

# North York Moors National Park Authority Planning Committee

19 July 2012

## York Potash Update on Proposals for Exploration and Potential Extraction of Potash in the North York Moors National Park

### 1. Purpose of the Report

- 1.1 To inform and update Members of the ongoing pre-application discussions being held with Sirius Minerals plc and York Potash Ltd in relation to exploratory proposals for the extraction of Potash reserves within the National Park and to clarify the planning policy situation and process in relation to determining an application to site a mine and extract Potash from within the National Park.

### 2. Background

- 2.1 It is now 18 months since representatives of Sirius first made contact with officers of the National Park Authority to notify their intention to explore the potential for Potash extraction from beneath the National Park. Since then, there has been regular and detailed, confidential discussion with the company to provide pre-application advice in relation to the programme of exploratory drilling and seismic surveys.
- 2.2 Members involvement has been focused on their Planning role in the determination of the 13 planning applications submitted for individual borehole sites which have all been approved with conditions for a temporary period of time, initially six months but the more recent approvals have been for nine months. Drilling at three of these boreholes has been completed and restoration has commenced. Geological results from these initial tests have proved to be positive. Whilst this programme of drilling and indeed seismic testing is still ongoing, the focus of the discussions with York Potash Plc has recently shifted to the potential for siting a mine head within the National Park.

### 3. Communication and Publicity

- 3.1 Officers have informed the public and Members about the processes that need to be undertaken in terms of the planning system, and of the national policy presumptions, through a variety of means:
- Update Report to National Park Authority – March 2011
  - Presentation to Staff Meeting – March 2011
  - Regular responses to media enquiries
  - Information Note prepared for public enquiries and students
  - A Members update note – February 2012
  - Presentations to all Area Parish Forums – February 2012 and as a regular agenda item on the Coastal Area Parish Forum
- 3.2 All of these set out the clear central government planning policy that proposals for major development should not be permitted in protected landscapes unless there are exceptional circumstances and where it can be demonstrated that they are in the national interest (the Major Development Test).

#### **4. Planning Policy**

- 4.1 This test has been a central plank of government policy since the designation of National Parks in the 1950s and has been restated in the recently published National Planning Policy Framework. It consists of a series of rigorous criteria which assess the national need for the development, the impact of approving or refusing it on the local economy and the scope and cost of locating the development outside the designated area. It includes a presumption against such development as a starting point reflecting the importance of the planning role of Park Authorities in delivering the statutory purposes of National Parks which are safeguarded for the nation to enjoy.
- 4.2 The Authority has previously set out its position on the implications and requirements of the MDT as it would relate to a Potash Mine and associated development being proposed in the North York Moors National Park as a guide to help York Potash prepare for a planning submission. A more detailed legal view has also been sought to give guidance to the Authority on the steps that are needed to deliver a robust decision at the end of the process.

#### **5. Process**

- 5.1 The ongoing dialogue with York Potash was formalised earlier in the year through the formation of a Project Management Group which meets within the framework set out in a Planning Performance Agreement (PPA) between York Potash and the Authority. This includes a set timescale for the pre-application meetings leading up to a pre-application presentation to Members prior to the submission of an application for the mine head and associated developments. The PPA also sets out a strict timetable for the determination of a planning application, within the statutory 16 week time limit for determining 'large scale' major developments. The costs incurred by the Authority leading up to the determination of the application will be met by York Potash, as agreed in the PPA. These will consist of officer time in providing pre-application advice, external legal costs, with the main element being consultant's fees in assessing the supporting submissions in relation to the Major Development Test and the Environmental Impact Assessment for the scheme.
- 5.2 A crucial aspect of the PPA is the process of 'frontloading' which ensures that all the main facts and planning issues, together with supporting information, have been set out in advance and assessed prior to the submission of the application. In this way the tight timescale for formal determination is more likely to be met. In this context officers have concern that information on why potash cannot be extracted from outside the Park is not forthcoming, especially given the nature of modern drift access mining techniques. This concern relates to the inevitable delay which would occur in the processing of an application if this information is not received within a reasonable timeframe in the run up to the formal submission. It is also important in terms of adequately addressing government planning policy in relation to the protection of National Parks to ensure that any decision made is robust. This issue has now been raised more formally with York Potash.

#### **6 Financial and Staffing Implications**

- 6.1 There are likely to be significant financial implications, arising from the submission of a planning application for a potash mine particularly in relation to the costs of a potential call-in public inquiry, appeal or legal challenge. It should be noted that the costs provisions within the PPA can only cover non statutory pre-application costs incurred.

7 **Sustainability Appraisal**

- 7.1 Full sustainability appraisals of the proposal will be required and will form the basis of a full planning submission in due course.

8 **Legal Implications**

- 8.1 There are no legal implications arising from this specific report which merely updates members on the information currently available on this proposal.

9. **Recommendation**

- 9.1 That Members note the update regarding pre-application discussions and the planning policy framework in which they are being carried out in relation to the 'potash project'.

Contact Officer:  
Chris France  
Director of Planning  
01439 772700