

North York Moors National Park Authority

24 September 2012

York Potash: Pre-application Presentation to Members

1. Purpose of the Report

- 1.1 To set out and agree an additional to the Authority's Code of Practice for pre-application presentations to Members in respect of the York Potash proposal in view of the size and complexity of the project.
- 1.2 To agree further pre-application opportunities for public involvement in the York Potash proposal.

2. Background

- 2.1 York Potash Ltd have been in discussion with the Authority's officers regarding proposals for a new potash mine in the National Park for over 18 months and a planning application for the proposed development is expected before the end of the year.
- 2.2 The pre-application stage of the planning process is particularly important for large scale and complex developments and in 2009 the Authority adopted a Code of Practice for holding pre-application forums as part of the process for handling major applications. Pre-application meetings or discussions have been recognised since the Barker Review of Planning in 2006 as an important means of identifying objectives, constraints and community views leading to greater certainty, understanding and improved decision making. The Authority's Code of Practice was amended in September 2011 to include greater representation for communities and statutory consultees. A copy of the amended Code of Practice is attached at **Appendix A**.
- 2.3 The Code of Practice says that pre-application presentations will only be agreed by the Chairman and Deputy Chairman of the Planning Committee where they are recommended by the Director of Planning and meet the following criteria:
 - the proposed development is major or significant and would raise significant policy issues in terms of the Authority's adopted policies or
 - the proposed development is major and is likely to have a very significant impact on a wide section of the local community.

3. Reasons for inviting York Potash to give a pre-application presentation to Members

- 3.1 York Potash's development proposal meets both of the criteria outlined above. The application to develop a new potash mine with its associated facilities and accesses will be the largest scale development proposal that the Authority has had to deal with since planning permission was granted for the development of the Cleveland Potash mine at Boulby in 1968.

The proposal raises significant policy issues in terms of the Authority's adopted policies, the key one being Core Policy E of the Local Development Framework which requires minerals developments apart from building stone quarrying to be considered against the major development tests. These are set out in paragraph 116 of the National Planning Policy Framework 2012 which states that planning permission should be refused for major developments in designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest.

- 3.2 The proposal is also likely to have a very significant impact on a wide section of the local community both in terms of the physical structures that would be developed and the social and economic impacts, for instance with regard to local employment.
- 3.3 York Potash have indicated their willingness to take part in a pre-application presentation to Members and it is now recommended that this should be arranged at a convenient date following the announcement of the location of the proposed development.

4. Inclusion of a site visit in the pre-application presentation arrangements

- 4.1 The Code of Practice for pre-application presentations sets out procedures which allow for a structured discussion to take place following a presentation of the proposals by the developer. Point 7 of the Code says that a site visit will not be held unless the Chairman considers that there are very special circumstances which would warrant a departure from normal procedure.
- 4.2 It is considered that the scale of the proposed development and the potential impact on the local environment are such that it would be helpful for Members to view the proposed site for the new mine in advance of considering the planning application. The Chairman is therefore asked to agree that a site visit should take place on this occasion.
- 4.3 The pre-application presentation will be open to members of the public and there may be press interest. As is existing practice and in order to ensure smooth running of the proceedings, it is suggested that audio or visual recording should not be permitted.

5. Public Involvement

- 5.1 The amendments made to the Authority's Code of Practice in September 2011 increased the scope for community representatives and other individuals (at the Chairman's discretion) to participate in the pre- application presentation to Members. The Code of Practice is flexible enough to allow for a wide range of interested parties to take part including individuals who have already contacted the Authority in connection with the proposals. Nevertheless, the proposed development is of such a scale and complexity that it is likely to attract considerable legitimate public interest.

For practical reasons therefore it will be necessary to hold additional public consultation events over the coming period in connection with the York Potash proposals and these have been arranged through the relevant parish councils to be held during the period following the pre-application presentation. In addition, it is proposed that the National Park Authority holds its own public informative meeting if demand requires it.

6. **Financial and Staffing Implications**

- 6.1 Arrangements for the pre-application presentation to Members will be made by Jane Davies in Policy Team and the costs involved (including staff time) will be recoverable from the developer under the Planning Performance Agreement made with York Potash in April 2012.

7. **Legal Implications**

- 7.1 It will be important that the Pre-application presentation follows the structure outlined in the Code of Practice attached at **Appendix A**.

8. **Recommendations**

- 8.1 That Members approve the contents of this report;
- 8.2 That the Chairman and Deputy Chairman of the full Authority agree to York Potash Ltd giving a pre-application presentation to Members on their development proposals;
- 8.3 That the Chairman agrees to a site visit being included as part of the pre-application presentation and that audio and visual recording should not be permitted.
- 8.4 That the Authority attends a further set off public meetings arranged by relevant Parish Councils or itself following the pre-application presentation on 28 September 2012.

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**Code of Practice for Pre-Application Presentations to Members
by Developers and Applicants**

1. Invitations to give presentations on development proposals prior to submission of an application will be restricted to cases where:
 - a) the development proposed is major or significant and would raise significant policy issues in terms of the Authority's adopted planning policiesor
 - b) the development proposed is major and is likely to have a very significant impact on a wide section of the local community.
2. Pre-application presentations to Members by applicants will only be agreed if a proposal meets the above criteria and is agreed by the Chairman and Deputy Chairman of the Planning Committee on the recommendation of the Director of Planning. Likewise the most appropriate timing for such presentations, in terms of the evolution of the proposal, will be agreed. There will be no appeal against a decision that a proposal does not fit the criteria above and is not appropriate for pre-application Member involvement.
3. The presentation will take place in public and will be held in an appropriate location where adequate facilities are available in terms of presentation and conduct of the meeting. Whilst this will normally be in the Committee Room in Helmsley the Chairman and Deputy Chairman may agree to an alternative location if the nature of the proposal or presentation makes this more appropriate.
4. The details of the time and venue of the presentation will be published in the same way as for a formal Committee meeting with individual invitations being sent and posted by notice locally at least 14 days before the presentation to all parties specified below:
 - a) Members of the Planning Committee
 - b) The applicant and his/her agent
 - c) Statutory and technical consultees who are likely to be consulted should the proposal become the subject of a planning application – normally it will be one representative per organisation unless there are specific reasons why individual specialists from one organisation should be present.
 - d) The Parish Council – (one representative)
 - e) Any other organisation or community representative (or any other person/s at the discretion of the Chairman). (One representative per organisation).

The invitation to the presentation will include a short report by officers outlining the proposal involved.

5. The presentation will follow the following format:
 - a) Introduction by Chairman (2 minutes)
 - b) Explanation of ground rules (2 minutes)
 - c) Presentation by planning officers of the key planning considerations and policy context (10 minutes)
 - d) Presentation by developer team (30 minutes)
 - e) Response by invited speakers (6 minutes each) (and any other persons present at the Chairman's discretion)
 - f) Questions to all by Members (60 minutes)
 - g) Summary of main points (by planning officer) and close (5 – 10 minutes)

6. There will be no discussion of the issues or proposal.
7. A site visit will not be held as part of the pre-application involvement of Members unless the Chairman considers there are very special circumstances which would warrant a departure from normal procedure.
8. Although the presentation will be held in public, members of the public will not have the right to ask questions or make statements. It is obviously open to the public to approach consultees, the developer, planning officers or their local Members with their questions/concerns/views in the period following the meeting or during the statutory consultation period should a formal application be submitted. The normal rights to address the Planning Committee when the formal application is before the Committee for determination will not be affected by the above pre-application procedure.