economic and social impacts of the development in relation to residual harmful environmental impacts and the proposed Section 106 obligations. Section 19 also comments on whether the proposals represent exceptional circumstances and should be approved because they are in the public interest. It is considered that there are two public interests pertinent to the proposals. The first is the conservation and enhancement of the National Park. The designation of an area as a National Park is the highest form of designation and the Authority's primary obligation is to protect that public interest in accordance with its two statutory purposes. The second public interest is the case put forward by the applicant, namely the economic benefits that would flow from the extraction of polyhalite for use in the fertiliser industry.

10. Environmental Impact Assessment

10.1 Background Information

- 10.1.1 Environment Impact Assessment (EIA) is a process that is largely carried out by developers to enable planning authorities to understand the likely significant environmental effects of developments before deciding whether or not they should go ahead. Environmental factors can then be given due weight alongside social and economic factors (the three strands of sustainable development) when deciding planning applications.
- 10.1.2 EIA Regulations list certain types of projects which always require EIA (Schedule 1 projects) and others for which EIA is needed if the particular project is judged likely to give rise to significant environmental effects (Schedule 2 projects). The York Potash proposals are regarded as Schedule 2 EIA development and an Environmental Statement (ES) has been submitted with the planning application giving details of the assessment that has been carried out.
- 10.1.3 Environmental Statements should include a full factual description of the development and the likely significant effects on the environment, both positive and negative. The assessment should consider direct and indirect effects from the development, taking into account whether they are short, medium or long term. The main alternatives to the development should also be considered as well as the scope for reducing or 'mitigating' the environmental impacts. Cumulative impacts from all parts of the development together with impacts from other relevant plans and projects should also be considered. The ES should be based on the best available information and should be systematic, holistic and free from bias. A Non-Technical Summary of the information in the ES must also be provided.
- 10.1.4 The Authority has sought legal advice on the approach that should be taken to the York Potash project in relation to the EIA process. It is for each determining authority to decide on the acceptability of 'its' part of the proposals. However, any significant impacts of the project as a whole should be taken into account in reaching that decision

10.2 The Applicant's Environmental Statement

- 10.2.1 The Environmental Statement (ES) submitted on 30 September 2014 covers the following topics for the development of the minehead at Dove's Nest Farm, the Mineral Transport System (MTS), the MTS portal and the Mineral Handling Facility (MHF):
- Consideration of Alternatives
 - Project Description
 - Traffic and Transport
 - Amenity and Recreation
 - Noise and Vibration
 - Air Quality
 - Socio-economics
 - Ecology
 - Landscape and Visual Environment
 - Cultural Heritage
 - Geology and Hydrogeology
 - Hydrology and Flood Risk
 - Land Use and Soils
- 10.2.2 A single traffic and transport assessment has been carried out for the mine, MTS and MHF elements of the project. Other topics have been assessed separately for each element and then in combination together with the York Potash harbour facilities and other relevant plans and projects as part of the cumulative assessment. The ES also includes an assessment of the impact of the developments on the National Park's special qualities.
- 10.2.3 The applicant's lead EIA consultant is Royal HaskoningDHV (RHDHV) and their methodology is summarised as follows: the assessment identifies 'receptors' (mainly people, species or environmental features) that may be affected by the development and determines

how sensitive these receptors are to change. The amount of change, referred to by RHDHV as the 'magnitude of effect', is then determined and considered with the sensitivity of a receptor to determine the level of 'significance' of the impacts of the development. Where impacts are predicted to be moderate or major, they are considered to be significant in the context of the EIA Regulations. Where negative impacts are predicted to occur, mitigation is identified that can be used to reduce the impact as far as possible. Impacts are then reassessed, taking into account the proposed mitigation measures, to predict the residual impacts.

10.2.4 Following initial feedback by officers, notably regarding the Project Description chapter, the applicant submitted supplementary environmental information (SEI) on 17 February 2015 regarding the following amendments to the proposals:

- Removal of a ventilation shaft and relocation of MTS access shaft at Dove's Nest Farm;
- Amendments to landforms (due to an increase in the calculation of excavated material) and drainage at Dove's Nest Farm, Lady Cross Plantation, Lockwood Beck Farm and Tocketts Lythe;
- Amended proposals for disposal of effluent from the foul treatment plant so that it is taken through the MTS tunnel for discharge at Wilton, rather than discharging to Sneaton Thorpe Beck.
- Provision of an operational phase bridleway around Dove's Nest Farm;
- Revision to the construction programme;
- Provisions for early polyhalite production management at Dove's Nest Farm;
- Amended access details at Lady Cross Plantation to include a new operational access;
- Alterations to the proposed lighting scheme at Dove's Nest Farm.

10.2.5 The applicant's assessment of the environmental impacts of the development is covered in detail in Section 15. The applicant's summary as provided in the Planning Statement is that the proposals successfully minimise the project's effects on the environment, limiting the majority of adverse impacts to the temporary construction phase and delivering a predominantly negligible or even beneficial impact during operation.

10.3 Review of the Environmental Statement

10.3.1 AFW was commissioned to review the ES submitted with the planning application together with the revised environmental information submitted on 17 February 2015. The full review is available on the Authority's website and an Executive Summary which is recommended to Members is at Appendix E. Although AFW has some concerns regarding the approach used by RHDHV, it has accepted and referred to it throughout the detailed ES review. Some particular points to note are:

- AFW has focused on specific environmental topics likely to result in significant environmental effects in the context of the EIA Regulations;
- AFW has concerns about the applicant's inconsistent approach to the EIA methodology which has contributed to an underestimation of the assessed effects;
- The Landscape and Visual Impact Assessment is of a high quality and its conclusions can for the most part be relied upon;
- AFW specifically identifies significant adverse impacts across a range of environmental topics in relation to increased HGV traffic on the agreed construction route that are not recognised by the applicant;
- AFW has serious concerns about the technical approach used in the noise assessment and does not have confidence in the conclusions presented in the ES.

10.3.2 Officers are satisfied that AFW's review of the applicant's ES and SEI is sound and the conclusions of the review have therefore been taken into account in the planning assessment in Section 15.

11. Habitats Regulations Assessment (HRA)

11.1 Background information

- 11.1.1 The minehead site at Dove's Nest Farm/Haxby Plantation is adjacent to Sneaton Low Moor and Ugglebarnby Moor, both of which form part of the North York Moors Special Area of Conservation (SAC) and Special Protection Area (SPA). These are habitats of European importance and are protected under The Conservation of Habitats and Species Regulations 2010 (as amended in 2012) (the Regulations). The North York Moors SAC was designated because of the expanse of 'Annex I' habitat that forms the upland heather moorland, including both North Atlantic wet heath and European dry heath vegetation. The North York Moors SPA was designated for its populations of golden plover and merlin.
- 11.1.2 The MTS site at Lockwood Beck lies 150 metres to the north of the North York Moors SAC and SPA boundary. The MTS site at Lady Cross Plantation lies 3.8km from Goathland Moor to the south and Lealholm Moor to the west, both of which are within the North York Moors SAC and SPA. It also lies 3.2km from Arnecliff and Park Hole Woods SAC. In addition, the Beast Cliff - Whitby (Robin Hood's Bay) SAC and Fen Bog SAC both lie within 10kms of the proposed minehead site.
- 11.1.3 Beyond the National Park, the proposed harbour facilities at Bran Sands and the Materials Handling Facility (MHF) at Wilton International Complex are within 1km and 2.5km respectively of the Teesmouth and Cleveland Coast SPA and Ramsar sites, designated for their use by a range of nationally and internationally important bird species.
- 11.1.4 The Regulations require that, where an authority considers that a development proposal is likely (alone or in combination with other proposals) to have a significant effect on an SAC or SPA, it must undertake an appropriate assessment of the implications for the protected area in view of the area's conservation objectives. The assessment must consider whether there is sufficient evidence to be confident that the development would not adversely affect the integrity of the site. The National Park Authority is the competent authority in relation to planning decisions and the potential effects on the North York Moors SAC and SPA, Arnecliff and Park Hole Woods SAC, Beast Cliff-Whitby (Robin Hoods Bay) SAC and Fen Bog SAC.

11.2 HRA information submitted by the applicant

- 11.2.1 The applicant submitted an HRA Screening Report in August 2014 and both the Authority and Natural England provided comments on the report, confirming that a full appropriate assessment of the potential effects on the North York Moors SAC and SPA would be required before determination of the mine and MTS planning application. Natural England also advised that the harbour facilities at Teesside had the potential to affect the Teesmouth and Cleveland Coast SPA and Ramsar sites and the appropriate assessment should cover the whole of the York Potash Project.
- 11.2.2 An HRA report for the York Potash Project as a whole was therefore submitted with the planning application on 30 September 2014. Members should be aware that the Planning Inspectorate (PINS) requested a standalone HRA report for the harbour facilities so a separate document was included in the application for development consent made to PINS in February 2015. The Harbour Facilities HRA report includes additional mitigation proposals for the harbour and MHF developments but does not alter the conclusions reached in the York Potash Project HRA report.
- 11.2.3 The applicant's HRA assessment followed a staged approach, starting with a high level screening exercise to identify relevant European and Ramsar sites. The screening exercise also identified other plans or projects where there was the potential for in-combination effects on the protected sites when considered alongside the York Potash project. The search for projects where there could be either 'interactive' or 'additive' effects produced a list of fifty-one developments, including projects within the Tees Estuary, housing developments on the edge of Whitby, the laying of cable for the Dogger Bank offshore windfarm and the rebuilding of the 66kv power line from Thornton le Dale to Whitby.

11.2.4 The screening exercise considered the potential for there to be ‘likely significant effects’ from the York Potash Project on the qualifying features of the designated sites. Both direct and indirect impacts were considered and proposed mitigation measures were taken into account. Screening led to the following sites and project elements being taken forward to the next stage of full Appropriate Assessment:

- North York Moors SAC – the mine site with respect to nitrogen deposition (emissions from generators and vehicles) and alteration to groundwater flows which could affect SAC habitats on Ugglebarnby Moor; Lockwood Beck with respect to nitrogen deposition;
- North York Moors SPA – the mine and Lockwood Beck sites with respect to noise and visual disturbance to birds;
- Teesmouth and Cleveland Coast SPA and Ramsar site – the harbour facility with respect to direct and indirect loss of habitat, potential impacts on birds from noise and visual disturbance, reductions in water quality due to dredging and piling and changes in coastal processes which could affect the availability of food resources; the MHF site with respect to disturbance and displacement.

11.2.5 Other plans and projects taken forward for full Appropriate Assessment because of the potential for in-combination effects included the rebuilding of the 66kv power line between Thornton le Dale and Whitby due to the potential for disturbance and loss of North York Moors SAC habitats.

11.2.6 The applicant’s HRA report provides a ‘shadow’ appropriate assessment of potential effects on the integrity of each of the protected areas. The information provided has been considered by AFW who were commissioned to carry out the HRA required under the Regulations on behalf of the Authority. The assessment has drawn on information from the application documents and from correspondence and discussions between the Authority, AFW, the applicant, Natural England and the Environment Agency.

11.3 HRA prepared by Amec Foster Wheeler on behalf of the Authority

11.3.1 The Executive Summary of AFW’s HRA report is at Appendix F. AFW accepted the applicant’s screening assessment and the report confirms that the HRA identified likely significant effects of the minehead and MTS development on the North York Moors SAC and SPA, but not on Beast Cliff SAC, Arnecliffe and Park Hole Woods SAC or Fen Bog SAC. Likely significant effects were also identified, in combination with the MHF and harbour facilities, on the Teesmouth and Cleveland Coast SPA and Ramsar site.

11.3.2 The appropriate assessment of likely significant effects on the North York Moors SAC and SPA from the minehead site alone is summarised in the following paragraphs:

Potential damage to wet heath habitats due to dewatering during construction and to long-term alteration to hydrogeological conditions

11.3.3 In the absence of mitigation, groundwater levels are predicted to drop below Ugglebarnby Moor as a result of dewatering during underground construction at the minehead site with potential damage to wet heath habitats in the North York Moors SAC. However, vegetation surveys and soil augering indicate that there is little if any connectivity between the wet heath vegetation and underlying groundwater and AFW accepts that proposed mitigation measures which incorporate a monitoring regime give sufficient certainty that there will not be an adverse effect on the integrity of the SAC and SPA. The AA concludes that there is sufficient information about the effects of the dewatering of the minehead area and the effectiveness of the proposed dewatering mitigation system, alone and in combination with other plans and projects, to be certain that adverse effects on the integrity of the North York Moors SAC and SPA can be avoided.

Potential damage to wet heath and dry heath vegetation due to airborne emissions during construction and operation

11.3.4 AFW accepts the argument that the band of woodland along the western edge of the site and the direction of the prevailing winds (south-westerly away from the protected area), together with the implementation of proposed dust control measures should be sufficient to

prevent adverse effects from construction dust. The Appropriate Assessment concludes that with mitigation to reduce NO_x emissions from diesel generators and measures to ensure dust suppression in relation to polyhalite that may be moved and stored at the minehead site, it is certain that adverse effects on the integrity of the North York Moors SAC and SPA can be avoided.

Potential disturbance to SPA qualifying species golden plover and merlin from visual impacts, noise and vibration during construction and operation

- 11.3.5 Breeding bird surveys have confirmed that neither of the SPA qualifying species (golden plover and merlin) are currently nesting on the SPA land at UGGLEBARNBY MOOR and Sneaton Low Moor within 500m of the minehead site. Both species have been recorded in the area in the past, and it is possible that restoration of the habitats to more favourable condition would lead to them nesting there again. Although one or both species may currently use the SPA land for feeding, in other areas both species have been found foraging in close proximity to active mineral workings. Noise and vibration from construction and operation of the minehead might produce short-term avoidance responses over limited parts of the SPA but this would not amount to an adverse effect on the integrity of the SPA. The AA concludes that there is sufficient information about the disturbance impacts of the construction and operation of the minehead alone and in combination with other plans and projects including the Lockwood Beck intermediate shaft of the MTS component of the York Potash Project, to be certain that adverse effects on the integrity of the SPA can be avoided.

Potential damage to SSSI mesotrophic flushes - features which provide habitat for prey of SPA qualifying species golden plover and merlin

- 11.3.6 The applicant's groundwater modelling indicates that, with the proposed mitigation measures, bedrock water level is predicted to rise which will tend to maintain or even enhance the resilience of the spring/flush vegetation types and hence improve the prey supply for the SPA qualifying species. The AA concludes that there would be no adverse effect on site integrity.
- 11.3.7 The assessment of likely significant effects on the North York Moors SAC and SPA from the minehead site in combination with other parts of the project is summarised in the following paragraphs:

Potential damage to North York Moors SAC qualifying habitats dry heath, wet heath and blanket bog from nitrogen deposition

- 11.3.8 Provided mitigation measures to reduce NO_x emissions from diesel generators are used at the MTS access shaft site at Lockwood Beck, the AA concludes that there will be no adverse effect on site integrity.

Potential disturbance to North York Moors SPA qualifying species merlin and golden plover from visual impacts, noise and vibration

- 11.3.9 Surveys in 2014 found no breeding merlin on the part of the SPA close to the Lockwood Beck intermediate shaft site and, while golden plover were present, the closest was approximately 800m to the south-west on the far side of the A171. Given the temporary nature of the construction impacts and the tolerance of golden plover to the presence of mineral workings no significant disturbance effects are anticipated, and hence the AA concludes that there will be no adverse effects on SPA integrity.

Teesmouth and Cleveland Coast SPA and Ramsar site

- 11.3.10 The HRA report also comments on the assessment of effects on the Teesmouth and Cleveland Coast SPA and Ramsar Site. Likely significant effects of the development of the harbour facilities and MHF were identified as the potential direct and indirect loss of habitat, potential disturbance and reduction in quality of habitat of SPA and Ramsar qualifying species. Initial concerns expressed by Natural England that the harbour facilities component of the York Potash project did not include sufficient mitigation have been addressed by the company and revised mitigation plans were prepared by the applicant in February 2015 (York Potash Harbour Facilities: Bran Sands Lagoon Mitigation and Monitoring Strategy). Natural England advises that in its view it is now possible to conclude that the proposal will not result in adverse effects on site integrity of the Teesmouth and Cleveland Coast SPA.

11.3.11 Officers have sought legal advice on whether it is safe to rely on Natural England's advice and adopt the HRA without having received written assurance from either of the other two competent authorities (RCBC and PINS) that they are intending to adopt NE's advice in relation to the MHF and harbour facilities development. The legal advice confirms that the Authority is entitled to take account of and rely on NE's advice in this respect. Officers have therefore accepted the HRA report prepared by AFW on the Authority's behalf and can advise Members that, provided all mitigation measures required to ensure the validity of the conclusions of the HRA are secured and implemented through appropriate planning conditions or other regulatory measures, the Authority can give consent for those parts of the York Potash project for which it is the competent authority.

12 Planning Assessment Part 1: Need for the development

Relevant policies:

Core Policy E, Minerals states that mineral developments other than those meeting a need for local building stone will be considered against the major development tests as described in Section 8 above.

12.1 Introduction

12.1.1 Consideration of the need for the development is an unusual policy requirement but is necessary in respect of major development proposals in National Parks because the starting point of the 'Major Development Test' (MDT) is that these developments should be refused due to their inherent conflict with the high level of landscape protection afforded to such designated areas. The need for a major minerals development within a National Park could fall into two distinct areas: first, the need for the mineral resource itself and second, the need for the economic benefits that would flow from the development. The policy requires the assessment of 'need for the development' to take into account national considerations and also the impact on the local economy of either permitting or refusing the development.

12.1.2 The applicant argues that there is strong need for the York Potash development based on the following points:

- the thickness, continuity, grade and size of the York Potash resource makes it by far the most significant polyhalite resource in the world and Dove's Nest Farm has the potential to be developed as a highly efficient new mine;
- there is a strong agronomic case for polyhalite which is a valuable source of major plant nutrients suited to a wide range of crops; the development would help provide a solution to the challenge of UK and global food security;
- a study of polyhalite markets together with agreements already in place indicate that there is a large potential international market for the mineral based on its constituent plant nutrients;
- the project would bring significant positive economic benefits at national, regional and local level and would contribute to rebalancing the national economy towards the private rather than the public sector and towards production and exports rather than services.

12.1.3 The applicant does not claim that there is an established national need for polyhalite as an indigenous fertiliser and emphasises its view that the MDT can be met without a national need for the mineral being demonstrated. Its case in support of the development is that there is a clear national, regional and local economic need for the proposals as well as an international agronomic need. These arguments are assessed in the following sections.

12.2 The Agronomic Case for Polyhalite

Applicant's Assessment

12.2.1 The background information presented in the applicant's Planning Statement refers to the benefits of polyhalite saying that it has "a number of unique and additional benefits over the more commonly applied potassium chloride" and "a range of other unique qualities when used as a fertiliser". The MDT Planning Statement presents the agronomic case for polyhalite in more detail, a case which is based on independent research commissioned by the applicant relating to the use of polyhalite as a fertiliser. Three research reports are included in the application as supporting documents:

1. 'The Agronomic Case for Polyhalite', ADAS April 2014;
2. 'Future Need and Role of Potash in UK Food Production', *The Food and Environment Research Agency (FERA) June 2012*;
3. 'Reports on the impacts of Polyhalite when used as fertilizer' Ricardo-AEA and FERA April 2014.

- 12.2.2 The Executive Summary of the ADAS report is at Appendix J. The report provides a detailed discussion of the potential use of polyhalite in agriculture including background information on plants' requirements for its constituent nutrients, potassium, sulphur, magnesium and calcium. It notes that global demand for agricultural production will increase by 60% by 2050 as a result of the increasing world population, changing diets and the use of crops to produce biofuels. Global potash consumption is forecast to grow by 3% per annum.
- 12.2.3 The report includes a review of published information on the effects of polyhalite on plant growth and summarises results from the research programme commissioned by the applicant up to the early part of 2014. The programme included experiments on a range of crop species undertaken at Durham University, the University of Florida, Shandong Agricultural University and Texas Agrilife Research. The report states that the published and company funded research shows that polyhalite significantly increased the growth rate of a wide range of species including corn, cotton, onion, oilseed rape, peanut, pepper, potato, sorghum, sugarcane and wheat. It produced no negative crop growth effects in any of the studies and in around 90% of the experiments it produced an equal or greater growth response compared with other widely used potash fertilisers.
- 12.2.4 ADAS comments that polyhalite is very well suited for inclusion in blended/complex fertilisers with other N, P and K sources to produce multi-nutrient fertiliser products. It says that polyhalite can be used as a straight fertiliser but in most situations it would not be practical to supply all crop potash requirements using polyhalite because sulphur supply would greatly exceed crop demand.
- 12.2.5 The report also looks at what would be the 'best-fit' crops for polyhalite by estimating the amounts of potash, sulphur and magnesium removed from the soil by different crop species. Crops with a high requirement for these nutrients as well as those with a low chloride (salt) tolerance would fit well with polyhalite use and these include sugar cane, sugar beet, silage grass and alfalfa, maize, oil palm, oilseed rape, soybeans, rice, potatoes, onions and vegetable crops; these crops are grown in 414 million hectares throughout the world.
- 12.2.6 The ADAS report was peer reviewed by an international panel of four scientific experts who concluded: *"Polyhalite is a valuable source of major plant available nutrients (ie potash, sulphur and magnesium) that can be used to produce multi-nutrient fertiliser products or as a straight product. The main markets for Polyhalite will be supplying potash and sulphur, with magnesium important for specific crops"*.
- 12.2.7 Although details are not included in the planning application, the company's crop trial programme has continued since the preparation of the ADAS report and 'Agronomy Updates' have been posted on the company's website throughout the pre-application and application period; these include statements such as: "Results underline the unique value of polyhalite as a balanced fertilizer", *Current Crop Study Results, June 2013* and "Results confirm POLY4's effectiveness as a multi-nutrient fertiliser source" *Agronomy Update, September 2014*.
- 12.2.8 The FERA report 'Future Need and Role of Potash in UK Food Production' considers current potash use in UK agriculture and envisages a hypothetical scenario where potash based fertiliser is not available to UK growers. Although acknowledging that this is extremely unlikely to occur, it is used to highlight the importance of potash to UK food production. It comments that there is a long term trend of a steady decline in the use of potash in the UK and other countries which it is stated could cause declining crop yields in the future. It concludes that a lack of fertiliser potash would have a serious and negative impact on crop yields and would lead to a need for increased food imports with implications for future UK food security.
- 12.2.9 The 'Reports on the impacts of Polyhalite when used as fertilizer' comprise three separate literature studies by Ricardo-AEA and FERA. Key points from the first report into the demand for fertilizer and associated environmental impacts are:
- Greater crop production arising from demand from a growing population and increased interest in bioenergy crops will lead to an increased need for fertiliser;

- Climate change will lead to changes in the geographic range and distribution of many crops and will result in a greater need for fertilizers to be applied;
- Polyhalite can be part of a fertiliser application programme that will reduce greenhouse gas emissions from fertiliser production;
- Many of the world's soils are considered to be deficient in potassium and a negative K balance has been suggested as a cause of sub-optimal yields in many cropping systems;
- There is an increasing requirement for sulphur fertilisers because global atmospheric sulphur deposition is declining as a result of changes in industrial practices including controls on coal-fired power plants;
- The correct balance of nutrients (especially K, P and S) optimises a plant's use of nitrogen and a plentiful supply of K at an early stage in its growth increases its ability to take up nitrogen. Since application of nitrogen fertiliser leads to emissions of the greenhouse gas nitrous oxide (N₂O), greater efficiency in nitrogen use mitigates overall greenhouse gas emissions from crop production.

12.2.10 The second report gives details of the beneficial effect of potassium on nitrogen-fixing and plant growth promoting bacteria. It notes that potash, calcium and magnesium are all able to reduce the severity of plant disease and, when used as part of an integrated crop protection approach, can reduce pesticide requirements. It concludes that polyhalite has the potential for positive effects on crop yields.

12.2.11 The third report considers potential environmental impacts associated with the constituents of polyhalite, including leaching potential, effect on soil structure and effects on ecosystems. It concludes that use of polyhalite will show no obvious environmental impacts that would not be seen using other types of fertilisers consisting of the same compounds. Positive environmental effects of using polyhalite include, among others, not contributing directly to greenhouse gas emissions or acid rain, replacing trace mineral elements in the soil and improving soil structural stability in sandy soils.

12.2.12 The applicant's MDT Planning Statement suggests that the main conclusions from the agronomy reports from a planning perspective are:

- The four principal components of polyhalite (potassium, sulphur, magnesium and calcium) are all essential plant nutrients. In principle, therefore, polyhalite is a multi-nutrient fertiliser with a recognised and important role in fostering plant growth;
- Polyhalite has a low chloride content and has potential advantages over muriate of potash (KCl) on crops which are sensitive to high chloride concentrations. This suggests that it may be particularly useful for intensive agriculture and in relatively arid climates;
- Experiments demonstrate that it significantly increased the growth of a wide range of crops compared with other widely used potash fertilisers;
- Polyhalite is very well suited for inclusion in blended/complex fertiliser products because of its multi-nutrient qualities;
- Its relatively high sulphur content is important for sulphur-deficient environments which are becoming increasingly widespread around the world.

The applicant also comments that polyhalite is accredited for use in organic farming and nutrient release tests showed that its nutrients quickly become available for plant uptake. Polyhalite has no measurable effects on soil pH and trials demonstrated that it has good spreading characteristics. The applicant concludes that the evidence demonstrates that there can be no doubt about the quality, utility or benefits of polyhalite as a fertiliser and the York Potash polyhalite resource should be regarded as a resource of national and international significance.

Officers' assessment of the agronomic case for polyhalite

12.2.13 The agronomic case put forward by the applicant covers a wide range of issues. Those that relate to the carbon footprint of polyhalite, greenhouse gas emissions and climate change are considered in Section 16, 'Sustainability and carbon footprint'. This assessment focuses on the evidence presented regarding the use of polyhalite as a fertiliser in its own right or as

a constituent part of a complex or blended fertiliser and whether its benefits are such that there is a strong case that a new polyhalite mine needs to be developed as part of the UK's role in helping to meet the challenge of global food security.

- 12.2.14 As part of this assessment, officers commissioned an independent review of the ADAS report by Mr A.E. Johnston, Lawes Trust Senior Fellow at Rothamsted Research and his concluding summary is attached at Appendix K. Officers also sought advice on the agronomic aspects of the York Potash proposal from Dr K.R. Polizotto, an independent agronomic consultant in the US.
- 12.2.15 The documents presented by the applicant and the commissioned review reports all start with the fact that polyhalite contains four essential plant nutrients. Members will be aware that the three main macro-nutrients required for healthy plant growth are nitrogen (N), phosphorus (P) and potassium (K) and the three secondary macro-nutrients are calcium (Ca), magnesium (Mg) and sulphur (S). Other micro-nutrients nutrients, including copper (Cu), iron (Fe), manganese (Mn), molybdenum (Mo), zinc (Zn) and boron (B) are required in much smaller quantities. Polyhalite is therefore a source of one of the main macro-nutrients, K and three of the secondary macro-nutrients, S, Mg and Ca. It is also understood from the company's 'Investor Presentation', September 2014 that it also contains a number of micronutrients.
- 12.2.16 The convention for describing the content of commercial fertilisers is that nutrients are declared as their oxides and, following this convention, polyhalite is a multi-nutrient fertiliser material containing 14% K₂O, 48% SO₃, 6% MgO and 17% CaO⁴. Sulphur is the largest component, followed by calcium, potassium and magnesium. The potassium content of polyhalite at 14% is considerably less than other potash fertilisers, for example MOP is typically 60% K₂O and SOP typically 50% K₂O⁵.
- 12.2.17 Members will appreciate that a 'multi- nutrient' fertiliser material is not the same as a 'balanced' fertiliser. A balanced fertiliser is one that contains plant available nutrients in the approximate ratio needed by the crops it is being used on or supplies nutrients in the ratio recommended by soil tests. Polyhalite is not a balanced fertiliser because it does not contain nitrogen or phosphorus and has a relatively low level of potassium and high level of sulphur.
- 12.2.18 It is possible to use polyhalite as a 'straight application' fertiliser as is the case with the polyhalite produced by Cleveland Potash which is sold as 'Polysulphate' suitable for use on soils with a sulphur deficiency. However, the ratio of the nutrients in polyhalite has implications for its use as a straight application fertiliser and this is commented on in the ADAS report and both of the review reports. The ADAS report acknowledges that in most situations it would not be appropriate to use straight polyhalite to supply all potash requirements because the quantities required would result in excessive sulphur supply which can affect crop quality. Dr Polizotto comments that polyhalite could not compete with MOP or SOP as a main source of potassium simply because the K₂O content is not high enough and, if used as the sole source of K for direct application, the sulphur content would be extremely high. The Appendix to Mr Johnston's report goes into further detail, comparing the amounts of S, Mg and Ca in a crop of potatoes and soybean with the amounts that would be applied if the K requirement were being met entirely by polyhalite. The use of polyhalite would add 13 times more sulphur, 5 times more magnesium and 24 times more calcium.
- 12.2.19 The review reports also comment that a considerably greater amount of polyhalite would need to be applied in comparison with other potash fertilisers to achieve the required level of K resulting in extra spreading time and cost for farmers and growers. Mr Johnston notes that where soils are deficient in just one nutrient, farmers would not purchase a multi-nutrient fertiliser like polyhalite to correct the deficiency.
- 12.2.20 There appears to be general agreement in the reports that use of polyhalite as a straight fertiliser is limited by these considerations. Officers accept this view which concurs with

⁴ The Agronomic Case for Polyhalite, Executive Summary p.i, ADAS 8 April 2014

⁵ Fertiliser Manual RB 209 8th Edition, Appendix 7, Department for Food and Rural Affairs 2010

officers' understanding that polyhalite would be used as a straight fertiliser only in specialist circumstances where there is a high demand for S and a low demand for other nutrients. The ADAS report gives examples as autumn-sown oilseed rape crops and legume crops in nitrate vulnerable zones.

- 12.2.21 The ADAS report concludes that polyhalite is very well suited to be used as a component of a blended/complex fertiliser along with other N, P and K sources. Officers accept this potential use for polyhalite, which could clearly be a source material for formulations where S, K, Ca and Mg are required although it is important to note that, in most cases, another source of K would be needed in addition to polyhalite in order to provide the required amount of K input. Dr Polizotto comments that, based on the fertiliser analysis of polyhalite, it would seem to be best suited as a source of sulphur. He notes that there is general agreement that soil sulphur levels are lower than they used to be because of reduced atmospheric deposition and there is more sulphur deficiency in crops.
- 12.2.22 Officers acknowledge the points made by the applicant that nutrients within polyhalite quickly become available for plant take-up, that it has good spreading qualities and its use will not affect soil pH. The beneficial effects of K, Ca and Mg on plant growth promoting bacteria (whether or not the source is polyhalite) are also recognised. Officers understand that polyhalite's low chloride levels and accreditation for organic farming are both useful for specific circumstances. However, polyhalite's chloride-free status and its effect on soil pH do need to be viewed in perspective. Mr Johnston and Dr Polizotto comment that, although some crops are sensitive to chloride, these do not represent large acreages and chloride sensitivity is not a major issue for most crops. SOP is an existing available product where a chloride-free fertiliser is required and officers' understanding is that if MOP had to be added to a polyhalite-based NPK blend to bring the K content up to an appropriate level, it would not be a chloride-free product. Dr Polizotto comments that neutrality and salt content of fertilisers is not an issue in the industry.
- 12.2.23 Turning to the applicant's crop trials, Mr Johnston's report includes a detailed review of the results reported by ADAS. The experiments compared growth or yield rates of plants treated with polyhalite with growth or yield rates of plants given either no potash fertiliser or other types of potash fertiliser including MOP, SOP and SOP-M. There are three tables of results:
- The first shows whether there was a 'positive' biomass or crop yield response using polyhalite compared with no other potash fertiliser. Only 9 out of 16 studies showed a positive response and the report notes that this unexpected lack of responses was probably explained by high soil K levels in one study and insufficient soil in the pots in others.
 - The second shows how plant growth responded to use of polyhalite compared with other potash fertilisers – there was a 'greater or equal response' in almost all cases and a 'greater response' in approximately half the cases.
 - The third shows how plant yield responded to use of polyhalite compared with other potash fertilisers – there was a 'greater or equal response' in 89% of cases and a 'greater response' in 41% of cases.
- 12.2.24 There were difficulties in carrying out the review initially since the results are expressed in the ADAS report simply in terms of a 'positive' or 'greater' response. The amount of the increase in growth or yield with each type of treatment is not shown so the significance of the responses could not be assessed. After a number of requests, Mr Johnston was given access to the experimental results in an 'electronic data room' in order to complete the review.
- 12.2.25 The main points of Mr Johnston's review in relation to the crop trials are:
- Most of the studies were greenhouse based although some field studies were carried out in Texas. It is generally accepted that results from experiments in controlled greenhouse conditions are rarely directly repeated in the field and should be treated with caution;
 - There were queries about the relevance of some of the experimental conditions chosen and inconsistencies in the reporting of the data in the data room;

- A basic principle of experiments on plant nutrition is that there should be a 'level playing field' i.e. all plants should have equal access to all nutrients other than the one being tested. The experiments which compared polyhalite with other potash fertilisers were controlled for potassium and nitrogen but not for other nutrients which meant that like was not being compared with like. The apparent benefit of using polyhalite could simply be due to the combination of sulphur, magnesium and calcium and not to some unique property of polyhalite. A similar point is made in the ADAS report which notes that some caution should be taken in interpreting the results because the growth differences may be related to the availability of one or more of the other nutrients rather than greater potash availability;
- Polyhalite would not be expected to have a negative effect on growth but the statement that polyhalite produces an equal or greater growth response compared to other widely used potash fertilisers should be treated with caution. Analysis of the results for polyhalite, MOP and SOP in the data room showed that in some cases yields with all three treatments were very close and in other cases, where MOP gave smaller yields than polyhalite, SOP gave the same or more yields. The combination of K and S in both polyhalite and SOP meant that they gave similar yields.

12.2.26 It is understood that the purpose of the applicant's crop trial programme is to show that polyhalite is suitable for use as a commercial fertiliser and to show how it differs from other fertiliser products on the market. However, it appears to officers that the main message to be taken from the results presented in the ADAS report is simply that plants grow better if provided with the full range of nutrients they require. The experiments showed that in most cases plants did respond to the nutrients in polyhalite but it is not always clear to officers whether the reported 'greater' responses to polyhalite in comparison with other potash fertilisers were significant and, where they were, it appears likely that the increased growth was simply due to the presence of nutrients not available in the treatment that polyhalite was being compared with.

12.2.27 The applicant has recently submitted a response to Mr Johnston's review prepared by ADAS which is available on the Authority's website. The covering letter confirms the applicant's case that the global demand for the nutrients in polyhalite is likely to increase due to declining sulphur deposition and an increasing demand for food, that the polyhalite experiments showed increased plant growth where the soil nutrient supply was limiting and that polyhalite does not require unique properties over and above those of its constituent plant nutrients to be an agronomically useful fertiliser.

Conclusions

12.2.28 It is self-evident that polyhalite has a unique chemical composition and is a source of four important plant nutrients. Its multi-nutrient nature presents both advantages and disadvantages for its agronomic use. It is a natural source of one of the three main macro-nutrients (K) and three of the secondary macro-nutrients (S, Ca and Mg) in a single fertiliser material. However, polyhalite is not a balanced fertiliser and officers consider that its usefulness is tempered by the relatively low level of potassium it contains in comparison with other sources and its high level of sulphur.

12.2.29 Polyhalite produced by Cleveland Potash is already sold as a speciality fertiliser and officers accept that other polyhalite based products could become part of the range of fertilisers available to modern agriculture. The evidence considered here suggests that polyhalite is unlikely to be used widely as a 'straight application' fertiliser although it is recognised that it is useful as a speciality product for certain situations where there is a high demand for S and a low demand for other nutrients. Its most likely use is as a nutrient source for fertiliser blends where a combination of K, S and Mg is needed. In this form it could be suited to a wide range of crops with sugar cane, sugar beet, grass and alfalfa silage, maize, oilseed rape, soybeans, onions and other vegetables being given as particular examples. It should be noted that in most circumstances it would have to be used alongside another source of potassium to bring the K up to the required level.

12.2.30 Officers accept the prediction that global use of fertiliser will increase as a result of population growth, changing diets and the use of crops to produce biofuels but note the significant environmental implications of this. It is agreed that there is likely to be an increased need for fertilisers in future and that polyhalite based products may have a role to play in addressing the challenges of global food security. However, the **need** is not for polyhalite per se but for the plant nutrients it contains. Officers are not aware of any evidence that polyhalite is a better source of nutrients than any other available source and it is understood that for the foreseeable future the plant nutrients contained in polyhalite are not in short supply from other sources. These points are discussed further in the next section.

12.3 The Market for Polyhalite

12.3.1 An understanding of the potential market for polyhalite is needed for two reasons: to gauge the demand or need for the mineral itself, including at a national level, and to be able to attribute weight and certainty to the large scale economic benefits of the proposal put forward by the applicant.

12.3.2 In assessing the market potential of polyhalite as a commercial fertiliser in connection with YPL's first planning application in 2013, the Authority commissioned a report by Integer, a global commodity market company to appraise the supporting information put forward in the application. The conclusions of that report did not support the ability of polyhalite to become a competitive large volume potassium based fertiliser principally because of its relatively low potassium content compared to other widely used forms of potash. It was considered that producers of blended NPK fertilisers would therefore have to use existing MOP and SOP in conjunction with polyhalite in order to boost the K_2O content of their products to an acceptable level. Its potential as a mass market granulated direct application fertiliser was therefore considered to be limited and although its SO_3 content could make it a possible source of added sulphur, it was not considered to be competitive against SOP when transport and logistics costs were taken into account as other sources of sulphur would be available such as gypsum at a relatively low cost from local producers.

Applicant's Assessment

12.3.3 As part of the 2014 submission, and in response to the Integer Report, YPL commissioned a new "Polyhalite Market Study" from commodity analysts CRU Strategies. This is a comprehensive analysis of the potential commercial demand for polyhalite which considers the intrinsic value of its nutrients and the share of the existing market for those nutrients that YPL might hope to capture at different polyhalite price levels. A copy of the Executive Summary of the report is attached as Appendix G. The Report identified four potential markets for polyhalite:

- As a direct competitor with potassium magnesium sulphate products (SOPM);
- As a competing source of potassium with MOP and SOP fertilisers;
- As a 'feedstock' (or ingredient) for NPK blends;
- As an alternative source of sulphur to Single Super Phosphate (SSP) and Ammonium Sulphate (AS).

12.3.4 The report considers different 'industry response scenarios' (the extent to which existing fertiliser suppliers may cut prices to maintain their market share) and identifies a 'demand window' which represents the possible volumes of polyhalite that might be sold at different price levels. The report states that, even if competitors respond strongly by cutting prices, there would be sufficient demand at prices below \$130 per tonne to take Phase 1 production levels of 6.5mtpa and sufficient demand at prices below \$110 per tonne to take Phase 2 production levels of 13mtpa. The conclusions of the forecasts are that the size of the potential markets for the nutrients in polyhalite will be determined by competitors' responses and the pricing strategy adopted by YPL and that the price is likely to be in the range of

between \$110 per tonne to \$170 per tonne, depending on how it is marketed. It is important to note that the significant national economic benefits of the project based on Gross Value Added and import values are based on a market price of \$150 and a production volume of 13mtpa (see sections 12.4 and 12.5 below).

- 12.3.5 Further clarification from CRU has tried to show how the proposed volumes of polyhalite to be produced relate to total global fertiliser demand. Looking at six key contestable markets (MOP, SOP, SOPM, Kieserite, AS and SSP) CRU states that the YPL production (13mtpa) would be equivalent to 3.3% of the total global nutrient demand for the six contestable markets and 4% in comparison to the total potassium based demand. It is important to note though that CRU acknowledges that polyhalite is unlikely to obtain an equal market share for each of the six products and is more likely to capture a greater share of the markets for chloride-free products (SOP and SOPM) than the MOP market. It is significant that the existing SOP and SOPM markets are given as 5.6mtpa and 2.0mtpa whereas the MOP market is 71.3mtpa.
- 12.3.6 The CRU report is a forecast of potential markets because at present there is no established global market for polyhalite. The figures are therefore hypothetical based on the existing global markets for the nutrients which polyhalite contains. The planned YPL production is not presented as seeking to increase global markets or meet an unmet need for fertiliser but is being put forward as a substitute for existing products. The market scenarios set out by CRU therefore may or may not materialise and this creates an element of uncertainty in relation to the economic benefits which are stated to arise from the project.
- 12.3.7 In order to provide an indication of actual rather than potential markets, the company has, for the last three years been seeking purchase options for its product and has a number of 'secured commitments' from international buyers for the future supply of polyhalite. These range across various countries covering markets in the USA, Europe, Africa, Latin America, South America, China and South East Asia. The commitments take a number of different forms, ranging from a 'take or pay offtake agreement' with a US agribusiness, an offtake contract with a Chinese state run agribusiness, and numerous Memoranda of Understanding and letters of intent. The company states that the commitments amount to over 5mtpa and a letter from Macquarie Capital (Europe) Ltd, their 'Nominated Adviser' confirms that the Investor Presentation of March 2014 complies with the Stock Exchange rules regarding accuracy of this information.
- 12.3.8 To summarise the applicant's case, this is that polyhalite contains a number of essential nutrients that ensure plant growth and therefore it could be used in a variety of products or as a straight application fertiliser in certain circumstances. A proposed pricing strategy for the mineral will, it is claimed, be able to create a market for polyhalite by substitution, replacing the market share currently occupied by existing suppliers of its constituent nutrients. Members should note that this is different to the case put forward in the company's previous application in 2013 which was based on a stated need for increased application of potash fertilisers generally in the UK and the need to provide for continuity in the indigenous supply in the event of Boulby Mine reaching the end of its life. The policy case in this application is not one of an essential need for the mineral itself in terms of supply and demand factors and the company is not seeking to show that demand for the mineral is not met by current supply, as is the case in most major minerals planning applications. Due to the substitution strategy used to identify a potential market for polyhalite, the company makes no case for the need for the development in this sense. Nor is the case based on an identified gap in the market which could result from either a growing demand which cannot be met by existing suppliers or from an identified opportunity which no other product currently provides for. The policy case is mostly based on a need for the substantial local, regional and national economic benefits that are likely to arise from the development should the market forecasts offered by CRU prove to be correct.

Officers' Assessment of the market for polyhalite

- 12.3.9 In order to undertake the robust examination of the application required by Government policy, officers commissioned an independent review of the CRU report. This was undertaken through the Planning Performance Agreement and as York Potash advised that

a company other than Integer should carry out the review, a report from Fertecon, a specialist fertiliser market analyst was commissioned. The review provides an independent assessment of current and future market demand for the key products and includes both agronomic and economic assessments of whether the various products could in practice be substituted by polyhalite. The review assessed whether the CRU assumptions about the market outlook for polyhalite are reasonable and an Executive Summary of the Report is attached as Appendix H. As the Fertecon Report was commissioned under the PPA, the terms included the opportunity for York Potash to review the draft report and the final Fertecon Report has therefore been amended to reflect the company's responses to the original draft.

12.3.10 The assessment by Fertecon is very useful and a number of key points for consideration emerge. The overall conclusion is that whilst the CRU study is robust in terms of its data and methodology, it does not take into account the impact of the market structure of the industry or the practical implications of product formulation on the potential market for polyhalite. These issues would impact on the ability of YPL to market their product at the prices they are proposing and it is predicted that for a 13mtpa supply, the likely price will need to be between \$110 and \$130 per tonne. The key points are:

1. The theoretical maximum potential nutrient market for polyhalite in 2018 is up to 50 million tonnes, comprising between 35-40 million tonnes in substitution of MOP, 9mt in substitution of SOP and up to 5mt in substitution of SOPM.
2. Fertecon agree that there are a range of possible price outcomes for York Potash and that the potential market size of the product will depend upon its price which will also be influenced by the reaction of the suppliers of alternative competitive products. They however, reach a different conclusion on the price range put forward by CRU as they would expect the net pricing achieved to be in the lower part of the range (\$110-\$130) for the following reasons:
 - The challenges of building a market for a new product;
 - The fact that most sales will be to fertiliser blenders and compounders, who will want to see a commercial benefit versus alternative products to justify adding a new raw material to their inventory;
 - The probability that not all farmers will be prepared to pay for the breadth of nutrients in polyhalite, because not all situations will require all four nutrients. The alternatives currently available allow farmers to simply purchase the fertiliser nutrients they want to use; however, this choice is not available with polyhalite. Similarly fertiliser manufacturers will not pay premiums for nutrients unless they can pass them on to their customers, the farmers;
 - The higher logistics costs associated with polyhalite per tonne of nutrients delivered to manufacturers;
 - The potential for polyhalite to be a substitute for the SOP and SOPM markets is likely to result in a robust competitive reaction from existing suppliers of those products;
 - Based on CRU's model, 6.5mtpa and 13mtpa of polyhalite represent 43% and 86% respectively of the potential global demand for the nutrients, based on a sale price of \$150pt. Fertecon conclude that it seems unlikely that any one company could achieve such market penetration levels, i.e. to be able to identify and then sell to these proportions of world fertiliser buyers.

12.3.11 A key conclusion to take from the Fertecon report is that all the market sizes identified are theoretical and potential maximums and therefore any risk in the calculations is to the 'downside' i.e. smaller markets or prices. When the factors identified above around the actual workings of the industry are considered, this creates some uncertainty over the ability of the YPL project to achieve the outputs and prices that are being put forward in the application. The company is aware of this and has, in its Economic Impact Report, shown the effect of different pricing scenarios for polyhalite on the economic benefits of the project. These are discussed in detail in section 12.4 below which looks at national economic considerations. This is an important issue in terms of assessing the application against the

MDT policy, as the significant economic benefits which are stated to arise at a national level are an essential part of the case for considering the application to represent exceptional circumstances.

- 12.3.12 Further advice on the likely size of the various potential markets for polyhalite has been sought outside the scope of the PPA from Dr Kim Polizotto, an independent consultant based in Ohio and a former Director of Agronomy for PotashCorp and Crop Adviser. His report consists of a review of the agronomics related to the use of polyhalite as a major fertiliser product in world agriculture and is of value in terms of its findings relating to both the agronomy of polyhalite and its market potential. The key findings are:
- Although polyhalite is a legitimate fertiliser product containing plant available K, S, Mg and Ca, it would struggle to compete with traditional potash products such as MOP and SOP regardless of the price simply because of its low K₂O content;
 - In analysis polyhalite most closely resembles SOPM which is primarily marketed as a magnesium-source fertiliser and the market for this is relatively small;
 - Its most logical market substitute would be as a source of sulphur particularly as a standalone source and for inclusion into physical blends and compounds where sulphur and magnesium are required. The report queries whether these markets are as large or have as much growth potential as the YPL marketing studies suggest and Dr Polizotto estimates that the total present day use of SOPM which is considered as a speciality fertiliser is just over 800,000 metric tonnes.
- 12.3.13 In relation to the potential interest in polyhalite from UK based fertiliser manufacturers, officers also contacted Jo Gilbertson, Head of Fertilisers Sector at the Agricultural Industries Federation. He suggested that there is currently no consideration of the polyhalite product available from Boulby Mine by the main fertiliser manufacturing members in the UK, with the main issue appearing to be the low K content in comparison with the MOP currently used. He confirmed that the UK consumption of potash fertiliser is about half the production capacity of the Cleveland Potash mine which is about 1 million tonnes of MOP per year. Some UK potash is imported but this is because the market is an open one rather than there being insufficient UK production capacity. He also confirmed that UK use of sulphur as a fertiliser is in the form of ammonium sulphate which is a waste by-product of the plastics industry and the total theoretical requirement for SO₃ in the UK is between 200-250 kt.
- 12.3.14 It is recognised that YPL have been actively approaching potential international purchasers for polyhalite and have a number of agreements in place. It is important to be aware that some simply confirm an agreement between two parties to cooperate in relation to entering formal sales contracts closer to the time of production whereas others set out key terms against which detailed contracts would be negotiated. It is offtake agreements which provide an agreement for the buyer to take a certain amount of future production and therefore provide the greatest commitment to future sales. YPL have not provided full details of the terms of the agreements it has entered into although some general information has been supplied on a confidential basis. Officers conclude that there is uncertainty over part of the 5 mtpa commitments quoted in the application but it should also be acknowledged that it is not always possible to obtain more guaranteed commitments prior to production.
- 12.3.15 An assessment of the potential global market for polyhalite also has to be aware of the wider global context of the world's potash resources, amounting to 9.5 billion tonnes. The world market for potassium based fertilisers is likely to grow, probably at or near its present rate, though the present potash production capacity far exceeds demand and new projects for greenfield sites and expanded production at existing sites are on-going. It is anticipated that 13m tonnes of new KCL capacity will be commissioned over the next 5 years and over 15m tonnes of capacity has been commissioned in the last 5 years. Utilisation rates in the industry are around 70%, and are not forecast to exceed 75% in the next 10 years. Canadian potash producers are currently operating at only 50-60% of total production capacity which indicates that there is not a world market need for new mines to fill any demand gaps. The 2014-2018 Fertiliser Outlook prepared by the International Fertiliser Industry Association forecasts that by 2018, total demand for potash would be 26% less than potential supply.

- 12.3.16 Although part of the applicant's justification of exceptional circumstances relates to the significance of the polyhalite resource under the National Park in world terms, these deposits are not the only polyhalite deposits in the world. The Mineral Data Handbook noted the distribution of polyhalite resources in 2005 listing numerous deposits in eight countries in Europe, Asia and USA. Since this listing was produced a significant polyhalite resource has also been discovered in New Mexico and production of SOP here is planned to start in 2017. The projected production levels were given in 2013 as 568,000 tonnes of SOP and 275,000 tonnes of SOPM pa. In geological terms the nature of the evaporate sequence means that polyhalite is likely to exist at many potash mines around the world.
- 12.3.17 Cleveland Potash Ltd (CPL) is the first company to exploit polyhalite commercially from its deposit discovered below the sylvinitic ore at Boulby mine. CPL claims to have access to at least a billion tonnes of polyhalite, which has been mined in small quantities (up to 100,000 tonnes per year) and marketed as polysulphate, chiefly for its high sulphur content. Although the company does not see this as a competitor or substitute for their main product MOP, they have recently gained approval for a large storage facility at the mine to enable the production of polyhalite to increase to 600,000 tpa over the next five years, clearly reflecting a view that a larger market for polyhalite can be created.

Conclusions

- 12.3.18 There has been a comprehensive assessment of the potential market for polyhalite and independent scrutiny of the YPL supporting documentation from which officers consider the key issues in relation to assessing the application against planning policy are as follows:
- 12.3.19 Both the CRU and Fertecon studies confirm that there is a potential international market for the mineral based on its constituent plant nutrients. Fertecon conclude that this could be in the region of up to 50 million tonnes;
- 12.3.20 Fertecon make it clear that this is not an existing market for polyhalite but a theoretical maximum potential market and that in reality, because of the challenges of persuading existing buyers and farmers to switch to a new untried product, which has both strengths and weaknesses, the price and volumes which the YPL economic model is based on (13mpta at \$150pt) are unlikely to be achieved over the suggested period. In particular, Fertecon state that the market penetration rate needed for this volume of 86% of buyers would seem unlikely to be achieved by any one company;
- 12.3.21 There is not an under supply of potash in the world and the existing industry is under producing and has over capacity in mining infrastructure. The YPL case is not being made in terms of meeting an existing unmet need or demand for polyhalite at either a national or international level, but is about the ability to capture a share of the existing market.
- 12.3.22 The range of marketing agreements which YPL have obtained from a number of potential buyers across several countries does indicate interest in the product at a weighted average price between \$140 and \$170pt, however, as full details of these agreements have not been provided, there is uncertainty over the nature of the commitments and the terms involved. For these reasons, the weight to be attached to these as evidence of a large potential international market for polyhalite must be reduced.
- 12.3.23 Officers therefore conclude that although the economic need for the development is a very significant part of the overall planning policy consideration, these findings indicate that there is uncertainty over the ability of the project to attain the price and volumes of polyhalite sales in a global market which at present has only theoretical potential. It is therefore considered that the weight to be given to the economic benefits in terms of justifying exceptional circumstances should be moderated.
- 12.3.24 From the information in the CRU Report and the Fertecon review, there is no indication that there is a UK or global supply and demand need for polyhalite. In terms of the major development test policy of an assessment of the need for the development it can be concluded that there is no need for the polyhalite in terms of the supply of the mineral in itself although the presence of some interest is not in dispute.

12.4 National Economic Considerations

General points relating to assessment of national economic considerations

- 12.4.1 Paragraph 8.10.10 of this report sets out the meaning of the Major Development Test (MDT) in terms of the need for the development including national considerations. This makes it clear that the proposed development should be assessed in terms of (amongst other things) the national need for polyhalite and the contribution of the York Potash project to the national economy. Paragraph 116 of the NPPF also includes an assessment of the impact of permitting it or refusing it on the local economy. It is clear therefore that economic considerations are an important part of the policy consideration, though they are not the sole consideration of the MDT.
- 12.4.2 Paragraph 8.10.11 of this report also states that the Authority, because of its statutory purposes, may wish to give less weight to a need argument based solely on general benefits to the economy, as opposed to a case based solely on need for the mineral itself, particularly if substantial harm to National Park purposes is likely to arise. Counsel advice has confirmed that the degree of weight the Authority wishes to give to the various elements of the 'need' is a matter for it to decide.
- 12.4.3 Members should also be aware that there is strong support for the economic benefits of mineral extraction in the NPPF (Para 144). This states that local planning authorities should give great weight to the benefits of the mineral extraction, including to the economy. The advice also contains qualification in that LPAs should also ensure, in granting permission for mineral development, that there are no unacceptable adverse impacts on the natural environment.
- 12.4.4 Officers' advice on this aspect of the proposal is that, although all aspects of policy have to be considered in the round, the economic benefits of the proposal can potentially be given great weight and, if there was an absence of unacceptable environmental harm, they would weigh very strongly in favour of the proposed development.

Applicant's assessment

- 12.4.5 In terms of addressing the MDT, the current application focuses heavily on the economic need for the project. Consequently a number of planning support documents cover the potential economic outputs of the development and conclude that there is a clear national, regional and local economic need for the proposals, identifying the significant and positive economic benefits directly through employment and output and indirectly through the supply chain and employee expenditure. Key documents are the Economic Impact Report (EIR), the NLP Planning Statement and the Quod MDT Planning Statement. The latter report concludes that there is no need to demonstrate a national need for the development or the mineral (which was the case put forward in the 2013 planning application) but that exceptional circumstances can be justified (alongside the argued agronomic need) on the case being put forward that there is a clear national, regional and local economic need for the proposals.
- 12.4.6 Whether the full objectives of the MDT policy can be met on this basis is a matter of planning judgment though it is clear that the other criteria of the policy have to be considered in the round to reach a view as to whether the proposal represents exceptional circumstances as put forward by the applicant. Notwithstanding this, the economic case at a national level as submitted is as follows:
- Over 4,200 jobs created during construction and production
 - £1 billion increase in GDP annually
 - £1.2 billion exports annually
 - £234 million in tax receipts annually
- 12.4.7 These figures are based on the mine operating at full production of 13mtpa in 2024 and selling in the world market at a polyhalite price of \$150 pt. During construction YPL estimate that they will invest £1.7bn in the mine, with £1.4bn of this being required during the initial

construction period over five years to facilitate the Phase 1 production level of 6.5mtpa. Around 75% of the investment would be directly spent on the construction of the mine and MTS, with the remaining spent on the construction of the MHF and Harbour Facility and on power and utilities requirements. These figures have been estimated by YPL primarily on the basis of a Preliminary Feasibility Study for the mine and other unpublished studies for the MTS, MHF, and Harbour Facility. An additional investment of £306m would increase capacity from 6.5mtpa to 13mtpa which is the basis for the headline economic figures quoted.

12.4.8 The economic case is further advanced in the MDT Planning Statement which sets out the national economic objectives of the Coalition Government, which are stated as supportive of the development of the YPL proposal. This lists a number of Government publications and Statements relating to the Plan for Economic Growth, Rebalancing the Economy and Treasury Business Plans 2012-15 which underpin the NPPF objectives to promote growth and economic development. It states a number of government priorities in relation to the economy such as:

- Reducing the deficit;
- Rebalancing the economy away from the public sector towards the private sector;
- Rebalancing the economy away from services and consumption towards production, investment and exports;
- Rebalancing the economy away from London and the South East and encouraging faster economic and employment growth in the Midlands and North of England.

12.4.9 The report summarises the national economic benefits, resulting in an increase in GDP and a nationally significant reduction in the trade deficit based on the fact that the vast majority of its product (98%) would be exported. At full production of 13mtpa this would equate to £1.2bn of exports each year, resulting in a reduction of the UK's trade deficit by just under 4% and an increase in the national GDP of £1 billion (an increase of 0.06%). Although recognising that these figures are dependent upon a specific volume being sold at a specific price and are therefore sensitive to changes to the price at which polyhalite can be sold and changes in the cost of operation, YPL still maintain that the impacts of the project would be nationally significant.

12.4.10 In summary, the YPL project is put forward as being of strategic economic importance, endorsed by a suite of national, regional and local policy. The scale of the economic benefits associated with the implementation and subsequent operation of the mine and MTS has the potential to make a difference on a national agenda, where economic indicators will benefit. It is a project that responds to a national need to rebalance the economy delivering growth and community wealth.

Officers' Assessment of national economic considerations

12.4.11 The extent of the national economic benefit arising from major development is important as the government has specifically stated that this is partly what is meant by the term, "*the need for the development, including in terms of national considerations*". Regional and local economic benefits are of course also key planning considerations and are dealt with in section 12.5 below, however, it must be remembered that the MDT is a government policy aimed specifically at providing strong protection for a nationally designated landscape. It therefore follows that exceptional circumstances are more likely to arise from an economic impact which is nationally significant, and this is an essential part of the applicant's policy case.

12.4.12 As part of the "need" assessment, AFW have produced a report which provides a commentary on the three aspects of 'need' put forward in the application – the need for the mineral, the agronomic need and the economic benefits. The review of economic benefits looks at those arising from construction and operation of the mine, and, importantly recognises that there are likely to be some adverse economic effects, so that it is the net effects which are important to consider in terms of confirming how far the YPL development would deliver against the economic needs identified.

- 12.4.13 The investment in construction of the project as a whole would bring national economic benefits in terms of GDP and tax contributions amounting to a total of £910 million and £156 million respectively to reach Phase 1 production levels. It is, however, the operational economic effects that are most likely to be seen as nationally important especially as they would accrue over a much longer period of time. As well as the long term increase to GDP, the intention to export the product rather than to market it for UK use will have a specific economic benefit on the UK balance of trade which at the proposed volume and price for Phase 2 production must be considered to be significant.
- 12.4.14 In accepting that in economic terms the development would undoubtedly be a large scale project with the potential to deliver substantial benefits over many years, it is however important to note the uncertainties surrounding the likelihood of developing a global market for polyhalite in the timeframe and of the size the YPL application proposes for the reasons detailed in section 12.3 of this report. Because the stated economic benefits are based on theoretical maximum markets which would have to be captured through aggressive marketing, lower-pricing and the demonstration of successful results over the long term, it is difficult to confirm how accurate the YPL predictions on national economic benefits are, and this must inevitably moderate the weight to be given to this aspect of the proposal.
- 12.4.15 It is officers' view that the proposed Phase 2 production which predicts that 13mtpa of polyhalite will be sold to a newly created world potash market is far from certain. If the conclusions of the Fertecon Review are accepted and a significant global market for polyhalite can be developed but at the bottom end of the anticipated price range (\$110), AFW's need review indicates that the following economic benefits would accrue (shown for Phase 1 and 2 in comparison with the benefits that would accrue at a price of \$150):

	Phase 1 production level 6.5mtpa		Phase 2 production level 13mtpa	
	\$150pt	\$110pt	\$150pt	\$110pt
Annual increase in GDP	£500 million	£335 million	£1 billion	£680 million
Tax receipts	£117 million	£74 million	£234 million	£155 million
Trade deficit reduction	2.2%	1.6%	4%	2.5%
Direct employment (operation only)	700	700	1,040	1,040

- 12.4.16 The lower level of national economic benefit that would accrue from the lower price level is still significant, though in terms of the MDT, an assessment needs to reach a conclusion that overall, the proposal represents exceptional circumstances and is in the public interest to approve. At a national level, as the economic situation continues to change, the relative economic benefits of a particular proposal will also change, for example, at the more likely Phase 1 level of sales, the YPL project would, at the price predicted by the applicant have contributed to reducing the trade deficit in 2013 by 2.2%, but only by 1.7% in 2014 due to the widening of the deficit in that year. As the trade deficit is so variable it is important to note that a particular percentage stated at a given time will not stay static.
- 12.4.17 In considering whether the likely economic benefits are exceptional, it may be more helpful to compare the YPL proposal with other economic developments at both a regional and national level. Again, using the Fertecon figure of \$110 per tonne, the Phase 1 production would make YPL the 17th largest company in the North East, and if Phase 2 was achieved, the turnover would rank the company as 8th in this list, the largest company being Nissan. At a national level, The Sunday Times/HSBC publishes a list of the largest British private

companies according to the value of their sales. If the YP project was able to sell 6.5mtpa of polyhalite globally, the sales revenue of £447m would not feature in the top 100 UK companies, (Sunday Times HSBC Top 100 League Table 2014) which in 2014, listed at 97th, Welcome Break, the motorway services company with annual sales of £646m.

- 12.4.18 Part of the YPL supporting documentation refers to the significance of the timing of the project at a time when the UK economy has suffered, becoming imbalanced, with stagnated growth and a loss of competitiveness. The project is seen to represent a key part of the government's Plan for Growth to help drive economic recovery. Indeed, representations have been received in support of the application from two central government departments as well as attracting cross party local MP support.
- 12.4.19 The national economic context has, however, changed significantly in the last five years. Whilst uncertainty remains, the short and mid-term prospects for the UK economy appear to be generally good, despite poor economic performance across Europe and recent concerns over deflation. Following the economic downturn in 2008, some 4.9% of UK output was lost and subsequent economic performance was mixed. It is however now improving and from 1% growth in 2010, GDP has continued to grow at various slow rates up to 2013. The assessment for 2014 and 2015 is much more positive, with GDP expected to continue to improve. National employment is rising slowly but expected to increase at a faster rate through 2015 alongside increases in average incomes. In summary, whilst there are still challenges over the short term, the national economic situation is improving from the time when the YPL project was being conceived and proposed.
- 12.4.20 The Quod documents set out further economic justification for the YPL project in terms of its assessment against the MDT by citing a number of government economic priorities (see paragraph 12.4.8). Undoubtedly, the last five years have seen a sustained focus on economic growth and the wholesale changes in the planning system are reflective of this. However, this does not provide a balanced view and the government has also made it clear in successive ministerial statements and call-in decisions that protection of the environment is equally important. Examples of this have been CLG statements clarifying government policy in the NPPF in relation to protection of Greenbelts, the fact that environmental issues are not overridden by renewable energy objectives in relation to on shore wind farms, and reinforcement of the importance of a high quality environment to economic success as exemplified by the speech given by the Secretary of State for the Environment on the environment and the rural economy in November 2014. This commitment to environmental protection is perhaps most clearly articulated in the recent government commitment to impose a ban on hydraulic fracturing for shale gas within National Parks, a process that has relatively fewer environmental and transport impacts over a much reduced period of time in comparison to this proposal.
- 12.4.21 It should also be made clear that although government economic priorities such as a shift away from public sector to a more private sector led economy are relevant, these are not matters of government planning policy and often reflect political ideology rather than direct land use considerations. As such, although material considerations, they do not carry the same weight as direct government planning policy as set out in the NPPF, NPPG or ministerial planning statements.
- 12.4.22 As advised elsewhere in this report, the level of weight to be given to these national economic considerations in relation to other aspects of the relevant planning policies is a matter for the decision maker taking account of the advice provided by government and a range of other factors. In this respect, officers consider that the following issues are important:
- **The statutory role of the decision maker:** The National Park Authority is specifically set up by Parliament to pursue National Park purposes and in doing so to seek to foster social and economic well-being of the residents of the National Park. Proposals which could result in significant conflict with these statutory purposes, even if substantial economic benefits were to result, would be expected to be resisted by a body with these statutory purposes. This reflects the dual purpose of the National Park Authority in relation to its planning function (see paragraph 8.1.1) and sets it

apart from local authorities which have economic development roles arising in different contexts. A National Park Authority would therefore be reasonably expected to place greater weight on the need to protect the National Park and the public enjoyment of it than facilitating economic development, particularly if the main part of the economic benefits were delivered to areas outside the National Park;

- **The level of harm to National Park purposes:** The above consideration would of course be influenced by the degree of potential harm to the National Park, and Members will need to make a judgment on this across the range of adverse environmental and amenity impacts detailed elsewhere in this report. Officer conclusions on this are set out in the final section of the report – Section 19.
- **The purpose of the government’s planning policy protecting National Parks from major developments:** Economic benefits at a national level are an important part of the policy consideration in relation to the need for the development. Notwithstanding this, as explained in paragraph 12.4.2, the need assessment also includes consideration of whether there is a need for the mineral and whether its extraction within the National Park is so important that the public interest in protecting a nationally safeguarded landscape is set aside. A significant economic benefit arising from the implementation of a development on its own is harder to justify as exceptional circumstances and it is officers’ view that the fact that the resource itself is not required to meet a national need is a significant weakness in the YPL policy case.
- **The likelihood of the national economic benefits being delivered at the scale proposed:** Having regard to the above issues, it is still considered that it would not be unreasonable for a National Park Authority to attribute significant weight to the scale of economic benefits envisaged by the YPL project and the high profile case of the Cononish Gold Mine in Loch Lomond and the Trossachs National Park recently was approved for economic reasons, even though it was significantly in conflict with local and national planning policies. However, it is important that such a decision is based upon high levels of certainty that the stated economic benefits are likely to be delivered. The weight to be given to this positive aspect of the application needs to be caveated because of the Fertecon conclusions on the ability of one company to create a new global market for polyhalite of the size envisaged by the YPL project.

Conclusions

- 12.4.23 Officers consider that there is potential to create a world market for polyhalite as a plant fertiliser and that the YPL project has potential to be a viable mining operation based solely on extracting this resource. The potential national economic benefits in terms of increased GDP and contribution to reducing the UK trade deficit that would flow from the development are significant and it is recognised that the project would make a contribution to the Government’s economic growth plans.
- 12.4.24 However, the market conditions assessed by Fertecon and set out in Section 12.3 lead officers to conclude that the proposed Phase 2 production which predicts that 13mtpa of polyhalite will be sold to a newly created world potash market is far from certain and price levels are likely to be lower than \$150 per tonne. This would reduce the scale of the national economic benefits of the development, from the headline figures quoted by the applicant as is acknowledged in the ‘sensitivity tests’ which form part of the Economic Impact Report. Nevertheless, the project would clearly be a large scale development, with the potential to deliver substantial economic benefits over many years and this should carry great weight in favour of the proposals in the overall planning balance.
- 12.4.25 However, officers do not accept the planning case being put forward in terms of the MDT that it is exceptional for a single project to be able to deliver such a scale of economic benefits. In view of the difficulties in being able to confirm whether the predicted market for polyhalite will be created (and the economic benefits therefore delivered) and in the context

of other economic activity, officers conclude that the potential national economic benefit of the development, on its own does not amount to exceptional circumstances.

12.5 Regional and Local Economic Considerations

12.5.1 This section of the report deals with the net economic impacts of the YPL project on the local and regional economies, taking account of any dis-benefits as well as the clear direct and indirect positive economic impacts. It assesses these impacts on the National Park economy and its overlap with areas beyond the Park boundary such as Whitby, as well as the wider regional context including the economies of the regional urban centres of Scarborough, Redcar and Teesside.

Applicant's assessment

12.5.2 The local and regional economic benefits of the YPL project have been emphasised as one of the key planning benefits of the development and a comprehensive consultation and engagement process by the company over several years has resulted in a significant level of support for the scheme from all local authorities in the area from county to parish level. The applicant has highlighted the economic benefits of the project as a key part of its stated compliance with planning policy and the estimated employment impacts at a local and regional level are assessed in the reports referred to below.

12.5.3 There are a number of important economic considerations which the planning application identifies which include:

- A need for local employment which reduces reliance on the tourism sector, provides permanent, skilled, full time jobs which are not seasonally dependent and will benefit those living in the deprived areas of Scarborough and Teesside.
- Local and regional benefits from business rates, royalty payments to landowners and training and apprenticeship opportunities.

12.5.4 In terms of values, the applicant's economic impact report (the EIR), sets these out as:

- Local taxes, business rates and royalty payments totalling £27m in 2021 rising to £48m in 2024 and payments to 'local' shareholders estimated to be £4.3m in phase one production and £8.2m at phase two production.
- Business rates to Scarborough Borough Council estimated to be just under £5m for its head office and operating facilities and around £3.7m annually for the MHF at Wilton which is to be located in an Enterprise Zone and therefore the business rate uplift would be retained for use by the Tees Valley LEP.
- Employment impacts, both direct and indirect are set out in paragraph 12.5.11 of this report, and are reasonably expected to create 700 direct and 600 indirect jobs at 6.5mtpa production and an average of 770 construction jobs a year with a further 1660 indirect annual jobs from the construction impacts.

12.5.5 The application also details the proposed York Potash Foundation (YPF) which has been set up by YPL to provide a community fund which is based on an annual royalty payment of 0.5% of revenue from the project. The application states that this could be £3m annually at phase one production and up to £6m at Phase 2. This is a community fund which would be available for a range of community projects over a wide area but, as noted in paragraph 5.4.4 is not an element of the S106 planning obligations being offered to the NPA to help mitigate and compensate for the harmful impacts of the project.

12.5.6 YPL has also produced a skills strategy to help to ensure that local people have an opportunity to gain the available jobs. This includes an awareness, training, recruitment and retention strategy, funding to improve local educational resources for Science, Technology,

Engineering and Maths (STEM) and the creation of apprenticeship and training programmes relating to the skills and jobs required for the project.

- 12.5.7 The EIR does identify some adverse economic effects of the development, taking its findings from the Ipsos MORI visitor survey commissioned by YPL in 2014. This was a survey of visitor perceptions to provide reliable data and evidence to support forecasting, within the constraints of 'stated intentions'. This comprehensive survey was undertaken following the results of the Authority commissioned visitor survey by Qa in 2013 to gather data on tourism impact for the first YPL application which did not address this aspect. The results, which showed the proportion of visitors who stated they would change their behaviour in terms of visiting the National Park or that part of the National Park during and after the construction of the project, were applied to the NYMNP STEAM model which enabled an economic assessment to be made. The possible economic impact of the development on tourism in the National Park, based on the Ipsos MORI survey is stated as:
- a negative annual impact of -£10.3m during the construction period; and
 - a negative annual impact of -£5.2m during operations
- 12.5.8 The EIR then concludes that these losses are relatively small in relation to total tourism income in the National Park, equating to a loss of 3.4% during construction and 1.7% during operations. It then compares this loss, which would be 150 tourism jobs lost during the construction of the mine to the 750 well-paid jobs at the mine and states that the £5.2m annual loss during the operational phase is insignificant in comparison with the export revenue generated by the project.
- 12.5.9 In advancing the economic case for the project the applicant refers to the support for the principle of the scheme set out in the York, North Yorkshire and East Riding Local Enterprise Partnership. In its Strategic Economic Plan, the YPL project is referred to as a key growth opportunity, with the potential to significantly boost the economy and tackle the declining role of the seaside and providing jobs in the most deprived communities in the Yorkshire Coast. The LEP response does acknowledge that there will be a likely adverse impact on the area's tourism economy and accepts that the IPSOS Mori visitor survey of 3000 visitors was "a fair and honest way of estimating the scale of the impact into the tourism industry". It concludes that although 'significant', a reduction in visitor days equating to the value of £10.3m (for the five years of construction and £5m thereafter) "is far outweighed by the hundreds of millions of pounds to the local area that the development would bring". Members should, however, note that the total loss during the construction period would be £51.5m rather than £10.3m.
- 12.5.10 This support from the LEP is backed up by responses from the local authorities in the area who have set out in some detail the benefits of the development to the local economies and social well-being of their areas. The economic development role of the constituent councils have in fact dominated their responses so that an in-principle support for the development on economic grounds has inevitably led to an approach of seeking to mitigate rather than object to its adverse impacts in terms of the regulatory roles of the councils.
- 12.5.11 In the response from Scarborough Borough Council's Economic Development Officer, the potash mine is referred to as an unprecedented economic opportunity for the Borough, representing the biggest inward investment for many decades. This investment is much welcomed in an area which has struggled economically with low growth rates over recent years and is characterised by low wages and skills and a narrow employment base. The Council has worked closely with YPL to maximise the impact of the local economic benefit of the new investment both in terms of jobs for local people and new opportunities for local businesses. In summary, the response sees the development of the potash mine as being critical to enabling the further diversification of the coastal economy and to create a more resilient economic base.
- 12.5.12 A similar response is provided by North Yorkshire County Council, from its economic development perspective stating its support for the application in relation to the benefits it presents for the local, regional and national economy. Although clearly welcoming the economic and other benefits both inside and outside the National Park, the County Council

also recognises that this is a significant industrial development located in a nationally designated landscape of high sensitivity. It states that the planning balance is for the National Park Authority to decide whether the proposal amounts to exceptional circumstances and that the benefits of the development outweigh the harm to the National Park and other planning interests.

Officers' Assessment of Regional and Local Economic Considerations

12.5.13 A detailed review of the EIR has been undertaken by AFW including a critique of the methodology and approach used to underpin its conclusions. The review identified some areas of weakness on methodology, for example:

- the calculations behind some of the figures shown are not clearly set out, so it is difficult to validate the number stated;
- any adverse economic effects are not given the same amount of coverage as the positive effects, which tends to downplay them (e.g. the negative effects on tourism are not translated into GVA in the same way as benefits are);
- Some of the local benefits may be overstated due to overlapping 'local' areas.

Despite the above, the approach to estimating construction employment has been undertaken in line with established practices and standards and indirect and induced effects are well quantified.

12.5.14 The investment in the construction of the project is expected to support 3,725 'person-years' of direct construction employment, averaging 770 workers per year over the stated 58 month programme, peaking at 1,670. It is also predicted to support 6,760 person-years of indirect jobs and 1,240 person-years of induced jobs. Of the direct construction employment, YPL is targeting 35% of positions to be filled by people from the local labour market and 65% where more specialist skills are required from a national or international market. The beneficial economic impacts of this employment will be felt at the local and regional level.

12.5.15 In terms of operational employment, the figures of 700 direct jobs and 1,040 direct jobs for phases one and two are given for the overall project. In relation to just the mine, these are 435 for Phase 1 and 725 for Phase two and many of these jobs are expected to be taken by people who will live in the Travel to Work Area, either existing population or people who move specifically for a job with YPL. This covers a 'local area' including all of the National Park, Redcar and Cleveland, Middlesbrough and Scarborough council areas and parts of Stockton-on-Tees, Hartlepool and Ryedale council areas. Given the way in which the spread of employment has been calculated (by post code districts) and the fact that a number of the TTWAs overlap each other, it is difficult to judge exactly how many employees may come from each authority area. However, for the mine, roughly the National Park could see around 6% of jobs, Redcar and Cleveland 45% and Scarborough 10%, with the remaining being spread throughout the rest of the TTWA. For other elements of the development, such as the MHF and Harbour Facility on Teesside the operational labour force is estimated to come mainly from Teesside, but also from as far afield as Newcastle.

12.5.16 In terms of the impact of these employment figures on the relevant economies of these areas, it is necessary to first be aware of the existing economic situation, locally and regionally. It is interesting, though perhaps not surprising, that all of the responses in support from the local authorities and the LEP, from an economic development aspect, detail the need for the development in terms of the specific economies of their areas. Therefore, the mine is acknowledged as being invariably within the Yorkshire Coast, the 'Opportunity Coast' (LEP designation within the Strategic Economic Plan), the borough of Scarborough or the wider North Yorkshire economies. There is no specific detailed assessment of the National Park economy (whilst recognising this extends beyond the Park boundaries), how this is currently faring, what it is based upon or what the effect of a large industrial development on it might be. The starting point for the support in economic terms is therefore based on the existing structure, and future needs of the wider sub-regional and regional economics of the urban areas situated beyond the National Park. Although, clearly, these are important planning considerations, the constituent local authorities within the

National Park are also the economic development bodies for the National Park as well as areas outside it.

- 12.5.17 The comprehensive LEP response does acknowledge that the proposal falls within two overlapping local economic areas; 'Coast' and 'Upland Rural' and that the Coast presents some of the greatest regeneration needs in the LEP area, whilst the Moors and Wolds upland area is characterised by a focus on agriculture and tourism with often low incomes. However, it does not refer to the fact that the LEP strategy for addressing the economic needs of the upland and high quality landscape areas – identified in the SEP as the Dales, Moors and Wolds - is clearly set out with an agreed approach with all partners in the LEP. This strategy recognises the distinct economies of these areas based on high quality environments which are in themselves strong economic drivers that contribute to the wider economic resilience of the LEP area. The SEP highlights that in the National Parks:

“understanding the role of the environment in the economy is crucial and that they provide an outstanding range of economic and environmental benefits – wildlife, water, food, wood products, minerals, carbon storage and recreation, based on their natural resources, landscape and cultural heritage. These conditions create a number of place-specific opportunities and challenges, which require a locally-tailored approach. The LEP, working in partnership with DEFRA, will target investments. Investing in our environmental assets, in ‘green and blue infrastructure’ will support the sustainable economic success of the area”.

Such a 'tailored approach' is at odds with the economic strategy set out for the Yorkshire Coast and this contradiction in LEP strategies and approaches is an unresolved part of the Strategic Economic Plan in its approach to the coastal part of the National Park.

- 12.5.18 In terms of the National Park Authority's statutory planning responsibilities and the wording of the 'major development test', the meaning of the term 'local economy' has as its starting point the National Park economy. However, socio-economic factors do not stop at landscape designation boundaries and the economy of the National Park is clearly strongly linked to and influenced by the economies of the main towns and areas outside the Park, particularly Whitby. This interdependency is recognised by the Authority's Core Strategy and is exemplified in the joint working with neighbouring authorities such as the joint Whitby Business Park Plan. The economy of each of the areas where the impact of the development will be felt therefore needs to be looked at in terms of an approval or refusal ranging from the National Park to the wider Scarborough and Redcar and East Cleveland economies. The weight to be attached to each of these is again, a matter for the Authority to decide, and will be dependent upon the Authority's statutory remit as well as the extent to which the proposal complies with other key areas of planning policy and the degree of harm to the environment and conflict with National Park statutory purposes.
- 12.5.19 The following paragraphs consider the impact of the proposed development on the National Park and wider economic areas in further detail and also consider potential adverse economic effects.

a) National Park Economy

- 12.5.20 AFW has produced an updated Report on the Economy of the North York Moors National Park (2015). This does not establish the impacts of the application but provides a description of the contemporary North York Moors economy and its future economic prospects. Data has been analysed at National Park level where available and also at ward level, where the information includes areas outside the Park itself. It also uses Local Authority data so provides a context for trends in the neighbouring council areas outside the National Park. Whilst its full findings cannot be detailed here, the key headlines from the report are:
- The principal economic and social attraction of the National Park is its peace, tranquillity and natural beauty. Its population in 2011 was 23,400, of which 17,500 were economically active and 11,500 in employment.

- 44% of employees both live and work in the Park and 19% of Park residents are self-employed, with 7000 employees commuting out of the Park, daily to work.
- The population is relatively stable, though has declined by 2% between 2001 and 2011, though economic activity rates are relatively high and have increased over this period.
- Recorded unemployment in the Park is generally very low and this has changed very little during the recession. There is very little evidence of seasonal changes in employment.
- The number of businesses per 10,000 population, the rate of new business start-up and survival rates in the surrounding area is very good, particularly in Hambleton and Ryedale. The two largest employers in the Park are Boulby Potash Mine (some 1000 employees) and RAF Fylingdales (360 people)
- Many of the Park's 1,935 businesses are tied to and derive their income from the landscape. Agriculture, forestry and fishing account for almost half (40%) of the Park's businesses, comprising dairy, crop, timber production/sawmills and grouse shooting. The major economic sector is tourism and recreation, estimated to support some 5,184 FTE jobs in the Park and up to 10,228 in the wider area. Accommodation and food services accounted for 10% compared to 7% across the region and construction and retail firms make up 8% and 11% of the economy.
- The Park's resident population is well qualified, though some 21% have no qualifications. This is less than the national average, similar to the County and lower than surrounding areas (with the exception of Hambleton). Those with degree level qualifications or higher stood at 33% in 2011, again similar to Hambleton but higher than all surrounding areas.

- 12.5.21 The economy of the North York Moors in many respects reflects the economies of many of the upland National Parks, with the nature of the economy strongly linked to the high quality environment, which is seen as a highly desirable place to live and work. The contemporary economic situation in the National Park is one of a relatively buoyant economy and its prospects over the short to medium term are probably better than for the rest of the UK as a whole. The AFW report shows that the Park has low unemployment, a well-qualified population, a significant proportion of homes owned outright and a low proportion of socially rented properties. Although there is low full time employment, there is high self-employment. The tourism sector is the most important and employment rates are predicted to grow slowly over the coming years with direct employment opportunities expected from Dogger Bank off shore wind farm construction and supply, additional service employment land provision at Whitby Business Park and the expansion of the DEFRA facilities at Ryedale.
- 12.5.22 In terms of resilience, the National Park economy compares well with neighbouring local authorities and the regional economy despite the economic recessions in 2009 and 2011. Unemployment is generally very low and employment growth data suggests healthy employment growth at levels slightly above the surrounding areas and in line with the national average which has been largely driven by increases in hotels and restaurants. The recession has marginally affected claimant unemployment rates and although overall some jobs have been lost in the period 2008-2011, numbers have been relatively stable and when the self-employed are taken into account there has been a 3% employment growth over this period, significantly higher than Hambleton, Scarborough and Ryedale.
- 12.5.23 In terms of future prospects, national economic growth is continuing and forecasted to be approaching 3% by 2017. Within the National Park, the Management Plan recognises the need to strengthen and diversify the economy in line with National Park purposes and significant resources are being put into supporting tourism by raising awareness and strengthening the local branding of the North York Moors, encouraging increased day visitors and seeking to reverse the recent downward trends in visitor spend. Supportive farm diversification policies are being pursued as well as working with districts and the government's Mobile Infrastructure Project to roll out full mobile phone network cover and improved access to broadband for the remoter parts of the Park.
- 12.5.24 Although the study describes a relatively healthy Park economy this does not hide the fact that the economy of the North York Moors exhibits similar structural challenges that exist in

most remote upland areas such as under-employment, generally lower than average wage rates, an ageing and declining population and some economic seasonality and housing affordability issues. However, it also does not paint the picture of an area suffering from significant economic challenges.

b) The wider economic area

- 12.5.25 The areas beyond the National Park in the constituent authorities show some markedly different characteristics and some areas in Scarborough and within Teesside are amongst the most deprived within the UK. However, other parts of these areas and in Ryedale and Hambleton are amongst the least deprived in the country. In terms of unemployment rates Redcar and Cleveland has higher than national rates, whilst Scarborough has slightly below average and Ryedale and Hambleton being much lower. Employment growth has been slower across all four of the constituent authorities (from 2001-2011) than at the national or Yorkshire and Humber regional level.
- 12.5.26 Although the LEP response focuses on the poorly performing economic indicators at this level the overall picture is again, one of mixed characteristics. The following indicators provide a snapshot of the York, North Yorkshire and East Riding economy between 2002 and 2012:
- Gross Value Added figures for 2012 are £19.1b and show an increase of 31%, compared to an 44% increase nationally;
 - The total population increased by 6% and the working age population increased by 4.7% compared to national increases of 7.3% and 6.7% respectively;
 - Productivity is forecast to rise by 15% over the next decade compared to 17.5% in the UK.
 - Jobs created in the area have increased by 7.4%, a higher rate than the national level of 6.2%;
 - Household disposable income saw a 50.4% increase compared to 47.6% growth nationally.
- 12.5.27 This shows that, as with the more local economy there are wide contrasts with certain parts of the LEP being very successful but with the North Yorkshire coastal area identified as having long standing challenges with low wages and skills and relatively (at regional level) high unemployment, benefit claimant levels and deprivation. These issues also spread into areas of the East Riding to the south and into the Tees Valley LEP area to the north.
- 12.5.28 The economic benefits of the YPL project to the local and regional economies will therefore be advantageous in proportion to the strength of the existing economies. Clearly, any development which provides for both a large construction investment and long term employment is always going to have positive effects for any area of the UK and this will be particularly true where the area has economic challenges such as high unemployment, low wages and deprivation. In the immediate local area, the National Park itself has a relatively buoyant economy but there are issues with low wages and dependence on a large tourism sector. The key areas locally where there are more severe economic issues are within parts of Scarborough and Teesside areas.
- 12.5.29 The employment provided by the YPL project would be outside the tourism sector and is predicted to benefit people living in the deprived areas of Scarborough and Teesside as there will be opportunities for unskilled workers. The maps produced by YPL in the Environmental Statement show that for both construction and operational phases, the majority of local workers would come from the Teesside area. Workers moving in from outside the Travel to Work Area for parts of the construction phase are also likely to locate in the Scarborough or Teesside areas rather than the National Park and for some elements of the proposal, such as the MTS and MHF some staff could commute from as far away as Newcastle. It is important to note that during the construction phase, only 35% of the jobs on offer are expected to be taken by local people, the majority would be specialised positions which would go to businesses based around the UK or abroad. So whilst the development is expected to bring jobs into the local area, the direct employment will not be focused on the National Park and local area but spread across a much wider geography.

c) Adverse Economic Effects

- 12.5.30 The YPL project will have some adverse economic impacts and in terms of tourism, these are touched on in the EIR (see 12.5.7 to 12.5.8 above) and assessed in detail below. These are likely to be significant in the construction phase of the project but also, to a lesser extent, ongoing throughout the lifetime of the mine. The operational impacts however also have the potential to adversely impact on other aspects of the existing local and regional economy. In particular, there could be an effect on Cleveland Potash's operations at Boulby, which is the largest single employer in the National Park. This could be in two ways, through direct competition for an emerging polyhalite market and by directly taking existing employees at Boulby, particularly specialist mining and engineering jobs.
- 12.5.31 The market situation is slightly complicated by the fact that traditionally, CPL have not mined much polyhalite and the focus has been on MOP from the extraction of sylvinite as a product. However, CPL have plans to increase extraction of polyhalite by up to ten times current extraction levels over the next few years and the two companies would then be the only two mines in the world to produce polyhalite in significant quantities as an unprocessed potash fertiliser. The Fertecon report identified this potential scenario as one which could provide positive competition and drive the market for polyhalite more positively than one sole supplier. Within the wider potash market, certain specialist markets for polyhalite could emerge and it is here where there could be more likelihood of one operator winning market share from the other. However, given that neither company is currently operating at significant volumes at this time, it is difficult to make a judgment about which company would be affecting the other's market and it is likely that this would come down to simple competition between two organisations. CPL would have the advantage of a significant start on developing a polyhalite market and also have the ability to switch between MOP and polyhalite depending on market conditions. Because of the difficulty in predicting impacts and the fact that this would in any case be direct business competition, officers advise that any potential adverse impact on Boulby Mine arising from market competition should be given little or no weight in the determination of the application.
- 12.5.32 However, a potentially more serious issue could come from the loss of specialist staff from Boulby Mine to YPL's operations. CPL has raised concerns that specialist mining staff are much less widely available than when they started operations due to the closure of many of the deep coal mines in the UK. CPL identify that there are certain roles in the deep mine operation that require specialist training and skills and although the number of such jobs are relatively small, the operation of a mine cannot take place without them for health and safety reasons. In addition, there may be a call on existing general underground workers at Boulby as YPL identify prospective employees coming from within a 60 minute commute of the site. Some staff may be available from the expected closure of the three remaining deep coal mines in the UK over the next two years and the recent closures of Daw Mill and Maltby collieries have had only limited success for CPL in making mining personnel available. However, if CPL lost staff and replacements were not immediately available, they estimate it would take around 18 months to train staff with no underground experience into valuable underground workers and there would be implications for their operations over this period. As the largest single employer in the National Park, this potential impact is a planning issue and falls under the policy considerations of the MDT in assessing the impact of permitting (or refusing) the development on the local economy. In this respect, officers consider that this identified impact weighs against the proposal, though this should be given only limited consideration as it is likely to be a temporary impact and is within the control of CPL to plan for and seek to address.

d) Adverse Tourism Effects

- 12.5.33 Tourism is the mainstay of the National Park economy and also plays a vital role in the economies of the constituent local authorities, particularly Scarborough with its coastal attraction, the North Yorkshire & Cleveland Heritage Coast and Whitby, which is seen as a coastal resort at a critical stage in its development as potentially an international "must-visit" destination. In monetary terms the value of tourism within the National Park boundary was nearly £315m in 2013 and over £538m when including the wider National Park area, supporting 10,228 jobs. This income arises from the attraction of what a National Park

offers, essentially its special qualities which are not found so extensively elsewhere in the country – a perception of wildness, tranquillity, lack of man-made infrastructure and development, semi-natural landscapes and the potential they offer for outdoor recreation. The North York Moors exhibits these general qualities as well as its own unique special qualities and the importance of these in relation to tourism is reflected at a national scale. One of ten national assets, England's National Parks attract 83m visitors a year spending more than £4.7b and supporting 75,000 jobs nationally. Collectively Visit England states that National Parks contribute around one third of rural tourism spend in England. Since 2010 tourism has been the UK's fastest growing employment sector.

- 12.5.34 The conflict that the introduction of a major industrial development into a National Park is likely to create is acknowledged by all the local authorities supporting the YPL project for economic reasons, and indeed, this fact is now also acknowledged by the applicant. The original 2013 planning application supporting documentation concluded that overall there would be a benefit to the tourism economy arising from the attraction of the potash mine itself. In response to this the Authority commissioned an independent report on the potential impact of the development of a second potash mine in the National Park on visitor attitudes and potential behaviour (the Qa report).
- 12.5.35 The Qa report undertaken in 2013 was a visitor perception survey and it should be noted that this was in relation to the original YPL planning application. This included a proposal for a pipeline rather than construction of a tunnel to transport polyhalite to Teesside but only one major development site (whereas the current application includes four, the minehead plus three MTS access shaft sites). However, the general conclusions in relation to the perceived impact of a major construction proposal within the National Park are still of interest and, whilst there are some key elements of the earlier proposal which are different, there are many which will play the same way in people's perceptions of the area. The key findings of the Qa report were:
- The importance of tourism to the economy of North Yorkshire was recognised with the natural beauty of the two National Parks in the region having a key role to play in attracting visitors;
 - Two thirds of tourism businesses stated that a large proportion of their customers are attracted to visit specifically because of the National Park;
 - The special qualities of the National Park which act as key reasons for visiting the area are almost universally acknowledged as peace, tranquillity, remoteness, the natural beauty of the landscape, especially the heather moorland, and the proximity to the coast;
 - Although only a minority of visitors and local businesses opposed the development, far more expected that it would have a negative effect on the Park's special qualities;
 - The net decrease in visitor numbers during construction (which was described in the Qa survey questionnaire as lasting for three years only) was estimated to be 13% which would equate to a loss of £35.34m per year in direct tourist expenditure;
 - Once operational 19% of businesses expected a negative impact on their business and 17% a positive one;
 - The loss of some tourism businesses must be expected, especially during the construction phase if 13% of visitors choose to stay away from the National Park.
- 12.5.36 The applicant's Ipsos MORI survey, referred to in the current application, provides objective evidence of the potential harm to the visitor economy of the National Park and surrounding area, both during the substantial construction period of the mine and MTS and the ongoing adverse impact during the operation of the mine over a period of 100 years. Respondents were given a description of the project and asked in what ways the description had changed their views on visiting the Park and how many nights they would stay on their next visit. The key findings of the survey are:
- Half of respondents who had previously said they were certain or likely to visit said they remained certain or likely to visit during construction (50%) while one third said they were certain not to or unlikely to visit (34%) and 16% said they didn't know;

- When asked about their likelihood to visit after construction is finished, 70% said they were certain or likely to visit, 12% said they were certain not to or unlikely to visit and 19% said they didn't know;
- When translated into likely future visiting 'days', the anticipated economic impact is as set out in 12.5.7 i.e. a loss of £10.3m per annum during construction and £5.2m per annum during the operational period (though there will inevitably be a gradual change from construction to post-construction levels).

12.5.37 It is impossible to accurately predict the level to which the tourism economy would be impacted by the proposed development but it is reasonable to assume that there would be some significant negative impact, particularly during construction and this has now been accepted by the applicant. The range of potential negative impacts suggested by analysis of available evidence varies widely; both surveys show a specific change in likely visitor behaviour and intentions, though the resultant impact on visitor spend differs due to methodology and calculation differences. For this reason, a mid-way scenario might reasonably be applied to provide an indication of potential impact on visitor spend as a result of the negative perception and experience during the construction and operation of the YPL development. The calculations are based on inclusion of all 'areas of influence' together with a greater visual impact than the original application and a longer construction period - due to the four separate construction sites associated with the MTS and mine, either within or impacting on the setting of the Park and the main visitor route from the north into the Park, which will be the route for the construction traffic, over at least a five year construction period. These calculations show a possible loss in value of tourism spend in the National Park and surrounding 'area of influence' during a five year construction period to be £156m and a total estimated loss during the life of the mine of around £1.48bn. This, however, does not factor in the potential longer term beneficial impact of proposed mitigation measures.

Specific impacts on the tourism economy of Whitby

12.5.38 The details in the Environmental Statement in relation to the increase in HGV traffic as a result of the construction of the mine over a period of several years has focused attention on the potential impact this may have on the economy of Whitby, in a way which until late in the determination process hadn't been considered. Economic development and tourism promotion of Whitby is a key role of Scarborough Borough Council, though it had not commented on the potential impact until the representation and report was submitted by the Whitby Area Development Trust (WADT) in February.

12.5.39 Whilst being clear that the "*Assessment of the YPL Ltd Development Proposals on the Day Visitor Economy of Whitby*" is an objective report and not a representation in support or against the application, the WADT raises some significant issues in relation to the tourism economy of Whitby and its interrelationship with that of the National Park. Some of the key findings of the report are:

- In 2013, Whitby attracted 3.1m day visitors who spent £104m and supported 1070 direct jobs (Source: STEAM);
- Whitby is the main destination of 59% of all day visitors to the National Park and therefore a significant drop in visitors to Whitby would have a marked effect on tourism days, revenues and employment for the National Park as a whole;
- Applying the Ipsos MORI methodology to the value of tourism in Whitby, (which was not considered in the Ipsos MORI study), Whitby could experience a loss of almost 4.5m day visits and £150m of day visitor revenue during a five year construction period, resulting in the loss of 255 direct full time jobs in Whitby, following the start of construction in 2015.
- 2018 is the 250th Anniversary of Capt. Cook's departure on Endeavour which is a unique opportunity for Whitby to showcase itself as a potential international 'must-visit' destination. This also coincides with year 3 of the YPL construction programme where the highest levels of HGV movements take place on the roads to Whitby.

12.5.40 The report has attracted responses from Scarborough Borough Council and YPL who both disagree with its findings. The SBC (economic development officer) report concludes that it

does not consider that the visual impact of the YPL development would negatively impact on the experience of visitors to Whitby to the extent that they would not return. Neither does it consider that the development is likely to have a negative impact on tourists travelling to the area in terms of significant additional congestion or driver delay provided the measures set out in the Construction Transport Management Plan are implemented. It does however, recognise that there is a risk that people considering visiting Whitby could perceive that there is likely to be a negative impact on their experience especially in relation to traffic, which could influence their likelihood to visit the town. The overall conclusion though is that this perceptual risk would be offset by the proposed s106 contributions which need to be targeted at promotional activity covering the coastal area and Whitby in particular. This view is supported by the response from the SBC Planning Services Manager who has deferred to the conclusions put forward by the applicant, that “any detrimental impact in terms of noise, visual and traffic impacts are limited in geographical scale, there is limited evidence that such proposals can lead to adverse impacts and that tourism businesses have shown ability to adapt to fluctuating annual spend and any temporary change arising from this proposal is expected to be short term.”

- 12.5.41 Due to the misinterpretation of the STEAM figures, it has been wrongly stated in the Quod report that the tourism sector is able to adapt to fluctuating annual spend. Our STEAM data shows that the tourism industry does not have to cope with significant levels of year-on-year change in tourism visits and spend; such fluctuations rarely occur. The notable exception is the devastating impact that foot and mouth disease (FMD) had on tourism in 2001. According to STEAM figures, the value of tourism in the National Park (and influence area) decreased from £173 million (2000) to £132 million (-24%) (2001) while average employment levels fell by 15% and took over two years to fully recover to pre-FMD levels, following considerable financial support of the rural tourism sector by UK government. It is notable that the impact of the FMD epidemic was felt for one tourism season, compared to the considerably longer construction phase of the York Potash Project

Conclusions on Adverse Impacts on Tourism Economy

- 12.5.42 AFW has produced a commentary on the stated and potential adverse economic impacts of the YPL project and has made some key conclusions. In terms of their review of the Ipsos MORI Report, they consider that the translation of the findings of the study in terms of visitor behaviour changes into economic values is a weak point in the research with explanations of the information used or the uncertainties involved being scarce. There is also no identification of the level of adverse indirect or induced effects from the loss of these figures from the tourism economy.
- 12.5.43 The review also identifies that certain attractions or resorts may experience specific adverse effects but that this is not explored further by Ipsos MORI. This specific point was the reason for a more focused study of the potential impact on Whitby’s tourism economy undertaken by the WADT. The key points picked up by AFW in relation to the WADT report is that Whitby is a unique resort with a large proportion of repeat visitors and there are no locations in the National Park or nearby which would provide a similar alternative destination. Smaller coastal resorts such as Runswick Bay or Robin Hood’s Bay would be subject to similar visual and traffic impacts as they share the same main access route as Whitby for visitors from the north. It therefore raises the question of whether repeat visitors who make up a substantial proportion of visitors to Whitby and the National Park would choose to visit other destinations in the Park if the construction works and traffic impacts detract from Whitby’s appeal. Given the importance of Whitby to the economy of the National Park as a whole, and the concerns which have been raised over the tourism and traffic assessments, it is considered that the effects on the tourism economy are likely to be worse than predicted in the application.
- 12.5.44 In terms of net, overall economic loss/benefit, the applicants argue that adverse tourism impacts can be mitigated by S106 funding to increase marketing and publicity for the National Park and coastal area, but that in any case, the significant positive economic benefits of the YPL development far exceed any tourism loss in monetary terms. Although the more significant tourism job losses would in theory be limited in time to the construction period, it is not clear how the tourism industry would respond to a period of at least 5 years of significant disruption and adverse effects and whether the economy and related job

numbers would grow again at the end of this period. Year on year adverse impacts could influence the wider public perception of the North York Moors and Whitby as an area of industrialisation rather than an attractive and relatively wild area of landscape and coastal beauty.

12.5.45 Officers believe that adverse impacts on tourism are likely to arise from:

- Knowledge of the construction and operation of the mine changing people's perceptions about the desirability of choosing the North York Moors as a holiday destination;
- Tourists' actual experience being less positive than it would have been without the development;
- The latter factor being particularly strong during the construction phase due to visual impacts and the impact of more traffic.

Given the importance of repeat visitors to the North York Moors, plus previous experience and word of mouth recommendations, and the fact that social media is an additional and instantaneous channel for word of mouth, alongside the likes of TripAdvisor, any change in perception of the North York Moors caused by industrial development during the construction phase may well have impacts lasting well beyond the construction phase. Officers accept the beneficial impact on some tourism businesses of extra bed nights during the construction period. Officers do not believe that any significant tourism benefits would arise from those specifically travelling to view the construction or operation of the mine.

12.5.46 If the adverse effects on tourism were localised around the Dove's Nest Mine site, A171 and Whitby and surrounding coastal areas, the loss of £10.3m from the tourism economy every year for five years is likely to see individual businesses go out of business (e.g. the tourism accommodation and camping/caravan sites in close proximity to each of the construction sites). So whilst it can be argued that there may be an overall net benefit in terms of jobs, the proposals would also damage the tourism sector, which is and will remain the most important sector of the economy in the National Park and immediate surrounding area. The potential scale of this loss over the lifetime of the mine, including construction, post construction and long term operational periods has been assessed by the Authority's tourism officer using the STEAM model and has been estimated in financial terms as a loss of £1.484b (see paragraph 12.5.37).

12.5.47 Overall, it is difficult to predict the likely impacts on tourism with a high degree of certainty. This is because both the Qa and Ipsos Mori studies were predictive perceptual studies. Some of the likely impacts of the development, most obviously noise – are still poorly understood. There are also uncertainties around the effectiveness of some of the mitigatory measures such as the growth of trees which could influence the visual impact of the development over a relatively long period. Enforced changes to the construction process could bring increased traffic and more disruption to the A171.

12.5.48 The proposed mitigation in the S106 submission (as amended) seeks to address the potential adverse impacts through a wide range of marketing and promotional issues and some improvements to infrastructure. The submission as amended includes a baseline level of resource which would be topped up if objective survey work showed that the impacts were greater than already provided for. Officers believe that this provides for the most probable outcome based on analysis of the information available to us (as outlined above) although the proposed ceiling does not leave room for manoeuvre should the impact be greater. It is important to include a minimum level of investment as all of the evidence suggests that there will be some significant impact and we cannot wait to measure the scale of the impact before investing to support those impacted businesses. It is clear also that no guarantees can be given about the effectiveness of the marketing and promotion. This is particularly the case with respect to individual businesses and groups of businesses. It might well be that parts of the National Park and parts of the area surrounding it would benefit and see activity above current levels while others still experience adverse impacts. Officers remain uncertain about the impact of the construction sites on travelling along the A171 though in aggregate the mitigatory resources currently proposed are believed to be adequate. This is not to say that the overall value of the National Park as a tourism asset

would not be diminished by the development: it would. It is however believed by officers that the mitigatory resources currently proposed would be likely to overcome this diminution for businesses as a whole. In reaching this view account has been taken of the long term improvements to the landscape of the National Park which would be made possible by other components of the S106 submission.

Overall conclusions regarding Regional and Local Economic Considerations

- 12.5.49 Officers conclude that although the YPL project is seeking to introduce a product that currently does not feature in established global potash fertiliser markets, there is a likelihood of some market substitution success and a viable polyhalite producing mine is likely to become established. This will have substantial economic benefits at a local and sub-regional level resulting in a strengthening and diversification of the economies of areas mostly outside the National Park. In particular, those areas of Scarborough and Redcar and Cleveland which suffer higher than national average levels of deprivation will benefit. These economic benefits are important planning considerations and should be given substantial weight in the determination process.
- 12.5.50 The National Park economy itself is essentially based on the high quality environment, maintained by national protection, positive land management and the entrepreneurial efforts and lifestyle based businesses which are attracted to what it offers. The pursuance of the two National Park purposes assists in creating and maintaining an economy that is self-sustaining and although it exhibits some of the economic weaknesses of other remote upland areas it has performed well nationally and is predicted to continue to grow in the future. The economic vision for the North York Moors is set out in the Management Plan and reflects the government's vision for National Parks generally as set out in the National Parks Circular. This re-emphasises that developing strong economies and vibrant communities in National Parks is intrinsically linked to achieving sustainable development through the pursuit of National Park purposes. This demonstrates that a planning judgment based solely on the net economic value of a large scale industrial development or net job numbers does not provide an objective means of reaching a judgment and if considered in isolation is a simplistic exercise. The estimated economic loss to the tourism economy is therefore not in itself a determining issue, but an indication of the conflict and incompatibility of an industrial development of the scale of the YPL project with the environment of the National Park and the existing economy upon which it is based.
- 12.5.51 In assessing the impacts of the proposal against the development plan policies which seek to support economic development proposals within settlements, improve the tourism product in the National Park and protect existing tourism facilities and the tourism based economy, the YPL proposal is considered to conflict with the following LDF policies: CPA, CPB, CPH, DP10, DP14 & DP15 and also paragraph 28 of the NPPF in relation to the need to support sustainable rural tourism.
- 12.5.52 In conclusion, officers believe that the YPL project will result in significant economic benefit to the hardest hit parts of the urban economies outside the National Park, but in so doing will cause long term harm to the tourism economy of the National Park and Whitby. Although national policy recognises that great weight should be given to the economic benefits of mineral developments, this is qualified in terms of ensuring that there should be no unacceptable adverse impacts on the environment. Whilst still important, officers advise that the level of weight to be given to the economic benefits at this level should therefore be moderated.
- 12.5.53 The extent to which the applicant's S106 tourism contributions, would provide mitigation and compensation for the identified residual harm is considered in Sections 17 and 19 below.

13. Planning Assessment Part 2: The cost of and scope for developing outside the National Park

Relevant policies

The 'major development test' (MDT) as described in Section 8 is contained in Core Policy E, Minerals of the NYM Development Framework. It requires an assessment of the cost of and scope for developing elsewhere outside the designated area (the National Park).

13.1 Background Information

- 13.1.1 This element of the major development 'test' is considered to be a crucial part of the planning determination as, if there are practical and viable alternatives to siting the minehead in the National Park, the stated economic benefits of the proposal can still be delivered without the need for significant harm to occur to the nationally designated landscape. The project could then be delivered with the 'in principle' support of the planning system rather than 'exceptional circumstances' and 'public interest' cases having to be justified. It also covers the alternative options for the proposed Mineral Transport System.
- 13.1.2 The policy requires an assessment of both the scope for and cost of developing a minehead in alternative locations outside the National Park and although this brings into the consideration a number of planning issues, in this case the overriding factor is geology. It is acknowledged that part of the development i.e. the extraction of the resource from beneath the National Park is determined by the existence of the polyhalite in this location, however, the most significant impact of the proposal on National Park purposes is the surface infrastructure and it is this element of the scheme which has the potential flexibility in terms of its location given the large spatial extent of the mineral resource and represents the 'public face' of the mine.
- 13.1.3 It is known that polyhalite (shelf and basin seams) occurs beneath a large geographical area, stretching approximately from Boulby in the north, to Hull to the south and Lockton in the west and then offshore into the North Sea, some of which lies outside the Park boundaries. The applicant's detailed assessment involves consideration of the 'mineability', and viability which are in turn dependent upon the quality and quantity of the resource, geological conditions and degree of tectonic disturbance (faulting).
- 13.1.4 In preparation for this application the applicant sought 16 planning permissions for exploration boreholes, 9 of which were drilled, all within the National Park. Although four permissions were granted in the southern part of the Area of Interest (AOI), none of these were drilled. The YP supporting statements refer to the fact that because the first three boreholes (located in the north of the AOI) produced such outstanding results, the drilling programme was cut back to save costs. It is also noted that the submitted information focuses on the target shelf seam resource for York Potash, whereas originally it was based on the mining of both the Shelf and Basin seams and for which planning permission is sought. The off shore resource is entirely within the Basin seam and MMO consent for the extraction of this has already been obtained. During the potash borehole drilling program officers drew the applicant's attention for the need for robust evidence to demonstrate that a site outside the National Park would not be feasible and this could well need to involve an exploratory borehole to prove the case against. The applicants replied that they felt the quality and quantity of 'legacy boreholes' although mainly associated with historical gas and oil exploration, would be robust enough to demonstrate, the geological position along with other mining constraints, such that a dedicated new borehole would not be required.
- 13.1.5 The applicant has set out its case for the need to locate the minehead within the National Park initially (in respect of this application) in a pre-application submission considered in June 2014 which was assessed by the Authority's consultants to be deficient in respect of information needed to be submitted to adequately address the 'alternative sites' requirements of the 'major development test'. The subsequent AFW 'Memorandum' provided to the applicant under the provisions of the Planning Performance Agreement (PPA) set out the gaps in the draft documentation. Additional information was provided by the agents during the course of processing the application and it is these documents which form the basis of the 'Alternative Sites' case.

13.2 Applicant's Assessment of Alternative Minehead Sites

- 13.2.1 The previous application and its Alternative Sites Assessment (ASA) looked at four specific locations outside the National Park boundary and assessed each in turn against a number of identified constraints. These areas were:
- The 'Whitby Enclave'
 - Cloughton Surrounds;
 - Vale of Pickering;
 - Off shore – North Sea
- 13.2.2 Following on from the pre-application engagement work under the Planning Performance Agreement (PPA) for this application, further work was undertaken and the National Park Authority (NPA) agreed to rule out the option of the offshore North Sea 'site' on the grounds of it being unrealistic and the option was not investigated further. Similarly, the NPA ruled out the Vale of Pickering as a potential 'site' on account of the mineral resource being too deep (i.e.greater than 1800m depth) and faulting, this option has therefore not been explored further. Whilst a Whitby Industrial Estate site was included in the 2012 'ASA' case it has been removed from this case as the site is partially located within the National Park and falls to be dealt with in the 'alternative sites' within the Park section. The pre-application engagement with the Authority resulted in further assessment work being carried out for the Cloughton sites and detailed additional justification for ruling out the Whitby Enclave area given the potential advantages of this option. As such, this ASA particularly concentrates on the areas at Cloughton and Whitby Enclave.
- 13.2.3 The Methodology adopted sets out a four stage approach to refine the feasibility for establishing a minehead outside the National Park, these are:
- Stage 1 – to define the extent of the polyhalite,
 - Stage 2 – Apply high level constraints relating to construction and operation particularly in relation to shaft sinking,
 - Stage 3 – Apply high level environmental and other sustainability criteria,
 - Stage 4 – Undertake a detailed site specific assessment for the minehead. It also assesses options for onward transport of the mined mineral and scope for alternative intermediate shaft sites for a tunnel option.
- 13.2.4 In terms of the extent of the polyhalite resource, specialist advisor SRK Consulting was appointed to undertake an independent assessment of the resource and to build on earlier work in 2012 by FWS consultants. SRK assessed historical borehole data, York Potash drilled borehole data and fault maps/information. From the information assessed SRK consider that polyhalite is likely to be found in four general areas: Dove's Nest area, Whitby, Lockton-Cloughton and Fordon southwards. Based on the greater level of drilling information from the Dove's Nest area they reported a potential mineral resource of 2.66 billion tonnes of polyhalite with a mean grade of 87.5% mostly from the Shelf seam (see paragraph 13.1.3 above). This was reported using the internationally accepted JORC code for assessing mineral deposits for exploitation by a mining operation. SRK also draws attention to the difficulties of estimating resources where there is no continuity/close proximity of drillholes and the consequent difficulties of financing mining operations where there is a lack of continuous borehole data. They also single out the Donovan fault complex as a significant barrier to mining.
- 13.2.5 In terms of construction and operation constraints, these include known gas exploration areas as these could result in health and safety risks and petroleum licensing concerns so that areas subject to active exploration have been excluded. They also include fault zones as sinking mine shafts through or close to a geological fault presents potential hazards including engineering difficulties for mine shaft support pillar leading to health and safety concerns, additional construction and maintenance costs, limit future mining areas and deter mine investors. Consistent with the advice of HM Principle Inspector of Mines, areas within fault zones have been ruled out.

- 13.2.6 An 1800 metre depth limitation for mining has been adopted based on experience of mining elsewhere in the world as significant costs are involved on account of the associated higher development costs and increasingly complex engineering difficulties including the environmental issues associated with increasing temperatures because of the geothermal gradient. Hydrology/Hydrogeology considerations following on from the Environment Agency's advice to avoid principal aquifer source protection zones and floodplains have also been adopted.
- 13.2.7 In terms of high level Environmental and Sustainability criteria, these include: locations in urban areas, Forestry Commission land due to lack of ability to purchase the site, National sensitive land designations, e.g. SPAs, SACs, SAMs, SSSIs, onward transport availability options, impacts on tourism, willingness of land owners to sell, travel to work distances and availability of existing infrastructure.
- 13.2.8 Combining stages one to three, this demonstrated that there was very limited availability of suitable sites with development potential and these were limited to two sites each within the Cloughton Surrounds and Whitby Enclave areas.

Applicant's summary of constraints in each alternative location

- 13.2.9 Each of the two areas was subject to an assessment of whether it could accommodate a minehead layout in comparison with the general conditions of the YP preferred site at Dove's Nest. A summary of "significant problems" at each site is given as follows:

Cloughton Surrounds

- 13.2.10 This area lies about 4 miles north of Scarborough just outside the National Park boundary and is made up of undulating pasture and arable land with pockets of woodland, lying just outside the residential areas of Burniston and Cloughton. The York Potash geological model shows only the less favoured Basin seam present with reasonable confidence here though there is no assay information available. There is uncertainty and unpredictability regarding the thickness of the Shelf seam which shows trends of it splitting into thinner seams which are inter-layered with halite and anhydrite. Further exploration and surface drilling would be needed to explain the situation which would be prohibitively expensive and, in the opinion of York Potash, involve unacceptable time delays needed to define a JORC resource and develop a mine. Although the fault constraints map shows the site to be generally free from major faulting, the surrounding areas are constrained by major geological faults including the complex Peak Trough Fault which lies to the east and ground water source protection zones and nearby urban areas.
- 13.2.11 Additionally, the case argues that the two potential sites in this area would require an additional ventilation shaft and would not be centrally located to the mining operation. The applicant argues that there would be substantial HGV impacts through the National Park, Burniston, Cloughton and Scarborough town. There would also need to be significant re-profiling and landform changes in levels of some 80 metres and compulsory purchase of the land (with associated delays) would be needed. In summary it considers that it would be unrealistic to expect a mining company to be able to raise funds or commit to the expenditure needed to establish the merits of a minehead at Cloughton.

Whitby Enclave

- 13.2.12 This area is bordered on three sides by the National Park and consists of a series of pasture fields bounded by main roads giving excellent links. The SRK geological model suggests the mineral is likely to be present but would need a programme of extensive drilling (minimum 5-6 drillholes) to provide confirmation of continuity of seams and grade and prove the fault zone is not an insurmountable obstacle. The pre-production period could take as long as 7- 8 years to prove the mineral resources to the JORC standard and then develop the mine. Importantly, given limited resource between the two Donovan faults (estimated by SRK to be 220-440 million tonnes, from which 40-80 million tonnes of polyhalite could be realistically extracted, YPL considers that the success of this site lies in successfully navigating through the main southern Donovan fault.
- 13.2.13 The other constraints are listed as: the sterilisation of resources from the pillar of support and urban nearby areas, being on the northern edge of the York Potash AOI and therefore

mining could only take place in a southerly direction; the likely need for compulsory purchase (with associated delays) and health and safety implications associated with the Donovan fault complex. The YPL team also considers that the proximity of the site to Whitby is likely to lead to amenity impacts on local people and views from the National Park would be adversely affected and therefore YPL's consultants consider that further exploration of this option is not reasonable.

13.2.14 In summary, the constraints identified have led York Potash to conclude that in each of the above cases there is no scope for locating a mine in any of the locations. The advantages of the preferred site at Dove's Nest are stated which are essentially a relatively fault free location that allows underground development of both seams in all directions.

13.3 Applicant's assessment of Alternatives to Mineral Transport System and Intermediate Access Shaft Sites.

13.3.1 Following the withdrawal of the previous 2012 planning application for a minehead and slurry pipeline MTS, an evaluation of pipeline versus tunnel option was undertaken by the applicants and a decision adopted to progress the tunnel option on the grounds of lesser overall environmental impact and reduced operational costs albeit with higher construction costs.

13.3.2 The choice of sites for the mine and MHF form the fixed end points for the MTS. There is a need for intermediate sites for a tunnel along the route to meet health and safety, primarily during construction, i.e. to facilitate simultaneous construction from five locations, provide ventilation and minimise the distance to a means of escape should an emergency occur. Between the preferred sites for the minehead at Dove's Nest and Harbour facility at Wilton there is a natural preference for a direct route between the two points. but there are route constraints, namely:

- Boulby mine, the mine has extensive below ground workings, together with an existing planning permission and sub-surface rights, which YPL is seeking to avoid conflict with;
- SAC/SPA/SSSI European designations are considered to be an absolute constraint on the route for the intermediate shaft sites, but given the tunnel would be at considerable depth below the designated sites they are not considered to be a constraint for the sub-surface route;
- National Park designation, having regard to the national policy considerations and the 'MDT', YPL has sought to minimise the number of intermediate shafts sites located within the National Park;
- Geology, since it will be possible to construct the entire length within a single geological horizon (i.e. Redcar Mudstone), which is considered to be a competent rock with little potential for groundwater ingress, other than when the tunnel potentially crosses major faults;
- Residential areas, there would be significant difficulties securing the necessary permissions for an 'urban run' and avoiding urban areas is considered an appropriate constraint.

13.3.3 The distance between the minehead at Dove's Nest and the National Park boundary along the preferred route of the MTS is 22 km. At such a distance the Mines Inspectorate would be concerned at the ability to achieve emergency access into the tunnel during construction and therefore it became necessary for YPL to locate at least one intermediate shaft site within the National Park (and this would also be the case had Whitby Enclave been the preferred minehead site). At the initial design stage a target 8 km drive of the tunnel sections was adopted to deliver necessary construction timeframes and even distribution of spoil. Having regard to the key considerations, the site at Lady Cross Plantation was identified as having fewer impacts than surrounding option sites. The site at Lockwood Beck was then chosen with similar considerations in mind, together with the requirement to be located outside the National Park and avoiding old ironstone workings. The distance between these two intermediate shafts sites is 15.8 km, although because of the potential for tunnelling difficulties to be encountered when crossing the Lealholm Fault, YPL

estimates that the drivage from Lockwood Beck towards Lady Cross Plantation would be 9.5 km, with only 6.3 km being achieved from Lady Cross towards Lockwood Beck.

13.4 Ame Foster Wheeler Review of Alternative Sites Assessment.

- 13.4.1 As set out at the beginning of this ASA section, pre-application engagement with the applicant on the alternative sites case established that the main alternative sites to Dove's Nest, namely: North Sea, Vale of Pickering and Cloughton Surrounds did not represent viable alternative sites. This appraisal work is set in the AFW Preliminary Review of the Draft ASA dated June 2014.
- 13.4.2 Later appraisal work has concentrated on testing the applicant's contention that Whitby Enclave area did not represent a viable alternate site so as to render a site within the National Park potentially acceptable in planning policy terms (see 'Major Development Test'). This is set out in the 'Review of Alternative Sites Assessment' dated May 2015. Given the larger site area and more gentle undulating topography of the Ruswarp site within the Whitby Enclave, compared to the Briggswath site, the former site was considered to have greater potential and thus the focus has been on testing the Ruswarp site.
- 13.4.3 In its review, Amec Foster Wheeler has identified that the planning policy benefits of being located outwith the National Park, together with the clear environmental advantage of HGVs not having to pass through Whitby, should have led the applicant to commission borehole drilling to verify the geological potential/constraints from a mineral resource perspective. However this was not done and the applicant cites 'unreasonable costs and delays' to provide extra confidence over and above analysis of legacy borehole data. SRK estimate the extra drilling would have cost an extra £57m in pre-construction costs and would have added 35 months to the programme.
- 13.4.4 The two main issues which have led the applicant's specialist sub-contractor SRK to conclude the Whitby Enclave alternate site is not feasible are the availability of sufficient polyhalite to enable a minehead site to be financially viable in its own right or alternatively the ability of a minehead at Ruswarp to practically and safely gain access to the company's JORC validated resources which lie to the south of the intervening Donovan fault system.
- 13.4.5 In terms of estimating the amount of polyhalite which lies available at the Ruswarp site without traversing the Donovan fault system, SRK have reviewed legacy data from a 1948 borehole known as E3. From the data SRK estimate 40 to 80 million tonnes to be available whereas it is estimated that 150-200 million tonnes would be needed to attract the investment needed to build the mine. AFW has looked at the data and logs and expressed some concerns about SRK's interpretation of the historical information and the differences between SRK and the company's geology consultants FWS on this matter and considered the evidence presented with the application suggested that there could be a substantial thickness of good grade polyhalite at this location. Furthermore, without further geological investigation it was potentially not possible to be conclusive. However, further direct discussion between SRK and Amec Foster Wheeler and the provision of more comprehensive historical data provided sufficient evidence to enable AFW to concur with SRK and conclude that it was unlikely that substantial quantities of mineable polyhalite is present within the Whitby Enclave to enable a minehead to be viable to exploit them from the Ruswarp site.
- 13.4.6 In terms of whether the Donavan fault system could be crossed to gain access to the JORC reserves south of the Donavan fault, notwithstanding SRK's cost and time estimates, despite the limitations of the submitted information, and following the direct discussions of March 2015, AFW is satisfied that on balance it is reasonable to assume that the Donovan Fault does represent a major obstacle that prevents a minehead being established at the Ruswarp site for the purposes of accessing YPL's polyhalite mineral resource in the vicinity of Dove's Nest Farm.
- 13.4.7 An additional constraint was put forward by the applicant in respect of unwilling landowners at the site, however AFW considers the lengths the applicant went to try and secure the land were less than compelling and not definitive to rule the site out.

13.5 Officers' Assessment

- 13.5.1 From all officers have heard and read on this matter, there are significant constraints at the alternative sites at the Vale of Pickering due to the depth of the mineral and faulting and at the Cloughton Surrounds due to the traffic implications for Scarborough Town, the proximity to faults and Groundwater Source Protection Zones and the need for substantial landform alteration. As such the best site within the Whitby Enclave deserved a focus of attention for assessing compliance with the part of the planning policy framework which requires an assessment of the cost and scope of developing elsewhere outside the National Park.
- 13.5.2 The submitted information including the geological model focuses in detail on the advantages of the preferred Dove's Nest site and the adjacent part of the AOI which the exploration stage has shown to exhibit a large block (covering 32km²) of thick high grade, Shelf seam polyhalite and this has led York Potash to focus on the Dove's Nest area of the AOI and substantially underplay the planning policy advantages and the environmental and transport advantages of the Whitby Enclave area.
- 13.5.3 There was concern that the level of geological information presented by York Potash with the application was not sufficient to provide an evidential based assessment of the quality of the polyhalite seams in the Whitby Enclave part of the AOI and that SRK relied heavily on its interpretation of data purchased from a 1948 borehole to make the case against the site. Furthermore, it is considered that the York Potash drilling programme was designed without due regard for robustly supporting the alternative sites case and this weakened its case. As the applicant did not find a suitable location outside the Park detailed information on the cost of building outside the Park was not pursued. A figure of £28 million additional indirect costs was provided for Whitby Enclave as opposed to Dove's Nest however this could have been avoided if the two potential mineheads had been assessed in a single exploration project.
- 13.5.4 However, despite the limitations of the YPL approach, officers accept that there is limited evidence to suggest that drilling at Whitby Enclave would have demonstrated a feasible polyhalite resource in that location. It is also accepted that the Donovan fault complex is likely to represent a major barrier to the ability of a mine located within the Whitby Enclave to exploit YPL's identified polyhalite resources further south.

Conclusions

- 13.5.5 Officers consider that there is no robust evidence to conclude that a viable option exists to build a minehead at the Whitby Enclave outside the National Park. It is considered that the level of information that the applicant has submitted (which does not include recent primary borehole data) results in a conclusion that there is no scope for building the minehead at the Whitby Enclave due to the probable geological conditions and associated mining feasibility constraints.

14. Planning Assessment Part 3: Scope for meeting the need for the development in some other way

Paragraph 116 of the NPPF (the MDT) requires an assessment of how the need for the development could be met in some other way, which is an important part of the consideration of whether the development constitutes exceptional circumstances. Clearly, if the need for it can be met in some other way, there is likely to be reduced justification for approving major development within a National Park.

14.1 Applicant's Assessment

14.1.1 As described in Section 12.1, the applicant's case for the need for the development cites three key needs:

- The need for the mineral;
- The agronomic need on a global scale for polyhalite;
- The need for the economic benefits.

The supporting documentation details the applicant's case for the need for the development but does not address this specific part of the MDT policy about whether the need can be met in some other way. Indeed a specific need for the mineral itself is not directly expressed other than the statement that the thickness, grade and size of the polyhalite beneath Dove's Nest Farm makes it the most significant known polyhalite resource in the world.

14.1.2 The applicant's case in terms of its agronomic qualities is set out in detail in Section 12.2. The nutrient make-up of polyhalite means that it would be a useful general fertiliser particularly for crops which are sensitive to high chloride concentrations and for intensive agriculture and in relatively arid climates. Additional claims are that the series of experiments undertaken over the past three years demonstrate that polyhalite significantly increased the growth of a wide range of crops compared with other widely used fertilisers. The need for a high performing crop fertiliser is stressed in terms of a growing world population, nutrient deficiencies and a long term growing demand for potash fertiliser.

14.1.3 The key element of the applicant's policy case focusses on the potential scale of economic benefits, up to a national level, which are set out and assessed in detail in Sections 12.4 and 12.5 above. In summary, it is stated that this project will make a large and lasting contribution to meeting national economic need and national economic policy objectives, which are at a scale which are rarely attributed to a single development proposal. No further policy assessment is however carried out in relation to meeting this economic need in some other way.

14.2 Officers' Assessment

14.2.1 As set out above, the policy case for this development does not put forward a need at national or international level for the mineral itself, though it does highlight the extent and quality of the resource targeted. However, as the marketing strategy of YPL is to seek to capture existing market share of the specific nutrients in polyhalite that are currently obtained from other existing sources, rather than to add to or meet currently unmet demand, there is in effect no need for polyhalite, in MDT policy terms for the supply of the mineral itself. However, it is acknowledged that there will be growing demand for potassium-based fertilisers as global populations rise and lifestyles change. Nonetheless, potassium is not in short supply and there is spare capacity in existing mining production. There is therefore an absence of a need for the product to be met in some other way. Hypothetically, if a specific need was established in the future for this specific form of potash based fertiliser, the policy question of how that need could be met in some other way would need to assess the extent of the polyhalite resource which is available at Boulby Mine, which is currently already being mined and is stated by CPL to be in the region of 1bn tonnes, although this figure has not been independently validated.

14.2.2 The agronomy assessment contained in Section 12.2 above concurs with the statements of facts put forward in the submission about the nutrient make up and potential use for

polyhalite. However, the independent reviews of the ADAS Report, and crop trials also detailed in that chapter conclude that there is no evidence that polyhalite provides any unique qualities that would promote its use over other readily available fertilisers supplying the same nutrients in the same amounts. As such the agronomic benefits which do arise from polyhalite are simply due to the make-up of nutrients being appropriate for certain crops in certain situations, an outcome that could also be achieved by using other, existing fertilisers/nutrients. This conclusion is borne out by the substitution strategy proposed to market polyhalite, where polyhalite would seek to take market share from existing fertiliser products, rather than creating a market from the introduction of a new, unique product or fill a supply and demand gap in the existing market. This view seems to be shared by the Science Panel who reviewed the ADAS Report who conclude simply that *“they agree with the principle conclusion that polyhalite is an effective source of potassium, magnesium, calcium and sulphur for crop nutrition. We further agree that markets for these nutrients exist currently worldwide in agriculture and horticulture and that they are expected to grow as world food demand increases.”*

- 14.2.3 These conclusions are therefore statements of fact and do not provide specific endorsement that polyhalite is either unique or a special source of fertiliser. In terms of this aspect of the MDT therefore, it would appear that the agronomic need for polyhalite is already currently being met by existing sources of potash fertiliser, and the other plant nutrients contained within polyhalite, none of which are scarce or difficult to source globally.
- 14.2.4 Perhaps not surprisingly, given that there would appear to be no national or international need for the mining of polyhalite within the National Park, the application documentation states that to meet the requirements of the MDT, there is not a need to demonstrate a national need for the mineral and instead focuses on the stated clear national, regional and local economic need for the proposal. Officers agree that the interpretation of the MDT does not require there to be a specific national mineral need to be met, though it does require there to be a consideration of whether there is a national need for the mineral under the criteria requiring an assessment of the need for the development. As set out in detail in Section 8, however, a case for justifying exceptional circumstances based purely on a more general economic need would be harder to make. An assessment of the economic benefits of the proposal, up to a potential national level is set out in detail in Section 12 above, although in terms of assessing whether these economic benefits can be achieved in other ways, the application does not address this part of the MDT.
- 14.2.5 Officers consider that the objectives of this element of the MDT can more clearly be assessed in relation to the national need for the development itself i.e. at a general level, it would assess alternative means of delivering the ‘reason’ for the development, whether that be for example an alternative mineral, substitute raw material, or in terms of say, military training, simulation rather than live training. However, as an economic need falls within the remit of the policy it is also relevant to consider whether that need might be met in other ways. Alternative means of achieving economic benefits at a national level are subject to a number of variables which are not related to the development being proposed, for example whether or not large scale infrastructure projects are implemented such as HS2, comprehensive housing construction programmes, major energy projects, the expansion of Birmingham airport which could create 4000 jobs, or a decision to promote fracking which could generate 74,000 new jobs nationally. It is also highly dependent upon the timing of other large scale private sector investment projects and decisions, so for example at the present time recent announcements have included Jaguar’s intention to create 1300 UK jobs by building its first SUV, an expansion of Vodafone retail outlets announced last year will create 1400 new jobs, whilst Asda also intends to expand over the next five years creating up to 12,000 jobs nationally. Prior to submitting the application, the applicant stated that in policy terms, the application would not seek to address this issue because of the difficulty in doing so, and officers acknowledged this at the time. However, in terms of considering other projects which could generate similar economic impact this is also an important part of the policy consideration at a regional level.
- 14.2.6 Chapter 12.5 concludes that the YPL project is likely to result in significant economic benefit to the hardest hit parts of the urban economies outside the National Park and this is reiterated in the LEP response which assesses the economic forecasts for the LEP

economy. In general the LEP conclusion is that the economies of the districts within its area will grow over the next ten years though at a slower rate to the national economy in terms of GVA, jobs, population and productivity. Given these predicted growth levels in the LEP area, without major and “transformational” investment such as the Potash application, the LEP argue that it can be reasonably expected that a continuation or slight worsening of current economic and social conditions will occur.

14.2.7 Given the variable economic performance within parts of the LEP area, highlighted by the LEP which shows performance above the national average in some areas, officers question the certainty of this and the single focus the LEP has attached to the dependency of one proposal to the success of the regional economy. The associated economic benefits of a project of the scale of the YPL project have already been acknowledged, but it is considered that this needs to be seen in the context of other economic projects, proposals and initiatives within the area, which will also generate economic and social benefits. These include:

- Consent for three offshore wind farms off the coast of Yorkshire which is becoming an energy hub. The Dogger Bank scheme is the largest offshore wind project to receive consent globally and could create up to 4,750 new direct and indirect full time equivalent jobs and generate more than £1.5bn for the UK economy, with the majority of opportunities in the North East and Yorkshire and the Humber regions;
- Establishment of international recreational/sporting events such as the Tour de France and Tour de Yorkshire focused on the area’s protected landscapes which have created a legacy of significant increases in tourism numbers and visitor spend particularly from overseas which is creating one of Britain’s most successful export industries, generating jobs and growth in the National Park and surrounding areas (In the third quarter of 2014, overseas visitors to Yorkshire increased by 19% on the previous year and resulted in a visitor spend of £465m between January and September);
- Announcement last year that National Express has signed a £100m deal for building 600 brand new British built buses which will support 2000 jobs including those based at ADL bus builders in Scarborough;
- The significant regeneration plan covering the next five years proposed by Scarborough Borough Council which involves a range of investment projects throughout the Borough which are additional to the YPL project. These include; significant expansion of serviced land for new businesses at Scarborough and Whitby Business Parks; major new investment at Scarborough and Whitby Harbours; £10m investment to create a new University of Scarborough established at the existing site and a plan to construct 10,000 new homes over the next 15 years which will provide 4000 construction jobs;
- A growing resurgence in the rural economy, with the agricultural sector in Yorkshire outperforming other areas and showing strong signs of economic recovery and growth according to recent research;
- Significant funding boosts being made available for farms, tourism and small businesses and rural enterprises, including the £2.3m being confirmed in the next round of LEADER European funding for the North York Moors coast and Hills area, and £455,000 over 2 years available for coastal regeneration through the Coastal Communities Fund, available for the Yorkshire Coast.

Conclusions

14.2.8 Government policy makes it clear that assessing the need for the development and also whether that need can be met in some other way is an important part of the MDT policy consideration. Officers conclude that a specific need for the development itself, in so far as

the UK need for Polyhalite or the wider global need for its agronomic components does not exist. The current sources of potassium, sulphur, calcium and magnesium are not in short supply and the proposal is not seeking to meet an unmet fertiliser need. Hypothetically, if a new market for polyhalite was to become established, the mineral does exist elsewhere including a significant resource already being mined within the National Park at Boulby. The need argument is then substantially one of an economic need.

- 14.2.9 The economic benefits of the proposal at a national level are an important part of the MDT policy consideration, though it is only part of the policy. Officers conclude that the assessment of whether an economic need at a national level can be met in some other way is an extremely difficult though nonetheless relevant part of the policy consideration. An assessment of whether the more localised or regional economic benefits can be met in some other way is important to considering the economic impact of refusing or approving the application. In this respect, it is acknowledged that there will be significant economic benefits to the local authority areas, mostly outside the National Park and particularly to those areas performing below the national average in terms of economic growth. However, although of undoubted economic benefit, officers question the over reliance and single focus that bodies such as the LEP have placed on the YPL project which has overlooked other important growth drivers of the local and regional economies which will also impact positively in terms of meeting economic needs.

15. Planning Assessment Part 4: Effect on the environment, landscape and recreational opportunities and extent to which detrimental impacts could be moderated

15.1 Location, site layout and design

Relevant policies

Core Policy A, Delivering National Park Purposes and Sustainable Development sets out key principles of sustainable development for the National Park which include providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, providing for development in locations and of a scale which will support the character and function of settlements, applying the principles of sustainable design and energy use to new development and strengthening and diversifying the rural economy.

Core Policy B sets out the spatial strategy for the National Park and lists types of development that would be supported in open countryside.

Core Policy H aims to strengthen and support the rural economy in line with the spatial strategy set out in Core Policy B.

Development Policy 3, Design aims to maintain and enhance the distinctive character of the National Park and covers matters such as the scale, form and massing of proposed development together with sustainable design, landscaping, security and access.

Proposals and applicant's assessment

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.1.1 The broad location for the proposed minehead site was set as a result of the York Potash exploratory drilling programme. The company's efforts were focused on the northern part of its area of exploration where there were greater prospects of proving the presence of sufficient polyhalite close enough to the surface to enable a financeable mining proposal to be developed.
- 15.1.2 The applicant comments on the advantages of the site at Dove's Nest Farm/Haxby Plantation which include its location within an area of extensive woodland which would provide screening during both construction and operation, good vehicle access via the A171 and B1416 thereby avoiding the need for construction vehicles to use country lanes, its location away from settlements which means that few properties would be affected by noise and air quality impacts, its relatively low grade agricultural land and the fact that there are no PROWs or designated heritage assets within the site.
- 15.1.3 The Design and Access Statement explains the design principles that have been adopted for the minehead site. The applicant has sought to limit the visual and environmental impact of the development in recognition of its location within the National Park and create a modern, 'state of the art' development that is sympathetic to its setting. The primary aim was to minimise surface level development and environmental effects by:
- a) sinking as much of the minehead plant and equipment as possible below ground level;
 - b) locating the facilities required to process the mined polyhalite on Teesside in a less sensitive location outside the National Park;
 - c) transporting the mineral to its market via a tunnel to reduce the impact on local residents and the environment and
 - d) siting the minehead development so as to avoid direct impacts on protected moorland and minimise its impacts on views from the surrounding areas.
- 15.1.4 Detailed design and layout features which contribute to these aims include the following:
- The minehead winding gear would be set on a platform approximately 5 metres below ground level and enclosed within the shaft buildings so that, once operational, there is no traditional winding gear above ground and all equipment is housed in a series of

buildings with a maximum ridge height level just above the level of the surrounding new landforms;

- Excavated material would be spread around the mine buildings in mounds and bunds which aim to reduce the apparent height of the buildings and provide screening;
- The welfare building, car park and associated facilities would be located within a cleared area in Haxby Plantation and the access road would incorporate two bends so that the development could not be seen from the entrance on the B1416;
- Tunnel access to the men and materials (or service) shaft would limit the movement of vehicles on the surface and reduce the required road network within the site; there would be a simple access road around the mine buildings to be used for routine maintenance and replacement of equipment when needed;
- There would be timber louvres on the front elevation of the welfare building which could be closed at night to reduce light emissions;
- External lighting would be reduced as far as possible to minimise light pollution at night. The access road and car park would be lit from 8m columns with luminaires selected to minimise 'sky glow' effects and mine buildings would be either windowless or with blackout shutters and have wall mounted external lights.

15.1.5 The site layout is based on the requirements of the mining operation and the applicant's aim to avoid the main buildings being visible within external views. The applicant comments that the six main minehead buildings are based on simple modern "agricultural" forms with pitched roofs and 'breaking up' below ground functions has allowed the scale and mass of these buildings to be reduced and more sympathetic to the context of the site.

15.1.6 The applicant also comments that the two storey welfare building has a contemporary design with materials chosen to be neutral and visually recessive. Its glazed southern façade incorporating timber louvres is designed to control natural light entering the building during the daytime and artificial light emissions during the night. Sustainable design features include high levels of daylight entering the internal spaces, underfloor heating, use of a mixture of natural and mechanical ventilation and a rain and grey water recycling system. There is a suggestion that air source heat could potentially be used for heating and domestic hot water but no details are provided. The applicant notes that robust materials with minimal maintenance requirements have been chosen for all buildings and that materials would be sourced locally where possible.

15.1.7 The entire welfare and mine buildings area including the car park and access road would be enclosed by secure 2.4m high black mesh fencing and access to the site would be controlled at the gate house. The company has discussed its strategy to address crime and security concerns with North Yorkshire Police Authority advisers and other security measures at the site would include a security guard force, CCTV and intruder detection systems.

Mineral Transport System

15.1.8 The line of the MTS and location of the three intermediate access shaft sites were determined by practical construction and operational considerations, economic efficiency and the applicant's desire to ensure that only one of the intermediate access shafts was constructed within the National Park. Intermediate access shafts are needed to enable the tunnel to be constructed and also to provide for emergency access and ventilation control during operation. The Mines Inspector accepted that a separation distance of 15.8 km between intermediate MTS sites could be managed on the basis that the health and safety risks were '*as low as reasonably practicable*'. This therefore enabled YPL to avoid protected habitat designations, residential areas and the Boulby mining area and led to the choice of sites at Lady Cross Plantation, Lockwood Beck and Tocketts Lythe for the intermediate access shafts.

15.1.9 The applicant comments that the site at Lady Cross Plantation is surrounded by mature woodland which would provide visual screening, including from views within the Esk Valley. It has no protective policy designations and consists of relatively low grade agricultural land and coniferous plantation which is of low ecological value. It is suggested that the surrounding undulating landscape means the proposed new landform would be consistent

with the existing landscape character. Other points in the site's favour are given as direct access via the A171 and its relatively isolated position away from residential properties.

- 15.1.10 Similar advantages are noted by the applicant for the sites at Lockwood Beck and Tocketts Lythe. Both have good road access, via the A171 and A173 respectively and mature woodland that would assist with screening. Both sites are relatively isolated and have space for the necessary quantities of spoil to be accommodated on site.

Officers' assessment

- 15.1.11 The applicant's consideration of alternative sites is discussed in Section 13 above. This assessment covers the proposed location, site layout and design of the completed developments.

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.1.12 Dove's Nest Farm/Haxby Plantation lies on an elevated coastal plateau to the south of the River Esk. In terms of the National Park's settlement hierarchy, the site is in 'open countryside' and the proposed major industrial development is therefore contrary to the spatial strategy set out in Core Policy B. Existing woodland screening provided by Haxby Plantation and the belt plantations mean that views into the site are limited from the immediate south and west but the site is surrounded by higher land to the west (Sleights Moor), south (Fylingdales Moor) and south east (Ravenscar headland) which all provide views down onto the plateau. Views from the east across Graystone Hills are more open and from the north it presents a skyline view from Whitby Abbey headland. Although its location close to the A171 gives the site access to the road network, it also means that the presence of a large industrial facility will be apparent from one of the main arterial routes for visitors to the National Park. Furthermore, the applicant's comment that Dove's Nest Farm does not contain any 'designated sites' does not recognise that it is in itself within the National Park and is surrounded on three sides by the sensitive, protected habitats of the North York Moors SAC, SPA and SSSI and the potential risk to these areas, particularly in the event of unforeseen circumstances, is a serious concern.
- 15.1.13 The measures to mitigate the operational impact of the development are positive and officers recognise that sinking the minehead equipment in sub-surface chambers would considerably reduce the visual impact of what is a major industrial development during the operational period. The proposed tunnel access to the mine shaft successfully reduces the need for an extensive road network within the site and the bends in the access road are a simple and effective way of restricting views into the site from the B1416.
- 15.1.14 Officers recognise the efforts that have gone into developing lighting proposals which aim to minimise light pollution. The design of the welfare building's louvred facade and the attempt to reduce and contain lighting in external areas, including use of wall mounted lights on the mine buildings, angled light sources which direct light downwards and the visual barrier around the access road and car parking area are welcomed. Nonetheless, it is clear that the extent of lighting required for safety and security reasons for a major mining operation carried out on a 24 hour continuous basis is considerable and the proposals include six and eight metre lighting columns in various locations around the site. 'Effective security lighting' is referred to in the Design and Access Statement as part of the proposed security strategy and officers conclude that, despite the measures proposed, there will be some light intrusion and 'sky glow' close to the development throughout its operational period. The effects of lighting will be most noticeable in winter months when deciduous trees are bare of leaves, natural screening will be less effective and the lighting will be required for longer periods. Further discussion of the consequences for the National Park special quality of dark night skies is in Section 15.11 below.
- 15.1.15 Officers note that the men and materials tunnel access to the mine is now located further away from the welfare building and laydown area than proposed in the first application, so presumably there would be vehicle activity in this area as well as the car park. Nonetheless, the arrangements for access to and from the site and vehicle movements within the site once the mine is operational all appear to be satisfactory.

- 15.1.16 The artist's impressions of the welfare building suggest that it would be a functional and attractive workplace. Its simple linear form is appropriate and the timber louvers on the front elevation are a successful design feature. Deliveries and disposal of refuse would be from the rear of the building where bays for the miners' shuttle buses are also located and these arrangements all appear practical. The facilities around the welfare building, including the lay down area to the rear, parking area, gatehouse and helicopter landing area are all sensibly located and appropriate. It is intended that the helicopter should be for emergency use only and this could be secured through a planning condition. The south facing aspect enables the building to use passive solar heating, increasing its energy efficiency, and the use and mix of natural and mechanical ventilation and recycling of grey water are sustainable design features that would be expected in a modern building of this type. However, it is disappointing that proposals have not been presented for either ground or air source heat to be used as a source of energy and the sustainability aspects of the development are considered further in Section 16.
- 15.1.17 The applicant paints a picture of the mine buildings as "agricultural" in form but in reality they are large scale industrial sheds. The buildings which cover the two shafts are massive structures and clearly of an industrial rather than agricultural nature. Buildings 04 and 05, housing the back-up generators and the intake ventilation shaft, have a multi-span roof structure which goes some way towards relieving the large scale of the built form but the shaft buildings (07 and 08) appear as monolithic industrial structures, broken only by the large scale roller shutter openings required for maintenance access. The men and materials shaft building is approximately 108.5m long by 53m wide at its northern end and the mineral shaft building is approximately 59m long by 27.5m wide. Officers understand that the reason for enclosing all the minehead structures within large sheds with minimal openings was to reduce impacts on the National Park. However, the need to do that has resulted in a large and very uniform group of buildings with an 'anonymous' design which appears somewhat incongruous. This is not unexpected for such a large scale industrial development but officers consider that it is not appropriate within the National Park.
- 15.1.18 The choice of building materials for the mine buildings is disappointing. The applicant comments that materials were chosen to have dark, non-reflective and harmonious colours but the proposed grey sheet metal cladding above a pre-cast concrete plinth is considered to be the most basic, functional choice. It is unfortunate that the use of stone enclosed in metal gabions for the lower part of the buildings, which had been included in the 2013 planning application, has been abandoned. The suggested materials for the welfare building and gatehouse are better although officers are again disappointed that the use of natural stone within these buildings has been lost. However, the combination of timber louvres and cladding together with Corten steel around the entrances is considered to be a successful choice for a modern industrial support facility.
- 15.1.19 Considering the minehead development as a whole, its scale and nature is necessarily that of a major industrial enterprise and it would inevitably be at odds with the surrounding landscape with its small scale villages and farms. The group of mine buildings in the northern part of the site is set on a hard surfaced area of approximately 4.9 hectares and would appear as a large scale, incongruous development contained within the new landforms. Officers consider that, although the applicant's intention is for the mine buildings to 'read' as large agricultural sheds (and officers acknowledge that substantial farm buildings do exist within the Park), their combined size and bulk is far greater than would be appropriate for any agricultural setting. The welfare building has more individual character but is also a very large structure with a footprint of approximately 2,800 m². Overall, the size and massing of the buildings and associated facilities represent a scale of development that is not compatible with the principles set out in Core Policy A and not appropriate for the National Park.

Mineral Transport System

- 15.1.20 Officers understand the practical and safety considerations that influenced the choice of MTS intermediate access shaft sites. The desire to have only one intermediate site within the National Park is also acknowledged but the geography of a route running between Dove's Nest Farm and Teesside means that the second shaft at Lockwood Beck is immediately north of the National Park boundary and the North York Moors protected areas

and the third at Tocketts Lythe is less than 2km away from the Park boundary. It is accepted that existing tree cover, particularly at Lady Cross Plantation, would help to provide screening for the developments once operational.

- 15.1.21 The dimensions of the shaft top buildings at the MTS sites (21m x 21m x 8m set on a 50m² area of hardstanding) are more appropriate to their rural locations than the minehead development. The use of timber rather than metal cladding for the upper elevations would enable them to 'read' more successfully as large agricultural sheds within the surrounding landscape although their square form is not typical of farm buildings. The proposed site layout at Lady Cross is straightforward and makes effective use of the two existing fields within the plantation. The absence of lighting on the access road and the single wall mounted light on the building itself means that the development would be relatively unobtrusive at night.
- 15.1.22 Officers consider that the Lockwood Beck MTS site has a number of potential concerns and that the impact on sensitive woodland habitats within the valley of Dale Beck, the need to construct a haul road across the valley and the practicalities of creating new landforms on sloping ground make this a difficult site. (Nevertheless Members should be aware that Redcar and Cleveland Borough Council have not queried this site location in their assessment of the proposals.) Although the applicant refers to existing tree cover screening the development, its position in relation to the rising moorland opposite the A171 means that the site would be clearly visible in views from Stanghow and Moorsholm Moor and this would harm the setting of the National Park.
- 15.1.23 The MTS development at Tocketts Lythe would also affect the setting of the National Park, but to a lesser extent and officers consider that existing and proposed new woodland would provide better screening in views from the Park. It is also recognised that the shaft top buildings at both Lockwood Beck and Tocketts Lythe would be close to existing agricultural buildings (at Lockwood Beck Farm and Plantation Farm respectively) which would help their integration into the immediate vicinity during the operational period.

Conclusions

- 15.1.24 The minehead site at Dove's Nest Farm/Haxby Plantation is in an elevated location and although existing woodland screening limits some views into the site it is seen in views from the east across Graystone Hills and from more distant elevated moorland. The site lies in open countryside and the proposed development is contrary to the spatial strategy set out in Core Policy B and referred to in Core Policy H.
- 15.1.25 The measures to mitigate the impact of the development in recognition of its location in the National Park are extensive and there are many features that would be effective in reducing the mine structures' visual and environmental impact during operation. These points should be given substantial weight in the overall planning assessment.
- 15.1.26 However, despite the mitigation measures, the built structures would not be completely hidden, particularly when viewed from the east and although the standard of design of the welfare building is good, the mine buildings would appear as a series of large scale industrial sheds and the suggested materials are disappointing. In this respect the proposals are contrary to DP3. Officers conclude that the overall scale of the proposal remains that of a large industrial development which would detract from the distinctive character of what is currently a rural and tranquil part of the National Park and the scale of development and level of activity associated with the proposed mine are contrary to Core Policy A. The large scale of the development, taking into account the mine buildings and welfare facilities, together with ancillary structures and car parking is also contrary to Policy E3 of the North York Moors Management Plan. These points carry great weight against the proposals in the overall planning balance.
- 15.1.27 With regard to the MTS development at Lady Cross Plantation, the site layout, design and use of materials are all satisfactory. The intermediate access shaft development at Lockwood Beck would be visible from nearby moorland within the Park but the shaft top building would be relatively close to existing agricultural buildings at Lockwood Beck Farm

and officers consider that there would be limited harm to the setting of the National Park during the operational period. Similarly the proximity of Plantation Farm and the existing woodland at the Tocketts Lythe site means that there would be minimal harm to the setting of the National Park during the operational period. These points carry moderate weight in support of the proposals in the overall planning balance.

15.2 Landscaping and restoration proposals

Relevant policies

Development Policy 3, Design (criterion 6) requires a satisfactory landscaping scheme as an integral part of development proposals.

Proposals and applicant's assessment

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.2.1 The landscaping proposals for the completed development at Dove's Nest Farm/Haxby Plantation reflect the need to accommodate excavated spoil within the site and the proposed new landforms are described in paragraph 4.3.3.
- 15.2.2 The applicant comments that the restoration plans for each site have been designed to maintain and enhance existing landscape character and where possible improve conditions, both from a landscape and ecological habitat perspective. Details are given in the Design and Access Statement which states that the proposals at Dove's Nest Farm are designed to:
- soften and assimilate the new landforms into the local landscape setting;
 - screen or filter views to the minehead buildings;
 - maintain and reinforce the existing wooded character of the Ugglebarnby Moor ridge;
 - reflect the natural habitat transition from wooded valley in the east to open moorland in the west;
 - maximise habitat and biodiversity opportunities for wildlife;
 - support local habitat action plan objectives for restoration and establishment of new species-rich grassland.
- 15.2.3 The Restoration Proposals Plan showing the landscaping scheme for the completed minehead development is at Appendix A. The scheme includes new woodland planting using broadleaved native species on the eastern faces of the NE and SE mounds and to the rear of the welfare building. New woodland planting is also proposed on either side of the new access road and on the inner faces of the belt plantation along the B1416. The NW mound and the upper sections of the NE and SE mounds would be open scrub with acid grassland and the SW mound would be largely planted with species-rich grassland. There would be five attenuation ponds and four new wildlife ponds.
- 15.2.4 A tree survey and arboricultural impact assessment have been carried out and groups of trees that would be lost are identified. The applicant states that the edges of the removed conifer plantation would be replanted with broadleaved woodland mixes. The conifer stands within Haxby Plantation would be initially retained for their screening but would gradually be cleared and re-planted with broadleaved trees. Long term management would be designed to retain the screening value of the plantation and some pockets of conifers would be retained too for evergreen cover. The belt plantations would also be retained and managed as screening woodlands. All areas of the site would have a 5-year aftercare period during which plants and trees would be replaced if necessary.
- #### **Mineral Transport System**
- 15.2.5 Restoration Proposals Plans for the MTS intermediate access shaft sites are at Appendix A. The applicant states that the proposals at Lady Cross Plantation have been designed to avoid any significant change to the prevailing plantation structure and restrict the height of

the new mound below the level of the surrounding trees. The existing woodland edge around the site would be planted with oak and birch trees to create a new scalloped edge and existing arable and poor grassland would be restored with species-rich grassland. Two new drainage ponds would be created and the site would be retained for nature conservation use, to improve habitat and biodiversity value.

- 15.2.6 The applicant states that site restoration proposals at Lockwood Beck have been designed to maintain the broad level of the existing western valley side along Stanghow Lane to retain distant views looking towards the National Park. The new landforms would have a gentle upper 'shoulder' and a steeper lower valley section to reflect the existing contours. Parts of the site would be restored to agricultural use with new areas of species-rich grassland and the steeper slopes within Dale Beck valley would be planted with native broadleaved trees. Field boundaries would be re-formed with new drystone walls and fences, and hedgerows would be reinstated.
- 15.2.7 Similar design principles have been adopted at Tocketts Lythe and the applicant comments that the site restoration proposals would retain the existing landscape structure of fields, woodland and hedgerows.

Officers' assessment

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.2.8 The large new landforms at the minehead site form the focus of the landscaping scheme. The existing ground level would be raised generally by between 4 and 13 metres across large areas of the site rising to the highest point of 218.5m AOD on the SW mound. The quantity of excavated material to be accommodated means that the new landforms have to be taken right to the edges of the site on its northern, western and southern boundaries. The applicant states that the mounds have been designed to present relatively gentle and varied external slopes, but the original intention for the tops of the mounds to have a flatter profile has been lost in all but the SW mound and the internal faces of the mounds are in places extremely steep (1:1). The impression of the size of the new landforms would also be heightened when viewed from the east because of the sloping nature of the intervening topography. Officers consider that the varying shapes of the mounds and the steep, uniform slopes of certain sections suggest that they would appear as incongruous, man-made features in the surrounding relatively flat landscape and would be difficult to disguise completely with planting.
- 15.2.9 The bunds wrap very closely round the minehead buildings in the northern part of the site and their summits would be just below the level of the top of the mine shaft buildings at 212.5m AOD. The elevations and sections provided with the application suggest that this would produce a most unnatural and artificial effect. Officers' view is that the scale of these new landforms and their relationship with the proposed new buildings is entirely out of keeping with the landscape and built form of the surrounding area which is characterised by small scattered buildings and a landscape which has a horizontal emphasis and low undulating skylines.
- 15.2.10 Setting aside the nature of the new landforms, the principles of the planting proposals for the minehead site are satisfactory and placing trees and shrubs on the lower slopes rather than the tops of the mounds to avoid accentuating the height and extent of the new landforms is sensible. The native species tree planting in the eastern part of the site would form an appropriate link with Whinny Wood and officers recognise that the new wildlife ponds together with planting of acid and species rich grassland would give some biodiversity benefits.
- 15.2.11 A serious concern is the potential difficulty in establishing new planting and the timescale for the full landscaping scheme to be delivered. AFW's review indicates that the proposed planting may not be as successful as suggested because of the reduced depth of soils for restoration (200 mm of topsoil and 500 mm of subsoil) on the lower slopes of NiNh spoil storage mounds, where tree planting is proposed. New planting is in any case likely to take a considerable time to become established as the site is in an elevated exposed location close to the coast. The suggestion that the full effect of restoration planting would be seen

after 15 years seems optimistic and officers consider that it would be longer before new tree planting achieved the desired effect. The proposed selection of species seems appropriate but detailed planting plans would need to be approved and an aftercare period of at least 10 years rather than 5 would be appropriate. Officers also have concerns about the long term management and maintenance of the very steep slopes of the mounds surrounding the mine and MTS shaft buildings.

15.2.12 Long term management arrangements for the landscaping scheme would need to be secured including for the parts of Haxby Plantation and the Belt Plantations which are outside the area affected by the proposed surface development. These form part of the wider screening of the development and, given the number of years that the mine would be in operation, their long term management would be essential. The proposal to gradually increase broadleaved trees within Haxby Plantation is acceptable but it would be important to ensure that sufficient numbers of coniferous trees were retained for effective screening during winter. The long term management plan should take into account how 'wind firm' the stands are, at roughly what age they might need to be felled and how the process would be managed to retain a suitable level of tree cover throughout the period.

15.2.13 In order to ensure the success of the proposed restoration scheme, a number of documents would need to be submitted and agreed with the Authority prior to development including:

- Detailed landscape design masterplan;
- Detailed proposals for the management of both the existing wooded areas and the new plantings. Management of these areas in line with an agreed plan for the full life time of the mine could be dealt with through a planning condition;
- Arboricultural Method Statement and Tree Protection Plan.

Mineral Transport System

15.2.14 The existing ground level in the northern field at the Lady Cross Plantation site is between 207 and 217m AOD rising gently from the SW to the NE. The new landform would be an oval shaped hill with steeper lower slopes and more gently rounded upper slopes rising to a summit at 219.5m AOD and varying between three and six metres above existing ground level. Typical gradients on the lower slopes would be around 1:10 and on the upper slopes between 1:20 and 1:40. Although this is a large mound and would appear somewhat incongruous rising up in the middle of the plantation, its upper contours are much gentler than the new landforms at the minehead site and officers consider that it would be less of an obstruction within the surrounding landscape. The principles of the restoration proposals are reasonable and the woodland edge planting, which would give a more natural outline to the plantation, together with the proposed species-rich grassland, would bring biodiversity benefits.

15.2.15 The landscape and restoration proposals for the sites outside the National Park at Lockwood Beck and Tocketts Lythe are also considered reasonable given the requirement to accommodate excavated material on site. At Lockwood Beck, the extension of the wooded area on the western slopes of Dale Beck is a valuable feature as is the improvement of existing field boundaries in the restoration scheme. Officers' main concerns are the likely timescale for the restoration planting to become established and whether the new planting to replace the removed woodland habitat at the crossing of Dale Beck would blend into the wooded stream 'corridor' successfully.

Conclusions

15.2.16 The new landforms at the minehead site which dominate the landscaping scheme would appear as substantial incongruous man-made features in the surrounding relatively level landscape. Despite a good approach to the proposed planting, their scale, the artificial appearance of the steep inner faces and their relationship with the proposed new buildings is out of keeping with the surrounding area. The proposed development is therefore contrary to criterion 6 of DP 3 and this carries substantial weight against the proposals in the overall planning balance.

- 15.2.17 In other respects, the proposed landscaping and planting scheme is satisfactory with a mix of trees, scrub and grassland and the introduction of a variety of habitats which would bring biodiversity benefits to the site. However, officers consider that the suggested timescale of 5 to 10 years for the full benefits of the landscaping at the minehead site to be delivered is optimistic and detailed proposals and management arrangements would need to be agreed with the Authority prior to development for sites within the National Park.
- 15.2.18 The landscape and restoration proposals at the MTS access shaft site at Ladycross Plantation are acceptable and the proposed planting would bring biodiversity benefits. The location of the site at Lockwood Beck means that there are concerns about the timescale for new planting to become established but, provided this was successful, it is not considered that the MTS access shafts sites, once constructed would bring significant harm to the National Park or its setting. The MTS developments therefore comply with criterion 6 of DP 3 and this carries moderate weight in favour of the proposals in the overall planning balance.

15.3 Treatment of Spoil and Feasibility of Construction Proposals

Relevant policies

Development Policy 3 seeks, amongst things, to ensure that good quality sustainable design and construction techniques are incorporated into development proposals.

Proposals and applicant's assessment

Minehead site at Dove's Nest Farm/Haxby Plantation

- 15.3.1 The applicant's design proposals include locating as much of the minehead plant and equipment as possible below ground level and having an underground tunnel transport system (MTS) facility in order to limit the impact of the development on the character and appearance of the National Park. This type of mitigated construction results in very large volumes of excavated material being generated.
- 15.3.2 According to Arup working on behalf of YPL, the sinking of the two deep mine shafts down to 1520 metres together with the construction of the men and materials tunnel, approximately one fifth of the MTS tunnel and the various sub-surface tunnels and working chambers would involve the disposal of 1.57 million cubic metres of soil and spoil (excluding clay) at the minehead site. This material would be contained in the major new landforms which cover a large part of the site. In addition, Arup calculate that there would be need for 363,000 tonnes of Non-inert Non-hazardous (NiNh) spoil, including some salt and the sylvinite form of potash, to be taken off-site for safe disposal. It is also envisaged that there would be some 81,159 tonnes (224,000 m³) of polyhalite excavated during construction of the shaft and pit bottom developments, which is a saleable product. This would be transported off-site and although it is YPL's preference that this be via the MTS tunnel, provision has been made in the application for it to be transported by road if the tunnel is not operational at that time.
- 15.3.3 Seven separate construction phases lasting 58 months overall are envisaged at the minehead site and plans have been supplied showing the surface layouts at the end of each of the phases (see paragraph 4.4.1 for a description of the phases of construction). Members should note that, in addition to the gradual construction of the permanent spoil mounds, there would be two temporary spoil mounds at the north-east and south-west of the site during the construction period (see paragraph 4.3.3); these are Bunds H (off-site disposal) and Bund I (on-site infilling in the shaft platform area) on the earthworks phasing plans. These bunds are required because of the confined nature of the site, which has meant that there would also be a considerable need for re-handling of soil and spoil as the various phases of development are undertaken.
- 15.3.4 Since the MTS tunnel is being constructed through Redcar Mudstone there would be pyritic material (NiNh material with a low polluting potential that is considered suitable for on-site

disposal) to be stored permanently within the new landforms. This material, which would be compacted to achieve a low air void content, would be placed on a compacted clay layer and covered with a geocomposite drainage layer in order to minimise the risk of leaching and pollution to local watercourses. The applicant states that this is a precautionary approach and the risk posed by the pyritic material is very small.

MTS access shaft sites at Lady Cross Plantation

- 15.3.5 The new landform in the northern field would accommodate spoil from a 6.3 km section of the MTS tunnel as well as the access shaft and associated cavern. The SEI confirms that the mound would accommodate some 297,000 cubic metres of NiNh spoil from the tunnel, together with a further 44,000 m³ of inert spoil from the shallower excavations. With soil and clay for lining accounting for another 266,000 m³, approximately 607,000 m³ of material would be excavated in total at this site.

Officers' assessment

Minehead site at Dove's Nest Farm/Haxby Plantation

- 15.3.6 The Authority must consider whether it will be feasible and viable to deliver the type of mine design proposed with its sunken winding gear and limited height shaft top buildings. Officers have liaised with the local Principal Inspector of Mines and it is his view that, whilst the proposals for locating most of the shaft head frame infrastructure below ground is unconventional, there is no problem with the concept from a regulatory dimension. In order to consider these matters further, AFW was asked to assess the 'buildability' of the proposed mine and its conclusion is that the design represents a unique and potentially ingenious approach with sunken headgear connected to an underground clearance system. There are no reasons to suggest the design is not achievable but AFW's opinion is that the programme for constructing the various components of the complex underground system is ambitious and therefore vulnerable to potential delays, especially where the completion of certain elements are interdependent and potentially affect the critical path of the programme delivery.
- 15.3.7 AFW has reviewed the Arup calculations for the excavated material and considers these to be underestimated, not least because the clay that would need to be excavated and then relaid and compacted to form a low permeability base to the spoil storage mounds would account for a further 203,000 m³ of excavated material. AFW also considers that the Arup allowances for bulkage are too optimistic and that, when more realistic allowances are included, the total permanent storage requirements will be approximately 1.92 (rather than 1.57) million cubic metres. With regard to the need for re-handling soil and spoil as the various phases of development are undertaken, once again AFW considers that Arup has underestimated the requirements, not only because of the bulkage factors used, but also because it would not be acceptable to operate earthmoving plant in the tipping areas outside normal daytime hours. Taking all these factors into account AFW calculates that the total earthmoving activity at the minehead site (including all re-handling) would be over 3.5 million m³.
- 15.3.8 AFW's review expresses concern about the constrained nature of the minehead site and the resultant need for intensive earthworks operations in a relatively confined space. AFW is also concerned about the practicality of some of the construction proposals and considers that there is a risk that important and potentially major design amendments would be necessary once contractors are appointed. Examples include the assumption that sufficient clay will be available to be placed beneath spoil storage mounds and the feasibility of the design of the temporary Bund H for ongoing stockpiling (where there would be risks of cross-contamination between the four separate types of material to be stored in the single bund).
- 15.3.9 Officers sought advice from the Environment Agency regarding the proposals for treatment of pyritic material in the new landforms in order to understand any short and long term pollution risks. Specific queries were whether the proposed method had been used successfully elsewhere; whether there was confidence that the proposed spoil lining systems would last 100 years through the full operational period of the mine; whether there would still be potential for water to seep through the compacted material; and whether there

were concerns about tree roots penetrating and therefore compromising the system. The EA's response was that management of the pyritic material will fall under the Mining Waste Directive and will be controlled through the Environmental Permitting Regulations. Environmental Permits would secure any measures needed to control the management of the waste and any associated pollution risks. In response to the detailed queries, EA confirmed that it was aware of the method being used elsewhere (at Hatfield Colliery), the proposed compaction levels should be readily achievable and that EA would look closely at the proposed specification to ensure that the lining systems would be suitably robust and appropriately designed. EA suggested that a 2 metre deep soil profile on the landforms would be considered adequate to support growth of plants and trees (although officers are aware that AFW's review suggests that this depth would not be available in all areas where trees are to be planted). With regard to the temporary spoil mound that would take NiNh material, EA commented that in principle the proposed measures should be adequate to avoid pollution but a more detailed assessment would be required as part of the permit application. Officers conclude that the queries are not fully answered and there is inevitably a potential long term risk in these proposals. However, the advice received suggests it is a relatively small risk and controls would be via the Environmental Permitting regime rather than the planning system.

MTS construction and works at Lady Cross Plantation access shaft site

- 15.3.10 When the company announced its plans to abandon its slurry pipeline in favour of an MTS tunnel, officers were concerned given its length and depth and therefore potential similarities to the Channel Tunnel project which had been publicly reported as extremely challenging not least from a financial viability and timing perspective. The applicant explained that the single geological horizon (Redcar Mudstone in this case) would provide ease of mining whilst being strong enough to avoid a wholesale need for concrete lining. Furthermore, its low groundwater bearing characteristics, limited geological disturbance from faulting and absence of previous mining voids, meant that it would be suitable for construction by tunnel boring machines (TBMs). In addition the applicant explained that by splitting the tunnel construction into five sections it would be deliverable within the overall project construction timeframe. However, the need to install the TBMs does involve the creation of underground caverns to create sufficient width, height and length at each of the underground start points. YPL also acknowledges that the tunnel approach does add capital costs to construction compared to the earlier pipeline proposal, but is likely to involve lower operational costs associated with transporting a dry product with minimal pre-preparation.
- 15.3.11 In order to consider this matter further AFW was asked to assess the 'buildability' of the proposed tunnel and its conclusion is that the construction programme for the tunnel and MTS sites is theoretically possible to achieve, but that the programme completion date will be challenging to achieve should one or more of the component parts encounter technical difficulties. AFW comments that neither the ES nor the SEI contain information about the decommissioning of the TBMs at the end of the tunnel construction, but the options are either to dismantle them within the tunnel and remove the component parts or to manoeuvre them into a 'blind heading' that they would create for themselves where they could be permanently parked up and abandoned. This latter option would result in additional spoil needing to be contained on the surface, which is not currently accounted for.
- 15.3.12 AFW's assessment of the Lady Cross Plantation site confirms that the site has the capacity to accommodate the increased amount of spoil reported in the SEI. However, as with the minehead site, AFW has concerns about whether there will be sufficient quantities of clay to provide an appropriate seal beneath the NiNh spoil mound and about the practicalities of the complicated arrangements for the stripping and storing of soils which will necessitate such operations taking place during the winter months.

Conclusions

- 15.3.13 The applicant's proposal for an innovative mine design with sunken headgear and the construction of a tunnel to transport the excavated mineral to the MHF at Wilton leads to a large amount of spoil that would need to be contained in new landforms at the mine and MTS access shaft sites. AFW and the local Inspector of Mines have both commented that the mine design is achievable in principle.

15.3.14 However, AFW has raised concerns over the practicality of certain aspects of the construction proposals which involve many separate components and, at the mine site in particular, complex earthworks within a constrained site. Officers consider that this leads to a real risk that the proposed 58 months construction period would over-run. The amount of excavated spoil to be contained at the mine site is still considered to be under-estimated and there are concerns that at both the minehead and Lady Cross Plantation sites, there will be insufficient clay available on site to provide the required clay layer beneath the NiNh spoil mounds. For these reasons there are uncertainties as to whether the proposals will comply with the requirement for good quality construction techniques in Development Policy 3 and this doubt carries moderate weight against the proposals in the overall planning balance.

15.4 Provision of services

Relevant policies

Development Policy 1 seeks to conserve and enhance the special qualities of the Park by ensuring new developments and any associated infrastructure to meet the needs of the development will only be permitted where it will not have an unacceptable adverse impact on surface and groundwater, soil, air quality and agricultural land; it will not generate unacceptable levels of noise, vibration activity or light pollution; there will be no adverse effects arising from sources of pollution which would impact on the amenity of the public; and where land stability can be achieved without causing unacceptable environmental or landscape impact. There should be sufficient infrastructure capacity to accommodate the demand generated by the development.

Core Policy D seeks to address the causes of climate change in part by generating energy from renewable sources on-site, where environmentally appropriate, equivalent to displacing at least 10% of the predicted CO₂ emissions.

Electrical Power

- 15.4.1 Minehead - The initial construction power supply for mine construction and shaft sinking operations would be from up to twenty 1,250 kVA diesel powered generators capable of providing up to 50,000 kVA; five of these would be retained at the site for emergency use during the operational phase in case of failure of the mains electrical supply for high risk critical process areas. The power supply for the operational mining operations would be taken from a 65MVA national grid connection via a pair of 66kV cables running within the MTS tunnel leading to a sub-station at the mine. For the MTS, it would be similar with diesel powered generators providing over 8,000 kVA for the construction phase and power taken from the cable supply after being stepped down at the intermediate sites for the pumps, tunnel conveyors belts and ventilation fans.
- 15.4.2 Members may recall at the time of the previous 2013 application, planning gain negotiations had taken place with the applicants regarding the funding of the undergrounding of the intrusive existing overhead 66kV lines across the open heather moorland alongside the A169 between Thornton le Dale and Whitby. That is no longer part of this application however officers can advise that discussions with Northern Powergrid continued on this issue and the said works are now to be wholly funded by Northern Powergrid to bolster the electrical supply resilience for Whitby to cope with bad weather events.
- 15.4.3 Such are the power requirements of the mine and MTS (Phase 1 369,251 and Phase 2 695,754 megawatt hours per year) that it would take a scale and form of renewable energy equipment to comply with the policy requirements that is unlikely to be environmentally appropriate in a protected landscape. As such and to avoid a clear conflict with the requirements of Core Policy D, the applicants are seeking to provide alternative provision these include:
- Committing to purchase 10% of its energy from renewable sources;
 - off-site compensation through the associated Core Policy D S106 planning obligation;

- upgrade design of all main buildings to at least BREEAM standard of good.

Officers' assessment

- 15.4.4 The electrical power supply needs of the mine and tunnel are very great, indeed greater than that of the whole of Whitby. As proposed in the application, the dedicated power arrangements are considered to be well founded and thus comply with criterion 5 of Development Policy 1 and this carries moderate weight in favour of the development. Although the introduction of a high energy use project fundamentally conflicts with the spirit and objectives of Core Policy D, the embedded and S106 residual mitigation are considered to address the specific requirement for CO² emissions offsetting and this is considered neutral in terms of planning weight in the final balance.

Water Supply

- 15.4.5 Minehead - Immediately to the north-west of the minehead site is the existing Yorkshire Water covered reservoir at Pokeham Brow. A nine inch cement drinking water pipe lies within the public road and a small bore pipe feeds the existing Dove's Nest Farm but this would not supply the 7-8 litres per second needed at peak times that would be required by the mine during operation. It is proposed to install a new pipe link direct to the reservoir to provide some 3 litres per second which would be linked to balancing tanks and a pressure booster station to provide for peak usage so that the supply would not adversely affect the public supply.
- 15.4.6 MTS- Water supply connections to existing supply pipes had been agreed to the intermediate access shaft sites outside the National Park before the application was submitted with pressure testing ongoing at Lady Cross at the time of submission.
- 15.4.7 Yorkshire Water has confirmed that negotiations are ongoing with York Potash and the principles of how to provide the necessary water supplies are agreed although they are waiting for a contractor to supply an estimate for the pipe before formally accepting the arrangements.

Officers' assessment

- 15.4.8 Yorkshire Water's comments about the likely acceptability of the proposed new pipeline supply are noted, however in terms of meeting the planning policy objective of Development Policy 1 and ensuring correct timing of the provision it is officers' view that there should be certainty to protect existing users and that a Grampian⁶ style condition requiring the provision of the extra water supply infrastructure before first use of the welfare block, is appropriate. As such officers consider this carries modest weight in favour of the development.

Foul Drainage

- 15.4.9 Minehead during construction – Foul drainage arrangements for drilling muds and produced mine water during construction is to be treated via an on-site treatment plant and then re-injected via a new borehole into the Staithes sandstone horizon to help prevent de-watering of the aquifer and reduce traffic movements. For all other foul drainage and wheel washings this would be tankered off site as is normal in many construction projects.
- 15.4.10 Minehead during operation – Water produced as a result of mining operations would be transferred to Wilton for treatment via a drainage pipeline running the length of the MTS. For the domestic foul (typically toilets and showers), this would be treated on-site by means of a package treatment plant (effectively a mini sewage treatment works) combined with a balancing tank to deal with peak periods, e.g. shift changes, and an outfall link to the same drainage pipeline which runs to Wilton for further treatment. The MTS access shaft sites would be unmanned and as such there are no drainage facilities provided.

⁶ A Grampian condition is a way of ensuring certain on-site works are undertaken before a particular part of the development can take place or particular part of the use can commence.

- 15.4.11 Officers consider that the proposals to deal with foul drainage from the operational mine have now been fully resolved with the SEI revisions to the scheme which take the package treatment outflow to Wilton for treatment.
- 15.4.12 The Environment Agency has welcomed the revision within the SEI to take the discharge from the on-site package treatment plant dealing with foul drainage along the tunnel with the produced mine water to Wilton for use or treatment at the MHF or MHF treatment plant as a reduced risk to water quality in Sneatonthorpe Beck.
- 15.4.13 For time and budget reasons AFW has concentrated on looking at the hydrology, hydrogeology and flooding issues, however nothing has arisen in the course of assessing these aspects to raise concern regarding the water and foul drainage arrangements.

Officers' Assessment

- 15.4.14 The proposed foul drainage arrangements are considered to be satisfactory and comply with the provisions of Development Policy 1. This carries modest weight in favour of the proposals.

15.5 Amenity Impacts

Relevant policies

Development Policy 1 deals with Environmental Protection and seeks to conserve the special qualities of the Park. Development will only be permitted where it does not involve unacceptable levels of noise, vibration, activity or light pollution and where there will be no adverse effects on public amenity.

- 15.5.1 **Noise and vibration** - The applicant's Planning Support Statement/Environmental Statement states that their mitigation has been designed to avoid noise impacts based on guidance from both the World Health Organisation (WHO) guidelines and BS4142. The WHO guidelines suggest a limit of 35dB for outside noise where the onset point for complaints could arise and thus the applicant has aimed for a design to result in 10dB below the 35dB night complaint limit for mechanical services noise. BS4142 states that activities should avoid being greater than 10dB above background levels but noting that there is Government Minerals planning guidance that if the 10dB limit places an undue burden the limits could be relaxed to 42dB night-time (taken to be 22.00 – 07.00 hrs) and 55dB during the day for mining activity noise. However BS4142 can be unsound when applied to areas where background levels are particularly low such as the minehead site.
- 15.5.2 During the 58 month construction stage, it is proposed that mine and MTS development work would be 24 hour working 7 days a week whereas general construction activities would be limited to 0700 to 1900 hrs. The proposed mitigation measures therefore include reduced levels of night-time working and creation of acoustic fencing and noise attenuation (spoil) mounds around key parts of the site perimeter to create sound barriers, to reduce all noise to acceptable levels. A 'Construction Environment Management Plan' would be implemented to embody noise mitigation measures. This would also include notifications to neighbours of unusually noisy events like blasting (up to 5 a day) for the shafts. Timing of deliveries and location of noisy plant such as generators would be away from residential properties. Similar arrangements relate to vibration; the applicant considers its trial blasts indicate that it can keep within acceptable levels. It also intends to utilise monitoring equipment which would enable it to revise the blasting plans to keep to acceptable levels. The applicant also intends to adopt industry best practice to prevent 'flyrock' and 'overpressure'. During the operational phase all necessary noise mitigation measures will be designed into the buildings/structures and fixed plant such that residual impacts would be reversible and localised. Building on the conclusions of its traffic assessment, no further noise mitigation measures are necessary. The conclusion of the ES is that all noise (other than night construction noise impacts on Parkdown Bungalow which would be low as a result of predicted 42dB) would be negligible.

- 15.5.3 During the Operational phase, the design, equipment and mitigation would be finalised to ensure compliance with noise level limits set for the nearest properties.
- 15.5.4 **Subsidence** – The proposals include a ‘Subsidence Prevention Memorandum’ produced by SRK Consulting. In brief, it explains the work which fed into the mine and MTS design to preclude any surface or sub-surface subsidence which could affect the natural or built environment, aquifers and the mine infrastructure, both at the surface and sub-surface. It is stated that SRK used ‘state of the art’ data collection and evaluation methodologies, with detailed rock mechanic information from leading specialist and information of the properties of the overburden sequences and core sampling information to develop a geotechnical model. This confirmed polyhalite was a high strength, brittle, non-creep rock, unlike the sylvinite rock mined at Boulby which is low strength and subject to creep over time. The ‘hanging wall’ above the polyhalite comprises 30-40m depth of strong anhydrite. Within the hanging wall 28 faults with vertical throws of 15-100m were traced and modelled. This resulted in the design leaving pillars and grouting in appropriate places. The nature of the mined rock and remoteness of the nearest deformable halite layer will result in ‘*non-subsidence*’ mining being achievable. Furthermore the design will not dislocate the hanging wall nor activate any existing faults. Future refining will optimise the mining panel dimensions. In summary the non-yielding nature and high strength of the mining horizon and overhanging wall lead SRK to be entirely confident that surface or aquifer subsidence will not be a material risk. In response to the concerns of RAF Fylingdales and the Environment Agency concerning vibration/subsidence, the minerals application site area has been reduced in the part of the company’s AOI closest to the radar station and planning conditions have been agreed setting out appropriate monitoring and mediation strategies.
- 15.5.5 Boulby mine and a local resident have raised concerns regarding possible subsidence /vibration impacts from the tunnel construction and for a local resident possible noise impacts from the tunnel construction/operation. The local Mine Inspector has commented that he would expect any subsidence from mining polyhalite to be similar to other similar harder rocks like salt which result in minimal surface subsidence. In respect of vibration/subsidence issues at the MTS depth he recognises that if Boulby mined to the edge of their approved area there could be some slight subsidence impact on York Potash’s tunnel but the effect would be negligible and easily repaired if it happened at all, although a suitable separation distance from Boulby’s mine area would be desirable. In terms of noise and vibration impact on residents, Scarborough Borough Council’s Environmental Health Officer considers that the recommended conditions should ensure that noise and vibration levels will be within BS standards and should not adversely affect residential occupiers on the surface approximately 250m above the tunnel.
- 15.5.6 **Lighting** - This will be required during night time construction to ensure safe working conditions using units designed to avoid ‘light-spill’ and then only in areas where work is going on. A revised ‘lighting phasing plan’ was included in the SEI revisions to the scheme to supplement the original Technical Lighting Report. At the operational phase, the access road and car park would be lit by 6m high columns with directive luminaires to avoid light spill and lighting to the minehead buildings would be dimmed to 75% during darkness. The landscape screening would contain car headlights within the site at night. The proposed mine buildings would be windowless, the welfare building has blackout shutters and the wider mine surface would have light that would only be used in emergencies including major equipment failure.
- 15.5.7 Scarborough Borough Council’s Environmental Health Officer notes that private ‘residential mitigation agreements’ are in place between the applicant and nearby residents and as such recommends conditions be imposed on any planning approval to safeguard the amenities of local communities in respect of dust, noise, blasting and subsidence. The EHO has considered tighter conditions to restrict night-time working but considers that these would lengthen the construction period and any gains would be offset by the increased period of disturbance.
- 15.5.8 AFW’s assessment: AFW has concentrated on the construction phase and has concluded that there are many aspects in relation to noise which cause considerable concern. These particularly relate to: the noise created during the earthworks operations, notably from

understating the sound power levels and the low percentage on-times of the equipment to be used, together with the method of noise modelling, which have led to an underestimation of the predicted noise impacts at Parkdown Bungalow in particular. AFW is also concerned about the allocation of the descriptions of magnitude of changes to increases in noise levels. AFW also considers that night-time and weekend (i.e. beyond Saturday mornings) tipping of spoil is inappropriate and unnecessary, especially given the low intensity of spoil generation during shaft sinking and the dark skies policies of the National Park. Road transport noise may also cumulatively contribute to the noise impacts experienced at Soulgrave Farm.

Officers' Assessment

- 15.5.9. The approach and methodology used by York Potash's consultants has substantially underestimated the noise impacts from construction operations. They have also sought to utilise the provision set out in the Technical Guidance to the NPPF that provides some flexibility where it would pose an unreasonable burden on mineral operators. However, AFW's review of the Environmental Statement concludes that the noise predictions are flawed, that it is inappropriate to interpret the guidance in such a way without exploring all mitigation measures to reduce noise and that there is no convincing justification for York Potash to conclude the significance of the construction noise and construction traffic noise would be so low.
- 15.5.10 Officers consider that the noise impacts on surrounding residential neighbours during the construction period from earthmoving operations and also potentially from road transportation and the impact of construction lighting have been under-estimated and that there is likely to be harm to public amenity from these aspects of the development. In terms of the MTS construction, having regard to concerns set out for the minehead, there is a reasonable likelihood that similar noise issues would be experienced with respect to the caravan park located near to the Lady Cross Plantation site. In these respects the proposals are contrary to criteria 2 and 3 of Development Policy 1 and this carries considerable weight against the proposal.

15.6 Highways, Traffic and Road safety

Relevant policies

Development Policy 23, 'New Development and Transport' aims to effectively minimise the overall need for journeys and reduce the environmental impacts of traffic on the National Park. Among other criteria, the policy supports development of a scale which the adjacent road network has the capacity to serve without detriment to highway safety or the environmental characteristics of the locality.

Proposals and applicant's assessment

- 15.6.1 During pre-application discussions the applicant acknowledged that the transfer of 13m tonnes of polyhalite by road from Dove's Nest Farm west through the National Park to Wilton for 100 years would be wholly unacceptable in terms of traffic amenity. Re-instating former railways was considered and discounted and a pipeline was initially conceived but replaced with the tunnel conveyor facility. As such the traffic proposals that form part of the application had the objective of minimising the impact of the large numbers of heavy goods vehicle (HGV) movements associated with the construction period. These are required to deliver a range of construction materials, particularly bulk aggregates required to provide foundation materials for the shaft platforms, buildings and internal roads, together with fine aggregates and cement to produce concrete for shaft and tunnel construction at the minehead and intermediate MTS shaft sites. In addition, the temporary generators at the various sites need to be supplied with large quantities of diesel fuel and the minehead also requires large volumes of spoil and potentially early development polyhalite to be transported off-site.

- 15.6.2 In brief the construction phase transport strategy includes the following provisions:
- routing of delivery HGVs along A roads, i.e. principally the A171 from Guisborough across the moors to Whitby before turning south towards Scarborough and picking up the B1416 to the site from Sneaton Corner;
 - a construction workforce Park & Ride facility opposite Whitby Business Park;
 - stockpiling of aggregate and outgoing non-inert spoil to smooth peak traffic flows;
 - retaining inert spoil on site as landscaped mounds;
 - the operation of a Construction Transport Management Plan (CMTP) which restricts parking on-site and promotes car sharing, restricts wagon delivery times (weekdays 07.00-19.00 hrs) and incorporates temporary speed restrictions);
 - off-site physical improvements to the public highway notably at the Mayfield Road junction lights in Whitby, road widening on the A171 at the 'Normanby bends', right turn ghost islands at the site and Sneaton Corner and some new/upgraded sections of paths and crossing points in urban Whitby.
- 15.6.3 Also in brief, the operational phase transport strategy includes:
- HGV routing via the A171;
 - a new PROW bridleway at the minehead site;
 - limiting car parking at the sites with bus/minibus transfer from a number of locations including an extended Whitby Park & Ride facility near Cross Butts and a car sharing policy all of which are embedded within a 'Travel Plan'.
- 15.6.4 The ES contains a detailed chapter and accompanying appendices covering traffic and transport for the entire York Potash project, i.e. traffic demand from all elements of the project. The chapter establishes baseline conditions and then assesses the impact of the project and its associated traffic movements in terms of severance, pedestrian amenity, fear and intimidation, pedestrian delay, highway safety and driver delay. It specifically identifies 45 different route 'links' and 12 junctions for assessment. In brief the ES chapter identified some significant adverse impacts from traffic movements without mitigation but, with the application of limited mitigation measures, the assessment concluded that none of the receptors would have adverse impacts beyond 'slight adverse'. This lead the applicant to conclude that the proposal would not have unacceptable traffic impacts at either construction or operational phases.
- 15.6.5 The amendments to the project provided in the SEI have the following effects on key headline indicators: lowering the maximum monthly number of two way HGV movements from 5000 in Month 6 to 4700 in Month 7 and ensuring the worst case scenario of 127 daily HGV movements at Dove's Nest Farm is not exceeded. The SEI changes do not affect the applicant's original EIA impact assessment outcomes of 'slight adverse'. Tables have been provided which detail the numbers and types of wagon movements together with graphs explaining the profiling of the peak and troughs throughout the envisaged 58 month construction phase. These details relate mainly to aggregate importation in the early and mid-phases, non-inert spoil removal in the later phases and the effect of the exportation of saleable polyhalite at the later phases of construction (when it is being extracted to create the pit bottom development roadways and is to be exported by road for an estimated period of eight months in the event of slippage in the operational availability of the MTS). The SEI also confirms a shift from 20 tonne HGV wagons to mostly 28 tonne wagons (an average of 26.3t is used for calculations).
- 15.6.6 The applicant's Construction Transport Management Plan (CTMP) is an important factor which seeks to reduce the considerable potential traffic impacts of the development. It proposes to have a management group to secure its implementation, monitoring and enforcement. The management group would comprise a Liaison Group served by a Travel Plan co-ordinator. In brief it seeks to prevent workers parking on the highway outside the mine, prevent construction HGVs exceeding the daily maximum of 127 two way movements, prevent construction traffic from breaching the set hours, prevent buses and HGVs straying from the approved routes and prevent buses and wagons from breaching speed restrictions or displaying unique identifier numbers. Enforcement for contractors is built in with reported

breaches resulting in investigations which could result in: first warnings; second warning with remedial actions and third formal warnings followed by contract dispute procedures being invoked for future breaches. A similar 3 stage disciplinary procedure would also be invoked for mine staff. These would be brought to bear through normal contractual arrangements. The liaison group would also meet to review and modify the CMTP to deal with any unforeseen highway/traffic issues.

AFW Review

15.6.7 AFW considers traffic and transport to be a key environmental issue and has undertaken a comprehensive review which has focused on HGV movements along the primary construction corridor (A171 and B1416) during the construction period. It notes the key generators of the traffic movements as the delivery of construction materials particularly aggregate, diesel deliveries to power the temporary generators, the removal of potentially contaminating NiNh spoil from the mine site and removal of waste water from the MTS sites. AFW has some important concerns regarding the methodology used by YPL's consultants, and specifically the use of the '*Guidance for the Environmental Assessment of Road Traffic*' (GEART), which forms the basis for the applicant's assessment methodology. Time and resources have required AFW to concentrate on the effects on receptors of the primary route as represented by links 12, 13, 17, 21, 23, 24 and 25.

15.6.8 AFW's review confirms that HGV movements during the construction period would be as follows:

- A total of 146,902 HGV movements along the A171 between Guisborough and Lockwood Beck (part of link 12). 127,598 of these would occur during Months 2 to 48, when Lockwood Beck is being constructed, which is an average of 136 HGV movements per day over 47 months;
- A total of 123,719 HGV movements along the A171 between Lockwood Beck and Lady Cross Plantation (parts of links 12 and 13). 85,352 of these would occur during Months 2 to 40, when Lady Cross Plantation is being constructed, which is an average of 109 HGV movements per day over 39 months;
- A total of 105,323 HGV movements on the A171 through the centre of Whitby and south to B1416 and the minehead site (links 17, 21, 23, 24, 25). 105,327 of these would occur during Months 2 to 58 when the minehead is being constructed, which is an average of 92 HGV movements per day over 57 months. (The peak daily flow here, including YPL's contingency allowance, is predicted to be 126 HGV movements and would occur in the Month 41).

The percentage increase of HGV movements on each link that these movements represent varies according to the baseline traffic levels and the time of year (with summer months generally being busier than winter months). On the A171 through Whitby to the minehead site, the York Potash construction traffic represents a percentage increase in HGV movements ranging from 11% to 256%. Since a 10-hour long delivery window over the 12 hour day is assumed when HGVs can operate, the average flows to the minehead (92/day) amounts to an average of 9 movements per hour, or one every six and a half minutes. The peak flows for Link 13 (A171 from Scaling Dam to just west of Whitby), which include Lady Cross Plantation, are predicted to occur in Month 7 when the mobilisation of the shaft contractor at the MTS site coincides with a number of major construction works taking place at the minehead site. HGV movements at this time are predicted to be 162/day (with the applicant's assumed contingency to account for daily variations), or more than 1 every 4 minutes. For Link 12 the peak also occurs in Month 7 at 223/day, which is more than one HGV every 3 minutes.

15.6.9 Although the numbers quoted here are derived from the baseline and development demand data provided by the applicant and as such have been accepted at face value, AFW considers that the bulk aggregate for the haul roads has been understated. This is on account of what it considers to be optimistic assumptions regarding the width and depth of the designs and the apparent absence of maintenance provision during their period of use. Indeed there are a number of other aspects which have little explanation of the underlying assumptions which raise question marks regarding the robustness of the applicant's Highways case including, in terms of HGV demand, a lack of aggregate provision for the

drift portal. In addition and despite considerable effort to obtain information regarding the basis of the applicant's baseline data, AFW has not been supplied with the data in such a form to enable it to be verified.

- 15.6.10 One of the sensitivity tests carried out on the highway modelling was the option of securing sand and gravel type aggregate from Wykeham Quarry located to the west of Scarborough. This could result in up to 31 movements a day between months 5 and 40 with a route through Scarborough and north up the A171 to Sneaton corner B1416. This would represent some 19% of the HGV movements at the minehead although the applicant has not confirmed whether this option is to be consented as an alternate for a prospective contractor. The Local Highway Authority advises that, whilst it was initially against such a proposal, it would not object if numbers did not exceed the existing permitted quarry number limits.
- 15.6.11 Whilst no similar detailed breakdown of traffic demand, particularly of HGV movements, has been provided for the operational period, AFW's experience has led it to conclude that it would concur with the applicant's assessment that the average envisaged during the operational period (2020) would be much less than would be experienced during the construction period and therefore is unlikely to be significant in EIA terms. However, officers consider that the absence of details regarding the operational needs of the minehead, in terms of materials and provisions, represents an omission and operational traffic impacts are discussed further at paragraph 15.11.33.
- 15.6.12 In summary, AFW is deeply concerned at the assessment methodology adopted by the applicant's consultants and repeatedly made its views clear in this respect during both the pre and post-application consultation period. Specifically, it was concerned that there was no assessment of the percentage increases in development-related HGV traffic in their own right, and the fact that peak levels were simply used for screening purposes for other assessments. In terms of the consideration of the environmental topics referred to in GEART, AFW considers that the guidance has not been used correctly, notably in relation to the use of magnitude thresholds. This factor, combined with the poorly defined baseline characteristics of the links as experienced by road users, has led to a considerable underestimation of the environmental effects of the development by the applicant's consultants. Accordingly, AFW considers that, with the exception of Link 13, all of the other links that form the primary HGV route to the minehead and the intermediate sites at Lockwood Beck and Lady Cross Plantation, together with Link 45 and some junctions, would be subject to significant adverse effects, as defined by the EIA Regulations, as follows:
- Link 12 - Guisborough to Scaling Dam: severance, fear and intimidation,
 - Link 17 - A169 to B1416: severance, pedestrian amenity and fear and intimidation,
 - Link 21 - Mayfield road Whitby, severance, pedestrian amenity and fear and intimidation,
 - Link 23 - Helredale Road Whitby: fear and intimidation,
 - Link 24 - Stainsacre Lane to Hawsker: severance, pedestrian amenity, fear and intimidation,
 - Link 25 - B1416 Sneaton Corner to the minehead: pedestrian/cyclist amenity, severance and fear and intimidation.
 - Link 45 – Lady Cross Plantation: pedestrian amenity, fear and intimidation
 - Junctions 3 (A169/A171) and 1 (Mayfield Road) – driver delay
- 15.6.13 In terms of the embedded mitigation measures, AFW considers that the proposals to store the least polluting spoil on site rather than taking it away for off-site disposal is a good solution, the HGV ban through Ruswarp and Sneaton is appropriate but other minor roads should be included for completeness, and the stockpiling of deliveries in case of bad weather is sound, albeit site space is likely to be a limiting factor. However, AFW has some concerns that the proposed 2.5 people per car for the construction worker car sharing target is optimistic and may not be achieved in practice. Furthermore, far too much weight is being assigned to proposed mitigation measures which would make little or no impact and may possibly make matters worse. Little account has been taken of potential more risky driving

behaviour based on driver frustration. In addition AMEC consider that the aggregate deliveries for each MTS site and the minehead are underestimated.

Local Highway Authority (LHA)

- 15.6.14 The LHA confirms that this is a significant application, and sets out that the NYCC Highways role is focused on highway safety and the management of the highway network. The LHA has concentrated on assessing the peak traffic generation on peak existing network levels so all lesser scenarios are covered. The LHA has had regard to NPPF advice that development should only be refused on transport grounds where the residual impacts are severe. The LHA's response was formulated having regard to the submitted documents including the Travel Plan, Transport Assessment and Construction Traffic Management Plan. Particular interest has been paid to the ability of key junctions to cope with peak levels, the potential damage to the Highway and to the impacts of traffic on local communities. It should be noted however that the consideration of wider highway amenity considerations are outside the remit of the Local Highway Authority. The LHA has looked at the possible routes to the minehead and considers the A171 from the north to be the most appropriate for HGV traffic. Limited use of routes from Newbridge at Pickering and Wykeham Quarry are considered to be acceptable provided they are commensurate with existing exports from these quarries. The LHA also considers that a ban on development traffic through Ruswarp is needed together with a ban on single car occupancy to both Dove's Nest Farm and Lady Cross Plantation construction sites. Baseline figures were established from a mix of fixed automatic traffic counters (ATC), temporary automatic traffic counters and manual counts. The data indicates normal peak times are not within normal commuting times. Trip generation should peak at 127 HGV daily movements at Dove's Nest Farm and an ATC will be installed to check the numbers. The LHA concludes that planning conditions and provisions within a relevant S106 Agreement are required to ensure the measures set out in the Travel Plan and the CTMP together with the associated 16 embedded mitigation measures including the Liaison Group are implemented.

Officers' conclusions

- 15.6.15 The applicant acknowledges that there would be considerable traffic movements associated with the 58 month construction period but considers that the route chosen and the embedded mitigation measures mean that the additional movements in amongst the existing baseline traffic would result in only a 'minor adverse impact' in EIA terms and this is outweighed by the overall benefits.
- 15.6.16 AFW has fundamental problems with the applicant's assessment and concludes that the impacts on road users of the primary route and especially those links that pass through Whitby, are more likely to be 'major' or 'moderate' across a range of related environmental considerations, notably pedestrian amenity, severance and 'fear and intimidation'. These adverse impacts would therefore be significant in the context of the EIA Regulations.
- 15.6.17 It is officers' view that the whole construction traffic profile characterised by headline figures of an average of 92 daily HGV movements for Dove's Nest Farm over 5 years and 109 and 136 daily HGV movements to Lady Cross and Lockwood Beck over 39 and 47 months respectively would have a detrimental impact on highway amenity and the environmental characteristics of the locality for both visitors and residents in those affected parts of the National Park. This would be contrary to criterion 4 of Development Policy 23 which carries substantial weight against the development in the overall planning balance. The various question marks highlighted by AFW and the likely underplaying of the impacts by the applicant reinforces officers' view that this area is a key weakness of the proposal.
- 15.6.18 Adverse impacts related to increased HGV traffic would also affect sections of the A171 in Redcar and Cleveland which lie beyond the National Park boundary. Members should be aware of these detrimental effects which are part of the overall York Potash project and should also note that officers do not agree with Redcar and Cleveland's assessment that the proposals would limit impacts across the highway network to an acceptable level, both within the National Park and its surroundings.

- 15.6.19 The extent to which the applicant's S106 offers, namely the proposed highway works and contributions for additional rail services, would provide mitigation and compensation for the identified residual harm is considered in Sections 17 and 19 below.

15.7 The Water Environment - Hydrology and Hydrogeology

Relevant policies

Development Policy 1 seeks to conserve the special qualities of the National Park and permits development only where it will not have an unacceptable adverse impact on surface and ground water and where there will be no adverse effects arising from sources of pollution which would impact on the health, safety and amenity of the public and users of the development. There should be sufficient infrastructure capacity to accommodate the demand generated by the development and land stability can be achieved without causing unacceptable environmental impact. Development Policy 2, Flood Risk, permits development only where it will not lead to an increase in flood risk elsewhere.

Proposals and Applicant's Assessment

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.7.1 Surface and foul drainage - the Dove's Nest site is not in a known flooding area, nevertheless, the applicant acknowledges that the operational minehead facility includes numerous roofs and hard surfaces which could speed the travel of surface water to watercourses and have potential downstream effects. To minimise risk, the water management measures include: retention of undisturbed vegetation; routing all drainage through the site drainage system which includes four surface water drainage wetland areas; three surface water drainage attenuation ponds and a number of swales that form the sustainable drainage system (SuDS) for the operational phase, which would hold back water at times of high rainfall and release it later so there is no net increase. However, the system is not specifically designed to treat run-off during the construction phase, which could be contaminated with sediment picked up from bare areas of the construction site.
- 15.7.2 The key issue with the application as submitted was the potential impacts of outflow from the package treatment plant for foul sewerage into the very light flows of Sneatonthorpe Beck and its isolated fish populations. A revised surface water design was submitted with the SEI on 17 February 2015 and includes a revision to the operational foul sewerage arrangements with the outfall from the package treatment plant now being taken by pipeline within the MTS tunnel to a proposed treatment works at Wilton prior to discharge to the River Tees. Foul sewerage during the construction phase would be tankered off-site to Wilton so as not to impact on the local hydrology.
- 15.7.3 Hydrogeology – the applicant undertook a desk based assessment focussing on a study area extending initially some 500 m from the site, but also further out where there was potential to have more distant impacts. The study identified three groundwater aquifers, five habitats and four springs sensitive to changes in water quantity (level and flow) and quality. Monitoring and sampling stations were set up to collect information to establish baseline information on volumes and quality. It is envisaged that any approval would include conditions requiring continued and extended monitoring and implementation of remedial strategies if required. The main embedded mitigation comprises; a grout wall to the south and west of the shaft platform; a drain to the west of the grout wall to receive groundwater in the event that groundwater levels rise close to the surface upgradient of the grout wall; and a recharge trench around the western perimeter of the Permanent Waste Management Facility Bund C to recharge runoff into the Moor Grit aquifer. For the construction phase, abstracted groundwater from the shaft sinking operations would be discharged via an injection water borehole to the Sherwood Sandstone non drinking water aquifer. The applicant considers that the embedded mitigation, including the shaft platform and grouting measures, together with measures to minimise the risk of water infiltration into the NiNh spoil placed in storage from the shaft sinking operations, would ensure that impacts would be unlikely to have an adverse impact on groundwater.

- 15.7.4 The Environment Agency's response to the information provided with the planning application documentation advises that the revision in the SEI which proposes taking treated foul effluent discharge from the treatment plant along the tunnel to Wilton for discharge to the River Tees is welcomed and a planning condition should require this to happen. EA also comments that a risk-based approach to considering the impacts on the water environment has been adopted and it is concluded from the information submitted and from the EA's knowledge that there is sufficient confidence in understanding the hydrogeology and efficacy of the mitigation measures to offer conditional support and it is expected that schemes required by conditions are taken into account in the revised hydrogeological risk assessment. The EA supports the principles set out in the hydrogeological risk assessment and the outline CEMP and the EA requests that conditions be imposed to require the EA's approval and implementation (including provision for a revised hydrogeological risk assessment to be submitted and approved prior to the commencement of construction). The water discharge borehole should only be used for discharge of rainwater from the platform grout curtain arrangements and groundwater produced during shaft sinking. It should not be used for discharging other site waste water, including wheel washings, which should be tankered off site with the other foul drainage.
- 15.7.5 For the minehead construction phase, it is AFW's view that that the site surface drainage system has been primarily designed for the operational phase and that taking account of all of the potential run-off areas there is concern that the system will not prevent silt being deposited into local water courses. However, if approved, AFW recommends that conditions be imposed requiring enhanced site drainage and requiring silt management arrangements. In terms of any possible accidental release of contaminants, the embedded mitigation measures set out in the application are industry norms, but there is little explanation as to how their effectiveness would be assured. As such, AFW recommends a condition be imposed requiring the submission of a 'Pollution Prevention Plan'. AFW is also concerned about the proposals for the temporary storage of NiNh spoil material that needs to be transported off-site for disposal from a stockpile (Bund H) that would contain four types of waste that are tipped and removed on an ongoing basis throughout much of the construction period. With regard to the proposed groundwater recharge borehole, AFW has noted that YPL has not considered the effects of its use in terms of the potential fault re-activation and this is considered to be an omission, especially in the context of similar proposals for the Ebberston gas application.
- 15.7.6 There are no significant concerns at the operational phase.

MTS Proposals

- 15.7.7 The construction of the intermediate shaft surface development, shafts and sub-surface chambers and tunnel have the potential for impacts on sensitive receptors, including surface water features, together with aquifers that lie between the surface and the MTS tunnel within the Redcar Mudstone formation. The applicant's assessments confirm there is scope for 'minor impact' on several receptors. Details of the pre-application and post decision monitoring of the various groundwater abstraction points, surface waters and spring sources around the intermediate shafts sites at Lady Cross Plantation and the other MTS sites outside the Park have been provided.
- 15.7.8 The SEI states that despite the additional spoil volumes to be accommodated at Lady Cross Plantation and Lockwood Beck, the re-location of the attenuation pond at Lady Cross Plantation and the site drainage system with its filter drains, swales and attenuation ponds there will be no significant environmental effects.
- 15.7.9 In terms of hydrogeology, AFW understands the difficulties for YPL of characterising the geological conditions along the length of the MTS tunnel at this stage, but there is a potential risk of groundwater ingress from faults intercepted during tunnelling at specific locations, because they might be connected to old workings within the overlying Cleveland Ironstone Formation. AFW is also concerned that:
- It has not been demonstrated that clay of sufficient quality can be easily won from beneath the footprint of the spoil mound at Lady Cross Plantation to create the

proposed 1 metre thick basal layer that is required to seal the base of the spoil mound;

- There is a risk of intercepting old ironstone workings during shaft sinking at Lockwood Beck;
- There are possible significant adverse effects of construction on the aquifers and watercourses at Lockwood Beck.

15.7.10 With regard to surface water run-off, AFW notes that, unlike the minehead site, the surface water drainage systems have been designed for the construction period and that these should adequately protect downstream watercourses from sediment laden runoff at Lady Cross Plantation. However, the situation is less certain at Lockwood Beck because of the existing steep topography and the need for the haul road to the tipping areas to cross the steep valley of the Dale Beck. There are no significant concerns at the operational phase.

Officers' conclusions

15.7.11 Although there has been significant work undertaken with respect to the hydrology and hydrogeology risk assessments, together with the revised foul and surface water disposal arrangements, officers are concerned that the management of silt during the construction phase is not wholly convincing. Officers cannot therefore conclude that the proposals will not lead to adverse impacts on the streams, watercourses at and beyond, notably at the minehead site, because the systems are designed for the operational rather than the construction stage. The proposals do not therefore comply with Development Policy 1 and Development Policy 2 and this issue carries modest weight against the development within the overall planning assessment. It is also noted that there has been no consideration of the fault re-activation issue related to the re-injection of groundwater during the construction phase, either in the context of the minehead development itself, or cumulatively in relation to similar proposals, such as that are proposed in respect of the Ebberston Gas application, although it is acknowledged that the distance between Ebberston and Dove's Nest Farm means that cumulative effects are unlikely.

15.8 Wildlife and habitat protection

Relevant policies

Environmental protection is central to the National Park's first statutory purpose and is articulated in Core Policy C, Natural Environment, Biodiversity and Geodiversity. The policy aims to ensure that the quality and diversity of the natural environment is conserved and enhanced and conditions for biodiversity maintained and improved. Protected sites and species should be given the highest level of protection and priority is also given to local aims and targets for the natural environment. Conditions for priority habitats and species identified in the NYM Local Biodiversity Action Plan should be maintained and where appropriate enhanced. Opportunities for enhancement of ecological or geological assets should be maximised and any necessary impacts of developments should be mitigated through appropriate habitat creation, restoration or enhancement on site or elsewhere.

- 15.8.1 The HRA discussed in Section 11 considers the impact of the proposed development on European protected sites including the North York Moors SPA and SAC. This section assesses the impact of the development during construction and operation on the North York Moors and other SSSIs, other habitats of ecological value, biodiversity and protected animal species.

Background information

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.8.2 The minehead site at Dove's Nest Farm/ Haxby Plantation is surrounded on three sides by sections of the North York Moors Site of Special Scientific Interest (SSSI) The Authority has a duty under the Wildlife and Countryside Act 1981 (as amended) to have regard to the conservation and enhancement of the special features of SSSIs. The North York Moors SSSI was notified because of the national importance of its mire and heather moorland vegetation communities and the national and international importance of its breeding bird populations which rely on open moorland habitats The notified species include curlew, golden plover, hen harrier, merlin, peregrine, redshank, ring ouzel, short-eared owl and whinchat.

- 15.8.3 There are five other biological SSSIs and five geological SSSIs in the application area. The closest to the proposed minehead development is Littlebeck Wood SSSI which is just under one kilometre away from Dove's Nest Farm and is managed as a Nature Reserve by the Yorkshire Wildlife Trust.

- 15.8.4 Other habitats of value in the immediate area of the minehead site are the woodland/moorland mosaic along the eastern edge of Haxby Plantation, the broadleaved Section 3 woodland at Sneatonthorpe Wood, heathland remnants within Haxby Plantation (more for their potential for recovery than their current value) and two stretches of wild flower-rich roadside verges at Redgate and Raikes Lane covered by the Authority's 'Species Rich Road Verges' Habitat Action Plan.

MTS access shaft at Lady Cross Plantation

- 15.8.5 Lady Cross Plantation lies approximately 3.8km from the North York Moors SSSI and 3.2km from Arnecliffe and Park Hole Woods SSSI. The MTS site has a wooded fringe, parts of which retain a heathland understorey and there are heath/woodlands to the north and north-east of the site which are identified on the Authority's Section 3 Conservation Maps and protected under Core Policy C. There is species-rich grassland on the road verge and localised areas of semi-improved marsh and rush pasture.

MTS access shaft sites at Lockwood Beck and Tocketts Lythe

- 15.8.6 These sites lie outside the National Park and have been assessed by RCBC. However, the site at Lockwood Beck lies within 150m of the North York Moors SSSI and any potential impacts on the SSSI must also be considered by this Authority.

Proposals and applicant's assessment

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.8.7 Ecological surveys were carried out at the minehead site between 2012 and 2014. The applicant comments that the development proposals have been designed to avoid or reduce the significance of adverse ecological impacts while seeking opportunities for beneficial enhancement. Habitat types are considered to be commonly occurring ones of low ecological value and the applicant's assessment is that with mitigation measures in place, significant adverse impacts during construction can be avoided and restoration planting would bring beneficial ecological impacts in many instances during operation of the mine.
- 15.8.8 **Impacts to designated sites:** The applicant's ES notes that the 2014 surveys did not record any of the bird species for which the North York Moors SSSI is designated and concludes that during construction there would be no direct impact on these species or their breeding grounds. A survey of UGGLEBARNBY MOOR, opposite the mine site indicated that, with the exception of whinchat, the Moor was considered to provide unsuitable habitat for all the North York Moors SSSI bird species. The potential for indirect effects has been assessed as part of the HRA and the applicant's conclusion is that visual disturbance to birds during construction would be temporary and construction noise levels would be below the tolerance thresholds for the bird species known to be using the North York Moors. The applicant also states that there would be no adverse impacts on non-statutory designated conservation sites during construction or operation because of their distance from the minehead.
- 15.8.9 **Impact to habitats:** Areas that would be lost as a result of the construction works at Dove's Nest Farm are:

Feature to be removed	Approx area (ha)
Broadleaved woodland	1.7
Conifer plantation	14.2
Agricultural (pasture)	30.9
Rough grassland/scrub (including open areas in Haxby Plantation)	4.1
Area disturbed for borehole drilling	3.7
Total	54.6
Gappy and/or grown out hedgerow with trees	1450 linear metres

- 15.8.10 The ES comments that the SW prevailing winds would lead to any airborne dust being captured in the existing trees and vegetation at the edge of the mine site and the moor and then removed by precipitation. Taking into account the distance from the works, the applicant considers there to be little potential for dust from the construction site to be deposited onto adjacent habitats. Restoration works would be implemented progressively and, after a five year aftercare and replacement period, the long term management of the site would be guided by a Landscape and Ecological Management Plan. There would be an emphasis on improving biodiversity and landscape value and conifers in the adjoining woodland would be gradually replaced with suitable broadleaved species.
- 15.8.11 The following areas of new habitat would be created as a result of the restoration works:

Habitat to be added	Approx area (ha)
Broadleaved woodland	12.2
Open scrub with acid grassland	16.7
Acid grassland	10.6
Wetland (SUDS and wildlife ponds)	2.3
Total	41.7

- 15.8.12 **Impacts to birds:** The applicant comments that, although the mine site provides poor breeding and over-wintering bird habitat, existing trees and areas of scrub do offer food and nesting opportunities and some of this habitat would be lost. Where possible, vegetation clearance would be undertaken outside the breeding bird season and, if this is not possible,

there would be prior surveys for occupied nests. During operation of the mine, there would continue to be nesting opportunities for birds within the site supported by the habitat enhancements.

- 15.8.13 **Impacts to bats and other species:** The surveys found roosting bats in the Dove's Nest Farm buildings and common pipistrelle and brown long-eared bats using the mine site and adjacent areas for feeding, foraging and commuting. They are likely to be disturbed or displaced as a result of the construction activities, noise and lighting. The roost would be removed under a Natural England licence and the applicant comments that construction lighting has been designed in accordance with guidance from the Bat Conservation Trust and would be located sensitively. Nonetheless, there would be a high adverse residual impact on bat species during construction. However, the applicant states that bat boxes would be installed as part of the restoration scheme and the new planting would offset the loss of foraging and commuting habitats.
- 15.8.14 No evidence of great crested newts was found at the minehead site so there would be no impact on this species. The ES comments that the construction works would result in a loss of suitable shelter, foraging and basking habitat for reptiles. A precautionary method of working would be adopted during earthwork activities to reduce the risk to species such as grass snakes and lizards and encourage them to move to adjacent areas. During the operational period, there would be a long term benefit for reptiles from the creation of additional habitats.
- 15.8.15 The applicant also comments on the potential for in-combination effects from the development. Increased noise and disturbance from construction traffic would affect fauna on the site but these impacts would be intermittent, location specific and controllable to acceptable levels. During operation the key impacts would be increased lighting and noise levels which would affect birds, bats and badgers. The applicant comments that the proposals for operational lighting and noise levels have been designed to be sensitive to these species.

MTS access shaft at Lady Cross Plantation

- 15.8.16 Surveys were carried out at all the MTS intermediate shaft sites in 2014 and the applicant notes that the Lady Cross Plantation site was little used by breeding birds. Low numbers of foraging bats were recorded and there was no evidence of bats using the small light aircraft hangar. A pond suitable for water vole to the north of the site was surveyed but no evidence of water vole activity was found. There was no evidence of great crested newts despite there being three ponds nearby assessed as having 'average' suitability and no evidence of badger activity. The applicant comments that habitat types are considered to be commonly occurring ones of low ecological value with no Biodiversity Action Plan habitats present.
- 15.8.17 The applicant states that birds would be affected by the removal of trees during construction but comments that the surrounding landscape provides similar habitats. There would be indirect impacts on bats and birds due to noise and lighting requirements during construction. However, construction noise levels are predicted to be no more than 10dB above existing background levels and lighting would be located away from sensitive ecological areas. The same precautionary methods of working would be adopted as for the minehead site and the applicant concludes that with mitigation measures in place, there would be only a minor adverse residual impact on habitats, bats and reptiles during construction.
- 15.8.18 The restoration scheme would create 4.1 ha of woodland edge planting, 16.4 ha of species-rich grassland and 0.7 ha of surface water retention ponds and wildlife ponds. An existing area of habitat suitable for common lizard would be retained at the western edge of the north field and the ES concludes that during the operational period the new scrub/tree planting with native species would bring minor beneficial impacts across all the assessed ecological areas.
- 15.8.19 The applicant again notes that there would be potential for in-combination ecological effects but the same conclusions are reached as for the mine site i.e. that the construction impacts would be intermittent, location specific and controllable to acceptable levels. The applicant's

overall conclusion is that, provided the identified mitigation measures are successfully implemented, long term significant adverse impacts can be avoided.

Officers' assessment

Minehead site at Dove's Nest Farm/Haxby Plantation

- 15.8.20 Consideration of the ecological information submitted by the applicant has not been straightforward. The ecology chapter of the ES displays a lack of consideration of local ecological value and fails to record a formal assessment of the impact on the North York Moors SSSI, apparently assuming that because it is a statutory designation it is covered by the HRA. Essential background survey information was eventually provided at a very late stage in officers' assessment of the proposals. The extent of likely ecological impacts of the development on important habitats and wildlife is of concern to wildlife interest groups and both Yorkshire Wildlife Trust and RSPB have maintained objections to the development.
- 15.8.21 **North York Moors SSSI:** Members will be aware that the boundary of the SSSI is the same as the North York Moors SAC and SPA and the conclusions of the HRA (set out in Section 11) are that there would be no adverse effect on site integrity of the North York moors SAC and SPA. However, wider suites of vegetation types and breeding birds are protected under the SSSI designation and there is no certainty that some of these features would be entirely unaffected, particularly close to the mine site at Dove's Nest Farm.
- 15.8.22 The minehead site is only separated from the SSSI by a road and there is the potential for its heath vegetation to be affected by altered hydrology/hydrogeology during both construction and operation of the mine. AFW's review of the ES acknowledges that there is uncertainty regarding the precise effects on water levels, although the impact is not judged to be significant in EIA terms. The potential for dust and air pollution from vehicle and generator emissions to affect the vegetation is also not judged to be significant in EIA terms, although some increase is predicted, even with mitigation. Whilst the prevailing wind is westerly, persistent easterlies can occur for prolonged periods here and any increase in dust and air pollution would be on top of levels which are already likely to be having an impact on these habitats. The moorlands of the North York Moors have been and continue to be detrimentally affected by air pollution and unless the mitigation measures work effectively throughout the construction period, the proposed development could increase air pollution and delay, or even reverse, any recovery of the moors and their peatlands.
- 15.8.23 Lack of confidence in the applicant's noise assessment means that it is not possible to be confident about the potential effect of construction noise on SSSI birds, particularly curlew and snipe recorded relatively close to the site on Sneaton Low Moor. Noise, especially blasting, could disturb birds breeding on the moorland although it is acknowledged that breeding waders can be quite tolerant of disturbance so any impact is expected to be low. Although not found in the 2014 surveys, there is also a possibility that hen harriers or short-eared owls might start to breed on Ugglebarnby Moor or Sneaton Moor in future and they could be disturbed by noise such as blasting. If Members are minded to approve the development, further breeding bird surveys of both moors would be required in advance of work commencing so that appropriate mitigation and/or compensation could be provided if evidence of these or other vulnerable species is found.
- 15.8.24 **Other SSSIs:** There are no anticipated impacts on the geological SSSIs. Some of the biological SSSIs (and many other undesignated wetlands, such as those in the Newton House and Langdale Forests) could be vulnerable to any changes in hydrology as a result of the development of the mine. No such changes are anticipated, but an element of uncertainty remains and it would be important to maintain a long-term hydrological/hydrogeological monitoring and mitigation strategy as suggested by the Environment Agency to ensure long term protection for these habitats.
- 15.8.25 Littlebeck Wood may be vulnerable to other impacts because it is closer to the minehead site. Whilst it is not anticipated that noise or air pollution from the construction site would have a major impact upon the woodland vegetation features, it is possible that increased traffic in the vicinity and noise disturbance could affect breeding birds there, both during construction and operation of the mine. This is a relatively minor concern but these impacts

cannot be entirely avoided or mitigated. Compensation would therefore be appropriate and this could fall within the scope of the applicant's S106 'Management Plan' contribution.

- 15.8.26 **Habitats at the minehead site:** Officers consider that the ecological value of habitats at the mine site and its immediate vicinity have not been given sufficient recognition by the applicant. The most valuable habitats are those that have retained some damp heathland character (mainly in Haxby Plantation), the willow and birch woodland just north east of the farm buildings and in Whinny Wood's western edge and the marshy grasslands along the eastern edge of the agricultural fields. Coniferous trees within Haxby Plantation have been planted on sections of former heathland which represents valuable natural capital, with little agricultural improvement and long established soil profiles and biota. Removal of part of the Plantation (together with the need for the restoration works to prioritise tree cover for screening) means that this area would lose most of its potential to develop into a more valuable woodland/heathland mosaic.
- 15.8.27 Officers agree that restoration planting at the minehead site would provide some mitigation for loss and damage to existing habitats. The outline proposals are broadly satisfactory although planting could reflect local conditions better, for example by trying to establish heathland communities on parts of the mounds. Also, the areas of willow/birch woodland that would be lost during construction cannot be fully mitigated for by the new woodland, since little would be planted on ground with poor drainage. Nonetheless, the proposals are reasonable in that they provide a net increase in areas of broadleaved woodland and extensive new areas of open scrub, acid grassland and wetland which would in principle provide some long-term biodiversity benefits with enhanced conditions for a variety of plant and animal species, subject to a detailed plan being agreed with the Authority. Officers' main concern (discussed in paragraphs 15.9.43-44 below) is whether all the planting would be as successfully established as suggested. A potential additional compensation for the loss of valuable natural capital at Haxby Plantation would be measures to manage transitional wood/heath habitats where they survive elsewhere in the vicinity. This could be achieved via the applicant's suggested S106 'Management Plan' contribution.
- 15.8.28 AFW's review indicates that adverse effects of water pollution in Sneaton Thorpe Beck from increased sediment in the surface drainage system during construction are likely to be significant. This would be a serious concern for the ecology of the beck which contains an isolated and probably genetically distinct local Brown Trout population (a UK BAP Priority Species). The suggested EA surface water drainage conditions would need to be stringently applied and the risk could be reduced by introducing 'slowing the flow' type measures along pathway watercourses. However, this risk cannot be entirely eliminated.
- 15.8.29 The net loss of 28 ha existing agricultural land which is a mix of Grade 3b, 4 and 5 land is acceptable given the grade of the agricultural land. Members should note that 5.8ha would be permanently lost to new buildings and areas of hardstanding.
- 15.8.30 **Other valuable habitats:** Locally important woodland, moorland, downland and coastal sites are identified on the Authority's Section 3 Conservation Maps and protected under Core Policy C. The Belt plantation is Section 3 woodland and the northern part would be lost to the proposed mound. In the immediate vicinity of the site, Whinny Wood is Section 3 woodland and the heath/moors to the west and south of the site are Section 3 moorland. The species-rich road verge opposite Haxby Plantation could be damaged, potentially permanently, by any vehicles running over it and, if Members are minded to approve the development, measures to protect it should be agreed with the Authority's ecologist in consultation with the Highway Authority prior to any construction works starting.
- 15.8.31 Construction of the minehead would increase the amount of heavy goods traffic along the A171 and B1416 with associated increases in air pollution and the potential for noise and disturbance to animals such as breeding birds. The HRA has concluded that this would not affect the integrity of the EU protected moorland, but it remains a potentially harmful impact which could be felt in the wider countryside adjacent to the construction traffic route, including Section 3 heath and moorland, grasslands and wooded river valleys (such as Waupleys and Liverton Moors, grasslands around Scaling Dam Reservoir and Skate Beck and Wileycat Woods). The grasslands and woodlands in particular are habitats that the

Authority has prioritised for protection and enhancement through its Management Plan theme of improving habitat connectivity.

- 15.8.32 **Protected animal species:** Removal of the bat roost at Dove's Nest Farm under a European Protected Species licence would be acceptable in principle provided there are sufficient mitigation measures. The proposed bat boxes in the adjacent retained woodland and restoration planting may not be sufficient compensation for loss of the roost and its associated feeding and foraging habitat. It is self-evident that loss of the roost would be harmful and the applicant has acknowledged that bats would also be affected during construction by the loss of habitat, 24 hour lighting and general site activities. These effects are likely to be severe and officers are doubtful whether the suggested 'sensitive' location of construction lighting is really feasible as its location will be dictated by functional need and health and safety considerations. Officers also query the assessment of operational impacts on bats as it seems unlikely that additional foraging habitat provided in the restoration planting would be sufficient to offset the ongoing lighting, traffic movements and activity levels associated with a 24 hour major mining operation to give an overall beneficial effect for bats especially before the planting matures. Based on the information Natural England has seen so far, a licence application for this site is likely to form part of its routine casework to consider a licence application. Following a more robust assessment of the survey information to confirm the roost type(s), the impact assessment and appropriate mitigation strategy is expected to be relatively straightforward. However, if Members are minded to approve the proposals, there needs to be a planning condition to confirm that an acceptable substitute roost is provided prior the loss of the existing bat roost.
- 15.8.33 Other protected species known to be in the local area or considered likely to be present include badgers, adders and common lizards and the proposals for minimising the effects are acceptable. If Members are minded to approve the proposed development:
- Updated surveys for badgers, reptiles and water voles would be needed post-determination to refine mitigation strategies. Although water voles were not found in the immediate vicinity this would need to be checked again as their core area is not far from the site;
 - Although not recorded in the applicant's surveys, common crossbill and goshawk have been recorded intermittently in Haxby Plantation and further surveys should be carried out post determination to inform an appropriate mitigation strategy should they attempt to nest prior to work starting;
 - Nightjar (which is listed under Annex I of the EU Birds Directive although it does not have special legal protection) is a characteristic species of heathland edges and there is potentially suitable breeding habitat in Haxby Plantation and the more open woodland/heath to its east as well as on Ugglebarnby Moor. Although nightjars were not found in the applicant's surveys, they have been recorded recently on Ugglebarnby Moor. There is a risk that nightjars could be affected by noise disturbance, displacement and loss of breeding habitat should they attempt to nest prior to work starting and they are most unlikely to colonise the new habitats to be created. Further survey would be required post-determination and appropriate measures may be needed off-site to ensure they are adequately compensated.

MTS access shaft at Lady Cross Plantation

- 15.8.34 **SSSIs:** It is agreed that both the North York Moors SSSI and Arnecliffe and Park Hole Woods SSSI are sufficiently far away for there not to be any harmful impacts on either SSSI during either construction or operation of the MTS access shaft site at Lady Cross Plantation.
- 15.8.35 **Habitats at the MTS site:** The construction works would affect 25.65ha of land and it is agreed that most of the existing habitats that would be lost as a result of the works are of only moderate ecological value, with the exception of the wooded fringe, parts of which retain a heathland understorey. The western edge of the site has habitat suitable for lizards and retention of part of this area is included in the restoration proposals. Although the principle is welcomed, officers have doubts about its practicality given the scale of the earthworks and the increased amount of spoil that has to be retained on site. Nevertheless the restoration proposals are considered to be generally acceptable and there would be

some biodiversity benefits from species-rich grassland which would mitigate for the loss of semi-improved grassland and from new woodland edge planting. As at the mine head site, it would be desirable to include elements of heathland vegetation in the proposed planting on the spoil mound. The agricultural land that would be lost at the site is mainly Grade 3b and this would be acceptable.

- 15.8.36 The ES does not comment on the verge at the eastern edge of the site which is covered by the Authority's 'Species Rich Road Verges' Habitat Action Plan 2013-2017. Short sections of this verge would be lost at the new site entrances and there would be a risk of damage from construction traffic. If Members are minded to approve the proposed development, measures to protect and enhance this verge would also be required.
- 15.8.37 **Other valuable habitats:** The ES gives no recognition to the importance of the River Esk, although the site at Lady Cross Plantation drains into Cold Keld Beck which reaches the Esk near Glaisdale Village. The river is a BAP priority habitat and supports several protected and BAP priority species, notably freshwater pearl mussels which would be vulnerable to any water quality changes affecting them and the salmon and brown/sea trout which act as their hosts. If there were any reduction in water quality in the Esk emanating from the surface water drainage system at the construction site, this could reverse recent years' achievements which have enhanced conditions in the Esk catchment for freshwater pearl mussels. In its response the Environment Agency has raised concerns that despite mitigation, there remains a long term risk of potential pollution from this site into a section of the River Esk and has suggested that it would be appropriate for S106 monies to be used to support the *Freshwater Pearl Mussel Project* in order to increase the population's resilience. It would also be appropriate to introduce 'slowing the flow' type measures in the relevant watercourses although, despite such measures, Members will be aware that any pollution incident affecting this section of the river is likely to be serious given the mussel's vulnerable conservation status and its stringent water quality requirements.
- 15.8.38 Further concerns relate to the risk of changes to water levels affecting the vegetation of the Section 3 heathlands to the north and north-east of the site, which were not assessed at all, since they were not identified as ecological receptors. The use of part of the field immediately south of the heathland as a potential borrow pit is of particular concern regarding the risk to water levels. The ES suggests that water levels at Lady Cross caravan site might be adversely affected, so presumably the heathland closest to the shaft site could be as well.
- 15.8.39 **Protected (and other valuable) animal species:** The potential impacts on freshwater pearl mussels, salmon and trout in the River Esk are described above. As with the mine site, the measures suggested to minimise the risk of harm during construction to birds and protected species such as adders and lizards are all acceptable. The updated surveys recommended within the ES reports would all be required to inform final mitigation and method statements. The impact of at least occasional use of the partly wooded heath north of the shaft site by nightjars has not been fully assessed and greater consideration should have been given to the potential of common crossbill (noted in the adjacent woodland). Also, if the development were to go ahead, fields which have potential for breeding waders would be lost throughout the construction period. The proposed habitat restoration is unlikely to provide suitable conditions for breeding waders and, as with the mine site, compensation would need to be provided by creating and enhancing grasslands elsewhere in the National Park.
- MTS access shaft site at Lockwood Beck (outside the National Park)**
- 15.8.40 The conclusions of the HRA in relation to the North York Moors SAC and SPA are relevant to the assessment of impacts on the SSSI and it is unlikely that there would be significant concerns arising from the development at this site. Habitat connectivity to and from the National Park would be slightly reduced by the MTS construction work at Lockwood Beck because of the crossing of the Dale Beck valley. However, the presence of the A171 is a major barrier already, so the additional loss of connectivity would have a very minor effect.
- 15.8.41 Construction works at the site would lead to the loss of one small section of ancient semi-natural woodland by a beck. The Ancient Woodland Inventory map does not show such small areas of woodland, but this area's very rich ground flora is typical of ancient

woodlands. Two further areas of ancient woodland are within the site boundary, the northern of which will have drains running through it and much of the site is immediately next to a large area of such woodland. Members may be aware that the Authority has received a letter of objection to the proposed MTS developments at Lockwood Beck and Tocketts Lythe from the Woodland Trust on the basis that irreplaceable ancient woodland would be removed and damaged at both sites. The applicant has responded that, although the works at Lockwood Beck are adjacent to the area of ancient woodland, they would not encroach on it. Officers consider that the lack of encroachment is questionable given the contradictory evidence on the applicant's plans and in the ES and indirect effects on the remaining woodland flora and fauna should also be considered. Members should be aware that RCBC's assessment does not raise concerns over this issue but officers' view is that there would be adverse effects on these wooded areas and NPPF advice that loss or deterioration of irreplaceable habitats should be weighed against the public benefits of the proposal should apply. Officers' view is that, although, on its own, the harm to these areas of woodland would not be sufficient to outweigh the considerable potential economic benefits of the project, it does represent one of the 'disbenefits' of the overall York Potash project.

Conclusions

- 15.8.42 **North York Moors SSSI:** Wider suites of vegetation types and breeding birds are protected under the North York Moors SSSI designation than under the SAC and SPA designations covered by the HRA. There remains some uncertainty regarding the possible effects of the minehead development on the SSSI vegetation from changes in air quality and water levels and lack of confidence in the applicant's noise assessments means that there is a risk that SSSI birds (curlew and snipe) could be disturbed during construction. As a result it is not possible to be fully confident that the SSSI would not be detrimentally affected by this development. If Members are minded to approve the development, the residual effects could in part be compensated for through the proposed S106 Management Plan contribution covering improved heathland habitat management.
- 15.8.43 There would be no impact on the North York Moors SSSI from the construction of the MTS access shaft site at Lady Cross Plantation and, provided proposed mitigation measures are successfully implemented, it is unlikely that there would be significant harmful effects from the site at Lockwood Beck. Significant impacts on the SSSI are not anticipated during the operational or decommissioning periods of the mine.
- 15.8.44 **Other SSSIs and habitats of ecological value:** There are no anticipated harmful impacts on other biological and geological SSSIs, with the exception of Little Beck Wood where there is a minor concern regarding the effect of increased traffic and noise disturbance during construction. This harm could not be eliminated but could be compensated for by an appropriate S106 contribution. There would be losses of habitats which are not currently of high ecological value but have potential for restoration, such as wooded heathland and damp grassland. Restoration planting cannot fully mitigate for these losses, but the proposed S106 Management Plan would in part compensate for the loss of natural capital. Measures would also be needed to protect species-rich grass verges (which are Biodiversity Action Plan habitats) in the immediate vicinity of the minehead and Lady Cross Plantation sites.
- 15.8.45 If Members are minded to approve the development they should be aware that there is a relatively small loss of long established habitats that cannot be compensated for directly. On the other hand it must be recognised that these are moderate to low value habitats that have already been substantially modified. The S106 submission made with the application, would allow a substantial resource to be directed over a long period towards the improvement and creation of a wide range of North York Moors habitats. Officers believe that it is appropriate that a considerably larger area of new habitat should be created or restored than is to be lost because of the uncertainties with successful habitat creation/restoration and the long time-scales that can be involved. It should also be recognised that the proposed Core Policy D contribution would bring an incidental benefit of significant new areas of native woodland which is a Management Plan priority.

- 15.8.46 **Biodiversity:** Restoration planting proposals would need to be agreed in detail with the Authority but are broadly acceptable and, if successfully implemented, would increase the variety of habitats on site meeting the requirements of criterion 6 of Core Policy C that developments should mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere.
- 15.8.47 **Protected species:** The loss of a bat roost following the demolition of Dove's Nest Farmhouse will require a European Protected Species licence from Natural England. This will require a more robust assessment of the survey information to confirm the roost type(s) and inform the impact assessment and appropriate mitigation strategy. Concern about the likely effectiveness of certain proposed mitigation measures, for instance, construction lighting being sensitively located for bats at the minehead site, will also need to be resolved if planning permission is given. In other respects the proposed mitigation measures for protected species are acceptable provided updated surveys suggested in the ES are completed and detailed proposals are agreed in advance by the Authority.
- 15.8.48 **Wider environmental concerns:** The applicant's assessment that significant adverse impacts to habitats and wildlife during construction can be avoided depends on a wide range of proposed mitigation measures being successful. Officers are concerned about the following risks and uncertainties regarding the proposed large scale works taking place within the sensitive environment of the National Park:
- a) The likely levels of construction noise;
 - b) The likely effects on air quality and disturbance from increased road traffic;
 - c) Potential harmful impacts on surrounding habitats, including protected moorland, ancient woodland and a river supporting a valuable fish population. These could occur should proposed mitigation measures fail, for instance, should the construction surface water drainage system not operate successfully to avoid sediment or other pollutants entering Sneaton Thorpe Beck or air pollution control measures fail;
 - d) Potential reduction in water quality in the River Esk affecting the pearl mussel population, should the surface water drainage system at Ladycross Plantation MTS site fail to avoid sediment or other pollutants entering local watercourses;
 - e) The risk of changes to water levels affecting the vegetation of Section 3 heathlands to the north and north-east of the Ladycross Plantation site;
 - f) The small but potentially significant pollution risk discussed in Section 15.3 should there be a long-term failure in the measures to avoid leaching from pyritic material stored in the spoil mounds at the minehead or MTS sites.
- 15.8.49 Taking all the above matters into account, it is not possible to be fully confident about the impact of the proposed development on wildlife and habitats within the National Park and as such the proposals are contrary to Core Policy C of the NYM Local Development Framework and to policy E11 of the National Park Management Plan. The concerns relate primarily to the risk of harm to the National Park and this carries substantial weight against the proposal in the overall planning balance.
- 15.8.50 The applicant's proposed S106 Management Plan and Core Policy D contributions would clearly bring considerable ecological and biodiversity benefits to large areas of the National Park and the extent to which these offers would provide compensation for the identified residual harm is considered in Sections 17 and 19 below.

15.9 Landscape and Visual Impact

Relevant policies

Core Policy A recognises the importance of landscape and its contribution to the special qualities of the National Park and supports development only where it will not have an unacceptable impact on the wider landscape.

Core Policy G states that the landscape, historic assets and cultural heritage of the North York Moors will be conserved and enhanced. High quality design will be sought which conserves or enhances the landscape setting, settlement layout and building characteristics of the North York Moors Landscape Character Areas.

Background information

15.9.1 Landscape and Visual Impact Assessment (LVIA) involves a consideration of:

- What effect a development would have on the character of the landscape;
- How the development would affect specific views and general visual amenity experienced by particular people in particular places.

This section considers those effects during construction, operation and decommissioning of the mine and MTS development as well as looking at the cumulative impact of the York Potash proposals together with other existing and planned developments.

15.9.2 The minehead site lies within the Coast and Coastal Plain Hinterland (4b Whitby to Cloughton) Landscape Character Area⁷. The area is characterised by spectacular rugged cliffs and a rolling coast and coastal hinterland drained by steeply incised winding becks which flow towards the coast or north towards the River Esk. Inland from the coast mixed arable and pasture farmland is interspersed by plantations, shelterbelts and farmhouses marked by groups of trees.

15.9.3 The minehead site's southern and western boundaries abut the Central and Eastern Moorland Landscape Character Area, characterised by extensive tracts of unenclosed heather moorland with expansive long-distant views, steeply incised moorland valleys and isolated pockets of deciduous woodland. This moorland area wraps around the site and includes the Graystone Hills which lie between Haxby Plantation and the A171.

15.9.4 The MTS access shaft site at Lady Cross Plantation lies within the Lower Esk Valley Character Area, characterised by a wide valley floor located between areas of heather moorland. The site lies on the northern slopes of the valley on a watershed between Cold Keld Beck and Murk Beck Slack. The area has a mix of farmland with broadleaved woodland and coniferous and mixed plantations together with patches of rough pasture, wet grassland and upland grass moor. The Coast and Coastal Hinterland Character Area lies immediately to the north of the A171.

15.9.5 The MTS access shaft site at Lockwood Beck lies within Redcar and Cleveland's East Cleveland Plateau Broad Landscape Area⁸ and includes two Landscape Character types, Moorland Fringe Farmland and Incised Wooded Valley. Tocketts Lythe lies within the Guisborough Lowland Broad Landscape Area, characterised as Undulating Farmland.

Applicant's assessment

Minehead at Dove's Nest Farm/Haxby Plantation

15.9.6 The applicant's LVIA confirms that during construction of the minehead, removal of existing farmland and parts of Haxby Plantation, remodelling of the existing site landforms, the presence of construction structures and site activity would all have an impact on the landscape. As well as the three 45m high winding towers which would be on site for 28, 38 and 47 months, there would be two 40m generator stacks, thirteen mobile cranes between 42 and 76m high (needed on site for between 4 and 6 month at a time), vehicle movements and 24 hour lighting from 8m and 10m mobile lighting columns.

15.9.7 Measures to mitigate the landscape impacts include early construction of the western mound and provision of a 3m high 'environmental barrier' behind the Belt Plantations to restrict views into the site from the B1416. The winding towers would be fully clad and three different ways of treating the external appearance of the towers are presented in the

⁷ North York Moors Landscape Character Assessment 2003

⁸ Redcar and Cleveland Landscape Character Assessment 2006

- application. Aviation lights would not be needed on the winding towers and ground level lighting would be set below the level of enclosing woodland to the south and west. Spoil and soil storage mounds would be grass seeded as soon as possible, within 4 months for the bunds adjacent to the B1416 (Bunds A and B) and within 6 months for the lower slopes of those on the eastern side of the site (Bunds E and F). The applicant's assessment is that there would be a 25% increase in HGV traffic along the A171 compared to existing flows and this would be difficult to perceive and unlikely to have a significant impact in landscape and visual terms. The much greater increase (300%) in relation to existing HGV numbers on the B1416 would, however, have an impact.
- 15.9.8 Once in operation, the sunken minehead buildings, which the applicant states are designed as simple 'agricultural' forms, would be visually contained by a combination of the new landforms and woodland and scrub cover. The welfare facility has design features to limit artificial light spill and would be contained within mature conifer trees in Haxby Plantation. Surface activities would be mainly confined to the area around the welfare facility which would have a 3m high visual barrier to contain light from vehicle headlights. It is suggested that the relatively small changes in traffic flow during the mine's operational period would not have a significant landscape or visual impact.
- 15.9.9 The removal of surface structures during decommissioning would take place behind the enclosing landscape mounds and would not be expected to be visible from surrounding areas. This part of the construction works would be short term (6 months), localised and relatively small scale and are not expected to have any significant landscape or visual effects.
- 15.9.10 The applicant's LVIA covers a 6km study area and includes photomontages of the development during construction and at Year 1 and Year 15 of the operational period from 14 selected viewpoints. The applicant has also provided plans showing Zones of Theoretical Visibility (ZTV) for the development during construction and operation and a Technical Lighting Assessment which considers the effects of lighting during construction and operation from the same 14 viewpoints. The lighting assessment considers luminaire intensity (brightness of light in a particular direction), light intrusion (that is, beyond the area being lit) and 'sky glow' (upward lighting) and concludes that there would be negligible to 'moderate adverse' effects, particularly in winter months, during construction but very little effect during the operational period.
- 15.9.11 **Impact on Landscape Character:** The LVIA comments that the loss of relatively common landscape features (fields, hedgerows, broad leaved woodland and conifer plantation) at the mine site would represent a very small change within the Coast and Coastal Hinterland landscape character area as a whole. However, construction structures and activity would have a 'moderate/major adverse' effect on the character of areas close to the site and to the immediate east and north-east (4b Whitby to Cloughton area). Rolling topography and mature tree and hedgerow cover would reduce these effects to 'moderate adverse' across the wider inland part of the character area. In EIA terms these are both significant adverse effects.
- 15.9.12 The North Yorkshire and Cleveland Heritage Coast forms part of the landscape character area but the applicant comments that the part of highest value and most susceptible to change is the immediate coastal edge (the foreshore and cliff tops) and the mine site would only be seen from a small area near Whitby Abbey. Distance from the site combined with the intervening detraction of the A171 means that the effect on the Heritage Coast is assessed as 'minor/moderate adverse' and not regarded as significant.
- 15.9.13 During construction there would be 'major' and 'moderate/major' adverse effects on the parts of the Central and Eastern Moorland landscape character area closest to the site, i.e. Ugglebarnby Moor, parts of Graystone Hills, Latter Gate Hills and Normanby Hill Top. Again this is a significant adverse effect.
- 15.9.14 The LVIA suggests that during the early operational phase, before restoration planting is fully established, there would be small adverse impacts on landscape character but by Year 15 new habitats would be well established and the applicant considers that there

would be minor landscape benefits from new areas of woodland and scrub which would link the adjoining woodland and moorland habitats between Sneaton Thorpe Beck and Uglebarnby Moor.

15.9.15 **Visual impact:** The LVIA concludes that there would be significant adverse effects (i.e. moderate or major adverse) for the following visual 'receptors':

- Residents in two settlements, Stainsacre and Low Hawsker/High Hawsker;
- Residents in three individual properties, Parkdown Bungalow (garden only), Catwick House Farm and Middle Rigg;
- Users of sections of the following named recreational routes:
 - Coast to Coast Walk between Sleights Moor and Hawsker Bottoms where the full range of visual impacts would be seen as the route effectively 'wraps around' the mine site;
 - Moor to Sea Cycle Network Route 2/ National Cycle Route 1/ The Cinder Track where views of the site including ground level activity would be seen from open sections near Stainsacre and Hawsker and more distant views of the upper parts of the winding towers would be seen from the northern section of the route;
 - Moor to Sea Cycle Network Route 9 where it passes south and south-east of the site along May Beck Farm Trail, up Raikes Lane and beyond to Hawsker and Whitby;
- Users of six Public Rights of Way (PROW) within 3 km of the mine site where close range views would show ground level construction activity and more open locations would have views of the upper parts of the winding towers, generator stacks and cranes;
- Users of other PROWs within open moorland area to the south and east, the coastal hinterland farmland to the east and open upper valley side farmland to the west of the site. The LVIA notes that adverse impacts would be continuous for open moorland areas but intermittent and localised for non-moorland sections of PROW routes;
- Users of access land within open moorland areas to the west of the site (Uglebarnby Moor, Sleights Moor and Goathland Moor), to the east of the site (Graystone Hills, Normanby Hill Top and Latter Gate Hills), and to the south and south-east of the site (Sneaton Low Moor and Sneaton Moor);
- Visitors to the panoramic viewpoint at Blue Bank car park;
- Visitors to archaeological features including tumuli on open moorland to the south, south-east and west of the site;
- Drivers and their passengers travelling along seven public roads, namely the B1416 from the north-west corner of the site to the A171, the A171 from Normanby Hill Top to Sneaton Corner, Raikes Lane, Sneaton Thorpe Lane, Stainsacre Lane, Back Lane and May Beck Farm Trail.

15.9.16 The LVIA records many other minor or minor/moderate adverse visual impacts which are not regarded as significant in EIA terms. These include minor adverse impacts on sections of the Esk Valley Walk, the Cleveland Way and access land at Fylingdales Moor, Sneaton High Moor and Widow Howe Moor where distant views of the upper parts of the construction structures would be seen. It is considered that visitors to Whitby Abbey would experience minor adverse effects from views of the winding towers and generator stacks visible on the far horizon and there would be a minor adverse impact at Newton House Plantation. Regarding individual properties, the impact at Knaggy House Farm, which lies close to the north-east boundary of the mine site, would be negligible because it is located

within a hollow with higher ground blocking views towards the site. Other properties within 3km of the site are assessed as having no change (11 properties), negligible adverse (12), minor adverse (14) or minor/moderate adverse (17) impacts. None of these are significant in EIA terms.

- 15.9.17 The LVIA comments that at Year 1 of the operational period the newly restored eastern mound would have a limited adverse impact on views from residential properties, PROW and recreational routes. As restoration planting matures the woodland and scrub would provide a small positive benefit by reinforcing the existing wooded character of the Ugglebarnby Moor ridge in views from the east and north-east.
- 15.9.18 The overall conclusion of the applicant's LVIA is that permanent physical changes to landforms within the mine site and the removal of woodland and hedgerows would have only a minor impact on the character of the local area. There would be significant adverse visual impacts during construction associated with views of the construction site from PROWs (including the Coast to Coast walk), rural lanes and areas of open access land to the E and NE of the site and also on the western flank of Little Beck valley and moorland areas to the west of the site. However, significant adverse visual impacts for residential properties would be limited to a small number of properties close to the north-eastern boundary and all construction impacts would be temporary and reversible. As the restoration planting becomes established, the mine would operate without significant adverse effects on local visual and landscape receptors and the applicant concludes that there would be a minor landscape benefit. As the planting matures and post-decommissioning, it is suggested that the site would continue to make a positive contribution to the National Park landscape character.

MTS Access Shaft sites – Applicant’s assessment

- 15.9.19 The LVIA notes that, as with the mine site, removal of existing farmland, remodelling of landforms, and the presence of construction structures, site activity and lighting would all have an impact on the landscape. However, the duration of these impacts would be shorter with the timescales for the construction periods and the presence of the winding tower and generator stack at each site as follows:

	Ladycross Plantation	Lockwood Beck	Tocketts Lythe
Construction period	38 months	38 months	32 months
Winding tower	28 months	28 months	23 months
Generator stacks	32 months	32 months	32 months

- 15.9.20 **Lady Cross Plantation Landscape character:** During construction the upper sections of site structures would be prominent in views from the upper slopes of the Esk Valley to the east and west of the site. This would result in significant local impacts on the Lower Esk Valley character area (moderate major adverse) and parts of the Coast and Coastal Plain Hinterland character area close to the site (moderate adverse). The winding tower would be visible from a narrow strip of the North Yorkshire and Cleveland Heritage Coast but the applicant concludes that distance from the site, expansive views and existing intrusion from traffic on the A174 means that the adverse effect would be negligible.
- 15.9.21 **Visual impact:** The applicant comments that ground level activity including the effects of construction lighting would be screened by existing woodland cover within Lady Cross Plantation and neighbouring areas of woodland plantation. However, views of the upper sections of the winding tower, generator stack and cranes would bring significant (ranging from moderate adverse to major adverse) impacts for the following groups:

- 3 residential properties within 3km, Watergate Farm, Abbotsford and Moorfields;

- Users of 6 local PROW;
 - Visitors to certain plots within Lady Cross Plantation caravan park and users of the woodland walk there;
 - Users of access land at Egton Low Moor to the east of the site;
 - Road users along the sections of the A171 and local roads close to the site.
- 15.9.22 The applicant considers that there would be very limited effects on the landscape during operation due to the surrounding woodland screening of the shaft top building and the limited lighting required. Similarly de-commissioning works would cause only short term and minor adverse impacts, mainly caused by the temporary use of high cranes.
- 15.9.23 The applicant's overall conclusion is that there would be a range of short term significant adverse landscape character and visual impacts on this part of the National Park during construction. Once restoration planting is established the MTS would operate without significant adverse impact on local views or on the wider National Park. As the restoration scheme matures and post-decommissioning the site would continue to make a minor but positive contribution to landscape character.
- 15.9.24 **Lockwood Beck (outside the National Park)**
Landscape character: The LVIA notes that the tall construction structures would be highly prominent in some local views and resulting in significant adverse impacts on the Redcar and Cleveland Moorland Fringe Farmland character areas of South Lingdale and Moorholm. The site infrastructure would also be prominent in views from moorland to the south and west, resulting in significant adverse effects on parts of the North York Moors Northern Moors (1c) and Coast and Coastal Hinterland (4a) character areas closest to the site.
- 15.9.25 **Visual impact:** The applicant's assessment is that views of the onsite construction plant, activities and lighting would bring significant (ranging from moderate adverse to major adverse) impacts for the following groups relevant to this Authority's consideration of the proposals:
- Users of 3 local PROWs, including the Quakers Causeway;
 - Visitors to archaeological features (cairn fields, barrows and listed boundary stones) on moors to the south;
 - Recreational users of access land on the moors and anglers and birdwatchers at Lockwood Beck Reservoir;
 - Road users along sections of the A171 and local roads close to the site.
- 15.9.26 Landscape and visual impacts during the operational and decommissioning phases would be similar to those described for Ladycross Plantation. The LVIA comments that the site would become well integrated with the surrounding agricultural fields and wooded valleys once new woodland, hedgerows and grassland habitats are established.
- 15.9.27 **Tocketts Lythe (outside the National Park)**
Landscape character: The LVIA notes that site infrastructure would be prominent in local views from open areas of landscape below the Cleveland escarpment, on the Eston Hills and within the Guisborough valley generally. Elevated areas on the escarpment would have views to much of the site area although this would be filtered by intervening vegetation. These would bring significant adverse impacts to several of the local Redcar and Cleveland character areas and to the Upland Fringe, Cleveland Foothills area within the North York Moors.
- 15.9.28 **Visual impact:** Views of the onsite construction plant, activities and lighting would bring significant adverse impacts for the following groups relevant to this Authority's assessment of the proposals:
- Users of 6 local PROWs, including the Cleveland Way where the majority of the site would be visible from higher locations;
 - Various PROW at Guisborough Woods to the south of the site;

- Visitors to archaeological features (cairn fields, barrows and listed boundary stones) on moors to the south;
 - Road users along sections of the A171.
- 15.9.29 Landscape and visual impacts during the operational and decommissioning phases would be similar to those described for Lady Cross Plantation.
- Cumulative Impact Assessment (CIA) – applicant’s assessment**
- 15.9.30 The LVIA includes an assessment of the cumulative impact of the York Potash proposals and also the York Potash project together with other existing and planned developments.
- 15.9.31 **York Potash Project:** The CIA considers the project-wide cumulative impact of the construction winding towers at the mine and MTS sites. Other elements of the project were not included as they were considered unlikely to have a significant cumulative impact. This was because they would not be significantly intervisible (seen from one to the other) with the mine or MTS sites or, in the case of the MHF and Harbour sites at Teesside, with the protected landscapes of the National Park and Heritage Coast.
- 15.9.32 The applicant concludes that the winding towers would not cause project-wide cumulative impacts due to the large distances between the towers and their relative scale within expansive views. The cumulative effect of construction traffic would have a localised impact on landscape character along the B1416 corridor (moderate adverse) but a lesser impact (minor adverse) along the A171 and A169 routes. Overall it is suggested that there would be ‘minor adverse’ construction impacts on the designated landscapes of the National Park and Heritage Coast which would not be significant.
- 15.9.33 The CIA looked at sequential impacts within views along a number of routes and concluded that there would be significant adverse impacts for sections of routes relatively close to the sites or within open moorland and lesser impacts for sections more distant from the sites or passing through complex wooded landscapes, for example in the Esk Valley. The assessed routes were:
- **A169 northbound:** minor adverse impact affecting 7 minutes of a total journey time of 21 minutes;
 - **A171 eastbound:** intermittent views of winding towers and/or ground level activity at three locations affecting 12 minutes of a total journey time of 56 minutes. Significant adverse impacts for 5 minutes;
 - **A171 westbound:** mine and MTS sites visible for 16 minutes of a total journey time of 56 minutes with significant adverse impacts for 4 minutes;
 - **Cleveland Way:** elements of the project visible for one and three quarter hours of a total journey time of fourteen and a half hours, with significant adverse impacts for approximately 3 minutes along the Cleveland Hills escarpment;
 - **National Cycle Route 1:** elements of the project visible for 6 minutes of a total journey time of 80 minutes on the southern route, with significant adverse impacts for approximately 3 minutes;
 - **Regional cycle route 165:** elements of the project visible for 28 minutes of a total journey time of 2 hours;
 - **Coast to Coast Walk:** elements of the project visible for nearly three and a half hours of a total journey time of just over eight hours, with significant adverse impacts for approximately 80 minutes.
- 15.9.34 The CIA also considered cumulative effects at panoramic viewpoints. The winding tower at Tocketts Lythe would be in place for two years and would be visible from Roseberry Topping beyond Guisborough within an undulating and wooded landscape, assessed as a minor adverse impact. It would be visible from Highcliffe Nab at closer range where ground level activity would also be seen resulting in a minor/moderate adverse impact. Within views from Danby Beacon, the winding towers at the mine and Lady Cross Plantation would be seen together looking east with the tower at Lockwood Beck also being visible to the north west resulting in a minor adverse impact. None of these assessed impacts are significant in EIA terms.

15.9.35 The CIA concludes that there would be no significant project-wide cumulative impacts during operation of the mine because of the lack of intervisibility between the completed sites, the relatively discrete nature of the landforms and building components and the use of discreet lighting. The extension to the Cross Butts park and ride facility would not significantly alter its existing character or its appearance in external views. In the longer term, the CIA concludes that there would be minor beneficial effects as a result of habitat improvements and the S106 carbon offsetting provision for broadleaved woodland planting across the Park.

15.9.36 **York Potash Project and other existing or planned developments:** Representative viewpoints where the following major structures would be intervisible with components of the York Potash project were considered for this part of the CIA:

- RAF Fylingdales Radar facility – 40m high
- Boulby Mine dryer stack – 87.5m high
- Proposed development of Bank Field wind farm near Guisborough – 132m high

The CIA concludes that there would be no 'additive' cumulative visual impacts primarily because of the large distances between the structures. In terms of landscape character, there would be a wider spread of perceptible development features across areas of open moorland but this would not be sufficient to alter the key characteristics of the landscape. Cumulative impacts between York Potash and non-York Potash development are therefore considered to be negligible.

Officers' assessment of landscape and visual impact

Minehead at Dove's Nest Farm/Haxby Plantation – Officers' assessment

Construction period

15.9.37 The applicant's LVIA sets out clearly the extent of the landscape and visual impacts of the minehead development and the number of different places and user groups ('receptors') that would experience significant adverse impacts. It is a thorough and detailed assessment and AFW accepts the majority of its conclusions, saying the assessment is comprehensive, objective and transparent.

15.9.38 The upper sections of the winding towers, generator stacks and mobile cranes would be seen in all views but the most harmful effects would be experienced to the north and east of the mine site where ground level activity and the extensive earthworks would be seen as well as the tall construction structures. Construction lighting would also be visible and this is where most of the significant 'moderate' and 'moderate major' adverse visual impacts are recorded in the LVIA. There are also many other instances where adverse impacts are recorded and, although not significant in EIA terms, these would still affect residents and visitors to the area and represent harm to the National Park.

15.9.39 Officers acknowledge that the applicant has considered potential mitigation measures seriously and done as much as possible to limit harmful landscape and visual impacts, for instance in creating the bund adjacent to the B1416 at the start of the construction period and progressively seeding the mounds so that the visible extent of grey/brown/orangey bunds would diminish steadily through the course of the work. However, despite these and other measures, the scale of the construction site is such that it cannot be effectively screened and would be seen as an extremely prominent industrial development in many views across the north and east of the Park. This would have a harmful effect on the character of the surrounding landscape for the majority of the five year construction period when the tall structures would be in place.

15.9.40 The extensive adverse impacts recorded in the LVIA may be an underestimate of what would actually be experienced for the following reasons:

- AFW notes that a group of seven residential properties between the A169 and Little Beck valley have not been assessed as having significant adverse visual impacts

but they face the mine site and are likely to have similar views to those from Blue Bank car park which have been assessed as significant;

- Natural England has commented that it considers the impact on the Heritage Coast, where views of the winding towers would be seen clearly on the skyline from Whitby Abbey, would be significant. English Heritage also considers that the visual impact of the mine site during construction from Whitby Abbey and Headland would be harmful;
- AFW's review of the traffic impacts indicates that the increase in HGV traffic on sections of the A171 would be between 22% and 61% and officers disagree with the applicant's assessment that this would be difficult to perceive and would not have significant landscape and visual effects.

15.9.41 Overall it is clear that construction works at the minehead site would result in significant adverse impacts on a wide range of visual receptors and the two local Landscape Character Areas and would cause substantial harm to this part of the National Park for several years. As such the development would be contrary to NYM Core Policies A and G. Harmful impacts would extend throughout the five year construction period and although they would not be permanent, officers do not consider that they represent short-term harmful impacts. The mine site would appear as a major industrial development for this long period, altering the existing rural character of the National Park landscape for a number of years. If the construction phase were to over-run, the area would be marred by industrial development for an even longer period.

Operational period

15.9.42 The applicant has argued strongly that the significant landscape and visual impacts during construction would be temporary and reversible and that once in operation, the mine would have a very limited impact because of the design mitigation built into the proposals. Officers recognise the extent of the applicant's mitigation measures, particularly the selection of a site with existing woodland cover, the innovative design which enables the permanent winding gear to be contained within buildings that would be below the tree height of surrounding woodland and the objective of the restoration scheme to integrate the site into the surrounding landscape. These points all carry weight in favour of the development and it is accepted that the proposed mitigation would limit the landscape and visual impact over time so that adverse effects would not be significant in EIA terms.

15.9.43 However, much depends on the success of the restoration planting to screen the large minehead development and officers doubt whether this will be as effective as suggested in the LVIA. A key concern is whether the restoration planting is achievable given the depths of soil that would be available on site. AFW's review notes that the earthworks spreadsheet shows that soils on three of the mounds (bunds C, E and F) where tree planting is proposed on the lower slopes would be shallower than recommended for long-term sustainable woodland growth (700mm rather than the 1500mm required for trees to become established without posing a threat to the geosynthetic liner that protects the pyritic material). Shallow soils would in time restrict root growth of newly planted trees and shrubs, limiting water and nutrient uptake as well as increasing the risk of wind-throw in future years.

15.9.44 Officers also consider that the suggested timescale for the restoration scheme to become effective is optimistic. Dove's Nest Farm is in an exposed elevated location relatively close to the coast and growth rates for the mitigation planting are likely to be below average, in which case it would take longer than 15 years for the suggested level of screening to be achieved. If vegetation establishment on the new landforms is poor or sporadic, this would make the long-term landscape and visual impacts worse than is suggested in the LVIA. Both AFW and Natural England consider that, rather than being a minor landscape benefit, the long term effect of the new landforms and restoration planting would be neutral at best.

15.9.45 Trees and hedgerows in the wider landscape would also be important in contributing to long term screening. Long distance views from elevated ridges to the west on Sleights Moor, from Greystone Hills to the east and from Hawsker area to the north east rely on existing scrub and wood to provided screening. Since these lie outside the area controlled

by the applicant, there is a degree of uncertainty about whether they would remain and continue to provide screening over the lifetime of the mine.

- 15.9.46 The Authority must consider the presence of very substantial permanent new landforms at the mine site. Screening provided by existing and proposed new tree cover reduces the landscape and visual impact of the major new landforms in the LVIA assessment for the operational period. Nonetheless, the new mounds would clearly alter the current gently sloping topography of the mine site and the amount of extracted material to be contained means that they cover a large part of the footprint of the completed development. Natural England comments that the slopes that would be visible from the east are relatively steep and have a regular appearance. The slopes on the inner faces of the mounds are extremely steep and, despite tree cover in the belt plantation, the 'line' of the bunds at the western edge of the site would be apparent alongside the B1416. These man-made landforms represent an artificial new topography which officers consider to be inappropriate within the National Park regardless of the screening afforded by new planting and the conclusions of the LVIA. This point is considered further in Section 15.11 in relation to the National Park's special qualities.

MTS access shafts – officers' assessment

- 15.9.47 Officers accept the applicant's overall conclusion that there would be significant adverse landscape and visual impacts during construction of the MTS (which would be felt in both the National Park and in Redcar and Cleveland) but that, once restoration planting becomes established, these would not extend throughout the operational period. As with the minehead development, AFW comment that the LVIA for the MTS developments is comprehensive, objective and transparent and its conclusions are accepted in the majority of cases.

Lady Cross Plantation

- 15.9.48 **Construction:** The LVIA records significant adverse effects during construction for a range of groups including residents and users of local roads, PROW and access land in the vicinity of the site. It is agreed that existing woodland cover in Haxby Plantation would limit views of ground level activity but views of the upper sections of the winding tower, generator stack and cranes, together with the effects of construction lighting and traffic would have a harmful effect on the surrounding landscape which would be contrary to Core Policies A and G. Although the construction period for the MTS sites is shorter than for the mine site, works at the Lady Cross Plantation would continue for 38 months which is not considered to be a short-term period.

- 15.9.49 **Operation:** Officers agree that there would be limited adverse effects once restoration planting at the site becomes established because of the surrounding screening woodland, the agricultural style of the shaft top building and the restricted lighting that would be needed during operation of the MTS. AFW's review again queries the depth of soil that would be available on site for restoration planting and comments that this may affect a small pocket of woodland on the southern face of the spoil mound but the likely soil depths should be adequate for the majority of the area which would be restored as species-rich grassland.

Lockwood Beck (outside the National Park)

- 15.9.50 Natural England has commented that construction impacts from the Lockwood Beck MTS site warrant particular mention because it immediately abuts the National Park boundary and is seen in widespread open views from high ground within the National Park and when approaching the Park along the A171. The significant adverse effects of views of the construction site from moorland to the south would represent a harmful impact on the setting of the National Park which is a material consideration for this Authority.

- 15.9.51 Natural England also comments that the relatively steep slopes of the new landform where it drops down to the beck would have a regular appearance which is likely to be read as being 'engineered' until the planted woodland becomes established. Existing woodland in the valley is very long established and it is likely to take a considerable time before new planting becomes successfully integrated when seen from high ground in the National

Park. Officers consider that the harmful effect on the setting of the National Park in the early part of the operational period is likely to last for longer than is recognised in the LVIA.

Tocketts Lythe (outside the National Park)

- 15.9.52 This site is further away from the National Park boundary but the significant adverse impacts on views from the Cleveland escarpment during the construction period would represent a harmful impact on the setting of the National Park which is a material consideration for this Authority. Clearly, the significant harmful landscape and visual effects from both of the MTS construction sites outside the National Park would be experienced to a great extent within Redcar and Cleveland as well, as recognised in that Authority's assessment of the application.

Cumulative impact – Officers' assessment

- 15.9.53 **Construction:** The cumulative Zone of Theoretical Visibility (ZTV) shows that during summer months when trees would be in leaf, one or more of the York Potash construction sites would be visible from an area covering 17,847 hectares or 12.3% of the National Park. It is clear that one or more of the mine and MTS sites would be visible across an extensive area from Lockton High Moor in the south, Kildale Moor in the west and up to the coast north of Easington. Although there would be locations from which none of the sites would be seen, the construction structures would be an intermittent but regular feature as residents move about their daily business and visitors travel through this part of the National Park for several years. The effects would be particularly pronounced in winter months when there would be less screening from deciduous woodland cover.
- 15.9.54 The sequential cumulative impacts identified in the LVIA show how several important access and recreational routes through and within the National Park would be affected by views of the construction sites, including the A171, national and regional cycle routes, the Cleveland Way and Coast to Coast Walk. It is understood that the most harmful views would be when users passed close to one of the sites and the applicant's assessment shows that the A171, Coast to Coast Walk and Regional Cycle Route 165 would be worst affected.
- 15.9.55 Natural England's landscape objection is based on visual, cumulative landscape and cumulative visual impacts during the construction period. NE considers that significant cumulative impacts are likely at Low Moor and Stanghow Moor in the vicinity of the car parks on the A171 (where both Tocketts Lythe and Lockwood Beck would be visible in opposite directions) and at Sleights Moor/Black Brow near Blue Bank car parks (where both the mine site and Ladycross would be visible in opposite directions).
- 15.9.56 Officers do not agree with the LVIA's conclusion that cumulative impacts would generally be only 'minor adverse' because of the large distances between the sites and the limited impact of construction traffic on the A171 and A169 routes. The LVIA assumes that significance within views beyond 6km from the construction sites would typically be negligible adverse or imperceptible but this does not take into account the particular nature of the North York Moors landscape. The wide expansive views which characterise the National Park (described in the recent Secret Britain television programme as North Yorkshire's wide, open and spectacular spaces) mean that structures which break the skyline are incongruous even when seen at considerable distance. The strict LVIA methodology which is undertaken in the same way irrespective of landscape designation does not allow for this and records a non-significant level of impact on panoramic views from Danby Beacon and Highcliffe Nab and along various sections of the routes assessed for sequential impacts. Officers consider that this understates the harm that would be brought about by cumulative and sequential visual impacts. The quality of the Park's upland views would be considerably reduced where more than one site is visible from a particular point or where the sites are seen in succession giving the impression of major industrial development affecting a wide area.
- 15.9.57 **Operation:** Officers accept that, because of the nature of the MTS developments during operation and the fact that there would be little ongoing activity associated with the access

shaft sites, there would be no significant project-wide cumulative impacts affecting the National Park assuming restoration planting schemes are successfully established.

Conclusions

- 15.9.58 The applicant has submitted a detailed and thorough Landscape and Visual Impact Assessment which in most respects is considered to be an accurate assessment of the effects of the proposed development. The construction of the minehead and MTS involving two sites within the National Park and two which affect the Park's setting would result in a wide range of significant harmful impacts on views both within and outside the Park and on the character of the Park's protected landscape. The main ones are summarised as follows:
- 15.9.59 **Minehead at Dove's Nest Farm/Haxby Plantation**
- a) Harm to the character of parts of the Coast and Coastal Hinterland (4b) Whitby – Cloughton Landscape Character Area within three to four kilometres of the mine site and parts of the Central and Eastern Moorland Landscape Character Area to the east of the site;
 - b) Significant impacts on visual amenity for residents in Stainsacre and Low and High Hawsker and in three individual properties close to the mine site and seven further properties between the A169 and Little Beck Valley;
 - c) Significant adverse visual impacts for users of important recreational routes, including the Coast to Coast Walk which effectively 'wraps around' the mine site and the Moor to Sea Cycle Network Route 9;
 - d) Significant adverse visual impacts for users of PROW and access land in the vicinity of the mine site, particularly Ugglebarnby Moor, Graystone Hill, Normanby Hill Top and Sneaton Moors;
 - e) Significant adverse impacts for visitors to the important public viewpoint at Blue Bank and users of the A171 and local roads in the vicinity of the site.
- 15.9.60 **MTS access shaft site at Lady Cross Plantation**
- a) Harm to the character of the Lower Esk Valley Landscape Character Area within two kilometres of the site and to part of the Coast and Coastal Hinterland Landscape Character Area to the north-east of the A171;
 - b) Significant impacts on visual amenity for three residential properties within three kilometres of the site;
 - c) Significant adverse impacts for users of local PROW, access land on Egton Moor and visitors to the Ladycross Plantation caravan park.
- 15.9.61 **MTS access shaft sites at Lockwood Beck and Tocketts Lythe (outside the National Park)**
- a) Harm to parts of the Moorland Landscape Character Area within the National Park to the south and west of Lockwood Beck (Stanghow and Moorsholm Moors);
 - b) Significant adverse visual impacts for users of access land on Stanghow and Moorsholm Moors and anglers and birdwatchers at Lockwood Beck reservoir (within the National Park);
 - c) Significant adverse visual impacts from the Tocketts Lythe site for walkers using the Cleveland Way and local footpaths in Guisborough Woods (within the National Park).
- 15.9.62 The five year construction period plus at least fifteen years before restoration planting becomes fully effective in screening the development at Dove's Nest Farm represent a long period for harmful landscape and visual impacts to be experienced by the local community and visitors to this part of the National Park. For these reasons the proposed

	development is contrary to Core Policies A and G of the NYM Local Development Framework.
15.9.63	It is accepted that harmful landscape and visual impacts of the development would be much reduced in the operational period and of limited concern during decommissioning. The MTS access shafts sites are likely to become integrated into the surrounding landscape once restoration planting is fully established and officers consider that the development at Lady Cross Plantation would not have a long-term harmful impact on the National Park nor would the developments at Lockwood Beck and Tocketts Lythe have a long-term impact on the setting of the National Park. There are, however, concerns about whether shallow soils at the mine site would compromise the success of restoration planting and the suggested 15 year timescale for the scheme to become fully integrated into the surrounding landscape seems optimistic. The long-term landscape and visual impact of the new buildings, landforms and restoration planting at the minehead development is likely to be neutral at best.
15.9.64	The beauty of the North York Moors landscape was the primary reason for the National Park designation and the impact of the proposed development on the landscape is a central consideration for the Authority. Landscape character is an integral part of the sense of place and quality of life experienced by residents and visitors alike. The substantial harmful landscape and visual impacts of the developments during construction are contrary to the National Park's first purpose to protect and enhance the environment and contrary to the aims and objectives of the National Park Management Plan, articulated particularly in Policies E1 and E3. These considerations carry great weight against the development in the overall planning balance.
15.9.65	The extent to which the applicant's S106 offers, particularly the proposed Management Plan and Core Policy D contributions, would provide compensation for the identified residual harm by improving views and landscape character elsewhere is considered in Sections 17 and 19 below.

15.10 Recreational opportunities (including Public Rights of Way)

Relevant policies

Core Policy A gives priority to providing a scale of development and level of activity that will not detract from the experience of visitors to the National Park.

Development Policy 23 includes a requirement that existing public rights of way (PROWs), linear routes and other access routes for pedestrians, cyclists and horse riders are protected.

Background information

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.10.1 The area around the mine site at Dove's Nest Farm/Haxby Plantation offers diverse opportunities for outdoor recreation and access both for local people and visitors to the National Park. The Caravan Club site at Low Moor and the popular destinations of May Beck, Falling Foss and Little Beck Wood Nature Reserve are within 1.5km of the site. During the peak summer months, many visitors use the B1416 and A171 which also give access to Whitby, Robin Hood's Bay, Ravenscar and the Heritage Coast.
- 15.10.2 No PROWs cross the site but there are a number of footpaths and bridleways in the vicinity around Red Gates, Falling Foss and May Beck together with the internationally important Coast to Coast footpath and Bridleway 31366, both of which cross Graystone Hills to the south and east. Bridleway 312029 runs northwest from a point opposite the northern edge of the site and there is a popular horse riding route which passes from May Beck Farm Trail, along the B1416 for approximately 1km and up Raikes Lane towards Whitby. The Coast to Coast cycle route and Route 9 of the Moor to Sea regional cycle

route (Langdale End to Whitby) also use the B1416 along the south west site boundary before turning north up Raikes Lane. Adjacent to the site, Ugglebarnby Moor, Sneaton Low Moor and Graystone Hills are areas of open access land.

MTS access shaft site at Lady Cross Plantation

- 15.10.3 There is a public footpath running north to south across the site (PROW 310049) but no existing bridleways or cycle routes in the immediate vicinity. Ladycross Plantation Caravan site lies within the plantation immediately to the north-east of the site and there are small sections of open access land also to the north and east.

MTS access shaft sites at Lockwood Beck and Tocketts Lythe (outside the National Park)

- 15.10.4 There are various PROWs and recreation facilities in the vicinity of the two MTS sites outside the National Park. The impact on these facilities has been assessed by RCBC and further discussion here is only in relation to the cumulative impact of the MTS developments on users of important long distance PROW and cycle routes which pass through and beyond the National Park.

Important long distance walks and cycle routes

- 15.10.5 The **Coast to Coast Walk** was devised by Alfred Wainwright in 1973 and was unusual at the time as few long distance routes ran across the country linking up a wide variety of landscapes and countryside. It passes through three National Parks between the west and east coasts from St Bees in Cumbria to Robin Hood's Bay. The route crosses the Lake District and Yorkshire Dales National Parks before entering the North York Moors National Park at Ingleby Cross. It passes across the Cleveland Hills and Blakey Ridge and continues across the high moorland through the centre of the Park to its end point at Robin Hood's Bay. Although it does not have 'National Trail' status, it has attained an iconic status as one of the most popular long distance footpaths in the UK and in 2004 was named as the second best walk in the world in a survey of experts carried out by Country Walking Magazine. It brings many visitors to the North York Moors (an estimated 6 - 8,000 people use it each year including many overseas visitors) and is an important feature of the tourist economy. Its final stage crosses Sleights Moor and passes through Falling Foss and May Beck, running adjacent to the B1416 for 250m before turning north towards Hawsker across Graystone Hills. At the closest point, it is around 900m from the mine site at Dove's Nest Farm/Haxby Plantation.
- 15.10.6 The 177km **Cleveland Way** National Trail follows the North Yorkshire and Cleveland Heritage Coast from Filey to Saltburn before turning inland along the northern and western edge of the National Park and returning eastwards to Helmsley. It is a popular route for day trips as well as long-distance walking. The dramatic cliff top section of the route lies approximately 5.5km to the north east of the mine site at its closest point near Hawsker and the section passing along the moorland edge of the National Park above Guisborough lies close to the Tocketts Lythe MTS access shaft site, passing less than 2km from it as it leaves the Park and enters East Cleveland. The Tees Link connects the Teesdale Way long distance path to the Cleveland Way between central Middlesbrough and Highcliffe Nab in the north of the National Park near Guisborough.
- 15.10.7 The **Esk Valley Walk** is a 37km trail from the source of the River Esk to the estuary at Whitby Harbour. Its route includes high moorland at Danby Beacon before descending to the Esk Valley where it runs through Danby, Lealholm, Egton Bridge and Grosmont. It passes within 2km of the Lady Cross MTS site at its closest point north of Grosmont.
- 15.10.8 The **Moor to Sea Cycle Network** is a regional cycle route which connects Scarborough, Whitby, Dalby Forest, Pickering and Great Ayton in a series of moorland, forest and coastal loops. There are eleven sections covering approximately 150 miles and it is one of the National Park's main cycling attractions. Views of the proposed development sites would be seen from:
- Route 2 from Whitby to Ravenscar which follows the 'Cinder Track' inland from the coast. This route also forms part of Route 1 of the National Cycle Network

(extending from Dover to the Shetland Isles) and represents the majority of the British section of the North Sea Cycle Route (EuroVelo 12);

- Route 7 from Whitby to Danby which follows minor roads in the Esk Valley passing through Aislaby and Egton and incorporating Danby Beacon in its moorland section to reach Danby Beacon. This section also forms part of National Cycle Route 1;
- Route 9, Langdale End to Whitby which is a popular route through Langdale Forest and Fylingdale Moor. It runs through May Beck and follows the B1416 for just over a kilometre between Red Gates and Raikes Lane, where it turns north to Whitby.

15.10.9 The **Coast to Coast Cycle Route** is a Sustrans long distance cycle route passing through the Lake District and the Pennines into County Durham. The route splits at Barnard Castle and the southerly option to Whitby uses the same route through the Esk Valley as the Moor to Sea Route 7.

15.10.10 Plans showing PROWs in the vicinity of the mine site and recreational cycle routes are at Appendix A.

Proposals and applicant's assessment

Minehead at Dove's Nest Farm/Haxby Plantation

15.10.11 The applicant recognises that the National Park is an important recreation destination and has sought the views of local recreation user groups during the pre-application period. Some of the concerns raised were increased levels of traffic on the B1416 affecting horse riders, tourists being deterred from coming to the area with the perception that visitors have to avoid heavy lorries on dirty roads, likely noise levels around the construction site and safety for Coast to Coast walkers using the B1416.

15.10.12 The ES describes the anticipated impacts of the minehead development on PROWs, cycle and equestrian routes, open access land and a range of other recreation facilities within a 2 km radius of the mine site and the construction transport corridor (primarily the A171 and B1416 but also the A170 and A169 which would be used by HGVs bringing aggregate supplies from Wykeham Quarry). For each type of asset, the assessment looked at whether PROWs would be obstructed and what disturbance there would be to users of the route or the recreation asset/facility during the construction, operation and decommissioning periods.

15.10.13 Regarding the Ipsos MORI survey discussed in Section 12.5, the applicant comments that it is likely that the survey overestimates the potential change in visitors' behaviour given the ES prediction that there would be limited effects on visitor experience. It is suggested that the estimates in the perception survey are at the upper end of what might actually occur.

15.10.14 **PROWs and access land:** The ES states that it is only the crossing of the B1416 by the Wainwright Coast to Coast route where pedestrians would experience significant adverse impacts due to increased construction traffic (there would be a 317% increase in HGVs at this point). The proposed mitigation is a speed restriction of 30mph along this stretch of road. Other key PROW crossing points are discussed, for instance at Enterprise Way near Whitby Business Park and the Coast to Coast crossing of the A171 at Hawsker and again a 30mph speed restriction is suggested.

15.10.15 Users of PROWs and access land around the mine site would be affected by construction noise, particularly during Phase 2 of the planned earthworks. However, the applicant states that noise levels would be no more than 10dB above existing background levels and with good construction practices in place, any effects of noise or dust from the construction site are considered to be negligible. PROW users would see the construction structures and activities as they passed through but this would be a short term experience.

15.10.16 **Cycle and equestrian routes:** The applicant suggests that there would be similar impacts on users of cycle and equestrian routes as for PROWs although it is recognised that fear and intimidation caused by increased traffic may affect cyclists' desire to use the

construction routes. As with the PROWs, a 30mph speed restrictions is proposed as mitigation for harmful effects where cycle routes cross or overlap with the construction traffic routes, for instance along the B1416 and at crossings of the A171 at Whitby, Hawsker and Staintondale. It is suggested that the 30mph speed limit on the B1416 should be retained as mitigation for both the operational and decommissioning periods.

- 15.10.17 The applicant would also create a new bridleway for pedestrians, horse riders and off-road cyclists for the operational period. This would leave the B1416 at Honeysuckle Farm and run round the edge of the mine site through Whinny Wood and Haxby Plantation joining Raikes Lane to the north of Soulsgrave Farm. It would provide an alternative off-road link between existing bridleways across Pokeham Brow and White Moor Hill which are currently linked by the B1416.
- 15.10.18 **Other amenity assets:** Falling Foss Tea Gardens is the closest recreation facility to the mine site but the ES assessment is that, as it is over 1 km away, there would be no impact from construction noise or dust. The ES recognises that extra traffic along the B1416, A169, A170 and A171 during construction could affect users of sports and recreation facilities along these routes, including Scaling Dam Sailing Club, Sleights Sports Field (used for cricket) and the North Yorkshire Moors Railway. However, the ES comments that the roads already experience large numbers of vehicle movements each day which would not noticeably increase as a result of the mine development so any adverse amenity impacts for these facilities would be negligible.
- 15.10.19 The applicant's overall conclusion is that, taking into account the proposed mitigation measures, there would be no significant adverse effects on recreation, although there would be some minor adverse visual impacts from the construction works and disruption to a small number of pedestrian and cyclist routes. Some of these effects would last the full length of the construction period, but many visitors would experience them intermittently, for example only certain sections of a PROW would be affected by traffic obstruction or a view of the construction site. The applicant comments that the most prolonged impacts would be experienced by walkers and cyclists along the Coast to Coast route and Moor to Sea Cycle Network (route 9, Langdale End to Whitby). None of the adverse effects would continue beyond the construction period. During decommissioning there would be short term impacts for cyclists and pedestrians where PROW cross or overlap HGV traffic routes but the residual impact is assessed as negligible.

MTS intermediate access shaft at Lady Cross Plantation

- 15.10.20 The same methodology was used for assessing recreation and amenity impacts at Lady Cross Plantation as for the minehead site. The footpath which crosses the site would be diverted during construction to run around the north and east perimeter and would remain available throughout construction. It would be reinstated at the end of the works to a higher standard so that it could be used by cyclists and horse riders as well as pedestrians. The ES assessment is that with the footpath diversion there would be negligible adverse impacts for walkers during construction and during operation the improved standard would be beneficial.
- 15.10.21 The applicant makes the same points in relation to noise, dust and visual effects during construction for users of footpaths, bridleways and open access land in the wider study area as for the mine site, concluding that there would be only 'minor adverse' impacts experienced intermittently as users passed through. With construction noise levels no more than 10dB above existing background levels, noise and dust impacts at Ladycross Plantation Caravan site are assessed as negligible. The ES assessment is that during operation and decommissioning of the MTS any adverse recreation and amenity impacts would be negligible.

Officers' assessment of impact on recreational opportunities

- 15.10.22 The impact of the proposed development on recreational opportunities is important because of the National Park's second purpose to promote opportunities for the understanding and enjoyment of its special qualities by the public. This is also recognised at national policy level as the MDT specifically requires an assessment of any detrimental

effects on recreational opportunities and the extent to which these can be moderated. A Welcome to Yorkshire visitor survey (2011) showed that outdoor recreation and the countryside are key motivations to visit the National Park and recreational opportunities are also important to the quality of life for local residents. The mine site in particular has many PROWs and areas of access land in the immediate vicinity as well as important long distance walking and cycling routes nearby and officers consider that the impact of construction activities on recreational users is likely to be more severe than is suggested in the ES.

- 15.10.23 As the applicant recognises, a key concern is the significant increase in HGV traffic on the B1416 which would directly affect walkers using the Coast to Coast route and cyclists on the Moor to Sea Cycle Route 9. The promoted Coast to Coast crossing point is within a kilometre of the south-east corner of the mine site but some walkers prefer to avoid a final stretch of moorland and cross closer to the site to walk up Raikes Lane. There are therefore two important crossing points where construction traffic would be a hazard for walkers. This stretch of road is also used by local horse riders as well as cyclists on the Moor to Sea route and the problems would be more serious for these groups given the limited carriageway width, narrow verges and exposed location where strong cross-winds are an additional hazard. Although the 30mph speed restriction would provide some mitigation, AFW's review of tourism and recreation issues casts doubt on whether it would be as effective as suggested and indicates that HGVs would cause significant fear and intimidation as well as adverse amenity impacts for pedestrians and cyclists on the B1416. The Local Access Forum has commented that footpaths and bridleways are not independent of the roads that connect them; increased traffic on the B1416 would affect residents as well as visitors and people may simply give up using local PROWs.
- 15.10.24 AFW's review also comments that the effects of construction traffic would be more severe than recognised in the ES at the Coast to Coast crossing of the A171 near Hawsker and at PROW crossing points at Enterprise Way and Larpool Lane near Whitby and at Slapewath near Guisborough where the Cleveland Way passes through. Officers have sought advice from the Highway Authority in connection with the proposed mitigation speed restrictions within North Yorkshire and understand that a 30mph speed limit may be acceptable as a temporary measure during construction along the B1416 but is unlikely to be agreed for the A171 near Hawsker.
- 15.10.25 The ES also appears to underplay the extent to which the quality of residents' and visitors' experience would be reduced when using PROW to access land in the immediate vicinity of the mine site. As well as construction traffic impacts being more severe than suggested, there are serious concerns with the noise assessment in the ES and officers' view is that noise impacts from such a major construction site are likely to be considerably worse than suggested. The combination of construction traffic, noise and views of the site would seriously harm the existing quiet rural character of the area and the natural beauty of the landscape, reducing the quality of recreational experience for residents and visitors alike and affecting the important final (or first) stage of the Coast to Coast Walk.
- 15.10.26 Regarding specific proposals for individual PROWs, the suggested temporary diversion of the footpath at Lady Cross Plantation is acceptable and the proposal for a new bridleway at the mine site is welcome as a long term measure but does not address the concerns identified above during the construction period. The proposed route crosses land which is not owned by the applicant and officers understand that agreements to secure the new bridleway are not yet in place which reduces the weight that can be attached to the benefit. The applicant has, however, made a commitment in the S106 proposals to use reasonable endeavours to provide the new bridleway.
- 15.10.27 The two closest recreation facilities to the mine site are the North York Moors Caravan Club site and Falling Foss Tea Garden. The Caravan Club site has 92 pitches and the Club's consultation response expresses serious concerns about the impact of the development on the site, commenting that visitors spend a great deal of time cycling, walking and generally enjoying the local environment rather than merely using it as a base for exploring further afield. The Club considers that noise, vibration, artificial light, loss of

visual amenity and excessive traffic movements associated with the construction site would destroy the peace, tranquillity and dark night skies that visitors enjoy.

- 15.10.28 No consultation response has been received from Falling Foss Tea Room although concerns had been expressed in connection with the 2013 application. Similarly, no response has been received from Ladycross Plantation Caravan Park (adjacent to the MTS access shaft site) which has planning permission for 190 pitches for tourers, motor homes, camping pods and lodges. Officers understand, however, that the caravan park is already being adversely affected and there is a legitimate concern that potential visitors to any of these recreational facilities may choose to go elsewhere while construction works are on-going. It is understood that the applicant has negotiated agreements with at least one of the facilities (Ladycross Plantation Caravan Park) to ensure its continued viability through the construction period but these are private commercial arrangements and not a planning consideration. Whatever agreements are reached, it should be recognised that there are likely to be fewer visitors to these facilities during the construction period so there would be an effective diminution of the recreational opportunities available in the National Park.
- 15.10.29 The cumulative impact of the mine and MTS developments on long distance recreational routes within the Park should also be considered. The applicant recognises that Coast to Coast walkers would be affected and its landscape consultant states that one or more of the construction sites would be visible for nearly three and a half hours (see 15.9.33). This would include open moorland sections of the route (at Danby High Moor and Sleights Moor) and parts of the Esk Valley as well as sections in the vicinity of Dove's Nest Farm. Officers, however, have concluded that the Lady Cross Plantation construction site would be very visible over a stretch of seven miles of the route and the minehead site would be visible for five miles. Questions on the Coast to Coast walk were included in the Ipsos MORI visitor survey and, when asked what impact the development would have on how likely or not respondents were to use the walk, 19% said they would be less likely to use it. Although this percentages is reduced to 7% when adjusted for likely 'overclaim', the result supports officers' view that the combined effect of the mine and MTS developments within the National Park would reduce the appeal of the Coast to Coast Walk.
- 15.10.30 The impacts on other long distance routes are not regarded as significant in the ES because only short sections of the routes would have views of the construction sites that are assessed as 'moderate' or 'major adverse' and therefore significant in EIA terms. As discussed in Section 15.9.56, officers consider that the LVIA does not acknowledge the particular nature of the North York Moors landscape and the importance of wide expansive views which characterise the National Park. Walkers on the Cleveland Way would see the construction site at Tocketts Lythe in the north of the Park, the Lockwood Beck site near Skinningrove and the minehead site from parts of the route near Whitby Abbey. The Esk Valley walk was not specifically assessed in the ES but walkers would be likely to see the Ladycross Plantation site or the mine site at various points within the valley. From Danby Beacon, the winding towers at the mine, Lady Cross and Lockwood Beck would all be visible as distant features, contributing to a perception of industrialisation of the National Park. Albeit not significant in EIA terms, views of these sites would reduce the quality of experience for users of these important walking routes and impact adversely on the special qualities of the National Park.
- 15.10.31 Cycling is an increasing popular recreational activity within the National Park, encouraged by the recent Tour de Yorkshire event which followed the success of the 2014 Tour de France. Views of the minehead and Ladycross Plantation construction sites would affect three of the Moors to Sea routes and the Coast to Coast cycle route, again detracting from cyclists' enjoyment of the National Park landscape.
- 15.10.32 Members attention is also drawn to the fact that the MTS access shafts outside the National Park would lead to a reduction in the quality of experience for users of PROW and other recreational facilities in parts of Redcar and Cleveland and this is one of the 'disbenefits' of the overall York Potash project.

- 15.10.33 Although the main concerns lie with the construction phase of the development, the quality of recreational experience in the vicinity of the mine site would also be reduced during operation as a result of increased traffic associated with the operation of the mine and the alteration of the character of the area from one of small scale agriculture and forestry to that of a modern industrial facility. It is notable that the Ipsos MORI survey found that 3% of respondents would be less likely to use the route after construction is finished suggesting that the effect of the development on the Coast to Coast walk would continue through the operational period of the mine. However, additional rail services offered within the applicant's S106 agreement would be an operational benefit, improving the non-car based options for visitors to travel to, from and within the National Park.

Conclusions

- 15.10.34 Specific proposals relating to the diversion of PROW 310049 at Ladycross Plantation and the creation of a new bridleway at Dove's Nest Farm/Haxby Plantation are acceptable and would comply with Development Policy 23.
- 15.10.35 However, construction of the mine head at Dove's Nest Farm/Haxby Plantation would harm the quality of recreational experience for users of PROW and access land in the local area as a result of views of the construction site intruding on the landscape, increased HGV traffic along the A171 and B1416 and the likely level of noise which officers expect to be greater than recognised in the ES. The proposed development is therefore contrary to Core Policy A in that it would detract from visitors' peaceful enjoyment of the area.
- 15.10.36 There would be significant adverse impacts on the Coast to Coast walking route and Moors to Sea Cycle Route 9 which both pass close to the mine site's boundary. Increased numbers of construction vehicles on the B1416 would pose an extra hazard for Coast to Coast walkers and cyclists as well as for local residents including horse riders. Construction activities are also likely to affect visitors' desire to use the caravan sites at Sneaton Low Moor and Ladycross Plantation leading to a diminution of recreational opportunities available in the National Park.
- 15.10.37 The quality of recreational experience for users of other important long-distance routes including the Moors to Sea Cycle Routes 2 and 7, the Esk Valley Walk and Cleveland Way would be diminished and, as noted in Sections 15.10 and 15.12, the popular recreational destinations of Danby Beacon, Highcliffe Nab, Blue Bank panoramic viewpoint and Whitby Abbey (which is included in many visitors' trips) would be affected by albeit distant views of one or more of the construction sites and increased traffic flows along the A171.
- 15.10.38 Although the main concerns relate to construction at the mine and MTS sites, the quality of recreational experience for users of PROW and access land in the vicinity of Dove's Nest Farm/Haxby Plantation would also be reduced during the operation of the mine.
- 15.10.39 The extent and quality of recreational opportunities are integral to the National Park's second purpose. The harmful impacts of the development, particularly during the construction period, would affect residents and visitors alike and would be contrary to Core Policy A and to the aims and objectives of the National Park Management Plan, articulated in Policy U2. These considerations carry substantial weight against the development in the overall planning balance.
- 15.10.40 The extent to which the applicant's S106 offers, particularly the proposed Management Plan and rail services contributions, would provide compensation for the identified residual harm by improving access for visitors and improving landscape features is considered in Sections 17 and 19 below.

15.11 Special Qualities of the National Park

Relevant policies

Core Policy A confirms that the Local Development Framework seeks to further the National Park purposes and duty by encouraging a more sustainable future for the Park and its communities whilst conserving and enhancing the Park's special qualities.

Development Policy 1 outlines principles of development that must be met in order to conserve and enhance the special qualities of the National Park, including the development not generating unacceptable levels of noise, vibration, activity or light pollution.

- 15.11.1 Special qualities are embodied in the second statutory purpose of National Parks and therefore have legislative significance. No two National Parks have the same special qualities although there are shared characteristics such as extensive open landscapes, richness of wildlife, beautiful coastlines and a sense of wildness and tranquillity. The special qualities of the North York Moors National Park are set out in the Management Plan and underpin the policies of the Local Development Plan.

Applicant's assessment

- 15.11.2 The Planning Statement summarises the applicant's assessment of the residual impact of the mine and MTS development on the National Park's special qualities:
- 15.11.3 **SQ1: Great diversity of landscape; sudden dramatic contrasts associated with this.**
Construction: Although there would be a temporary degradation in the quality of local landscape types at the mine and Lockwood Beck sites, the breadth of landscape types within the National Park would be maintained and the overall impact would be 'minor adverse'.
Operation: As restoration planting matures, the mine site would contribute to an enhancement of the local woodland landscape, bringing a 'minor beneficial' impact for the majority of the operational phase. Landscape changes at Lady Cross Plantation and Lockwood Beck would not be visible from the surrounding landscapes so there would be no change in landscape diversity except at a local scale due to habitat creation proposals.
- 15.11.4 **SQ2: Wide sweeps of open heather moorland; distinctive dales, valley and inland headlands**
Construction: There would be no direct loss of moorland landscapes at any of the sites. Users of access routes within moorland landscapes would experience significant visual impacts but these would be extremely localised in the context of the whole of the National Park. The overall impact is assessed as 'minor to major adverse'.
Operation: There would be no direct loss of moorland landscapes and adverse visual impacts at the beginning of the operational period would become 'minor beneficial' once planting matures. This would provide a landscape which is more sympathetic with the woodland landscapes of the North York Moors than the existing plantation woodland.
- 15.11.5 **SQ3: An abundance of forest and woodland; ancient trees and woodland rich in wildlife**
Construction: The small areas of woodland lost during construction are predominantly low value plantation woodland so the impact would be 'minor adverse'.
Operation: The woodland lost during construction would be replaced with a larger area of biodiverse habitat bringing an overall 'minor beneficial' effect.
- 15.11.6 **SQ4: Special landforms from the Ice Age; exceptional coastal geology**
Construction: There would be no impact as there are no special landforms or exceptional coastal geology at any of the development sites.
Operation: No impact.
- 15.11.7 **SQ5: Majestic coastal cliffs and sheltered harbours; distinctive coastal headlands**
Construction: There would be a 'minor adverse' impact where views of the mine site could be seen from Whitby Abbey and in short sections of the Cleveland Way.

- Operation:* No adverse impact upon views from these areas.
- 15.11.8 ***SQ6: A special mix of upland, lowland and coastal habitats; a wide variety of wildlife dependent on these***
Construction: No protected or special habitats would be lost due to the works. The agricultural and woodland that would be lost has low ecological value resulting in a 'minor adverse' impact.
Operation: The restoration proposals would increase the prevalence of local habitat value and diversity bringing a 'moderate beneficial' impact.
- 15.11.9 ***SQ7: Settlements which reflect their agricultural, fishing or mining past; locally distinctive buildings and building materials***
Construction: There would be a 'minor adverse' impact on views from settlements but the overall impact on this special quality would be negligible.
Operation: There would be no visual impact upon surrounding settlements and impacts on the built cultural heritage of the National Park would be negligible.
- 15.11.10 ***SQ8: Long imprint of human activity; a wealth of archaeology from prehistory to the 20th Century***
Construction: There would be a 'minor adverse' impact due to the loss of locally important undesignated features at the mine and MTS access shaft sites.
Operation: No impact.
- 15.11.11 ***SQ9: A rich and diverse countryside for recreation; an extensive network of public paths and tracks***
Construction: No recreational activities would be curtailed by the development but there would be limited impacts for users of PROW leading to an overall 'minor adverse' assessment.
Operation: Small increases in traffic levels associated with maintenance activities would affect users of PROW but these would be highly infrequent and the overall impact would be negligible.
- 15.11.12 ***SQ10: Strong religious past and present: ruined abbeys and ancient churches***
Construction: Only features of local religious cultural heritage are at risk of being lost and the works would have no impact on people's ability to understand and enjoy the National Park's religious past and present (ruined abbeys and ancient churches).
Operation: No impact.
- 15.11.13 ***SQ11: Strong feeling of remoteness; a place for spiritual refreshment***
Construction: The mine and Lady Cross Plantation sites are located within areas with a limited sense of remoteness, characterised by roads, settlements and enclosed landscapes. The presence of major roads reduces the sense of remoteness found in moorland to the east, west and south of the mine site resulting in a 'minor adverse' impact on this special quality.
Operation: Noise and visual intrusion would be minimal resulting in a 'negligible' impact.
- 15.11.14 ***SQ12: Tranquillity, dark skies at night and clear unpolluted air***
Construction: The sense of tranquillity at the mine, Ladycross and Lockwood Beck sites is considered less strong than in the more remote areas of the National Park. Noise impacts would be mitigated at source and increased traffic levels would not result in a significant change in the character of the roads in question. The works would result in a moderate but relatively localised impact upon dark skies. Overall, the impact would be 'moderate adverse'.
Operation: Operational lighting at the mine and MTS sites would be controlled to maintain the dark skies quality as far as possible and the impact on tranquillity is predicted to be 'minor adverse'.
- 15.11.15 ***SQ13: Distinctive skills, dialects, songs and customs; strong sense of community and friendly people***
Construction: No impact anticipated as the workforce would represent a very small percentage of the population of the National Park.

Operation: No impact anticipated.

15.11.16 **SQ14: A place of artistic, scientific and literary inspiration; a heritage of authors, artists, scientists and explorers**

Construction: There would be no direct impacts upon cultural heritage features with an artistic or scientific connection but there would be a 'moderate adverse' impact resulting from views of the mine site affecting Coast to Coast walkers.

Operation: There would be a 'minor beneficial' impact as a result of improved views to the north for Coast to Coast walkers as restoration planting at the mine site matures.

15.11.17 The overall conclusion is that during construction the residual impact on most of the National Park special qualities would be negligible or 'minor adverse'. There would be some significant adverse impacts on three of the special qualities (SQ2: 'Moorland', SQ12: 'Tranquillity' and SQ14: 'Inspiration') but two of these would affect only the construction period. During operation of the mine and MTS, there would generally be negligible or minor beneficial impacts with only one minor adverse impact on SQ12: tranquillity. The applicant comments that the limited impacts on special qualities reflect careful siting and scheme design together with the suite of mitigation proposals.

15.11.18 The applicant recognises that people's perception of the impacts of the development on National Park special qualities may not be fully captured by the formal impact assessment process. Different people will experience the same impact or combination of impacts differently, for instance the construction sites might leave some with an impression of 'industrialisation' of the National Park which is not captured by the impact assessment. However, the applicant comments that in general, people's experience of the National Park as a whole is unlikely to be significantly impacted due to the works.

Officers' assessment of impact on special qualities

15.11.19 Members will be aware that the Authority's usual approach to dealing with impacts on special qualities is to address them with great seriousness, taking steps to prevent any erosion of them at all and setting great store by any improvements. The fact that development continues to modify the landscape outside of National Parks adds extra weight to the desirability of protecting what is special within National Parks. Officers disagree with the applicant's assessment of what constitutes a minor impact. In other developments in the Park, these would be viewed as major with an assumption they would be strongly resisted.

15.11.20 The applicant's assessment covers all of the National Park's special qualities which are listed in the Management Plan, but officers consider that the impacts of the development are most relevant to the following:

- SQ2: Wide sweeps of open heather moorland; distinctive dales, valley and inland headlands
- SQ3: An abundance of forest and woodland; ancient trees and woodland rich in wildlife
- SQ4: Special landforms from the Ice Age
- SQ6: A special mix of upland, lowland and coastal habitats; a wide variety of wildlife dependent on these
- SQ9: A rich and diverse countryside for recreation; an extensive network of public paths and tracks
- SQ11: Strong feeling of remoteness; a place for spiritual refreshment
- SQ12: Tranquillity; dark skies at night and clear unpolluted air

15.11.21 AFW's review of the applicant's assessment comments that, although the overall approach was appropriate, there are a number of issues that are likely to lead to greater significant effects than have been identified. The first is that the assessment draws on the findings of other parts of the ES and, if the predicted impact of these aspects of the development is incorrect, then there is a knock-on effect on the special qualities assessment. As discussed in Section 15.5 and 15.6, AFW considers that increases in HGV traffic along the A171/B1416 construction route would have a greater impact than is suggested in the ES

and that noise effects are likely to be significantly underplayed. The second point is that the 'assessment matrix' used by the applicant tends to downplay the significance of individual topic assessments and the third is that AFW disagrees with the 'sensitivities' that have been assigned to some of the special qualities.

- 15.11.22 When AFW revised the assessment adjusting for these factors, there was a substantial change from the special qualities assessment provided in the ES, particularly for the construction phase of the development. Whereas the applicant's assessment records significant adverse effects during construction for three of the special qualities (SQ2, SQ12 and SQ14), AFW's review records significant adverse effects on nine, as discussed below. For the operational period, the revised matrix and sensitivities used by AFW results in two significant adverse effects but also three significant beneficial effects. Officers have found AFW's adjusted assessment useful but do not agree with the conclusions reached regarding benefits during the operational period for reasons that are discussed below.

Impact on special qualities during construction

- 15.11.23 SQ11: 'Remoteness' and SQ12: 'Tranquillity' relate to the experience people have within the National Park of getting away from the pressures of modern living and obtaining spiritual refreshment. The applicant argues that the mine and MTS sites within the National Park are located in areas with a limited sense of remoteness and tranquillity. Although the presence of the A171 and B1416 have an influence on the character of the area around the mine site, officers do not accept that this means that special qualities 11 and 12 are not present or very much reduced. The national mapping of tranquillity developed for the Campaign to Protect Rural England in 2006⁹ shows that the area around Dove's Nest Farm is towards the upper end of the identified range of relative tranquillity and adjoins some of the most tranquil areas of the Park. It scores positively in relation to dark skies and seeing stars at night, lack of constant noise from vehicles and not seeing urban development, all of which contribute to its tranquillity.
- 15.11.24 Dove's Nest Farm's location between the coastal hinterland and the outlying edges of the eastern moors encompasses much of the wild character of the upland elements of the National Park. From the east especially, the site can be seen in its wider landscape context on the edge of the wide expanse of heather moorlands extending into the centre of the Park. The special qualities of this elevated and open landscape are its big skies, lack of development and feeling of remoteness and these would be significantly harmed by the large scale construction activities and increased traffic movements in the vicinity of the mine site. AFW's review found many flaws in the applicant's noise assessment and commented that its conclusions could not be relied on and that there was potential for significant noise effects to be experienced. Officers consider that noise impacts from excavations and earth moving equipment are likely to have an impact on tranquillity in the vicinity of all of the development sites. In an urban context, noise might be less unexpected but it would be a significant intrusion in a National Park, where people expect to find peace and quiet. Officers agree with AFW's assessment that there would be a major adverse impact on these two special qualities which would represent substantial harm to these parts of the National Park.
- 15.11.25 SQ12 also covers the National Park's highly regarded dark night skies. Despite the presence of Whitby and Sleights to the north, the area around Dove's Nest Farm/Haxby Plantation is notable in terms of experiencing dark night skies because of the proximity of the sea to the east and the expanse of open moorland to the south and west. The applicant has done as much as possible to incorporate mitigating measures but lighting from 8m and 10m high columns in the 24 hour shaft sinking area would inevitably compromise dark night skies in the locality, particularly in the areas to the north and north-east of the site. Normal daytime working hours would be 07.00 to 19.00 and during winter months lighting would be needed for safe operation wherever construction activities were taking place for several hours a day. Lighting effects would be particularly harmful during the first two years of construction when the perimeter bunds would be only partially

⁹ **National Tranquillity Mapping Data 2007** developed for Campaign to Protect Rural England and Natural England by Northumbria University. OS Licence number 100018881.

constructed. Officers agree with AFW's assessment that there would be a major adverse impact on the National Park's dark night skies special quality during construction of the mine. Construction lighting at Lady Cross Plantation would be less obtrusive because of the surrounding woodland but the site at Lockwood Beck would also affect dark night skies in the extensive National Park moorland areas to the south.

- 15.11.26 As discussed in Section 15.9.46, the spoil mounds at the mine site would constitute artificial new landforms of a different character to the existing natural topography of the area. The applicant argues that there are no special landforms from the Ice Age at any of the development sites but this does not acknowledge the fact that a combination of underlying geology and glacial activity has shaped the whole of the National Park, creating the smoothed outlines of its upland areas, deposits of glacial debris and widened river valleys. The mine site forms a small part of the total area of the Park but the new landforms containing approximately 1.9 million m³ of spoil and rising up to 13m above the existing ground level would be large and permanent new features which would have a significant harmful effect on SQ4: 'Special landforms from the Ice Age' in this area.
- 15.11.27 SQ1: 'Diversity of landscape', SQ2 'Moorland' and SQ3 'Forest and woodland' relate to the variety and quality of landscape and habitats within the National Park. Officers concur with the applicant's assessment that the most harmful effects would come from views of the construction sites affecting areas of open heather moorland but do not agree that these effects would be 'extremely localised'. As discussed in Section 15.9, distant views are important in the National Park's wide open landscapes and the cumulative impact of the mine and MTS developments together with existing major structures at Boulby and RAF Fylingdales would result in the north-eastern part of the National Park being likely to be more associated with major development and industrialisation rather than the natural beauty of its landscape, bringing significant harm to SQ2. The European Landscape Convention recognises that people experience and value the landscape through filters of memory, association and understanding¹⁰. The mine and MTS construction sites are likely to erode the quality of people's experience of the National Park landscape, particularly its open heather moorland as a result of association with large scale recent industrialisation rather than the natural environment perceived as wild and unspoilt.
- 15.11.28 It is agreed that the harmful impact on SQ3 from loss of woodland at Haxby Plantation would be mitigated to an extent by the restoration planting.
- 15.11.29 Although the applicant's overall assessment is that there would be a minor adverse impact on SQ9: 'Recreation', the landscape and visual assessment acknowledges that close views of the construction sites from PROW's and access land would have a moderate or major adverse effect. As discussed in Section 15.10, it is the quality of people's recreational experience that is important as well as the availability of footpaths, bridleways and other opportunities to explore and enjoy the National Park. Officers' view is that there would be significant harm to people's enjoyment of the countryside in the areas around the development sites.
- 15.11.30 SQ10: 'Religious past and present' and SQ14: 'Inspiration' relate to the cultural heritage and associations that are present in the National Park landscape and buildings. The applicant has acknowledged that views of the mine site from the Coast to Coast Walk would have a significant effect on SQ14 but the effect on the setting of Whitby Abbey and therefore SQ10 does not appear to have been recognised despite concerns expressed by both Natural England and English Heritage.

Impact on special qualities during operation and decommissioning

- 15.11.31 Impacts on National Park special qualities would also be felt during the operational period of the mine although officers recognise that these would be less than during construction. Notwithstanding the mitigation measures incorporated into the design, the proposal is for the development of what, in output terms at least, is being described as the world's largest potash mine. Officers agree with the comments made in Natural England's consultation response that *"even with full screening in place, the minehead, as an active and major*

¹⁰ 'European Landscape Convention Guidance Part 2' Natural England April 2009

industrial site, would still communicate its presence across this part of the National Park. The combined operational effects – including visual clues as to the presence of the mine (signage, general increased activity during shift changes) as well as noise, dust, traffic, light etc. – are likely to give perceptual cues that a major site is operating behind the remodelled landform and planted woodland, collectively altering how the landscape is valued, viewed and used, and detracting from its sense of rurality and wildness.”

- 15.11.32 Although considerable efforts have been taken to limit light pollution during operation and it is agreed that there would not be harmful impacts from lighting or general activity at the MTS sites, officers consider that the minimum levels of external lighting required at the mine site for safety and security reasons, vehicle lights at shift changes and the acknowledged effects of lighting required to deal with maintenance activities and albeit infrequent emergencies would have an undesirable effect on the Park’s highly valued dark skies at night.
- 15.11.33 Operational noise at the mine site, even though controlled within acceptable limits for neighbouring properties, would reduce the peace of the immediate surroundings and the general level of activity associated with the 725 strong work force together with visitors and delivery vehicles arriving and leaving the site would detract from the generally peaceful rural character that is currently experienced in the immediate vicinity. Operational traffic levels have been assessed by the applicant as far less than during construction (see Section 15.6) but there would be a large increase in traffic, including buses and HGVs, in the vicinity of Dove’s Nest Farm and this would adversely impact on the quiet and rural nature of the area. Although it is acknowledged that the existing potash mine in the National Park is not directly comparable with the YPL proposal, officers understand that approximately one thousand nine hundred vehicles (excluding workers and contractors) visit the mine at Boulby each month either with deliveries or for other reasons and this is not unexpected for a large scale industrial enterprise. Increased traffic along the approach routes to Dove’s Nest Farm, although not necessarily significant in EIA terms, together with the retained highway improvements, formalised site entrances and signage would contribute to the area having a busier, more ‘urbanised’ character.
- 15.11.34 Officers therefore agree with AWF’s assessment that there would be a significant harmful impact on SQ12: ‘Tranquillity’ during operation and also that the artificial new landforms would constitute a permanent significant harmful impact on SQ4: ‘Special landforms from the Ice Age’. However, officers do not accept the conclusion that the development would bring significant long term benefits to the diversity of landscape within the National Park (SQ1) or the special mix of habitats and wide variety of wildlife (SQ6): ‘Habitats and wildlife’. Both of these are recorded as being potentially beneficial because it is suggested that the restoration proposals would enable the development sites to become integrated with the surrounding landscape and deliver habitat and biodiversity benefits. As discussed in earlier sections, there are doubts about the long term success of the restoration planting and officers view the new habitats that would be created as some mitigation for losses caused by the development rather than an overall improvement in the special mix of habitats found within the National Park and the wide variety of wildlife dependent on them. Furthermore, the conclusion that there would be a long-term beneficial impact on the quality of artistic, scientific and literary inspiration (SQ14) from the presence of a large new industrial facility is a questionable conclusion.

Conclusions

- 15.11.35 The impact of the proposed development on the special qualities of the National Park is an important part of the planning consideration and the wider assessment of whether the proposal constitutes sustainable development within the context of National Park purposes. Special Qualities are embodied within the second National Park Purpose and therefore have statutory significance.
- 15.11.36 Construction of the minehead at Dove’s Nest Farm would bring significant adverse effects in terms of visual impacts, construction lighting and increased traffic movements. Construction noise and activity levels would also alter the character of the surrounding area. Nine of the National Park’s fourteen special qualities would be affected but officers

- consider that the most serious concerns are the introduction of large artificial new landforms and the harm the development would bring to the Park's wide sweeps of open heather moorland, its sense of tranquillity and remoteness and its highly valued dark night skies (SQ2, SQ4, SQ11 and SQ12). These qualities would be seriously compromised in the vicinity of the mine site and more widely across the north-east of the Park because of the cumulative effect of the mine and MTS construction sites. Although the applicant has incorporated measures to mitigate the effects, the nature and scale of the proposed development is such that there would be substantial residual harm to these special qualities during the five year construction period.
- 15.11.37 The impacts on National Park special qualities during the operational period would be less and the MTS access shaft sites in particular should not result in harm to special qualities in the long term. However, despite carefully considered design and extensive embedded mitigation measures, Dove's Nest Farm would become the centre of a major industrial operation and the general level of activity and traffic movements associated with a large scale mining enterprise would have a significantly harmful impact on the tranquillity and sense of remoteness of this part of the National Park and the special landforms of the Park throughout the 100 year mining period.
- 15.11.38 The proposed development is therefore contrary to Core Policy A and Development Policy 1 of the NYM Local Development Framework and contrary to the aims and objectives of the National Park Management Plan as set out in Policies E1, E3, E20, E23 and E24. Reflecting the fact that Government policy in paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks, these considerations carry great weight in the overall planning assessment.
- 15.11.39 The extent to which the applicant's S106 offers, particularly the proposed Management Plan and Core Policy D contributions, would provide compensation for the identified residual harm to special qualities is considered in Sections 17 and 19 below.

15.12 Historic environment

Relevant policies

Core Policy G, Landscape, Design and Historic Assets states that the landscape, historic assets and cultural heritage of the North York Moors will be conserved and enhanced. High quality sustainable design will be sought which conserves or enhances the landscape setting, settlement layout and building characteristics of the landscape character areas....Particular protection will be given to those elements which contribute to the character and setting of Conservation Areas, Listed Buildings, Historic Parks and Gardens, Scheduled Monuments and other sites of archaeological importance.

Development Policy 7, Archaeological Assets states that development that would have an unacceptable impact on the integrity or setting of a Scheduled Monument or other sites or remains considered to be of national archaeological importance will not be permitted. In the case of sites or remains of regional or local importance, development proposals will only be permitted where the archaeological interest is capable of being preserved in situ. Where this is not justifiable or feasible, provision must be made for appropriate preservation by record.

Background, proposals and applicant's assessment

Minehead at Dove's Nest Farm/Haxby Plantation

- 15.12.1 The minehead site is close to Ugglebarnby Moor which has a concentration of recorded pre-historic sites including a probable round barrow. An assemblage of Bronze Age arrow heads, scrapers and knives whose approximate location is recorded as Ugglebarnby Moor now appears to have been found within Haxby Plantation, near Soulsgrave, so there is a

possibility of other pre-historic material near-by. The minehead site is likely to have been used for agriculture throughout the medieval period with an area of ridge and furrow agriculture located to the north of Soulsgrave Farm. However, most of the identified historic features from the site and the surrounding area are from the post-medieval and modern periods, including a Grade 2 listed boundary stone at Red Gate just beyond the SW site boundary.

- 15.12.2 A desk based assessment (DBA) of historic assets at Dove's Nest Farm is provided as part of the ES. The applicant has also surveyed the farmhouse and undertaken geophysical and Light Detection and Ranging (LiDAR) surveys as well as maintaining an archaeological watching brief on site during exploratory drilling works and digging test pits in the areas where construction would take place.
- 15.12.3 The DBA identifies seven known or possible historic features that would be affected by the development:
- Asset 24 - Dove's Nest Farmhouse, which is first recorded on mid-19th Century OS maps, is considered to be locally important but has been much altered from its original form. It would be demolished to make way for the development;
 - Asset 28 - A section of a post-medieval earthen bank which forms the boundary between Haxby Plantation and the belt plantations would be removed by the construction of the proposed access road;
 - Asset 13 - An un-dated enclosure in the north-eastern part of the site would be drained and back-filled as part of the construction of the spoil bunds. It takes the form of a water-filled semi-oval ditch around a central island and may be a modern water management feature;
 - Asset 14 - A possible enclosure, interpreted from indistinct crop marks adjacent to the northern boundary of the site, would be affected by soil stripping, earth moving vehicles and the construction of spoil bunds to the north of the mine shafts;
 - Asset 19 - A possible undated earthen mound to the west of Whinny Wood would be entirely removed by earthworks and the creation of attenuation ponds. It could be either a natural feature or the remains of a barrow;
 - Asset 33 - Undated circular earthworks within the west of Haxby Plantation which may be either natural or artificial would be entirely removed by the construction of the welfare facilities;
 - Asset 10 - Another earthen mound in Haxby Plantation which may be either natural or artificial lies within an area where trees would be left in place for screening but may be affected by the installation of the foul drainage treatment plant or by earth moving machinery.
- 15.12.4 In addition, three shallow post holes and a field boundary ditch were found on the minehead site after the DBA was prepared. These post-medieval or modern agricultural features would be entirely removed by the earthworks and construction of spoil bunds. The applicant also notes that there is potential for organic material to have been preserved in water-logged ground in the eastern part of the site close to Sneatonthorpe Beck and its tributaries.
- 15.12.5 All the features listed in the bullet points are assessed by the applicant as of limited or uncertain archaeological significance and a programme of archaeological monitoring during construction works is proposed so that all assets would be recorded to an appropriate standard. On this basis the applicant's assessment is that the residual impact in EIA terms would be 'slight' or 'negligible' in all cases. The applicant has offered a S106 contribution of £67,500 towards the cost of incorporating any new archaeological data into existing records.

- 15.12.6 The DBA also identifies historic buildings and archaeological features within 6km of Dove's Nest Farm whose setting could be affected by the proposed development. These include Grade 2 listed boundary stones (including the one at Red Gate), the scheduled remains of John Cross, ten Grade II listed buildings in Sneaton, various scheduled prehistoric barrows on the surrounding moorland, Whitby Abbey, Sneaton Castle/St Hilda's Priory and the Conservation Areas in Whitby and Aislaby.
- 15.12.7 The DBA comments that the construction infrastructure, particularly the winding gear towers would feature within the settings of a number of surrounding heritage assets. However, the distance from the mine site means that the towers would affect the wider rather than the immediate setting of the assets. It is only the boundary stone at Red Gate where the scale and proximity of the winding towers means that they are likely to be relatively conspicuous. In all cases, the impact on setting would be temporary and reversible and is not considered to constitute substantial harm. During the operational period the applicant's assessment is that there would be no significant harm to any heritage assets as a result of changes to their setting.
- 15.12.8 The applicant submitted a further commentary as part of the SEI on the impact of the development on the Whitby Abbey headland. The Abbey ruins and Church of St Mary form an iconic landscape feature, important in views from the town of Whitby, the adjacent coastline and the surrounding agricultural land. Views looking out from the Abbey make a more limited though still positive contribution to the heritage significance of the headland, with key views being those looking north and west. The applicant comments that the tops of the construction winding towers would be seen on the far horizon looking south but states that this slight alteration to the asset's setting would not constitute substantial harm. During the operational period, the screening of the minehead development combined with its distance from the Abbey headland means that it would be barely, if at all, perceptible so there would be no significant harm.
- MTS access shaft site at Lady Cross Plantation**
- 15.12.9 Lady Cross Plantation lies within an area of moorland with extensive pre-historic settlement and funerary activity seen in the many remaining barrows, cairns, ring ditches and enclosures. There is also evidence of a settlement dating from the end of the pre-historic period and through the early Roman period on the eastern part of Egton Low Moor, one kilometre to the east of the site. Ironstone mining was carried out at Grosmont and Egton Moor during the nineteenth century and there are a number of World War 2 bomb craters in the surrounding area, including two within the site itself.
- 15.12.10 Desk based assessment data is presented as part of the ES and the applicant has also undertaken a geophysical survey and carried out test pit excavations. The applicant's LiDAR survey did not cover Lady Cross Plantation. No heritage assets were identified on the Lady Cross site although it is noted that water-logged ground in part of the northern enclosure would be conducive to organic material being preserved. The applicant would maintain an archaeological watching brief of areas conducive to organic preservation and considers that the residual impact, if any, would be negligible.
- 15.12.11 Within the surrounding area, eleven assets are listed where the setting would be altered by the proposed works. These lie between 500 metres and 5.5 kilometres from the site and include several Scheduled pre-historic barrows, two Scheduled rows of prehistoric standing stones and two Grade II listed buildings (Barton Howl and Hart Hall). Egton Conservation Area just over a kilometre to the south is one of the listed assets. The ES suggests that there would be a 'slight temporary adverse impact' on two of the pre-historic barrows at Horse Mire Head Farm, 500m to the east of the Ladycross site but no adverse effects on any other asset including Egton Conservation Area. During the operational period, the new landform and shaft top building would be minor alterations and not incongruous within the historic landscape of the area which combines agricultural fields, plantation woodland and remains of the former ironstone mining industry and its associated railways.

MTS access shaft sites at Lockwood Beck and Tocketts Lythe (outside the National Park)

- 15.12.12 The Lockwood Beck site is close to ironstone mines at Kilton, Lingdale, Stanghow and Aysdalegate which were worked in the nineteenth and twentieth century. There was a medieval settlement at Kateridden and earthworks and a possible medieval road have been identified at the site together with the remains of medieval field systems which would be truncated or removed by the MTS works. The applicant comments that they form part of a wider system and with appropriate archaeological monitoring, the overall impact would be 'slight'. Within the surrounding area, fourteen assets are listed where the setting would be altered by the proposed works including several Scheduled pre-historic features, Grade II listed buildings and Moorsholm and Liverton Conservations Areas. The ES suggests that during the construction phase there would be a 'small temporary adverse impact' on four of the heritage assets including one of the listed buildings and Moorsholm Conservation Area and a negligible impact on the historic landscape.
- 15.12.13 Tocketts Lythe is also close to former ironstone mines and a minerals tramway associated with Waterfall Ironstone mine used to run through the site. There are remnants of low-lying ridge and furrow features immediately to the north. Within the surrounding area, ten assets are listed where the setting would be altered by the proposed works including cairns on Newton and Pinchinthorpe Moors, various Grade II listed buildings and Guisborough and Upleatham Conservation Areas. The applicant's assessment is that there would be 'negligible' impacts on the remains associated with Waterfall Ironstone Mine and the ridge and furrow features, 'slight temporary' impacts on the heritage assets within the surrounding area and a negligible impact on the historic landscape. Guisborough Priory is located 1.2km to the SW of the site at Tockett's Lythe but intervening topography and woodland mean that there are no views between the two and the applicant states that the works would have no effect on the Priory's heritage significance or its setting.

Officers' assessment of impact on the historic environment

Minehead site at Dove's Nest Farm/Haxby Plantation

- 15.12.14 The Authority's Senior Archaeologist has commented that the Cultural Heritage information provided with the ES tends to diminish the potential significance of the heritage assets. The documentation does not seem to fully recognise that the scale of the proposed works means that most archaeological features at the minehead site would effectively be destroyed. Mitigation which ensures there would be proper archaeological investigation and recording is therefore of key importance and it is disappointing that detailed documents have not yet been provided. Nonetheless, provided the impact on features at the mine site is subject to appropriate mitigation, there are no known heritage constraints that would preclude development and in this respect the proposals comply with Development Policy 7.
- 15.12.15 Regarding the directly affected features:
- The demolition of the farmhouse is acceptable provided archaeological monitoring is carried out (Asset 24);
 - Officers query whether only a small section of the earthen bank would be destroyed, given the extended area of tree clearance within Haxby Plantation, the temporary SE stockpile (Bund H) and the increased footprint of the SW spoil mound. It is possible that a considerable length of the bank could be affected by the works and it would need to be either protected or appropriately investigated and recorded (Asset 28);
 - The undated enclosure (Asset 13) and the possible earthen mound (Asset 19) would need to be appropriately investigated and recorded;
 - The possible enclosure adjacent to the northern boundary (Asset 14) could be of local or regional importance if confirmed as a pre-historic settlement enclosure. Few of these enclosures within the National Park have been adequately investigated and the applicant's assessment that the impact on the asset would be slight cannot be justified on the current information. This feature would need to be

fully investigated, assessed and recorded before construction of the proposed spoil bunds;

- The undated earthworks within Haxby Plantation (Asset 33) may represent significant prehistoric funerary monuments and cannot be assumed to be of only local importance before they have been evaluated;
- The earthen mound in Haxby Plantation (Asset 10) has not been considered in the detailed ES commentary but should be included, together with the post-medieval agricultural features and potential palaeo-environmental deposits (organic material) in any proposed mitigation.

15.12.16 The mitigation strategy that has been discussed with the Authority and English Heritage is in outline form only and would need to be considerably worked up. However, the specific measures that have been proposed, namely a strip and record exercise as was carried out for the exploratory boreholes are broadly acceptable, subject to an appropriately worded Written Scheme of Investigation being agreed prior to development. The increased amount of spoil to be stored on site means that there is a larger area over which potential archaeological assets could be affected and all areas would need to be covered by the mitigation.

15.12.17 It is recognised that in most cases only the wider setting of heritage assets in the surrounding area would be affected by views of the construction site at Dove's Nest Farm. For earthworks and structures of limited height, this would not represent substantial harm to the asset's significance although it may reduce visitors' enjoyment. However, heritage assets such as the Conservation Areas in Whitby and Aislaby and the Whitby Abbey headland are of a different scale and, in the case of the Abbey Headland in particular, officers do not agree that the effects of albeit distant views of the construction winding towers over a period of five years would not constitute substantial harm. Officers do not accept that the 45m high towers would "barely be determinable" in views to the south and consider that the change in setting from an agricultural and moorland landscape to one which is punctuated by the towers and cranes of an industrial construction site within 6km of the Abbey would have a harmful impact.

15.12.18 English Heritage has commented that the setting of the Whitby Abbey headland contributes to the significance of its heritage assets, saying that although the key views associated with the headland are those to the north and west, the setting includes views to the south. The construction winding towers and generator stacks would be a modern and alien intervention in what is primarily a wild moorland location and would constitute harm to the significance of Whitby Abbey and Whitby House. English Heritage comments that the minehead site would be effectively screened (by landscaped spoil bunds) from the Abbey headland during the operational period but, because of the temporary harm during the construction period, the NPPF advice that such harm to heritage assets should be weighed against the public benefits of the proposal should apply.

15.12.19 Views of the construction site would be prominent in parts of Aislaby Conservation Area looking across the Esk valley to the east. The winding towers would be incongruous and out of scale within the surrounding view and officers do not agree with the applicant's assessment that this would not form a substantial alteration to the asset's primary setting. One of the Conservation Area's special qualities is its visual links with the surrounding countryside and that quality would be harmed by the large scale construction structures in those contextual views. In this respect the proposal is contrary to Core Policy G during the five year construction period.

MTS access shaft site at Lady Cross Plantation

15.12.20 Although the geophysical survey of the Ladycross Plantation site did not identify any definite heritage assets, a number of anomalies of 'uncertain origin' were picked up. Geophysical techniques are known to produce poor results from the local moorland soils and geology so the lack of definitive archaeological results is not unexpected. Unrecorded buried archaeology could be present on the site and appropriate mitigation methods would need to be employed during the stripping of topsoils and subsoils for areas of the site

showing archaeological potential from the geophysics data as well as in areas conducive to organic preservation as part of an archaeological watching brief during all construction activities. Provided this is properly carried out, there are no known heritage constraints at the site that would preclude development and in this respect the proposals comply with Development Policy 7.

- 15.12.21 Egton Conservation Area: The construction winding tower and cranes at the site would be highly prominent in the approach to Egton from the A171 and would dominate northerly views out of the conservation area. This would alter its character from one of a remote moorland village in a tranquil setting to one within the vicinity of a major industrial development. Officers consider that this would harm the setting of the Conservation Area and in this respect the proposal is contrary to Core Policy G during the construction period.

MTS access shaft sites at Lockwood Beck and Tocketts Lythe (outside the National Park)

- 15.12.22 These sites have been considered by RCBC against the local development plan for the area as they lie outside the National Park boundary. The conclusion of the RCBC assessment was that the proposals accord with the aims of national and local policies although it was noted that the loss of part of the ridge furrow field feature at Lockwood Beck cannot be mitigated. The RCBC assessment is a material consideration for the National Park Authority.
- 15.12.23 In terms of the Authority's assessment of the application against the North York Moors local development plan, it is the impact of the Lockwood Beck and Tocketts Lythe MTS developments on the historic landscape and therefore the setting of the National Park which is a relevant matter. The construction structures and associated site activities and traffic movements would be prominent features in both locations and officers do not agree that this would represent a negligible impact on the surrounding historic landscape. The effects of the development at Lockwood Beck would be particularly harmful to the setting of the National Park because of its close proximity to the Park boundary.
- 15.12.24 Officers do not accept the argument put forward in the ES that because mining has long formed a characteristic part of the area and the landscape includes the remains of former industrial sites and railways, the continuation of mining activity would be unlikely to alter perceptions of the character of the part of the Park affected by the MTS developments. The scale and form of the proposed York Potash developments are very different from historic mining activities and would not be in keeping with the remnants of former industrial activities which contribute to the character of the current landscape.

Conclusions

- 15.12.25 Seven heritage assets at the minehead site would be affected and in most cases destroyed by the development. Dove's Nest Farmhouse is of local importance and a possible pre-historic enclosure close to the northern boundary of the site could be of regional importance depending on further investigations. None of the assets at the site would preclude development although the potential enclosure should be investigated further prior to any works starting. The proposed mitigation would be acceptable subject to a detailed Written Scheme of Investigation being agreed with the Authority's Senior Archaeology Officer to ensure that any disturbed features were properly investigated, assessed and recorded prior to development. No heritage assets have been identified within the MTS site at Lady Cross Plantation but a watching brief would need to be maintained during construction works. On this basis, the proposals at both sites comply with Development Policy 7.
- 15.12.26 English Heritage has stated that views of the construction winding towers and generator stacks would affect the setting of the Whitby Abbey headland and this would constitute harm to the significance of the Abbey and Abbey House throughout the construction period. Although not covered by the North York Moors Local Development Plan, it is a material consideration that this would be contrary to Policy E28, Archaeology of the Scarborough Local Plan which states that developments that would adversely affect the setting of nationally important archaeological remains will not be permitted.

- 15.12.27 Although English Heritage has not raised concerns about the impact of the developments on the setting of the conservation areas at Aislaby and Egton, officers do have concerns about this. The tall construction structures at Lady Cross Plantation would dominate northerly views from Egton, altering its character from one of a remote moorland village in a tranquil setting to one within the vicinity of a major industrial development. Parts of Aislaby Conservation Area would be affected, albeit to a lesser extent, by views of the minehead site looking across the Esk valley to the east.
- 15.12.28 The harm to the setting of the designated heritage assets of Whitby Abbey and Egton and Aislaby Conservation Areas during the construction period should be weighed against the public benefits of the proposal as advised in paragraph 134 of the NPPF. Officers' view is that although, on its own, the harm to these assets would not be sufficient to outweigh the considerable potential economic benefits of the project, taken along with other harmful impacts of the York Potash project both within and outside the National Park, it adds to the weight against the proposals in the overall planning balance.
- 15.12.29 It is also considered that the mine and MTS development at Ladycross Plantation would represent harm to the surrounding historic landscape within the National Park and that the MTS developments at Tocketts Lythe and in particular at Lockwood Beck would have an adverse effect on the setting of the National Park. These harmful effects would arise from each individual development site and from the cumulative impact of the mine and MTS sites. In these respects the proposals during the construction period are contrary to Core Policy G.
- 15.12.30 It is agreed that the impact on the historic landscape and the setting of Whitby Abbey, Aislaby and Egton Conservation Areas would not extend through to the operational period.
- 15.12.31 In the overall planning balance, the impact of the developments on the historic environment of the National Park, on the setting of the National Park and on the setting of Whitby Abbey carries moderate weight against the proposals. The extent to which the applicant's S106 offers would provide mitigation and compensation for the identified residual harm is considered in Sections 17 and 19 below.

15.13 Housing and social infrastructure

Relevant policies

Core Policy A, Delivering National Park Purposes and Sustainable Development sets out key principles of sustainable development for the National Park which include enabling access to services, facilities, jobs and technology whilst minimising the environmental impacts of transport.

- 15.13.1 The construction of the mine and MTS would bring an influx of workers to the area over at least five years and, once in operation, employment opportunities at the mine and local supply chain businesses could bring new permanent residents to the National Park and the wider area. It is necessary to consider whether the existing and planned social infrastructure in terms of housing, schools, healthcare and local community services could meet the demands made by the development. These issues are considered under the following headings:
- Temporary accommodation for construction workforce
 - Housing
 - Education and skills
 - Policing
 - Social, community and health services

- 15.13.2 The ES includes a chapter on the socio-economic impact of the development and provides 'baseline' socio-economic information for the area. It outlines 'Travel to work' areas for the minehead and MTS sites and comments on demand for accommodation and social infrastructure from the construction and operational workforce and potential impacts on crime and anti-social behaviour. The Economic Impact Report presents a cumulative assessment of the whole of the York Potash Project (including the MHF and harbour facilities as well as the mine and MTS) and sets out the company's proposed approach to skills and training. The York Potash Skills Strategy is provided as an Appendix to the Economic Impact Report.

Temporary accommodation for construction workforce

Proposals and Applicant's Assessment:

- 15.13.3 The application includes an assessment of the workforce needed to build and operate all four components of the York Potash project. The number of construction workers required would fluctuate over the course of the 58 month construction period to bring the project into Phase 1 production. For the minehead at Dove's Nest Farm, the average monthly requirement would be 480 workers. The most labour intensive period would be between months 23 and 34 (645 workers being the peak requirement) and with 150 additional workers needed for the MTS access point, the combined peak requirement at the Dove's Nest Farm site would be 795 workers.
- 15.13.4 The applicant assumes that construction workers could travel from an area within 60 minutes of each of the development sites and comments that there is a large pool of potential construction workers resident within the Dove's Nest Farm 60 minute 'commuting zone'. However, contractors who would be carrying out specialist work such as shaft sinking and tunnel boring work would bring their own skilled and experienced labour and these non-local workers would need temporary accommodation. The application suggests that 67% of the peak requirement of 795 at Dove's Nest Farm would be non-local workers (533) and 33% would be local workers (262).
- 15.13.5 Each of the MTS intermediate access shaft sites would require up to 150 construction workers with the most labour intensive period occurring between months 18 and 28. It is estimated that 26% of the workforce would be local labour and 74% non-local so up to 111 workers at each of the sites would need temporary accommodation.
- 15.13.6 The applicant suggests that there is enough existing accommodation within the 60 minute commuting zone of each site to meet the needs of the non-local construction workers. They are expected to use a range of accommodation including private rented spaces, caravans, bed and breakfast and self-catering accommodation. The applicant comments that in a 'worst case' scenario, the demand from the Dove's Nest Farm and Lady Cross sites would represent 14% of the available accommodation spaces within 15 miles (which would be only 2.3% of the available tourist accommodation in the National Park as a whole). The applicant comments that this would be a minor benefit for owners of accommodation facilities.
- 15.13.7 However, the company has also sought permission to develop a temporary construction workers village on land at Stainsacre Lane, opposite Whitby Business Park to allow for the possibility of the chosen construction contractors for the mine development deciding that a dedicated construction workers village is required. This development would be a two storey modular structure with 416 bedspaces and would include a canteen, laundry, recreational facilities, administrative offices and a security gatehouse. It would be located alongside the proposed construction park and ride facility and 52-seater buses would be used to take workers to and from the minehead site. The application has been considered by Scarborough Borough Council but is currently pending a decision although officers understand that the Council is minded to grant planning permission subject to a Grampian condition that works would not commence prior to consent for the mine and MTS application being granted.
- 15.13.8 The applicant notes that a much smaller construction workforce would be needed to develop the mine to Phase 2 production levels. No additional work would be needed to the

MTS and work at the minehead would take place over a 6 month period with a peak workforce requirement of 80. It is suggested that there would not be any significant adverse effects from this Phase 2 construction.

Officers' assessment

15.13.9 The applicant's estimates of the local and non-local construction workforce are based on in-house experience and advice from potential contractors and they are accepted as likely to be realistic. No concerns have been raised by Scarborough Borough Council about the availability of temporary accommodation within a reasonable travelling distance of the construction sites at Dove's Nest Farm and Lady Cross Plantation for non-local workers even if the construction workers village were not developed and officers recognise the potential benefit to local accommodation providers, particularly during the quiet winter months. However, officers consider that there could be a more serious impact on the availability of tourist accommodation during the high season in Whitby and the immediate vicinity than has been acknowledged. Non-local workers would be likely to choose places as close to the park and ride facility as possible, in Whitby, Sandsend and Ruswarp rather than further afield.

15.13.10 Members have already commented on the proposed construction workers village which would be a large modular development adjacent to Eskdale School on Stainsacre Lane. In combination with the construction park and ride facility, it would be an unwelcome addition to the Whitby urban fringe for the proposed six year period and its scale, functional design and car park lighting would have a harmful impact on the setting of this part of the National Park. However, officers also recognise that it is not unusual for a temporary workers camp to be set up as part of a large construction project and it would have advantages in reducing the number of individual car journeys that would otherwise be made between temporary accommodation in the area and the construction park and ride facility. It would also reduce the potential for there being a shortage of available visitor accommodation in and around Whitby during the main tourist season. If the temporary construction village were developed, the peak number of construction workers needing to find spaces in existing available accommodation from the Dove's Nest Farm and Lady Cross sites would be reduced to from 644 to 228.

15.13.11 If Members determine that the mine proposals should be approved, officers' view is that the construction village and park and ride probably represents the best approach to providing temporary accommodation for non-local workers as well as a sustainable transport option. In these circumstances, the harmful impacts may be considered acceptable as part of the wider project.

Housing

Proposals and Applicant's Assessment

15.13.12 The applicant states that the York Potash project as a whole would have the following operational workforce:

Nos. employees	Phase 1	Phase 2
Mine	435	725
MTS	90	90
MHF	86	109
Harbour	26	34
Head office	64	81
Total	701	1,039

15.13.13 In terms of location, there would be MTS employees at both Dove's Nest Farm and Wilton but not at any of the intermediate access shaft sites. The York Potash Head office is in Scarborough. It is expected that workers would come to the various sites from within a 'travel to work area' of up to 90 minutes. The company aims to recruit locally for the operational period as far as possible and has set a target of 80% local labour by Phase 2. Only a small proportion of workers taking up jobs with the company would therefore be coming into the area as new residents. The applicant comments that the demand for accommodation from workers would be dispersed across a wide area and notes that there are 14,070 dwellings within the NYMNP, 59,500 within RCBC and 277,350 within the travel to work area. In the context of this many homes and the natural 'churn' of the housing market, it is suggested that the demand for additional housing would be negligible.

Officers' assessment

15.13.14 The argument presented by the applicant is accepted in general terms although the number of operational workers coming into the area as new residents may be greater than anticipated by the applicant. The target of 80% local employment is a high one and may not be achieved, even in Phase 2. Also, no account been taken of the potential demand for additional housing arising from indirect or 'induced' jobs that might flow from the York Potash development. No estimate is given for the number of households moving into the area as a result of supply chain employment or wider growth in the local economy to give a complete picture of the likely demand for additional housing. Nonetheless, officers accept that in-coming households would be likely to seek accommodation in Scarborough, Ryedale and Teesside and the additional pressures would be dispersed across a wide area.

15.13.15 Redcar and Cleveland Borough Council has confirmed that its Draft Local Plan takes into account economic growth projections (which include developments such as York Potash) and subsequent changes in population and increases in housing numbers. Scarborough Borough Council has also taken account of the potential additional demand arising from the York Potash Project in its Draft Local Plan and assumed in its modelling that there could be an extra 1,000 direct, indirect and 'induced' jobs. It accepts that there would be in-migration of workers and a subsequent impact on housing need in the borough. The Draft Plan makes provision for an extra 1,380 dwellings over 20 years should the York Potash proposals be approved. These dwellings would be on sites outside the National Park. Neither Scarborough nor Redcar and Cleveland Borough Council has raised concerns about long term housing provision and officers conclude that it is reasonable to assume that there would be sufficient housing available to meet the requirements of the proposed development.

15.13.16 An issue that has not been addressed by the applicant is the potential impact of extra demand for housing specifically within the National Park. Demand for additional accommodation close to the mine and MTS sites could lead to pressure to vary holiday let conditions to long term lets. Also, there are limited opportunities for new housing development within the Park and there could be increasing problems with high house prices if there were a significant increase in demand for housing in the eastern part of the Park. The National Park is an attractive place to live and, despite the reassurance from Redcar and Cleveland officers and the provision that Scarborough Borough Council has made in its Draft Local Plan, the development is likely to lead to an increase in demand for existing open market properties within this part of the Park which could result in more rapidly increasing house prices. The Authority has for many years operated a successful 'Exception site' policy to promote affordable housing in the National Park and this would need to continue in order to address problems of affordability for local communities.

Education and skills

Proposals and applicant's assessment

15.13.17 The applicant has provided a copy of the company's Skills Strategy and this gives details of its proposals to recruit and train a local workforce. The applicant states that the company's main requirement would be for scientific and technical skills, particularly at Level 3 (A Level equivalent) and above. The aim of the Strategy is to increase the number of local people with the skills and qualities needed to deliver the company's target of

recruiting at least 80% of the workforce from the local area. The Skills Strategy includes an Action Plan which focuses on four themes, raising awareness of career opportunities, working with education institutions and others to ensure suitable education and training is available, providing employment 'routes' into the company and supporting continuous professional development of all staff. The Action Plan includes proposals such as an ongoing programme of career talks and seminars in educational institutions, sponsoring local trade events, providing bursaries and work placements to students, providing apprenticeships and developing transition training programmes for tradespeople, for example conversion courses for domestic electricians.

- 15.13.18 The applicant has also had discussions with North Yorkshire County Council and Redcar and Cleveland Borough Council regarding ways of supporting the teaching of Science, Technology, Engineering and Maths (STEM) subjects in primary and secondary schools which would help to stimulate an interest in these subjects and ultimately scientific and engineering careers.
- 15.13.19 In order to deliver its commitment to skills training and address any concerns over the impact of skills shortages on the business community, the applicant has offered various S106 contributions as outlined in Section 5 above. These include monies for NYCC and the North Yorkshire Business and Education Partnership to promote awareness of and provide resources for STEM subjects in primary and secondary schools and further education establishments together with provision for the company to use all reasonable endeavours to:
- d) create 50 apprenticeship opportunities within the first five years and continue an ongoing apprenticeship programme;
 - e) continue to deliver the York Potash Undergraduate programme;
 - f) train at least 250 construction workers to become mine workers;
 - g) deliver a re-skilling programme for at least 50 trades people with transferrable skills and
 - h) deliver quarterly employment opportunity information sessions targeted at the local unemployed.
- 15.13.20 In addition there is a Scarborough Local Opportunities Contribution which would be used to identify and prepare local people for construction job opportunities. The applicant argues that these measures would bring positive benefits to the local community and that implementation of the Skills Strategy would increase the available skilled workforce not only for York Potash but also for other businesses in the area.

Officers' assessment

- 15.13.21 The application focuses on skills training for those who may seek employment with York Potash and the teaching of STEM subjects in schools. Officers have not found any reference to whether existing local schools in Scarborough and Redcar and Cleveland would have sufficient capacity to cope with demand for places from families moving into the local area to take up job opportunities arising either directly or indirectly from the development. However, Redcar and Cleveland Borough Council has confirmed that overall there is sufficient capacity within primary and secondary places to accommodate the planned economic growth (which would allow for the York Potash development).
- 15.13.22 Employment for local people is one of the main reasons given in support of the project within the local community and delivery on this issue would be crucial. As mentioned above, the target of 80% local employment would be challenging and officers accept the applicant's acknowledgement that certain specialised roles would have to be brought in at first. Officers consider that, although the skills and training measures proposed in the Skills Strategy are all positive, the document appears to have no 'teeth' in that specific target figures have not yet been incorporated and there are no details of actions that might be taken if targets were not met. At present, it is very much an aspirational document and would need to be developed further. Nonetheless, officers recognise the company's efforts with regard to skills and training and acknowledge the inherent difficulty in confirming that a future workforce would be from the local area.

- 15.13.23 The company has already started putting its Skills Strategy in place by appointing an Education and Skills Manager, taking on apprentices, offering bursaries to students and having discussions with schools and colleges in the area. The local authorities support the programme and consultation responses from a number of educational institutions also confirm their support for the project and the view that there would be wider benefits for the community at large. The measures already taken by the applicant to work with local schools and colleges are good and the commitment to contribute to STEM programme is likely to help deliver long term educational benefits to the wider community that would help existing businesses as well as meeting the company's needs.

Policing

Proposals and applicant's assessment

- 15.13.24 The ES includes comments on crime and policing for both the construction and operational phase of the development. The applicant recognises that the temporary increase in population from non-local construction workers could have an impact on levels of crime and anti-social behaviour in the area (or the perception of increased crime and anti-social behaviour). In particular, the presence of high value tools and equipment may lead to more opportunities for thefts. The company has discussed appropriate measures to reduce these risks with the North Yorkshire Police Authority 'Safer Neighbourhoods Team' and an approach has been agreed to limit opportunities for crime. Measures include security fencing, security guards and controlled access at the construction sites, alarms on site cabins, use of high quality CCTV and limiting storage of tools in vehicles. As an additional mitigation, the NYMNP/SBC S106 offer includes a Police Contribution of £150,000 to be used for the purchase of automatic number plate reader cameras to be used on key roads leading to and from the mining area.
- 15.13.25 The description of the construction workers village in the applicant's cumulative impact assessment includes the comment that 'site operation, management and governance practices would be implemented and enforced to ensure that the site operates as a 'good neighbour' and that any potential for socio-economic effects are controlled. Similarly it is stated that the Cross Butts operational park and ride facility would have security personnel on site at all times.
- 15.13.26 The applicant argues that police services that may be needed in connection with construction workers living at home would be met in the usual way through the Police Grant which is funded through Council Tax. It is the non-local construction workers living in temporary accommodation that could represent an additional unfunded burden on the local police forces. Using crime rates for the North Yorkshire and Cleveland Police areas, the applicant estimates that the 'worst case scenario' could be an additional 30 crimes per year from the non-local construction workers at the mine site and an additional 19-23 crimes per year from those at the MTS access shaft sites. The applicant suggests that, in relation to existing reported crime levels (34,615 crimes in the year to 2013 in North Yorkshire and 38,983 in Cleveland), the impact would be negligible.
- 15.13.27 During the operational period, the applicant comments that appropriate security measures would be maintained at the various sites and police services for all operational staff would be met in the usual way through the Police Grant.

Officers' Assessment

- 15.13.28 The consultation response from the North Yorkshire Police Authority confirms that its Architectural Liaison Officer and Counter Terrorism Security Advisers are satisfied with the security details included in the development proposals. The Police Authority has no concerns at this stage and expects ongoing dialogue with the company if the scheme progresses. Given the comments from the North Yorkshire Police Authority and subject to confirmation that the S106 offer is properly secured, officers conclude that the proposed security arrangements for both the construction and operational period are satisfactory.

Social, community and health services

Proposals and applicant's assessment

- 15.13.29 The applicant argues that the significant boost to local, regional and national economies, especially the direct and indirect job creation would aid community well-being. The applicant mentions the strong local support for the project and states that the long-lasting commitment to the York Potash Foundation with its programme of education and skills training, community facility enhancement and support for the long-term unemployed would further empower local communities.
- 15.13.30 Since the applicant expects most operational employees to already be living within the travel to work area of the mine, it is suggested that there should be no increase in demand for social and community infrastructure as a result of the proposals. Those who do move to the area to take up employment are likely to be geographically disbursed within the travel to work area so the impact on social infrastructure such as health or leisure activities would be dispersed over a wide area including parts of Redcar and Cleveland, Scarborough, Middlesbrough and Stockton-on-Tees. The applicant comments that, even if the new residents were concentrated in Redcar and Cleveland, the impact in the context of the size of the existing population would be negligible.

Officers' assessment

- 15.13.31 Officers' view is that job opportunities attractive to young people in the National Park and wider area would bring significant benefits in terms of the sustainability of local services and rural communities. The potential for local communities to retain more young people and young families as a result of the development is recognised as are the benefits to maintaining local services such as shops, schools and other community facilities. New jobs would help local communities to retain a balanced population which is important for their on-going vitality. Full-time, year round employment would be welcomed by many existing residents currently reliant on part-time or seasonal work. These points have been made strongly in third party consultation responses and at various public meetings and officers recognise their importance.
- 15.13.32 As with the potential requirement for additional housing, the applicant does not appear to have factored in any additional demand for health or social facilities from workers and their families who might come into the area to take up indirect or 'induced' jobs. Officers have some concerns about statements in the application that there would be no significant additional requirements for housing or social and community infrastructure. Nevertheless, advice from Redcar and Cleveland Borough Council is that the level of economic growth in the next 15 years (which would include developments such as the York Potash project) is not expected to create a need for additional health infrastructure, other than that already proposed by health providers to meet current demand. Both Scarborough and Redcar and Cleveland Borough Councils are planning for economic growth and responses from other consultees have not raised any concerns about the capacity or availability of health, leisure or other community facilities to cope with additional demands arising from the York Potash project. Officers therefore conclude that these issues do not need to be addressed further in considering the application.

Conclusions

- 15.13.33 A number of issues have been considered in relation to social infrastructure requirements and the impact of the proposed development on local communities.
- 15.13.34 Officers agree with the applicant's assessment that construction workers needing temporary accommodation are likely to be able to find locally available spaces including private rented dwellings, caravans, bed and breakfast and self-catering accommodation. There would be positive benefits for local accommodation providers in having places taken during the winter as well as the summer season but there could also be a detrimental impact on visitors if there were to be a shortage of available tourism accommodation in and around Whitby during the high season. The planned temporary construction workers village at Stainsacre Lane, Whitby may therefore represent the best approach to providing temporary accommodation for non-local workers as well as a sustainable transport option.

- 15.13.35 Redcar and Cleveland has indicated that it expects there to be sufficient housing available in the Borough for households coming into the local area to take up job opportunities arising from the development. Scarborough Borough Council has also made provision for an additional 1,000 dwellings in its Draft Local Plan should the York Potash development proceed. Long term housing requirements that might flow from the development are therefore satisfactorily addressed. Officers also understand that existing or planned education, health and other community facilities would be sufficient to cope with additional demand arising from the development.
- 15.13.36 The applicant's proposals to develop a local workforce are well progressed and delivery of the Skills Strategy should improve the opportunities for local people to obtain employment although it is considered that the 80% local workforce target would be challenging. The applicant's contribution to STEM programme funding and other S106 obligations would bring educational and skills benefits to the wider community both within and outside the National Park.
- 15.13.37 The potential for an increase in crime particularly during the construction period is an important issue for people living in the surrounding area. North Yorkshire Police Authority has indicated that the proposed security arrangements are satisfactory for both the construction and operational period. The S106 offer of funding for automatic number plate recognition cameras is also appropriate.
- 15.13.38 Officers therefore conclude that the social infrastructure requirements of the development would be met and the proposals comply with the requirements of Core Policy A in respect of access to temporary and permanent accommodation, community services and facilities and training opportunities. This should be given moderate weight in the overall planning assessment.

16. Planning Assessment Part 5: Sustainability and climate change

Relevant policies

Core Policy A, Delivering National Park Purposes and Sustainable Development sets out key principles of sustainable development for the National Park which include providing a scale of development and level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, providing for development in locations and of a scale which will support the character and function of settlements, applying the principles of sustainable design and energy use to new development and strengthening and diversifying the rural economy.

Core Policy D, Climate Change expects activities in the National Park to address the causes of climate change by reducing the use of energy and generating energy from renewable sources. There is a specific requirement in point 3 of the policy for on-site renewable energy generation of an appropriate location, scale and design to displace at least 10% of predicted CO₂ emissions from larger developments.

Development Policy 3, Design aims to maintain and enhance the distinctive character of the National Park and covers matters such as the scale, form and massing of proposed development together with sustainable design, landscaping, security and access.

16.1 Introduction

16.1.1 Sustainable development is defined in the NPPF (following the United Nations definition) as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Three dimensions to sustainable development are then outlined:

- an economic role – contributing to building a strong, responsive and competitive economy by ensuring that appropriate land and infrastructure are available;
- a social role – supporting strong, vibrant and healthy communities by providing a supply of housing, creating a high quality built environment and accessible local services and
- an environmental role – contributing to protecting and enhancing the natural, built and historic environment and helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change including moving to a low carbon economy.

16.1.2 Guidance on how the principles of sustainable development should be applied within National Parks is given in the English National Parks and Broads Circular 2010, as explained in Section 8.5.3 to 8.5.4 above. The supporting text to NYM Core Policy A also confirms that sustainable development is an important principle in achieving the National Park's twin purposes of conservation and enjoyment of its special qualities, and fostering the social and economic well-being of the Park's local communities which is carried out through these purposes. It confirms that the Park is not expected to be a location for major development schemes.

16.2 Applicant's assessment

16.2.1 A Sustainability Statement has been submitted with the application and the Planning Statement also presents the sustainability credentials of the project which it says are linked to the nature of the product. Polyhalite is an organic fertiliser that has beneficial effects on plant growth and investigations conclude that its use as a fertiliser would have no adverse environmental impacts (details of the relevant reports are given in Section 12.2 above). The applicant states that studies confirm that use of polyhalite can have beneficial effects in relation to climate change because, compared to nitrogen based fertilisers, potash products do not involve the emission of nitrous oxide. One study (by Ricardo-AEA Ltd) indicates that the carbon footprint of polyhalite is considerably lower than that of other potassium based fertilisers. In a time of world food shortages and rapid global population growth, the role of an efficient and environmentally favourable fertiliser in helping to sustain healthy human populations is critical.

16.2.2 The applicant recognises that the project involves the winning and working of a finite resource but suggests that the size of that resource is such that there are many hundreds of years of future supply.

16.2.3 The Planning Statement then considers the three dimensions of sustainability, economic, social and environmental by looking at a series of sustainability objectives. The Sustainability Statement also considers the development against various sustainability criteria and the two discussions contain the following themes:

- i) *Protect and enhance the special quality and distinctiveness of the area's landscape:* The scheme's in-built mitigation is designed to reduce the visual presence of the project, including incorporation of below-ground winders and an underground tunnel to transport the mineral. The remodelled landforms would be sympathetic to the surrounding landscape and, as the restoration scheme matures, would make a positive contribution to landscape character. The MTS access shaft buildings would be largely screened from view with discreet lighting only. The early decision not to process polyhalite within the National Park minimises the industrial footprint of the development within the Park
- ii) *Avoid damage to valued sites and protected species and enhance biodiversity:* The sites within the National Park are all outside the North York Moors SAC, SPA and SSSI and mitigation, including implementation of landscaping and lighting strategies would avoid significant adverse impacts and in many cases have a beneficial impact.
- iii) *Reduce the causes and manage the effects of climate change; Meet needs with less energy input including through the use of renewable energy technologies:* 10% of power would come from renewable energy sources and tree planting would assist with off-setting predicted CO₂ production. The design of the welfare building includes features to minimise energy use and other measures. The drainage system has been designed to ensure that the development does not increase flood risk.
- iv) *Minimise pollution releases to levels that do not damage natural systems, human health and quality of life; Encourage waste reduction, re-use and recycling:* The Construction Environmental Management Plan (CEMP) would ensure good working practices including re-use of materials from ground works, use of lower impact equipment and various Travel Plan measures. Sustainable drainage systems would be incorporated, pollution impacts mitigated appropriately and noise and dust impacts are predicted to be minor/slight to negligible.
- v) *Protect and improve water quality:* A series of measures have been put in place to prevent deterioration of water resources during both construction and operation.
- vi) *Protect and enhance heritage assets:* Only features of local archaeological importance are at risk of being lost and impacts would be negligible.
- vii) *Promote high quality, safe and sustainable design:* Building Research Establishment Environmental Assessment Method (BREEAM) pre-assessments have been carried out and the welfare building has achieved a 'very good' rating and the Wilton Portal buildings a 'good' rating, reflecting the sustainable approach to design. Water saving measures include rainwater harvesting incorporated on buildings at the mine and MTS and grey water would be treated and re-used where possible.
- viii) *Increase the quality of employment opportunities for all and create a vibrant local economy:* The full economic benefits of the project are exceptional with significant job creation. The benefits are nationally important and have the ability to transform the performance of local and regional economies.

- ix) *Encourage empowered and active local communities:* There has been extensive consultation with local communities which have shown support for the proposals. The significant economic boost the project would bring, particularly direct and indirect job creation, would aid community well-being. The commitment to the York Potash Foundation would be a further benefit.
- x) *Promote sustainable transport alternatives:* The proposed Travel and Transport Management Plans include sustainable transport measures including park and ride facilities, restricted parking at sites and car sharing. Measures such as defined HGV routes and the fact that mine arisings would be retained on site reduce the need for and impact of travel.
- xi) *Promote recreation and tourism opportunities that provide sustainable benefits to the local community and its economy:* The proposals would have a very limited impact on recreation and tourism but nevertheless the application includes a S106 offer to fund tourism promotional activities.

- 16.2.4 The applicant recognises that the sustainable characteristics of the project are strongest with regard to the economic role but comments 'there is a consistency of satisfying wider policy objectives to the credit of the scheme'.
- 16.2.5 Details of anticipated operational power consumption for the mine and the part of the MTS within the National Park have been provided by the applicant. It is estimated that energy usage would be 369,251 megawatt hours per year for the Phase 1 production level (6.5mtpa polyhalite) rising to 695,754 megawatt hours per year for Phase 2 (13mtpa polyhalite).
- 16.2.6 Compliance with Core Policy D was part of pre-application discussions and the applicant refers to the agreement by National Park officers that it would be neither possible nor desirable to provide on-site renewable energy on the scale required for the project. The applicant comments that there is no policy or guidance for dealing with this situation and specifically, no agreed methodology for replacing on-site renewables with off-site off-setting measures. Nevertheless, the applicant has sought to address the policy objectives by committing substantial S106 funding to tree planting measures and seeking to source 10% of all power for the project from renewable energy sources. The applicant argues that the commitment to source 10% of energy from renewable sources is in itself enough to meet the requirements of Core Policy D and the S106 tree planting contribution means that the applicant is going above and beyond what is necessary to satisfy that objective. In addition, it argues that the project incorporates a high degree of sustainability which also addresses Core Policy D.

16.3 **Officers' assessment**

Use of energy and Core Policy D

- 16.3.1 The operation of the mine and MTS would bring about a major increase in the use of energy in the National Park. Although it is recognised that most development results in some additional energy use, an increase of 369,251 megawatt hours pa for Phase 1 production and 695,754 for Phase 2 is a very significant environmental issue clearly at odds with the aims of Core Policy D to reduce the use of energy in the National Park.
- 16.3.2 Regarding Core Policy D's requirement to offset 10% of predicted CO₂ emissions, officers did accept during pre-application discussions that the number and scale of wind turbines or solar panels needed to meet the on-site renewable energy requirement for the proposed mine and MTS would not be possible or appropriate. For Phase 1 alone 15.58 kilotonnes of CO₂ would need to be offset, requiring 3,600 x 6kW wind turbines or nearly 19,000 x 2kWp photo-voltaic panels. Off-site tree planting as a means of sequestering carbon was therefore agreed as an alternative way to address Core Policy D. Although the commitment to source 10% of energy from renewable sources is welcome, officers do not accept that this in itself meets the policy requirement, the purpose of which is to increase appropriate renewable energy generating installations. Simply purchasing electricity generated from existing renewable energy installations elsewhere does not meet the aims of the policy. However, offsetting CO₂ emissions through tree planting is an acceptable alternative approach and

compatible with the aims of the National Park Management Plan to increase woodland in the Park and create better habitat networks.

- 16.3.3 The amount of CO₂ sequestered would depend on the species of tree planted and it would be important to ensure that the amount, type and location of tree planting would be appropriate within the National Park. Forestry Commission guidelines suggests that 4 tonnes of CO₂ is saved per year for every hectare of broadleaved woodland created and the officers considers that this is an appropriate figure for the North York Moors National Park. In order to offset the CO₂ emissions anticipated from the development, 7,154 hectares of woodland planting would be needed. The Authority's experience indicates that the cost of planting and aftercare would be £7,650 per hectare to include establishment costs, loss of environmental stewardship subsidy and a moderate compensation amount.
- 16.3.4 The proposed S106 contribution of in excess of £70 million over the full life of the mine would enable a tree planting programme of 7,154 hectares to be delivered and would be commensurate with the CO₂ emissions that need to be offset to fully meet the requirements of criterion 3 of Core Policy D. The Authority has experience of managing woodland planting schemes and, although a programme on the scale required is ambitious and would require publicity and good liaison with landowners, officers consider that the programme can be delivered and would also offer incidental ecological benefits.

Sustainable development – economic factors

- 16.3.5 The economic benefits that would be delivered by the York Potash Project are considerable and, depending on the size of market the company is able to develop, could be very significant and long lasting over the life-time of the mine. Indirect benefits to supply chain companies would be valuable for the local area and further afield during both construction and operation. Lasting economic benefits would be felt at national, regional and local level although long term local benefits would be tempered if, despite the S106 tourism contribution, the development brought about a long term or permanent reduction in the size of the local tourism economy or if there were long term negative effects on Cleveland Potash's operations at Boulby Mine. Officers consider that there is uncertainty about these long term local impacts.
- 16.3.6 It is recognised that the economic benefits felt in Teesside and Scarborough would be important; Teesside in particular suffers pockets of severe deprivation and the development would make a significant contribution to long term sustainable economic growth. The applicant, Scarborough Borough Council and the York, North Yorkshire and East Riding LEP all refer to the project's ability to 'transform' the local and regional economies. It is interesting that the economic impact assessment submitted with the application refers to both the mine and the MTS having a major beneficial effect at local level but only a minor beneficial impact at a sub-regional level. Nonetheless, the potential long term economic benefits that could accrue from the project are recognised.
- 16.3.7 However, these economic benefits would flow from a heavy industrial development which is not a form of economic growth that is generally considered appropriate for National Parks. National Parks are places where business can flourish and high quality jobs and prosperity be created, provided that economic activity is consistent with National Park purposes. Examples given recently by National Parks England were sustainable tourism, food and drink production and enterprises that rely on a high quality environment for their business model. Officers consider that, despite the mitigation built into the scheme, the proposed mine and MTS development within the National Park are of a scale and nature that would harm rather than conserve and enhance the North York Moors landscape and special qualities. Notwithstanding the fact that there would be significant economic benefits, officers do not consider that the proposals represent the form of sustainable economic development envisaged by the Government's English National Parks and Broads Vision and Circular 2010.
- 16.3.8 Officers are aware that Redcar and Cleveland Borough Council's situation is different in that the borough contains an existing major heavy industrial sector. Wilton is designated as an Enterprise Zone and is considered to be an appropriate location for a development of the scale and nature of the MTS portal and MHF. The assessment of the proposal in terms of

long term economic sustainability is therefore different for the two minerals planning authority areas and this may be evident in the weight each authority gives to different impacts of the proposal.

Sustainable development – social factors

- 16.3.9 The long term benefits to local communities arising from increased job opportunities and the skills training proposed by the applicant are recognised. These positive benefits have been commented on by a large number of third parties as well as many of the affected parish and town councils. It is agreed that the creation of skilled, long term employment would encourage young people to stay in the area, helping to maintain a balanced population and sustainable local communities. Full-time, year round employment would be beneficial for communities currently reliant on part-time or seasonal work.
- 16.3.10 However, it is important not to overstate the number of jobs likely to be taken by people living in villages within the National Park; the estimated number of workers at the mine is given in the application as between 4 and 18 per postcode district for most areas within the National Park (rising to 32 for the postcodes in the north-east around Easington) and the benefits in terms of sustainable communities are likely to have a greater impact in Scarborough and Redcar and Cleveland. As noted above, the benefits within the National Park (and Redcar and Cleveland) would be reduced if there were also long term job losses at Boulby or within the tourism sector.
- 16.3.11 Officers also recognise that the applicant's skills programme would bring long term social benefits to the National Park and the wider area by increasing education and skills training opportunities for local communities. The S106 contributions would help local schools and colleges to maintain and improve science-based education and it is recognised that this would have benefits for all, not just people wanting to seek employment at the company. The existence of a major new local employer would also help to maintain demand for public services including schools which would be of benefit to existing users, contributing to the area's social sustainability. It is also recognised that mineral rights payments made to landowners in areas being worked during a particular period would bring increased spending power to those communities.
- 16.3.12 Although new housing which is already planned in Scarborough and Redcar and Cleveland would meet the requirements of the new development, it is likely that there would also be demand for housing specifically within the National Park. Opportunities for new housing development are limited and high house prices mean that affordability is already a problem for many local people in the Park; affordability problems in the north and east of the Park could be exacerbated by additional pressures on the existing limited housing stock and this is a potential negative impact for local communities.
- 16.3.13 The applicant refers to the benefits to local communities over the life-time of the mine from projects funded through the York Potash Foundation but the commitment to the Foundation does not form part of the planning application and should not be taken into account in the planning decision.

Sustainable development – environmental factors

- 16.3.14 It is the case that mining is inherently an unsustainable activity depleting a finite mineral resource. The applicant's comment that the size of the polyhalite resource at Dove's Nest Farm is large and would be available for many years ahead is recognised but should be set against the fact that a global market for the product has to be created because there is not a current 'need' for the mineral at the proposed scale of production. The business model set out in the CRU report is based on 'substitutability' of existing supplies of the plant nutrients contained in polyhalite and it is notable that the planned expansion of polyhalite production at Boulby Mine is on a much more limited scale and the proposed polyhalite mine at Ochoa, New Mexico (which is intended for SOP production) has not yet been developed. It could be argued that a more sustainable approach would be to leave the mineral undisturbed at this point in time so that it would be available if and when needed for use by future generations.
- 16.3.15 A wider point is that officers consider that a proposal which involves transporting large quantities of a high bulk, low value commodity (the Fertecon report comments that polyhalite

is regarded as a 'low analysis' fertiliser material) around the world for an operational period of at least 100 years, requiring an on-going and high level consumption of fossil fuels for transport, does not make a positive contribution to global environmental sustainability. Sources of supply of the nutrients contained in polyhalite are available in other parts of the world and a more sustainable model would be for them to be sourced from locations closer to where they would be processed and used, as is to some extent the current pattern of use for potash fertilisers.

- 16.3.16 The Planning Statement suggests that the sustainability credentials of the project are linked to the nature of the product. Officers recognise the fact that polyhalite is an organic fertiliser material which can be used for straight application (in specialist circumstances) or as part of a blended product and in both cases our understanding is that limited chemical processing is required which would count in favour of the product. If, however, polyhalite were to be used as a source material for a 'complex' fertiliser our understanding is that the processing required and its associated environmental costs would be greater.
- 16.3.17 Officers have studied the report which comments that polyhalite would have beneficial effects on plant bacteria, improving plant health and boosting yields. This is understood to relate to the benefits of using any source of potassium within a balanced fertilisation regime. In the same way, the argument that appropriate application of K can help to reduce use of nitrogen fertiliser (application of which leads to emissions of, a greenhouse gas from the soil) is understood but this would be the case with all potassium based fertilisers. Officers do not see that these arguments in favour of the product offer strong support for the sustainability case for the development.
- 16.3.18 Officers have not attempted any carbon assessment of the proposed development but the scale of construction and ongoing requirement for energy to operate a mine of this size suggests that its carbon footprint would be very large indeed. The application includes no proposals for use of geothermal energy from the mine despite officers having given advice at a very early stage in discussions with the company that this would be desirable. The lack of any plans to make use of the readily available geothermal energy is a major disappointment and counts heavily against the sustainability credentials of the project.
- 16.3.19 Officers do, however, accept certain aspects of the case made by the applicant in support of the project's environmental sustainability. Setting the minehead winding gear below ground level, transporting the excavated mineral through the MTS tunnel rather than by road and locating processing facilities at Teesside rather than at the mine site all contribute to the project's sustainability credentials by reducing the environmental impact on the National Park. Although the sites at Dove's Nest Farm and Lockwood Beck are very close to the North York Moors SAC, SPA and SSSI, the development does avoid direct impacts on these protected areas. Nonetheless, the proposal is for a major industrial development at four separate sites that are either within the National Park or in locations that affect its setting and, as discussed in previous sections, there would be considerable harmful landscape impacts during construction and long term harmful impacts on the Park's special qualities during operation of the mine.
- 16.3.20 The sustainable drainage proposals for the operational period are satisfactory and flood risk has been appropriately addressed. Officers accept that there would be some long term biodiversity enhancements at the minehead and MTS sites if all the proposed restoration planting is successfully established. The proposed S106 contributions would deliver much more significant ecology and biodiversity benefits as discussed in Sections 17 and 19 below. The sustainable transport measures in the applicant's Transport Strategy including the park and ride facilities and car sharing scheme are also recognised and welcomed although it remains the case that the proposed mine is in a location remote from public transport routes. There is a significant element of doubt in officers' minds as to how successful park and ride arrangements for a mining workforce would be over the long term.
- 16.3.21 Other environmental credentials cited for the project, for instance putting measures in place to minimise emissions and noise and vibration levels and to prevent deterioration of the quality of water resources are to do with minimising or mitigating harmful aspects of the

development rather than achieving positive sustainable environmental benefits for the long term.

- 16.2.22 The application includes details of the BREEAM pre-assessment carried out for the welfare facilities building at Dove's Nest Farm. BREEAM is an established method of assessing and certifying the sustainability of buildings with five possible ratings: 'good' is the mid-point of the rating system requiring a minimum score of 45% and 'very good' is the category above, requiring a minimum score of 55%. This Authority expects developments to achieve at least a 'very good' rating which would demonstrate buildings with a low environmental impact.
- 16.3.23 The welfare building was given credits of 49.5% and would require additional features to be incorporated to achieve the 'very good' rating. Potential additional credits were identified to be assessed at the next stage including management of construction waste, recycling of aggregates and improving biodiversity measures. It is officers' view that a mid-range pre-assessment score which requires additional measures to be incorporated to achieve a 'very good' certificate is poorer than would be expected for a modern building in the National Park.

Conclusions

- 16.3.24 The operation of the mine would bring about a major increase in the use of energy in the National Park which would be contrary to the general aim of Core Policy D. In the overall planning balance this carries substantial weight against the proposal. For an internationally important development of this scale and intended period of operation not to have included any firm plans to harness geothermal energy is a significant omission.
- 16.3.25 It is accepted that on-site generation of renewable energy through solar panels or wind turbines would not be appropriate and that off-site tree planting is a suitable alternative approach. The S106 contribution offered by the applicant is considered to be an acceptable way of meeting the requirements of the third part of Core Policy D and the amount is commensurate with the predicted CO₂ emissions that need to be offset. In the overall planning balance, this carries substantial weight in favour of the proposal.
- 16.3.26 The BREEAM pre-assessment score for the welfare facilities building at the minehead site is disappointing although, with further design development, it should be possible to achieve a 'very good' rating to comply with Development Policy 3.
- 16.3.27 If the company is able to develop a world market for polyhalite on the scale envisaged, the economic benefits from the project would be significant and long-lasting, particularly for Teesside and Scarborough. Social benefits would also accrue from job and training opportunities which would help to maintain balanced populations and sustainable communities. However, these benefits would flow from a type and scale of industrial enterprise that is not the form of sustainable economic development envisaged for National Parks in the Government's 2010 Circular.
- 16.3.28 Officers are not convinced by the applicant's arguments regarding the sustainability credentials of the project, particularly given the company's global business model. It is recognised that the company's approach to the location of the project elements took environmental issues into account and that the proposals incorporate sustainable features such as the operational Transport Strategy but these are not outweighed by the harm to the National Park environment and special qualities, particularly during the construction period, identified in Section 15 of the report.
- 16.3.29 Taking all these factors into account, officers consider that the proposed development does not represent a form of sustainable development that is appropriate for the National Park and, as such, the proposal is contrary to Core Policy A. This should be given substantial weight in the overall planning balance.
- 16.3.30 The extent to which the applicant's S106 offers provide mitigation and compensation for the identified residual harm is considered in Sections 17 and 19 below

17. Planning Assessment Part 6: Section 106 contributions

- 17.1 An important part of the planning balance relates to the area of S106 planning contributions or obligations which form part of the applicant's proposal. These represent legal means to address the implications and residual impacts of a development and can be used where the imposition of planning conditions would not be appropriate. Members need to be aware that although planning contributions can be used to make a development acceptable in planning terms, there are very important legal issues which must be adhered to in order to protect the validity of the planning decision which would otherwise be vulnerable to criticism and legal challenge. Government policy on planning contributions is set out in the NPPF which states that local planning authorities should consider whether "otherwise unacceptable development could be made acceptable" by using planning obligations. It restates the tests which are set out in Section 122 of the Community Infrastructure Levy Regulations 2010 which makes it clear that planning obligations should only be sought where they meet **all** of the following tests:
- i) The obligation is necessary to make development acceptable in planning terms;
 - ii) The obligation must be directly related to the development;
 - iii) The obligation must be fairly and reasonably related in scale and kind to the development.
- 17.2 To help Members consider the applicant's S106 contribution package, the following points should be borne in mind:
- If the planning obligation has some connection with the development which is not 'de minimis', then regard must be had to it, but the extent to which it should affect the decision is a matter of planning judgment;
 - Similarly, it is very much a matter of planning judgment as to whether a particular obligation is reasonably related to the scale and nature of the development;
 - In all cases, the issues covered by the obligation must be related to development plan policies and other land use planning matters. These can be linked to the development either thematically, functionally or spatially. Therefore off-site benefits which are addressing matters that are related or connected to the development are material and should be given regard in the planning judgment. Any matters which are included in the S106 which do not fall within the parameters of these tests should be given no weight in the determination process.
- 17.3 This section considers the extent to which the applicant's S106 planning contributions could mitigate or compensate the residual harms of the proposed development (i.e. those which cannot be addressed through the embedded mitigation as part of the development itself e.g. its design or by planning conditions). During the writing of this report, further discussions were taking place with the applicant and changes were ongoing in terms of the s106 offer. The latest S106 offer was submitted on 5 June 2015 and it is this which has been taken into consideration in this report.
- 17.4 The Authority has no adopted general Development Plan policies directly relevant to the seeking of S106 contributions for the mitigation or compensation of residual impacts from developments. Acknowledging that the mine would be sited within the National Park, the applicant has made significant efforts to embed viable mitigation into the overall design of the development to reduce the final residual harms to a level whereby they consider the economic and social benefits would outweigh the economic, social and environmental residual harms. From the early days of pre-application discussions however, the applicant was made aware of officers' concerns that building what would be, in terms of ore, the world's largest potash mine in one of the world's most protected environments was highly unlikely to result in little or no residual harm, as the application documents suggest. Ongoing changes to the S106 proposals incorporating significantly higher offers from the applicant indicates that this view has probably evolved over this period.
- 17.5 For the purpose of advising Members on the weight to be given to the various elements of the S106 offer, it has been necessary to adopt a rational and intelligible approach and examine the nature, scale and extent of each of the residual impacts as well as identifying

the nature, scale, extent and deliverability of each of the offers. It is then necessary to assess the extent to which (if at all) the offers mitigate or compensate for the residual harms and why and how they do so. This calls for planning judgement even if it may not be susceptible to mathematical or precise scientific exactitude. This is particularly the case because many aspects of the S106 offer are concerned with impacts on matters such as tranquillity, scenic beauty and public enjoyment which are difficult to quantify. A systematic approach has however been adopted which sets out a clear description of the nature and scope of the residual harm and how the funds are to be deployed in response to these impacts. This 'CIL compliance' assessment has been undertaken and summary tables are attached at Appendix L. The following paragraphs discuss the main S106 offers in further detail.

- 17.6 **Core Policy D contribution.** As discussed in 16.3.4 above, one of the requirements of the Authority's climate change policy, Core Policy D is that larger developments should generate energy from renewable sources on site to displace at least 10% of predicted CO² emissions. The Authority agreed with the company in pre-application discussions that, in the absence of a geo-thermal arrangement, on site renewable energy on the scale required would not be feasible and woodland planting would be an acceptable alternative way of meeting the policy objective. The most recent S106 offer of over £70m is directly related to the development and proportionate to the costs of delivery and management of a planting scheme to create in excess of 7,000ha of woodland. This would fully meet the requirement of criterion 3 of Core Policy D concerning CO₂ emissions offsetting. Over 7,000ha of woodland creation equates to nearly 5% of the National Park which would incidentally deliver substantial long-term benefits to the National Park in terms of landscape and ecology.
- 17.7 **Management Plan contribution.** The National Park Management Plan provides an overview of the state of the National Park and sets out a range of environmental aspirational targets which are implemented partly through its grant schemes (for instance, the 'flagship' farm subsidy scheme which spent some £7m on environmental projects over 25 years) and partly through the operation of its planning function using appropriate planning conditions and planning agreements. The S106 Management Plan contribution would fund schemes which would provide compensation for harmful impacts relating to landscape character, visual impacts, quality of recreational experience and certain special qualities. Further details of the proposed schemes which include boundary restoration, woodland and forestry measures, protection of heritage assets and management/enhancement of countryside landscape features are in Table 2 at Appendix L. Such schemes would bring positive improvements to the appearance and character of the National Park landscape with associated biodiversity benefits. The level of resources that the S106 would offer are in line with those suggested by officers for the proposed schemes and would deliver environmental works over the life of the mine. This would amount to a substantial benefit to the landscape, local communities and visitors to the National Park.
- 17.8 The special qualities section of the report has set out how difficult it is to quantify the many intangible assets and experiences that make the National Park such a special place and deserving of special attention. Whilst the Environmental Statement can give a flavour for the likely impacts of the development, it is not definitive as normal methods of quantifying impacts e.g. formal Landscape and Visual Assessments make no special provision for National Parks and dealing with protected landscapes. Factoring in the difficulties assessing what the true impacts of this massive infrastructure project will have on the character and appearance of the northern construction arc across the Park for at least 5 years and increased industrialisation of the Dove's Nest Farm locality during the operational phase leads officers to conclude that the Management Plan contribution is appropriate and proportionate in extent and nature but the scale has proved challenging to pinpoint. The compensation is deliverable and will deliver mainly off site compensation benefits for the harmful impacts of the development.
- 17.9 **Tourism contribution.** The Authority's tourism policies are set within the context of the second National Park purpose of public enjoyment and also the economic duty, as tourism provides a vital part of the economy of the National Park and wider area. The S106 tourism offers include funding for promotional activities at local, regional and national level to

address the negative impacts of the development, particularly during the construction period, which are discussed in Section 12.5. The NYMNPAs localised campaign would assist tourism businesses most closely affected by the development but it is also considered appropriate to include promotional campaigns at regional, national and international level as the perception of 'industrialisation' of the National Park could affect the whole NP 'brand'. The contributions to the NPA would provide a guaranteed minimum annual 'base level' amount which could be increased up to an upper limit if evidence from an independent review of tourism data and visitor surveys (also funded through the S106 contribution) showed that the actual impact on the tourism economy was worse than allowed for in the base level amount.

- 17.10 All elements of the Tourism contribution S106 offer are directly related to the likely impacts of the development and the general approach and the proposed base level amounts for the NPA are considered reasonable. However, officers consider that the proposed upper limit does not provide sufficient room for manoeuvre to cover the possible 'worst-case' scenario. Discussions with the applicant on this point are on-going and Members will be updated at the meeting.
- 17.11 Officers conclude that the tourism contribution represents a series of useful compensation measures to address residual harm to the tourism economy. Promotional campaigns will assist the National Park as a whole and the tourism economy in areas not directly affected by the development are likely to experience a positive benefit as a result. However, such campaigns cannot overcome the fact that the development will, at least in the shorter term, reduce the existing quality of the National Park's tourism 'offer' and some of the negative impacts of the development which would affect tourism (e.g. the increase in HGV traffic on the A171 and B1416) cannot be overcome by marketing campaigns. Despite the S106 measures, officers' view is that, particularly during construction, the tourism economy in areas closest to the development site (including Whitby) and some individual tourism businesses would still be prejudiced.
- 17.12 Officers consider the offers (£22,500pa during the construction period for each) in respect of **Archaeological and Geological** data collection and assimilation into existing records to be commensurate and proportionate to the nature, extent and scale of the destruction of the relevant archaeological and geological resources necessary to complete this major construction project whilst contributing to the ongoing improvement of local knowledge in these fields.
- 17.13 In terms of the **Monitoring contribution**, officers have prepared a draft set of planning conditions for use in the event of planning permission being granted and the scheme being implemented. As at April 2015, that schedule comprised 51 conditions without the Local Highway Authority conditions and involved the submission of several complex schemes of detailed mitigation monitoring. It is officers' estimation that there is work there for one and a half to two dedicated monitoring staff to ensure the embedded and compensation/mitigation is effectively delivered over a lengthy period of time. As such it is considered that the offer of £150,000 set up and for the first year, £100,000pa for the next 6 years and £50,000pa for 93 years represents an amount needed to deliver public scrutiny of the extensive mitigation measures that would need to be incorporated into the implementation of the development if Members are minded to approve the proposals.
- 17.14 Similarly, the organisational and administrative support to establish a **Liaison Group** to deal with unforeseen construction and operational problems likely to be created undertaking such a large scale infrastructure project are considered commensurate and proportionate to the nature, extent and scale of the benefits that could be delivered in solving problems raised by local communities and individual residents and businesses. Officers cite experience of the Liaison Group formed by Yorwaste at Thornton le Dale tip for confidence in this type of group being able to resolve unforeseen localised problems.
- 17.15 The **Police contribution** of approximately £150,000 which would be used to fund a numberplate recognition camera scheme would assist with the mitigation of the impact of increased crime associated with the project. The Police Authority has confirmed that this

contribution relates in scale, nature and extent to the impacts they consider likely to accrue and officers concur.

- 17.16 The commitment in relation to **Noise mitigation** for neighbours of the construction sites is directly related to anticipated construction impacts and goes some way to addressing the identified residual harm.
- 17.17 **NYCC S106 agreement.** The NYCC agreement contains highway provisions and arrangements for a Traffic Management Liaison Group which have been agreed with the Local Highway Authority. The provisions include approval of a scheme which sets out HGV routes, a measure specifically requested by local communities, and up to £50,000pa for speed enforcement or other highway safety measures. The measures are, in themselves, considered to be reasonable and appropriate but it is officers' view that they go only some way towards addressing the residual harm caused by the substantial increase in HGV traffic movements during the construction period. The proposed highway works would be carried out under a S278 agreement with NYCC.
- 17.18 The NYCC agreement also includes contributions of up to £2.25 million to subsidise the provision of up to four additional services on the Esk Valley railway between Middlesbrough and Whitby, starting by December 2017, together with up to £4.5 million for associated infrastructure works. Additional train services would reduce pressure on the A171 where the majority of traffic impacts would be experienced and provide additional options for visitors to the Park travelling from the Middlesbrough area. It is a useful mitigation measure which goes some way towards addressing the residual harmful impacts identified.
- 17.19 The STEM and Local Opportunities contributions in the NYCC agreement are discussed in paragraphs 15.13.18 to 15.13.23 above. Again, these are considered to be useful measures which the applicant has already started putting into place but there are inevitably limits to which they can be relied upon to deliver the ambitious target of 80% local employment.
- 17.20 **RCBC S106 agreement.** The original S106 document submitted with the application included provision for STEM and Local Opportunities contributions to be paid to RCBC as well as to SBC and NYCC. At the time of completing this report, details of the latest version of the RCBC S106 Agreement had not been provided and Members will be updated on this at the meeting.
- 17.21 Important mitigation measures are included in the NYCC and RCBC S106 agreements. If Members are minded to approve the proposed development, it would be necessary to ensure that these legal agreements, as well as the NYMNP/SBC S106 agreement, are completed prior to a decision notice being issued.
- 17.22 **York Potash Foundation.** There was a provision within the applicant's original S106 submission which sought to maintain funding for the York Potash Foundation by the company or any subsequent operator of the mine, under the terms of the YPF governing deed. However, the Foundation was not to be tied to the land at Dove's Nest Farm and the monies would not be paid to the Authority and legal advice received by the Authority indicated that the YPF provision should be removed from the draft S106 agreement. As a general community benefit scheme which is not specifically provided for mitigating the residual impacts of the development and is likely to be available to a wide range of projects and applicants, the YPF should be given very little if any weight in the planning consideration.
- 17.23 **Off-site Benefits.** It is normal practice that additional mitigation/compensation provided through S106 agreements is delivered in the immediate spatial area of the proposed development(s) and this ensures that the mitigation is 'related' to the development that causes the harm. However, where the scale of the project is so large and the impacts so widely felt as with the York Potash proposals, it is considered entirely appropriate to consider a 'thematic' direct link to the development. For example, there are health and safety considerations which result in the need for specific levels of lighting at the minehead, particularly during construction; any schemes to 'compensate' for the loss of dark night skies in the vicinity of the mine would be less effective compared to schemes in areas further

away from the mine which would contribute more effectively to the overall Management Plan aspiration to reduce light pollution over the whole of the National Park.

- 17.24 Although the S106 contributions are substantial and will be available over a very long period of time, officers consider that off-site compensation measures by their very nature cannot 'undo' the residual short and longer term impacts of the development on landscape, special qualities at the site and the quality of the recreational experience where they occur. The compensating of harm away from the site is considered to be 'second best' in planning terms and as such it is considered that the weight to be given to remote thematic compensation should be reduced compared to mitigation within the vicinity of the development that is actually able to reduce the harm occurring at that location.
- 17.25 **Implications of the Benefits being spread over a 100 year period.** In planning practice, experience has shown that policy initiatives can often appear dated after several years as the original circumstances and general context will have invariably changed. Many 'Local Plans' have a shelf life of approximately 10 years. Members should note that the S106 offers are index-linked but, nonetheless, officers consider that far more weight should be attributed to compensation/mitigation benefits delivered in the first ten years of the scheme compared with very modest weight attributed to the latter part of the 100 year time frame. Members should also be aware that, whilst the envisaged lifetime of the S106 agreement is for the full 100 year lifetime of the mine, the legislation provides for almost immediate joint variation of a signed S106 with the consent of all the parties or following five years where there is no joint agreement to allow a developer to challenge the provisions, usually on the basis of changed viability or operating considerations. Conversely, it should also be noted that several of the likely compensation schemes/measures would have expected lifespans much longer than the construction period for which they seek to compensate.

Conclusions

- 17.26 In the final planning balance officers consider that moderate weight should be given to the Archaeological, Geological and Liaison Group provisions within the NYMNPA/SBC S106 agreement and to the STEM and Local Opportunities provisions in the NYCC and RCBC agreements. Moderate weight should also be given to the provisions for additional rail services on the Esk Valley line. Substantial weight should be afforded to the Core Policy D and Management Plan contributions as these will deliver (incidentally or not) key Management Plan objectives across a large part of the National Park over a very considerable period of time. Substantial weight should also be afforded to the provisions relating to Tourism as it is considered that the offer will provide a significant increase in the public awareness of the National Park through promotional and marketing activity. Inevitably though, there will be some harm to certain tourism businesses in the area of the National Park and surrounding area affected by the development and there is already evidence of these impacts. Very little or no weight should be afforded to the benefits that may accrue under the applicant's community benefit scheme i.e. the York Potash Foundation.

18. Planning Assessment Part 7: Security arrangements

- 18.1 In Section 5 describing the developer's S106 contribution offer, 'Security Arrangements' are mentioned. These could be better described as a Restoration bond or similar provided by the developer so that in the event of an unexpected cessation of construction or closure of the mine, the site can be restored back to its former use without undue strain on the public purse if the developer is unable or unwilling to restore the site properly.
- 18.2 The history of this concept goes back to the pre-privatisation of the coal industry. In those days when a coal mine closed the restoration of the site and any spoil heaps was underwritten by the Government. Post privatisation, the restoration was made part of the tendering process and experience was that monies for restoration were not made available

or restoration was used as a hard bargaining tool to facilitate various re-use. Mineral Planning Authorities sought to allay public concerns by negotiating 'restoration bonds'.

- 18.3 Paragraph 144 of the National Planning Policy Framework (NPPF) advises that when determining planning applications...

Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental Standards, through the application of appropriate conditions where necessary. *Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.*

- 18.4 In your officers' view there are three main reasons why a built or under-construction potash mine may fail, these are: resulting from potash mining overcapacity, volatility in world potash price and a major inflow of groundwater. All three scenarios are potentially at play with the current project and when officers advised the applicants that we felt this was a case relevant to para 144 of the NPPF the applicants did not demur.

- 18.5 The 'security arrangements' as submitted with the application were two fold, they envisage;

Not to carry out commencement of construction until the Security arrangements have been put in place to the reasonable satisfaction of the NYMNPA, and

Not at any time during the construction period to carry out or continue with the development without the security arrangements being in place.

These were supplemented with an attached schedule setting out some of the detail.

- 18.6 In discussions with the Authority's advisers, it transpired that there were numerous instances in the mineral planning world where security arrangements were found to be lacking and at a meeting with the applicants at the end of March this year officers sought further clarification of the details including; how much, what form of bond, how to measure amounts, how to make the bond secure in case of competing asset claims, how to police the amounts across the period, requiring evidence of being likely to be able raise such a bond, provision to call upon if development stalls rather than ceases, arbitration arrangements, arrangements for operational phase.

- 18.7 Negotiations are ongoing at the time of writing the report as to how much additional clarification the applicant is prepared to provide so as to demonstrate there is minimal risk in the site not being restored in the event of the project failing during construction or early years or indeed at any time during the operational period. Members will be updated at the meeting.

Conclusions

- 18.8 It is to the applicant's credit that they are prepared to enter into a binding S106 agreement to provide appropriate security arrangements; however the inability to demonstrate the robustness of the mechanisms at this pre-decision stage undermines the benefit to a fair degree. It is considered in its current basic form the security arrangements provide modest weight in favour of the development.

19. Conclusions of Planning Assessment

- 19.1 The YPL proposal represents the largest non-energy related industrial development proposed in any UK National Park. It involves a number of large scale developments crossing local authority boundaries and involves five separate planning decision making bodies, including three local planning authorities, the Marine Management Organisation and the Planning Inspectorate (National Infrastructure). The proposal has involved over four years of project preparation, which resulted in the company making significant changes to the project and its justification in planning terms followed by pre-application and post application discussions and advice between the Authority and YPL. The development proposals have changed considerably during this time resulting in the eventual submission of this second planning application.
- 19.2 Its consideration has raised very complex and challenging issues, due to its huge scale, the sensitivity of the environment in which it would be located, its impacts and the separation of its constituent parts which requires an assessment of its cumulative impacts across local authority boundaries.
- 19.3 The difficulty has been exacerbated by the inadequacy and inaccuracy of the information contained in the submission in September last year. This has led to the need for the submission of additional information, corrections and clarification a month after the submission date and more significant additional information in the form of Supplementary Environmental Information being submitted in February this year, which required a re-consultation. Officers have however assessed the application against the development plan and material considerations, giving due consideration to the findings of the Environmental Impact Assessment and the AFW review of the submitted Environmental Statement and Supplementary Environmental Information. This final section of the report provides a conclusion on its compliance against these matters and the degree of harm that is believed would remain after mitigation and compensation. It also provides Members with a clear steer in terms of the planning judgment which will influence the decision

Compliance with the Development Plan

- 19.4 The inevitable impact of a development of this scale within a protected landscape raises clear tensions with the positive planning benefits of the project, which in this case are essentially economic. This tension is manifested in competing public interests, and the resolution to this situation is provided by the objective process provided by the planning system to reach a balanced judgment. This process in simplified form is as follows:
- i) An assessment against planning policy and material considerations;
 - ii) An assessment of the scale and range of adverse impacts and harm arising from the development, informed by the findings of the Environmental Impact Assessment which identifies the significance of such impacts;
 - iii) An assessment of the beneficial impacts arising from the development;
 - iv) The extent to which the harm to matters of public interest can be moderated or compensated;
 - v) The weighing of these various matters for and against the development to reach a balanced judgment
- 19.5 As Members will be aware, the starting point for any planning consideration is the compliance with the Development Plan. This is a legal requirement and Section 38(6) of the 2004 Planning Act requires the determination to be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF restates that proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Despite the applicant's statements in the supporting information relating to the age of the development plan in relation to the NPPF, Officers consider that as its policies are essentially based on the delivery of National Park purposes which remain constant, it is in general compliance with the NPPF and has primacy in the determination of the application.

- 19.6 Section 8 of this report sets out in detail what constitutes the development plan and lists the planning policies most relevant to the application. Section 15 assesses in detail the planning issues arising from the wide ranging impacts of the proposal and apportions weight in accordance with relevant planning policies and other material planning considerations.
- 19.7 The Core Strategies and Development Policies includes both strategic core policies and more detailed development policies which together take forward the vision, objectives and spatial strategy for the National Park. It is in effect a planning framework for the Authority to deliver the two statutory Park purposes and through these the duty, via its role as local planning authority. The nature, scale and impacts of the development are clearly not those anticipated by the policies in the development plan and only Core Policy E provides for major development to take place in the National Park through the application of the major development test. Not surprisingly therefore officers have found the proposal to be in **conflict** with the following policies:
- Core Policy A: Delivering National Park Purposes and Sustainable Development
- 19.8 The impacts of the construction and to a lesser extent the operation of the mine would be contrary to the provisions of Core Policy A which seeks to provide for a level and scale of sustainable development that is not in conflict with the purposes of National Park designation.
- Core Policy B: Spatial Strategy
- 19.9 The location of the development undermines the sustainability objectives of the LDF spatial strategy which directs development to appropriate locations and restricts development in the open countryside in accordance with long established planning principles.
- Core Policy C: Natural Environment, Biodiversity and Geodiversity
- 19.10 There remains some uncertainty regarding the effects of the minehead development on the North York Moors SSSI and it is not possible to be fully confident about the impact of the proposed development on wildlife and habitats within the National Park. As such the proposals are contrary to Core Policy C.
- Development Policy 1: Environmental Protection
- 19.11 The environmental protection policy seeks to safeguard the special qualities of the National Park in relation to water and air quality, noise and light pollution and public amenity arising from a development proposal. The construction of the minehead would bring significant adverse effects in terms of visual impacts, construction lighting, noise impacts, increase in traffic movements which would cause harm to nine of the fourteen stated special qualities of the National Park, and cause permanent loss or diminution to three; the special landforms of the National Park, its sense of tranquillity and remoteness and its highly valued dark night skies. The proposed development is therefore contrary to Development Policy 1.
- Core Policy D : Climate Change
- 19.12 The current S106 planning obligation in relation to woodland planting meets the specific requirement of this policy to displace 10% of the predicted CO₂ emissions from the development. The proposal is however at odds with the overall aim of the policy to reduce energy use in the National Park. The huge increase in energy use and carbon footprint of the development is therefore contrary to the general aim of this policy.
- Core Policy E: Minerals
- 19.13 Core Policy E provides only for small scale building stone extraction from existing quarries and gives qualified support in principle for the ongoing mining of potash at Boulby Mine. Other forms of mineral development are assessed against the major development test. Officers have concluded that the application fails to address the key elements of the major development test, primarily in relation to the assessment of the need for the development. The proposal has also been assessed to have detrimental effects on the environment, the landscape and recreational opportunities. A summary of the assessment of the application against the major development test is set out below from paragraph 19.20.

Core Policy G: Landscape, Design and Historic Assets & Development Policy 7: Archaeological Assets

- 19.14 It is clear that the construction works at the minehead site and tunnel access shaft sites would result in significant adverse visual and landscape impacts, causing harm to the National Park and its setting for several years, contrary to the aims of this policy. The harm to the historic landscapes of the National Park arising from all the construction sites individually and cumulatively would also represent a conflict with the historic objectives of Core Policy G and those of Development Policy 7.

Development Policy 3: Design

- 19.15 Although the minehead buildings are described in the application as being of “agricultural character”, they do not reflect the scale, design or materials generally used in agricultural buildings in the North York Moors. They are of industrial scale and design and present a functional, bland uniformity with standardised industrial materials and unlike the previous application exhibit no design characteristics that reflect their locality or the fact that they are within a designated landscape where the highest quality of design is expected. As such the proposed buildings, with the exception of the welfare building fall well short of the Authority’s Design Guide expectations and are in conflict with Development Policy 3.

Core Policy H: Rural Economy & Development Policy 10 : New Employment and Training Development

- 19.16 It is concluded that the proposal does not meet the specific locational requirements of Core Policy H and Development Policy 10 which promote economic development which complements National Park purposes and provide for sites within settlements of the Park rather than unsustainable economic development in the open countryside.

Development Policy 14 : Tourism and Recreation

- 19.17 The proposal conflicts with the objective of this policy to maintain and improve the quality of the tourism and recreation product in the National Park, through the likely harmful impacts to some tourism businesses and the recreational experience of users of the National Park.

Development Policy 23: New Development and Transport

- 19.18 The transport policy seeks as an overarching aim to effectively minimise the overall need for journeys and reduce the environmental impacts of traffic on the National Park. Criterion 4 specifically permits development where it is of a scale which the adjacent vehicular road network has the capacity to serve without detriment to highway safety or the environmental characteristics of the locality. Whilst noting the lack of objection from the Highway Authorities to road safety or capacity issues, following appropriate mitigation, the conclusions of AFW’s review of the ES are that the environmental impacts of the traffic will result in *significant* adverse effects to transport receptors (e.g. road users, residents, schools, pedestrians, visitors) and the environment of the National Park generally. There is therefore conflict with criterion 4 of this policy.

- 19.19 **In terms of policy compliance, officers have concluded that the proposal, if approved would represent a very significant departure from the development plan, failing the policy requirements of a number of the Authority’s adopted planning policies.**

Compliance with the National Planning Policy Framework

- 19.20 The NPPF sets out the Government’s requirements for the planning system to positively deliver sustainable development. As detailed elsewhere in this report it is a highly significant material consideration and, in this case, the major development test as set out in paragraph 116 is also an object of adopted planning policy (Core Policy E).
- 19.21 The Framework is unambiguous that the planning system should support sustainable economic growth and this should attract significant weight in planning decisions. It is also clear that minerals are essential to support sustainable economic growth and that they are a finite resource and can only be worked where they are found. Paragraph 144 states that when determining planning applications local planning authorities should give great weight to the benefits of mineral extraction, including to the economy. However, paragraph 14 of the Framework states that in decision-taking the presumption in favour of sustainable

development applies unless specific policies in the Framework indicate that development should be restricted. Footnote 9 of the Framework lists examples where there are policies of development restraint including those relating to land within a National Park. Such policies are set out in Paragraphs 115 which gives great weight to conserving the landscape and scenic beauty of National Parks and 116 which states that major development in National Parks should be refused except in exceptional circumstances and where it is in the public interest.

19.22 Although the NPPF is to be read as a whole, officers and the applicant agree that the most significant government policy is the MDT as set out in paragraph 116. The MDT sets a series of policy criteria which need to be considered in the round to enable an overall balanced judgment to be reached. Such a judgment will conclude whether the proposal represents **exceptional circumstances** and also whether it is in the **public interest**. The specific criteria within the policy should be used, alongside other planning matters to assess the development to reach such a judgment. When assessing the proposal against the criteria of this policy, officers have concluded the following:

- In terms of assessing the national need for the development, it is concluded that there is not a UK need for the mineral itself and the proposal is clear that the vast majority of the product is for export. If a need for polyhalite as a specific form of fertiliser was to become established through the establishment of a market for it, the existing UK potash mine has access to polyhalite and is currently mining it;
- There is not an unmet global need for the agronomic components of polyhalite as these are currently available in other readily available forms and the proposal is not seeking to meet an existing demand/supply gap but to capture a share of existing markets;
- The economic benefits of the proposal are stated to be at a national level, specifically in relation to the large volumes of material to be exported. This does meet part of the national need consideration, but because of the new and speculative nature of the venture there is uncertainty over the ability of polyhalite to capture enough of the global fertiliser market to achieve the stated sales volumes and deliver the national economic benefits at the levels suggested.
- Officers have concluded that there are likely to be substantial local and regional economic benefits, mainly to urban areas lying outside the National Park, and although these represent strong planning support, it is not considered that in isolation they amount to exceptional circumstances.
- Officers conclude that the development will result in significant environmental effects on a wide range of environmental receptors, but at their most harmful level in relation to the landscape, visual and traffic related impacts during the construction period. Such impacts could be expected to arise from a development of such a scale and nature and the fact that its proposed location is in or adjacent to such an environmentally sensitive area. The flaws in the baseline monitoring and methodology in some areas of the applicant's Environmental Statement has led to conclusions by AFW that some of the environmental impacts of the proposals during both construction and operation phases are likely to be significantly greater than stated.
- Although the applicant has offered a package of S106 mitigation and compensation to reduce the residual impacts of the development, officers conclude, that although these will enable a wide range of very long term landscape, biodiversity and second purpose related activities to be undertaken in the National Park, in the main, these are considered to represent 'compensation' for harm that cannot be further mitigated. The significant adverse visual, landscape and traffic impacts occurring over a five year period of construction are self-evident and cannot be further moderated. Notwithstanding that the most harmful impacts would occur during a five year construction period, these are of a scale and impact across a wide variety of environmental receptors and are not confined to one construction site but would affect

a large area of the National Park. The prolonged period of this construction period and a further long term period before full restoration measures become established, have led officers to conclude that these impacts weigh heavily against the development.

- 19.23 **Officers have therefore reached a clear conclusion that the application has not fully addressed or met the policy requirements of the major development test and has not demonstrated that the proposal represents Exceptional Circumstances or is in the public interest. It is considered to be fundamentally in conflict with national planning policy on major development in National Parks as set out in the NPPF.**

Harm to National Park Purposes and other Planning Interests

- 19.24 The conflict with the development plan and the findings of the Review of the ES have led to a conclusion that the proposal would cause unacceptable harm to the planning interests which the development plan seeks to protect. These are set out in detail in the planning assessment chapters of this report and are summarised below (the extent to which they can be mitigated or compensated by S106 measures is dealt with in the 106 section towards the end of this Conclusion).

The following factors therefore weigh heavily against approving the application:

- Substantial harm to the special qualities of the National Park in the area surrounding the minehead site, Lady Cross Plantation and Lockwood Beck site over a prolonged period of construction activity – particularly the loss of tranquillity, dark night skies, and the sense of remoteness and openness associated especially in relation to the mine site and its wider setting between extensive moorlands and the coast;
- An erosion of the special qualities of the area surrounding the mine site over the 100 year plus period of the mine operation as a result of the industrial nature of the activity and large increase in daily traffic accessing the site from staff movements and service deliveries;
- Extensive and permanent landscape change as a result of major new landforms created by the spoil from the excavations. These would be seen as a series of bunds which would appear as unnatural, and from some aspects steeply sloping forms representing an artificial topography which is inappropriate in a National Park and in contrast to the gently undulating moorland and farmland landscapes surrounding the minehead site. The new landforms which would contain approximately 1.9 million cubic metres of spoil and rise up to 13m above existing ground levels replace the existing landscape which, although not spectacular, nevertheless represents one of the National Park's special qualities of a landscape formed during the ice age.
- The scale, nature, number and duration of the construction sites within and adjoining the National Park would result in significant adverse landscape and visual impact over an extensive part of the National Park. These impacts would be widespread as a result of the open nature of the National Park landscape and be perceived as a series of major industrial sites in an otherwise relatively wild and undeveloped landscape. The envelope from which these sites would be theoretically visible extends over 12% or 180 square km of the National Park.
- Significant reduction of the public enjoyment of the special qualities of the National Park during the five year construction period, particularly the recreational experience enjoyed by walkers on the internationally renowned Coast to Coast footpath, some sections of the Cleveland Way National Trail, cyclists on the Coast to Coast cycle route and on some parts of the Moor to Sea route as well as users of the public rights of way and access land in the vicinity of the minehead site. The Ipsos MORI survey predicted that respondents would be less likely to use the Coast to Coast Walk even once the construction period had ended as the very first or last day of this iconic route would circumnavigate a major industrial site.

- Significant harm to local residential amenity and special qualities as a result of noise impacts during the construction period which have been seriously understated as a result of flaws in the approaches to the noise impact assessments undertaken.
- The proposal does not represent sustainable development as defined in the NPPF and National Parks Circular because of the harmful environmental impacts identified and the major increase in the use of energy in the National Park. In terms of the geothermal potential this is considered to represent a significant missed opportunity.
- Significant adverse environmental impacts arising from the volume of construction traffic passing through Whitby and Hawsker accessing the site from the A171 and B1416, passing through communities within the National Park. The review of the ES has confirmed that during the construction period there will be over 105,000 HGV movements on the roads between Lady Cross and the minehead site, over 123,000 movements between Lockwood Beck and Ladycross on the A171 and nearly 147,000 movements on the A171 between Guisborough and Lockwood Beck. These represent 92, 109 and 136 average daily HGV movements. In terms of the increase on existing traffic levels, this will mean an increase of up to 44% HGVs using the A171 and over 250% increase on the B1416 moorland road.
- There is likelihood that the development of a second potash mine within the National Park would adversely affect wider public perception of the North York Moors as an extensive area of wild, remote and tranquil countryside. This is particularly important at the current time, when the National Park is facing a high level of major minerals development pressure, with four separate sites being actively progressed for gas extraction. Visitor perception studies have indicated that there is a strong probability that there would be a negative impact on tourism, especially during construction, but also, to a lesser extent in the longer term and it is evident that negative impacts on nearby tourism businesses are already being felt. Despite the caution which should be attached to such studies, the application cites figures of £10.3m and 150 jobs lost from the tourism sector during construction and also smaller, though ongoing displacement of visitors during the operation of the mine. Officers conclude that it is extremely difficult to predict the actual impacts on the tourism economy, which will only be apparent if the development goes ahead. Evidence does however indicate that there will be a harmful impact on what is the most important sector of the National Park economy, which confirms the intrinsic conflict that major development poses within an area protected for its high quality environment which in itself is a key economic driver.
- The wider impact of the York Potash project which has a development 'footprint' beyond the minehead site, creates a cumulative development impact on the National Park which needs to be taken into consideration in determining the current planning application. Additional developments include the construction village which has already been considered by SBC, on land opposite the Whitby Business Park more intensive use of the recently approved Whitby Park and Ride, located within the National Park, which would mean 24 hour secure use with permanent attendance and security lighting and road improvements involving widening to the A171 and new junctions on the B1416. Such associated development adds to the growing erosion of the special qualities of the National Park and a risk that it will impact on a permanent public perception of a landscape which is losing its unique special qualities of wildness, sense of remoteness and tranquillity as major development becomes less of an exception and more of an accepted part of the North York Moors landscape.

19.25 Members should be aware that there may also be harmful effects outside the National Park arising from the MHF and harbour developments which should be taken into account alongside the wider economic benefits of the York Potash project as a whole. These developments are included in the project-wide cumulative assessment and the HRA and are considered/to be considered in detail by RCBC and PINS. It is officers' view that such

harmful effects do not materially affect the decision for this Authority as to whether the relevant policy tests have been met by the application.

Beneficial Impacts arising from the Development

19.26 Material considerations which are considered to weigh in favour of the application are:

- The resulting economic and social benefits to the surrounding local authority areas, (some of which experience extreme social deprivation) from the construction and operation of the mine, both direct and indirect which, if full production is reached would be very substantial.
- The development *could* be significant in terms of the national economic impact. This would be particularly important in terms of exports which the government has highlighted as a particular issue for the UK economy. These benefits are in accordance with paragraph 144 of the NPPF and if deliverable would contribute to facilitating growth, attracting great weight in favour of the application.
- The efforts in terms of mitigating some of the harmful longer term visual impacts of the development by an innovative mine infrastructure design involving sinking the plant below ground level which has restricted the height of the industrial buildings to 12m;
- Efforts to mitigate the impacts of the daily traffic movements through a travel plan which seeks to transport the majority of staff by bus using park and ride sites on the edge of the Park;
- The proposed soft landscaping/planting scheme is likely to result in improved tree and hedgerow structure and the introduction of a variety of new habitats would bring biodiversity benefits to the site itself;
- The proposal to transport the material by conveyor belts within an underground tunnel for further processing and distribution at Teesside, whilst introducing more widespread construction impact does avoid the need to use road or rail transport, the environmental impacts of which would be significantly adverse;
- The amended s106 submission would be expected to deliver the following benefits:
 - Promotion and other mitigation to reduce the harmful impact on the tourism economy as a whole. In the process the public profile of the National Park would be likely to increase and understanding of the special qualities could rise too. These are key Management Plan aims. Objectives such as achieving prominent directional signage to the National Park should be delivered. Individual and groups of tourism businesses would be supported;
 - Increased rail services on the Esk Valley Line and associated works meet aims to reduce dependence on car travel;
 - Very great improvements to the landscape over a large part of the National Park— on a scale larger than the Authority’s Farm Scheme but for 100 years. This would include work on traditional field boundaries, improvements to woodlands, grasslands, other habitats, rights of way, critical parts of the cultural heritage, etc.;
 - Restoration of habitats to compensate fully for those lost or potentially damaged by the development, using the biodiversity offsetting calculator, national schemes payment rates and officer experience of delivering similar schemes;
 - Increasing native woodland has been a Management Plan aim since the 1970s. Offsetting of the policy-required percentage of the carbon emissions of the development (10%) by tree planting should have the incidental effect of adding (over a long period) approximately 7,000ha of native woodland – a highly significant increase in the National Park’s native woodland resource, a key

Management Plan aspiration and a boost to wildlife habitats that could be considered significant on a national scale;

- Together the last three factors should be a major contributor towards connecting habitats in the National Park which is a key Management Plan aim;
- With a lower degree of confidence, reductions in light pollution across a large part of the National Park to compensate for increases resulting from the development.

19.27 In reaching a conclusion to enable a planning balance to be made all of these and other relevant matters have been taken into consideration. The most significant benefits arising from the proposal would be the economic contribution to the urban populations outside the National Park and the planning gain funding which could be used to deliver National Park purposes elsewhere in the Park over a very long term period.

Sustainability and National Park Management Plan

19.28 The vision, objectives and aspirations of the National Park Management Plan set out a long term view of the type of place that the National Park should be. This includes:

- Protecting and enhancing the landscape as a whole;
- Promoting the National Park with a clear brand to increase visitors and visitor spending to boost the tourism economy;
- Promote outdoor recreation and contact with nature to ensure the National Park provides a resource which delivers health benefits for the nation;
- A major increase in the area of woodland within the Park leading to multiple benefits;
- Increased habitat connectivity across the Park;
- Increased benign agricultural production and optimal grazing levels;
- Ensuring there is no decline in the level of tranquillity experienced in the National Park;
- Appropriate renewable energy and efficiency measures to offset domestic CO₂ emissions.

19.29 Officers have concluded that some of the key objectives in the Management Plan would be compromised in principle by the development of a second potash mine within the National Park, although the S106 funding offered would more than deliver objectives related to woodland planting and contribute significantly to habitat connectivity across the Park as a whole.

19.30 In terms of the government's vision for National Parks as set out in the 2010 Circular, it is however made clear that the economy of these protected landscapes should be complementary to the two purposes for which National Parks were originally designated, some 60 year ago. The Circular states that National Parks should be exemplars in achieving sustainable development and that "*conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment should lie at the very heart of developing a strong economy and sustaining thriving local communities.*" Officers consider that the form of large scale industrial development proposed by this application which is intrinsically in conflict with National Park purposes does not represent sustainable development within a National Park as envisaged by the Circular or the Management Plan.

Environmental Impact Assessment – Remaining Uncertainties

19.31 The review of the ES concludes that the development will result in a range of significant environmental effects that will cause demonstrable harm to the National Park and its special qualities. However, it also identifies a number of areas where there are still uncertainties in terms of the potential for unmitigated risks to environmental receptors and areas where the realities of the construction are likely to lead to greater impacts than the ES suggests. In EIA terms the National Park and the designated sites within it are categorised as sensitive environments and therefore where impacts are uncertain or have not been definitively mitigated, it is considered that a precautionary approach should be adopted. Officers are

concerned that despite repeated advice and clear direction being provided during the protracted pre-application advice stage, there are still several areas where this proposal throws up uncertainties in terms of its environmental impacts. These are set out in the body of this report and are summarised as follows:

- Concern over the practicality of the construction proposals, in terms of the risk that important and potentially major design amendments would be necessary once contractors are appointed, which would place further burden on the Authority to ensure the environmental impacts are minimised;
- Concern over the reality of the proposed 58 month construction period being achieved which is very challenging to implement in practice and which would inevitably lengthen as a result of the in-built time constraints which would result from some of the necessary conditions and required mitigation such as limitations on working hours to protect local amenity. A key constraint is the fact that the construction programme has so many interdependent elements and phases taking place within a relatively confined site and that if one of these is delayed, this will impact on the entire programme.
- Insufficient mitigation in terms of surface drainage during the construction period as the attenuation ponds at the mine head have been specifically designed for operational layout of the restored and landscaped site. This means that there could be adverse effects on the immediate receiving watercourse, Sneaton Thorpe Beck through increased sediment supply, the effects of which are likely to be *significant* in EIA terms. Further mitigation for this may be difficult to achieve because of the space constraints at the minehead site and the intensity of the construction operations.
- Insufficient capacity in the drainage system identified by the applicant's consultants to attenuate runoff during certain phases of construction, with the risk of significant adverse effects. The impacts of construction activities on flows downstream of the minehead site have not been assessed in the ES or the Supplementary Environmental Information.
- Weakness in the approach to the EIA in relation to hydrogeology assessment work which has been reflected in the consultation response of the EA which has requested the imposition of groundwater related conditions and specifically the need for a revised hydrogeological risk assessment to be undertaken prior to construction. Secondly, the EIA process has not assessed the risk of fault activation arising from the water re-injection borehole. This would need to be resolved through the formal EIA process prior to issuing a decision if Members were minded to approve the application.
- A key concern over the achievability of the restoration scheme for the minehead given the predicted soil profile on the earthworks. The depth of restoration soils to be placed above the compacted spoil and geosynthetic drainage layer may well be insufficient for trees to properly establish due to restricted root growth. There is therefore a risk that the restoration scheme may begin to fail in the early or perhaps later years due to the growth and survival of tree species being compromised by the shallow depth of the rooting material placed above an impermeable capping layer. If this occurs the landscape and visual effects are likely to remain or even revert back to the levels of change predicted at year 1 of the scheme with effects that are adverse for the duration of the operational development.
- Concerns raised by the EA that there is still a residual risk of pollution from the Lady Cross Intermediate shaft site due to the site draining into a section of the River Esk known to contain populations of Pearl Mussels. Although mitigation measures have been proposed, there is a degree of risk that these could be overwhelmed by a rainfall event and there is a longer term risk should the mitigation degrade over time. Although this risk is regarded as low, its consequences could be significant given the sensitivity of the receiving environment and species concerned.

- The extent of likely ecological impacts of the development on important habitats and wildlife is of concern to wildlife interest groups and both Yorkshire Wildlife Trust and RSPB have maintained objections to the development. There remains some uncertainty regarding the effects of the minehead development on the SSSI and lack of confidence in the applicant's traffic and noise assessments means that there is uncertainty about the extent to which SSSI birds (curlew and snipe) could be disturbed during construction.
- Concerns over the removal of a bat roost and surrounding bat habitat which the mitigation proposals are insufficient to offset. The actual removal of the bat roost at Dove's Nest Farm will require a European Protected Species Licence though an acceptable replacement roost does not form part of the application.
- Significant underestimation of the levels of noise that would be experienced by receptors in the vicinity of the minehead during construction as a result of flaws in the methodology of the noise impact assessment. There is therefore sufficient risk that residents would be subject to *significant* noise levels and that the impacts on other receptors such as walkers and wildlife would be greater than has been stated, with resultant loss of special qualities. Noise levels at key transport links could also be subject to moderate or major impacts during certain times of the day this is an important gap in the EIA which has not been addressed.

Effectiveness of Mitigation and Compensation Offered through the S106 Obligations

- 19.32 The following paragraphs relate to the submissions made on 5 June 2015.
- 19.33 Officers have explained their analysis of the pre-existing residual impacts to the applicant and have indicated what they believe appropriate mitigation and compensation would be to directly address them as far as they are able to. Because of the level of harm identified, this is on a major scale. Some of the elements of the S106 submission have the effect of mitigating the impact of the proposed development, by reducing its directly related impacts. Other elements would seek to compensate for these remaining related residual impacts as far as they are able to. The proposed Core Policy D contribution is different in that although it is contained within the proposed S106 agreement it seeks to address criterion 3 of Core Policy D by committing funds for tree planting and sourcing power from off-site renewable sources. This section also explains that officers have concluded that there will be some residual harmful impacts from the development for which there is no appropriate mitigation or compensation.
- 19.34 The main impacts which officers believe cannot be mitigated or compensated for in any way in the long term are the impact on the site itself of large-scale industrial buildings and activities. There are also likely to be noise impacts and other losses to the tranquillity and remoteness of the National Park including from increased traffic movements.
- 19.35 The compensation that can be achieved for many of the other long term impacts would, though directly related in terms of its nature and scale, be spatially and temporally at a distance from the harm. Thus improvements to the landscape as compensation for the landscape impact of the construction sites would take place over a large part of the National Park over many years afterwards. Such compensation cannot remove the harm taking place during the construction period itself arising from the significant visual, landscape, traffic and noise impacts across the part of the National Park affected. It can only offset it at a different point in time and place.
- 19.36 The applicant has now amended the S106 offer to include resources very close to the level officers have suggested is appropriate to the scale of the likely residual harm. The proposed Management Plan contributions would give the National Park Authority the resources to carry out substantial operations over a very long period which would improve the visual quality and in some respects increase the tranquillity of a substantial part of the National Park which could be seen as offsetting the visual harm of the development except as outlined above. Officers are clear that this should bring with it important ecological gains which could be linked to the current Management Plan's long-term connectivity targets. It

also has the clear potential to benefit key items of the cultural heritage and to bring noticeable improvements to the Rights of Way network to offset harm. It would also provide resources to offer some compensation for increased light pollution.

- 19.37 In relation to the conservation items, there is a judgement to be made on the balance between the loss of one set of conservation assets and the gain of another. In this case, the very large scale of the gains offered by the S106 agreement and their longevity are positive factors to weigh against the considerable impact of the development. Thus there are clearly potential very large conservation gains in one place: whether these effectively offset the conservation losses in another must ultimately be a matter of personal judgement. Officers believe that the compensation offered in the S106 package is substantial, but, and this is a key principle to consider, there is an important difference between mitigation and compensation. Both can be CIL compliant as long as they meet the tests already explained, however the key issue is that mitigation has the result of reducing the actual harm taking place. For example, problems experienced by road users as a result of the significant increase in HGV traffic on the A171 can be reduced by S106 funding for road improvements and to increase rail services on the Esk Valley line. Compensation accepts that harm will take place which cannot be reduced, but beneficial measures can be undertaken both on site and elsewhere to offset the harm. This is the same principle behind the national Biodiversity Offsetting proposal in 2013 which accepted the loss of important habitat as a result of essential development going ahead, but provided enhanced or created habitat offsite. Officers are clear that if such a process of loss and compensation continues indefinitely, harmful development would continue to be accepted provided adequate compensation is offered until the assets which make a National Park special are ultimately lost. Some assets are irreplaceable 'national capital' in the same way as historic fabric of a listed building which cannot be replaced once destroyed. Such a process may be considered acceptable if the benefits of the development are considered to outweigh the loss, however it is an approach that is not an inevitable stage in the planning process the ultimate purpose of which is to enable development to take place that does not result in an unacceptable level of harm to matters of public interest. Members will need to decide how lightly we tread upon this earth and whether this is a step too far down the offsetting road.
- 19.38 The way in which it is proposed to comply with the Core Policy D contribution would have the incidental but significant effect of achieving one of the National Park's long-term aims, that of an increase in native woodland cover. This objective goes back to the first National Park Plan in 1977. The planting concerned would take place over the long term, but this would be a practical necessity in any event and would need to be done with care (and consultation). It would represent a very significant improvement in the landscape and ecological status of the North York Moors if carried out appropriately, possibly the biggest single positive initiative for biodiversity the National Park has seen, together with major landscape improvements. Members should have reasonable confidence that those benefits would be realised if the development proceeded. Since this element is to secure partial policy compliance and the wildlife and landscape benefits are incidental, they represent outright gains to the National Park environment which would not occur by other foreseeable means.
- 19.39 Discussions with York Potash on the tourism elements of the S106 submission have led to an amended proposal from the Company. This tackles the difficulty of predicting the impact of the development on tourism numbers in and around the National Park by proposing a baseline level of resource to mitigate negative impact and tying further contribution obligations to an objective survey of the tourism impacts as they do or do not materialise. Officers consider this to be a reasonable approach. If Members are minded to approve the application they may do so in the knowledge that there would be an obligation on the Company to provide a substantial, and potentially very substantial, level of resource to mitigate negative impacts and that this should continue over the long-term. There are however risks to this and very significant impacts on some individual businesses (and possibly wider parts of the Park and surrounding area) are certain to occur. Officers believe the 'cap' on the level of the mitigating resource should be increased to cover a possible worst case scenario.

Planning Balance

- 19.40 Officers have concluded that the application has a clear and fundamental conflict with both local and national policies and that the review of the ES demonstrates that the EIA process undertaken by the applicant's consultants has resulted in an underestimation of the environmental effects in respect of certain environmental topics. There will be a wide range of significant environmental effects, especially in terms of visual, landscape and traffic impacts which will be significant across all sites during the prolonged construction period and beyond before restoration proposals take effect. There will also be ongoing and permanent harm to the Special Qualities of the National Park in terms of loss of tranquillity, loss of the Park's landforms, and its sense of wildness and remoteness which cannot be replaced. The impact of the period of construction which will have an effect across a large part of the National Park and the main access road into it from the north will inevitably cause harm to the tourism industry, the mainstay of the local economy, the extent and duration of which is not possible to predict.
- 19.41 Officers have noted that the RCBC decision put greater weight on the long term benefits of the operational mine which were considered to outweigh the significant landscape and amenity harm acknowledged during the temporary construction period. This decision is understood because of the main focus of that council on economic recovery and growth and the fact that the majority of the significant environmental effects will occur within the National Park, rather than the Borough Council area. Substantial weight can however be reasonably attributed to temporary impacts and many appeal decisions, particularly within protected landscapes attest to this. Although addressed by legislation out with the planning system, perhaps the most demonstrable example of the significance of temporary impacts within a sensitive environment is the previous Government's recent legal ban on fracking within National Parks, a process which lasts only weeks. Officers put great weight on what is considered to be unacceptable harm to the National Park over the construction period based on the following factors:
- The duration of the period, which, although representing only 5% of the life of the mine is nevertheless a very considerable period of time and which is as long as some temporary planning permissions envisage for operational periods (e.g. the Loch Lomond gold mine entire operational period was only 8 years);
 - The sensitivity of the receiving environment which represents the highest level of landscape protection afforded by both the planning system and parliament;
 - The extent and scale of the impacts which are not contained within a single construction site, but which will adversely affect an extensive part of the National Park in both visual, landscape and recreational terms and conflict with both National Park purposes;
 - The likely adverse impact on tourism within the area of the National Park affected, and which may result in permanent impacts on certain businesses and leave a lasting legacy on the public perception of the North York Moors as a landscape characterised by major minerals development;
 - The longer term period, which may be more than the stated 15 years before post construction restoration proposals are able to fully address some of the major disturbance and re-modelling of the landscape at the construction sites.
- 19.42 The AWF review of the ES has also found a series of uncertainties over the likely impacts of the development which have still not been adequately addressed and which could undermine the mitigation or still present a risk of ongoing significant environmental and amenity harm. Indeed, at the time of writing the report, the issue of potential risk of fault activation from the water re-injection borehole had not been assessed through the EIA process and this important gap in the process would need to be resolved in the event of an approval of the application.
- 19.43 These issues weigh heavily against the development. It is also clear that the extent of the mitigation proposed during the operational period in terms of mine design, travel plan, means of transporting the mineral and the welfare building design are significant and go a long way towards moderating the impacts of what is a significant industrial development

within a highly sensitive landscape. It is also likely that the project will bring significant economic and social benefits to the economies of the urban areas beyond the National Park boundary and if successful the scale of these benefits could attain national significance. Members will be aware that great weight should be placed on the economic benefits of mineral extraction and it is also the case that there is very strong local support for the proposed development.

19.44 These are very significant planning matters which inevitably create a conflict between the public interest of protecting the national asset which is the National Park and the public interest in the economic and social improvement of the region. Members will need to individually assign weight to these opposing issues and reach their own planning balance.

19.45 **Officers conclude that the policy conflict with the Development Plan and national policy is such that the proposal does not represent Exceptional Circumstances, which is the highest bar that planning policy requires. It is therefore considered that the economic benefits and extent of the mitigation/compensation offered through planning obligations do not outweigh the extent of the harm and clear conflict with the development plan. The greater public interest is considered to be that of the statutory National Park purposes which protect the North York Moors for the benefit of the nation. In reaching this view, officers acknowledge the unique role of the National Park Authority, which does not have a direct economic development purpose but which has at the core of its planning role, the statutory responsibility to conserve and enhance the North York Moors for the enjoyment of present and future generations.**

20. Explanation of how the Authority has worked positively with the applicant

20.1 The Authority has worked extensively with the applicant since the company's initial approach to officers in 2011. Senior members of staff have held meetings with the applicant and offered detailed advice on policy and procedural matters throughout the course of both this and the 2013 planning application. The Authority has entered into two Planning Performance Agreements in connection with the applications and has attended regular meetings with the company and its various consultant advisers throughout this extended period.

20.2 Officers have co-operated with the applicant in considering the planning application documentation, giving advice on AFW's concerns relating to important aspects of the proposals submitted in September 2014 and organising the major re-consultation exercise required in connection with the submission of Supplementary Environmental Information in February 2015. Officers have discussed detailed aspects of the proposals with the applicant at many meetings and have taken part in meetings involving statutory consultees including Natural England, the Environment Agency and the Highway Authority. Senior officers at the Authority have devoted a considerable amount of time to Section 106 discussions with the company.

20.3 The Authority has recognised the considerable public interest in the proposals both in the local area and further afield and has responded to the need for public information and engagement by attending local Parish Council meetings, holding a Pre-application presentation and a public meeting, providing a dedicated 'York Potash' page and responding to a wealth of enquiries from the company's shareholders. Officers have consulted the applicant about arrangements for public events and co-operated in the timing of Press Releases to accommodate the company's obligations with regard to Stock Exchange announcements.

Contact Officer:
Chris France, Director of Planning
Tel: 01439 772700