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Dear Mr France

NYP/2013/0062/MEIA – The winning and working of potash (polyhalite) by underground methods from 25,300 hectares of land together with construction of mine including sinking of 2 deep shafts, retention/disposal/removal / landform modification of associated spoil, construction of buildings including welfare/office block and minehead primary processing buildings, access roads and car parking, helicopter emergency landing site, attenuation ponds and landscaping restoration and aftercare - beneath the eastern side of the North Yorkshire Moors National Park together with minehead at land at Dove's Nest Farm/Haxby Plantation, Sneaton to the south west of Whitby.

KVA Planning Consultancy has been commissioned to draft a letter of objection to the above proposal by York Potash Ltd to be submitted to the North Yorkshire Moors National Park Authority on behalf of the Coastal Branch of the Campaign to Protect Rural England (CPRE) North Yorkshire County group. This objection has been based upon the opinions and views stated at various stages of the consultation process by the CPRE branch and a thorough examination of the planning application and attached Environmental Statement (ES) and accompanying Environmental Impact Assessment (EIA). The objection is to be submitted as part of the public consultation process attached to the planning application.

In January 2011 York Potash Ltd expressed an interest in developing a new potash mine within the North Yorkshire Moors National Park. The North Yorkshire Moors National Park Authority (NYMNP) has since granted several planning permissions for a number of temporary exploratory drill sites in the eastern area of the National Park, between Whitby and Scarborough. Following these

exploratory workings, York Potash Ltd, has now submitted a planning application for the extraction of potash (polyhalite) and the development of a deep mine at Dove's Nest Farm/Haxby Plantation at Sneaton. The proposals are part of a wider project which aims to extract potash from two deep polyhalite seams which lie beneath the National Park and extend eastward underneath the North Sea towards Germany. The mineral will be taken in suspension for processing on Teeside via an underground pipeline system which would run through the National Park.

The application is complicated by the fact that York Potash are seeking planning consent from four separate planning authorities: The NYMNPAA will consider the planning application for the mine at Dove's Nest Farm/Haxby Plantation and the extraction of the mineral beneath the National Park; the National Infrastructure Directorate will consider the application for development consent for the pipeline which will be dealt with as a major infrastructure project; the Marine Management Organisation has already granted a license for the extraction of potash from beneath the sea bed; and, Redcar and Cleveland Borough Council will consider the processing and port facilities at Teeside.

Potash is a generic term for a variety of potassium-bearing minerals. It occurs in beds beneath the National Park extending south towards the River Humber and under the North Sea to Germany. This proposal intends to extract Polyhalite – a harder form of the mineral. Up to 20 million tonnes per year are forecast to be extracted, most of which will be for overseas markets. Additional plant and buildings are proposed on site to deal with a second phase of production scheduled for 4-5 years after the initial production has commenced.

Summary of application details as provided by North Yorkshire Moors National Park Authority for the public consultation

The area of land at the mine head site which will be subject to surface development equates to approximately 40 hectares of open farmland and woodland situated at a height of 205 metres lying between the Heritage Coast and the A169 Pickering to Whitby road. Open heather moorland which is protected as a Site of Special Scientific Interest (SSSI) and subject to European habitat designation immediately surrounds the site to the south and west.

An area of 1.4 hectares will be utilised to provide on-site processing buildings with a maximum roof height of 9 metres. Two mine shafts are to be sunk up to a depth of 1700 metres within a buried chamber which is to be excavated to a depth of approximately 90 metres. The company are proposing to provide support and welfare buildings which would cover 2982 square metres and measure a height of 13 metres. A 76 space car park and emergency helicopter landing pad is to be provided with a planned 100-120 car space extension to the approved Whitby Park and Ride separate planning application to ensure most workers park away from the mine head site (a travel plan has been provided by the applicant as part of the EIA).

The amount of excavated spoil from the shafts, access tunnel and chamber is approximately 600,000m³ in volume and is proposed to be used to form earth mounds and bunding around the site up to a height of 10 metres above current land levels as part of a landscaping exercise.

Although subject to a separate application as they are classed as 'nationally significant infrastructure', the York Potash proposals include the construction of two 44.5km pipelines which

will be buried 1.8 metres deep, crossing approximately 26km of the National Park to transport the potash mixed with brine to a processing plant at Wilton in Teeside. The working corridor of the pipeline will be 50 metres and the construction period will be over two years.

The proposals seek consent to mine polyhalite in the National Park for a period of 100 years. It is expected that the site will be under construction for a period of 3-4 years should consent be granted.

Planning Policy Context

The Planning and Compulsory Purchase Act 2004, Section 38(6) and the Town and Country Planning Act 1990, Section 70(2) require that all planning applications should be determined in accordance with the relevant Development Plan unless material considerations indicate otherwise. The adopted Local Plan for the application area is the North Yorkshire Moors National Park Authority Core Strategy and Development Policies document which was adopted in November 2008. The Yorkshire and Humber Regional Spatial Strategy (RSS) (May 2008) was formally revoked in February 2013 under the Localism Act 2011. The two documents formerly constituted the Development Plan for the area; however, the RSS is no longer relevant although the evidence which the plan was based upon and has been subject to Examination may still be pertinent. The National Planning Policy Framework (NPPF) was adopted March 2013. This replaced a large number of minerals policy statements and guidance notes alongside planning policy statements.

National Planning Policy Framework

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. According to paragraph 6 of the NPPF: *'the purpose of the planning system is to contribute to sustainable development.'* The policies within the documents taken holistically should constitute what the Government's view of sustainable development in England means in terms of planning. There are three pillars of sustainable development which should be mutually dependent: economic development, environmental development and social development. Paragraph 14 of the NPPF states that *'at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.... For decision-taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
 1. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or*
 2. *Specific policies in the framework indicate development should be restricted.'*

The footnote attached to point 2 above should not be neglected when determining planning applications as it states *'for example, those policies relating to sites protected under the Birds and Habitats Directives, and/or Sites of Special Scientific Interest, land designated as green belt, local green spaces, an Area of Outstanding Natural beauty, Heritage Coast or within a National Park (or the Broad's Authority); designated heritage assets and locations at risk or coastal erosion.* It is clear

from the date of adoption that the Local Development Plan (NYMNP Core Strategy) that this application should be assessed against is within date (5 years). Although the development plan is not out of date, the NPPF is afforded considerable weight and classed in policy terms as a material consideration therefore, point 2 and its footnote should be taken into account when assessing this application – **the site is within a National Park, which contains SSSIs and a Heritage Coast and certain areas are at risk of flooding/coastal erosion, therefore it is paramount in the opinion of CPRE that development in these areas should be restricted in accordance with the NPPF.**

Chapter 11 of the NPPF highlights how the planning system should contribute to ‘Conserving and enhancing the natural environment’. The 5 core principles it sets out in order to achieve this at the beginning of this chapter are:

- *‘Protecting and enhancing valued landscapes, geological conservation interests and soils;*
- *Recognising the wider benefits of the ecosystem services;*
- *Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- *Preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and*
- *Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.’*

CPRE feel that development of the potash mine in this location would contradict these principles.

The construction period of both the mine head site and associated buildings (3-4 years) alongside that of the 50 metre wide pipeline corridor (2 years) would cause significant adverse impact to biodiversity with no actual guarantee that habitats and wildlife will recover. Mitigation measures such as landscaping and tree planting, for example, have been proposed in attempts to return the environment back to its pre-developed state. The biodiversity has taken years to develop and grow to what it has become today. It would be a great shame to lose this valuable asset that people visit the moors to appreciate.

The North Yorkshire Moors includes several SSSI’s and Special Protection Areas (SPAs) and Special Areas for Conservation (SAC). It is paramount when assessing this application that appropriate weight is afforded to these designations. Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- *‘If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *Proposed development on lands within or outside a SSSI likely to have an adverse effect on the SSSI (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site’s notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly*

outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSI;

- *[...]*
- *Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and*
- *The following wildlife sites should be given the same protection as European sites:*
 - *Potential Special Protection Areas and possible Special Areas of Conservation*
 - *Listed or proposed Ramsar sites, and*
 - *Sites identified, or required, as compensatory measures for adverse effects on European sites, potentials Special Protection Areas, possible Special Areas of Conservation and listed or proposed Ramsar sites.'*

CPRE ardently believes that this application should be refused. Although the applications are being determined separately, CPRE believe that the pipeline and the mine head must be considered together in order to appreciate the full extent of the proposals as the two are inextricably linked on the North Yorkshire Moors. Intrusive development such as mining on such a large scale will adversely impact upon the North Yorkshire SSSI, SPA and SAC and should therefore not be permitted. The loss of vegetation and mature trees at the Haxby Plantation is unacceptable. The trees have taken years to reach the level of maturity and provide habitation for a wide variety of birdlife and wildlife. Although replacement tree planting is proposed by the applicant, CPRE feel that there is no guarantee that the habitats will fully recover or that the birds and wildlife will return to this new area, therefore on these grounds the proposal should also be refused as contrary to the NPPF.

Paragraph 118 of the NPPF states that Local Authorities should aim to conserve and enhance biodiversity by applying the following principles: '[...], proposed development on land within or outside a SSSI likely to have an adverse effect on the SSSI (either individually or in combination with other developments) should not normally be permitted... [...]' . It has also been officially recognised that development outside the boundary of an 'area of importance' can impact adversely on the character and tranquillity of that site (NE243 – England's statutory landscape designations, a practical guide to your duty of regard). This should clearly be applied to the boundary of the National Park as well as any sites designated under national and European law for environmental value.

The NPPF also provides policies within this chapter which relate directly to the protection of designated landscapes such as National Parks as well as the environmental impacts of minerals and mining operations. Paragraphs 115 and 116 highlight the need to protect and conserve the scenic beauty of National Parks:

- 115 – *'Great weight should be given to conserving landscape and scenic beauty in National parks, the Broad's and Areas of Outstanding National 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 area, and should be given great weight in National parks and the Broads.'*

- 116 – *‘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 as assessment of:*
 1. *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;*
 2. *The cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 3. *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’*

National parks are afforded the highest possible protection in terms of its landscape and scenic beauty in planning policy terms. The applicant has submitted several documents as part of its EIA and planning application regarding the alternatives which must be considered when determining a planning application for major development within a National Park. Chapter 6 of the EIA discusses the consideration of alternatives. It has been established by the Food and Environment Research Agency (FERA) that all forms of agriculture depletes potassium levels in soils and that potassium is an essential crop nutrient for which there is no substitute. Currently there is only one mine in the UK which produces potassium salts – the Boulby Mine (also within the National Park boundary). Approximately half of its production is sold to UK markets whilst the rest is exported to foreign markets. This in turn means the remaining UK demand for potash is met by imports from abroad. The FERA report concludes that *‘a lack of fertiliser potash would have a serious and negative impact on crop yields that would need to be accounted for by increasing food imports..’* The need for potash has been established, however, **CPRE are not wholly satisfied that all viable options have been fully explored.** Chapter 6 discusses the ‘do-nothing’ scenario alongside a variety of alternative locations (which all seem to have some extent of mining within the National Park boundary) however, an extension to the Boulby Mine has not been considered, presumably because this is within different ownership. **However, CPRE believe that this is a scenario which should have been considered within the EIA as part of the discussion of alternatives to fully comply with the Major Development Test as set out in paragraph 116 of the NPPF. It has come to the attention of CPRE that the Boulby Mine are already expanding into the potash seam, therefore CPRE would question the necessity for a new mine. CPRE feel that permitting a new mine in such a diverse and special location would effectively cause detrimental effect to the environment, landscape and recreational opportunities, thus contravening the policy.**

National Parks are areas of nationally important landscape designated by Natural England under the National Parks and Access to the Countryside Act, 1949. The elevation of the site at Dove’s Nest Farm, would suggest a high degree of visibility across a wide area. Existing trees and hedgerow are therefore an important element of the landscape and greatly restrict the visibility of the site. There are a number of locations close to the site and further away which would enable views to the proposed buildings, earthworks or ultimately planting works. **CPRE would suggest that as the minehead would be visible from a number of locations in such an importantly recognised National Park, the proposals should not be permitted when a mine which can potentially excavate the same mineral product already exists.**

Chapter 13 of the NPPF discusses facilitating the sustainable use of minerals. Paragraph 142 states that: *'Minerals are essential to support sustainable economic growth and our quality of life. ... However, since materials are a finite natural resource and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation.'* CPRE completely agree with the logic of this statement and do not dispute the necessity of minerals to our quality of life, however, given the fact that there is already an extraction operation at the location of the finite resource at the Boulby Mine, **CPRE would further stress that this potential new mine is not needed.**

The NPPF states that when determining planning applications for mineral excavation, local planning authorities should: *'ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality; and should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties'* (paragraph 144). Nationally, CPRE successfully campaigned for the inclusion of policies within the NPPF relating to the importance of tranquillity and the need to conserve and protect tranquil places (paragraph 123). When the cumulative effects of the Boulby Mine and a potential new mine are viewed in combination, **CPRE would express concern about the disturbance of the tranquillity in the special location of the North Yorkshire Moors.** CPRE recognise that certain projects do have short term noise disturbance which may be necessary as part of a construction phase for example. However, CPRE are concerned that should this planning permission be granted, certain species would be effectively 'scared away' by the noise and not return to the area. Equally, tourism, which the National Park and surrounding towns depend upon would be affected, especially the enjoyment of certain outdoor recreational pursuits (contrary to NPPF paragraph 116). It is understood that part of the famous Wainwright coastal walk passes very close to the minehead site, visitors and walkers travel to this part of the world specifically to undertake this route. The fact that noise and dust could potentially spoil an important section of the route could deter visitors to the area and thus negatively affect the local areas economy. **CPRE are concerned about dust clouds which will potentially be created during the construction and production phases.** These not only have the potential to be harmful to public health, but to both flora and fauna in the area alongside negatively affecting the setting of various landscapes and heritage assets.

The NPPF sets out national planning policy relating to the conservation and enhancement of the historic environment. It defines the historic environment as: *'all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, and landscape and planted or managed flora'* (appendix 2 – Glossary). Heritage assets include designated and non-designated sites and policies within the NPPF relate to both the treatment of the assets themselves and of their settings, both of which are a material consideration in development decision making. The NPPF instructs local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise. The assessment should then be taken into account when considering the impact of a proposal on a heritage asset to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

There are several designated and non-designated heritage assets which will be affected by the minehead which should be carefully considered by experts at the NYMNPA. CPRE expresses concern that tree planting, top-soil stripping or spoil storage may affect a possible enclosure and that the setting of the embanked boundary (post-medieval field boundary) may be affected during the proposed road upgrading processes. The removal of Dove's Nest farmhouse which was first recorded on mid-19th century OS mapping would be a loss of this type of structure for the local area. **CPRE feel that the NYMNPA have the expertise to determine the impact on these heritage assets and will decide accordingly whether or not their presence is enough to refuse the grant of planning permission or issue conditions should the proposal be approved.**

The applicant identified 48 designated assets which would be affected by the pipeline application. These included 12 Scheduled Monuments, 34 Listed Buildings and 2 Conservation Areas. The pipeline working width has been designed to avoid all of the identified Scheduled Monuments and Listed Buildings, preserving them in situ. The applicant states in Chapter 15 of the EIA that: *'as the pipeline will be buried and the landscape subsequently reinstated, there will be no significant effect on the setting of any of these designated assets.'* It goes on to state that: *'there will be no long-term harm to the setting of the Conservation Areas or to any of the Listed Buildings within them'* (Conservation Areas located at Kirkleatham and Yearby and Dormanstown). Alongside these, the applicant identified 182 non-designated heritage assets and other elements of the historic environment within the proposed pipeline working width ranging from the Neolithic through to present day. According to York Potash Ltd. 54 of these identified features have an *'uncertain level of significance'* due to the limited information about their nature, extent or level of survival. Although the remaining 73 identified features are considered to have negligible to slight levels of significance if harmed by the proposed development, **CPRE feel that the grant of planning permission for the pipeline application should not be given unless further investigation is undertaken as the potential loss of certain heritage assets could be considerable. CPRE also wishes to express concern regarding the possible disturbance to pre-historic burial barrows and the Hut circle settlement located within the working corridor of the pipeline. The prehistoric barrows and settlements can both carry a high level of archaeological interest and are considered to be of 'regional' archaeological importance. CPRE would also recommend that further investigation is undertaken to determine whether or not the 2 supposed Roman Roads are indeed accurate before the grant of pipeline permission is awarded.**

Even in the most rural parts of the British countryside, genuine dark starry nights are becoming hard to find. Security lights, floodlights and streetlights all break into the darkness, lighting up the surrounding area. Some of this light is necessary, in order to keep people safe on our streets – but much of it is wasting energy, increasing air pollution and disrupting local people's sleep. Our quality of life is being reduced by light pollution. The problem is getting worse, too. In less than a decade, between 1993 and 2000, light pollution across England increased by around a quarter (24%). The amount of truly dark sky dropped to from a sixth of the country to just over a tenth (11%) (source: www.cpre.org.uk). CPRE, nationally successfully campaigned for the inclusion of a policy within the NPPF to reflect their concerns regarding light pollution. Paragraph 125 states that: *'By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation'*. **CPRE welcomes the fact that the applicant is using minimal lighting and switch operated lighting, however, would ask the NYMNPA to remember that Dove's Nest Farm is currently in a location where dark skies are**

normal and that the National Park is an example of where dark skies in general can be observed and would not want this application to negatively affect this.

North Yorkshire Moors Local Development Framework – Core Strategy and Development Policies

The NYMNP Core Strategy and Development Policies Development Plan Document (DPD) was formerly adopted in November 2008 and sets out the policy framework up to 2026. The DPD sets out 13 overarching spatial objectives that the policies set out in the plan will be measured against. The overall vision for the National Park is that: *‘by 2026, the National Park’s special qualities including its diverse landscapes, sense of tranquillity and remoteness, distinctive settlements and buildings and cultural traditions have been safeguarded and enhanced. The Park continues to be worthy of designation as a landscape of national importance and sites of international, national and local importance for nature conservation and the National park as a whole continue to host a diversity of species and habitats.’* The vision goes on to state that the Park will continue to be characterised by the distinctive landscape character types recognised as existing with the National Park boundaries. By 2026, the rural economy will have diversified and there will be more jobs in office, light industrial, creative and home-based enterprises. Tourism will continue to play an important role in the economy and the quality of the tourism ‘product’ will have been enhanced to provide higher quality all year round employment. **This vision should be at the forefront of the decision-making process when determining any planning application within the National Park.**

Core Policy A and B provide the strategic framework for the future development in the National Park. Policy A relates to delivering National Park purposes and sustainable development and states that: *‘Priority will be given to:*

- 1. Providing a scale of development and a level of activity that will not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park, nor detract from the quality of life of local residents or the experience of visitors;*
- 2. Providing for development in locations and of a scale which will support the character and function of individual settlements;*
- 3. Maintaining and enhancing the natural environment and conditions for biodiversity and Geodiversity;*
- 4. Conserving and enhancing the landscape, settlement, building features and historic assets of the landscape character areas;*
- 5. Applying the principles of sustainable design and energy use to new development;*
- 6. Enabling the provision of a choice of housing that will meet the needs of local communities in terms of type, tenure and affordability;*
- 7. Strengthening and diversifying the rural economy and providing tourism based opportunities for the understanding and enjoyment of the Park’s special qualities; and*
- 8. Enabling access to services, facilities, jobs and technology whilst minimising the environmental impacts of transport.’*

CPRE believes that the development of this mine proposal and the level of activity that goes alongside it will have an unacceptable impact on the wider landscape (especially when the pipeline is also taken into account), the enjoyment of the tranquillity of the Park and will detract from the enjoyment of visitors to the area as highlighted in paragraphs above. The proposal will not provide development to support the function of a settlement. The development involves the destruction of

the natural environment and puts at risk the locations biodiversity and Geodiversity. The application, if granted permission, will potentially harm building features in Conservation Area and impact on historic assets and landscape features of the National Park. It cannot use sustainable energy sources such as wind turbine or solar panels as these would not be appropriate in the National Park. It does not provide housing for local communities. It will not increase tourism opportunities in the area and may even deter some visitors to the Park. It is highly unlikely that many local people will benefit from the employment opportunities at the mine as specialist engineer roles will be required as due to the depth of the proposed mine, work will have to be automated due to the very high temperatures in the polyhalite seam. A transport plan has been provided by the applicant, however, CPRE has serious concerns about certain transportation and infrastructure matters (to be discussed in more detail). **All of the points raised within this paragraph and addressed in more detail in paragraphs relating to National Policy above, illustrate that the proposals by York Potash Ltd are contrary to Policy A of the Core Strategy DPD, therefore the application should be refused.**

Core Policy B provides a strategy to meet the needs of people in the National Park based upon improving the sustainability of local communities by supporting, improving and consolidating existing services and facilities and by providing additional housing and employment opportunities. It sets out a settlement hierarchy which identifies what development can occur in which service centre, it also provides information on development in the open countryside. Point D of the 'Open Countryside' section states that: *'development to meet the needs of farming, forestry, recreation, tourism or other rural enterprises with an essential need to be located in the countryside.'* In accordance with Paragraph 142 of the NPPF, *'minerals can only be worked where they are sourced'* CPRE acknowledge that some enterprises, such as mining, can only take place where they are sourced and sometimes this is within the scope of the open countryside. **However, CPRE remains unconvinced that this application is entirely necessary within the National Park and its open countryside.**

Core Policy C has regard to the natural environment, biodiversity and geodiversity. The Policy expects all developments to provide protection to legally protected sites and species, maintain and enhance conditions for priority habitats, recognised geodiversity sites, other features, species, or networks of ecological or geological interest. It also expects developments to mitigate against any necessary impacts through appropriate habitat creation, restoration or enhancement on site or elsewhere. The development proposals will remove some habitat including existing woodlands and deep geology as part of the mine operation. The applicant has proposed mitigation measures in the form of habitat restoration via tree planting and landscaping, however, **CPRE express concerns regarding the effect that the removal of such habitats will have on existing species, for example, Badger or Merlin. The disruption to the habitats over the construction period is proposed to last 3-4 years, however, because of the long timescales involved, CPRE are concerned that wildlife will be effectively 'scared away' from this area and will not return.**

Development Policy 1 - Environmental Protection seeks to conserve and enhance the special qualities of the North York Moors National Park. It states: *'development will only be permitted where:*

1. *It will not have an unacceptable adverse impact on surface and ground water, soil, air quality and agricultural land;*

2. *It will not generate unacceptable levels of noise, vibration, activity or light pollution;*
3. *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;*
4. *Land stability can be achieved without causing unacceptable environmental or landscape impact; and*
5. *There is or will be sufficient infrastructure capacity to accommodate the demand generated by the development.'*

The EIA and subsequent ES admit that there will be potential harm caused to the water supply in Whitby due to the risk from potential run off entering the river Esk above the extraction plant for drinking water. Alongside this, some of the 17,500m³ of spoil which will result from sinking the mine shaft will include iron rich shale's; these will degrade in the atmosphere to produce sulphuric acid. Alongside the acid, there will be a substantial amount of salts in the spoil which the applicant states will be removed in the planning application, however, it does not state how these will be removed from site or where they will be stored in eventuality. If these are left on site for any period of time, rain could cause severe run off with potentially poisonous and harmful substances leaching into the environment. CPRE would like it confirming 'how these will be removed and where to?' **CPRE has serious concerns about saline pollution for both human health related problems and the adverse impact it could have on the natural environment of the Esk and surrounding land.** CPRE is also concerned as to the source from which the mine will draw water from, i.e. if water from local reserves is taken, will local pressure drop as a consequence?

CPRE has been lead to believe by local residents that there is already a significant increase in noise in the locality as a result of the exploratory bore holes and that vibrations have already been felt from the minehead works. CPRE would insist that noise thresholds in line with industry best practise and Government guidance be instated if the planning consent is to be granted. Although, once built, the buildings on the minehead site will have minimal lighting, the construction phase of the minehead (lasting 3-4 years) will require significant lighting for the purposes of health and safety. **This will be a major and unacceptable source of light pollution on the Moors and will be at the detriment to Whitby and surrounding areas.**

Subsidence is an issue which was raised by the NYMNPA during initial scoping stages. CPRE share the concerns of the National Park Authority. The Marine Management Organisation has already issued permission for the extraction of potash under the North Sea, however, concerns exist regarding mining under the cliffs leading to subsidence along the Heritage Coast. At the present time, with no decommissioning plan in place, concerns are that major subsidence will occur in the future as water invades the mines and the pillars of salts which are left holding up the strata will become slowly decompressed, eroded or dissolved. The seam to be mined is 58 metres thick, therefore this could lead to substantial problems. It is clear from the plans that no settlements will be mined under; however, there will be extraction under individual dwellings. **There is already significant concern relating to subsidence caused by Boulby Mine and its effects on the cliffs. The potential cumulative impact of the 2 mines is such that CPRE believes that the risk of subsidence is too great to grant this application a planning permission.** In addition to these concerns, the proposed minehead location has been sited away from multiple geological fault lines. However, CPRE are concerned that once the pipelines are in place, or production begins that these fault lines could cause land instability when next to extraction sites.

For all of the above highlighted reasons, CPRE believes that this application is contrary to Development Policy 1 and should, ergo, be refused.

Core Policy E relates to minerals, in particular enabling the provision of materials necessary for preserving traditional buildings. However, it also states: *'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.'* This letter has already highlighted CPRE's concerns regarding the creation of a new mine within the National Park for the extraction of potash when a current mine is already in operation at Boulby, within the National Policy context. CPRE believes that Policy E of the Core Strategy DPD further supports the continued extraction of potash at Boulby and as the potential to extend the current mine had not been fully explored within the EIA should fail the Major Development Tests. CPRE would also question the viability of the new mine when there are currently 62 extensions to existing potash mines worldwide, some of which have polyhalite.

The principle aim of Core Policy G is to ensure that the landscape, historic assets and cultural heritage of the North Yorkshire Moors will be conserved and enhanced. It is therefore essential that any development proposals within the National Park do not adversely impact on designated or non-designated heritage assets or the landscape or impact on their setting. This letter already details the assets which will be affected by the proposed mine head and the pipeline in the national policy context section. **It should also be noted that development outside the National Park can adversely affect the National Park** (*paragraph 118, NPPF and NE243 – England's statutory landscape designations, a practical guide to your duty of care*). Therefore, the proposed works at Wilton in Teeside could have an adverse effect on the setting of the National Park and on the listed buildings within the Conservation Areas that the pipeline travels through in order to reach the proposed plant.

A key planning objective set out in the Core Strategy DPD is to reduce the need to travel by private car. Development Policy 23 – New development and transport sets out how the NYMNP intends to effectively minimise the overall need for journeys and reduce the environmental impacts of traffic on the National Park. It states development will be permitted where:

1. *'The location is, or is capable of being accessed by public transport, walking or cycling;*
2. *Existing Public Rights of Way, linear routes and other access routes for pedestrians, cyclists and horse riders are protected;*
3. *The external design and layout and associated surfacing works take into account the needs of all users including cyclists, walkers and horse riders;*
4. *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;*
5. *Highway detailing, road improvements and street furniture are complementary to the character of the area and are the minimum required to achieve safe access;*
6. *Existing attractive or historic highway features important to the character of the National Park are preserved; and*
7. *Parking is provided in accordance with the relevant maximum standards adopted by the Authority'.*

Given the location of the proposed development it is unlikely that employees travelling to the site would walk or cycle. There are no bridleways or Public Rights of Way which directly cross the site, however there are numerous in the vicinity of the proposed development including the famous Wainwrights' Coast to Coast walk as previously mentioned. CPRE are concerned that visitors to the area would have a significant part of their enjoyment of the National Park taken away due to the potential noise and dust produced by the site during the construction phase alongside the detrimental effect on the visual amenity of that particular part of the landscape. After the construction phase is over and production had commenced, visitors to the area could then suffer from potential vibrations caused by the excavations which could be potentially dangerous for horse riders in particular.

A Transport Management Plan has been submitted by the applicant as part of the planning application. Improvements to junctions will be made where necessary for construction traffic and appropriate speed restrictions enforced. CPRE have concerns that local infrastructure is not adequate for the construction vehicles use. There appears to be no guarantee that the product will not be 'trucked' out of the mine should the pipeline fail. Boulby Mine has the potential to 'stockpile' provisions should the pipeline fail, should this occur at the Dove's Nest site, will mining cease or will emergency road haulage be used? CPRE understands that the NYMNP will not grant consent for the application with any possibility of the product being moved by road; however, CPRE would like York Potash Ltd to confirm that should the pipelines fail this will not occur.

The Transport Management Plan states that there will be some car park spaces leased from the existing Scarborough Park and Ride facility and an additional expansion to the approved Whitby Park and Ride scheme in order to provide employees with an alternative method of transport to reduce the reliance on the private car. Whilst this is commendable in theory, CPRE are concerned that should adverse weather conditions result in road closure (as has happened in the past) there are no provisions for moving staff to and from the site. In addition the possibility of damage to the pipeline increases with inclement weather conditions. Proposals to drive vehicles alongside the pipeline as discussed, will substantially degrade topsoil and pulverise the peat structure along its route. Should the slurry in the pipes cease moving, within hours it starts to crystallise and solidify thus exacerbating the problem further. In summer months, there can be 1-2 mile tailbacks due to increased traffic on the roads to Whitby. The Transport Management Plan does not take this into account either. **CPRE believes that the location and height of the of the proposed development at ground level, whilst acknowledging the need to extract minerals where they are sourced, cause fundamental problems which cannot be overcome successfully through this development therefore is not compliant with Policy 23.**

North Yorkshire County Council Minerals Local Plan

The North Yorkshire County Council Minerals Local Plan Contains policies which must be taken into account when minerals developments are proposed on land under the jurisdiction of the County Council. The policies were due to expire on 27th September 2007 but the Secretary of State allowed for some policies to be saved until the Minerals and Waste Local Development Framework and subsequent policies are formerly adopted. The mine head proposals are not located in the administrative area of the County Council; however, the pipeline will pass through some of its area. The main policy which was saved which affects the location of the pipeline is illustrated by Figure 7.3

which states the environmental aims and objectives for the Minerals Local Plan. The primary aims are to protect natural areas, habitats and wildlife, heritage assets and water resources whilst at the same time encouraging the highest environmental standards of mining operation and processing. **CPRE believes that this application is contrary to the saved Minerals Local Plan policy for reasons discussed in both National and Local planning policy context relating to the unacceptable levels of disturbance to the environment as a whole including biodiversity, water courses and historic assets.**

Concerns raised by CPRE not covered by a Policy context

CPRE believe that the pipeline applications are incomplete. Alongside concerns regarding lack of information highlighted within the planning policy context section above, the National Infrastructure Directorate may insist upon emergency reservoirs, block valves and intermediate pumping stations being included in the proposals, the impact of these on the National Park cannot be accurately assessed at this point.

It has been suggested that the below ground winding gear at the mine head site will have to be located above ground for safety reasons and that the Mines Inspector may insist on this. This would make the EIA invalid as assessments were carried out with the presumption of these facilities being located underground.

The public road show consultation events organised by York Potash Ltd informed audiences that there would be 4 pipelines. The proposals for the pipelines in the planning applications have since then been reduced to 2no. CPRE would like to question the motivation for this. CPRE are concerned that York Potash Ltd has not been able to answer (at the public consultation events) how much product will be lost in a leak on a downward stretch of the pipeline even if the power is cut to the pump. If the product is moving at 130bar pressure, this could possibly be extremely detrimental to the environment and ground water sources.

At a series of consultation and stakeholder events, York Potash Ltd representatives have offered promises and assurances regarding local employment, local community dividends and tax benefits to the national economy. CPRE are concerned that should the mine and pipeline infrastructure be sold to another company in the future, the promises made will be of little value to the new company as the legal requirement of the owners of the mine is to maximise the returns of its shareholders, therefore there may be little benefit to local or national economies.

Conclusions

It is apparent from the assessment of the Policy Context that the proposed development at Dove's Head Farm/Haxby Plantation is contrary to both National and Local Planning Policy. It is CPRE's opinion that the NYMNP should refuse planning permission for the reasons highlighted in the above paragraphs alongside the fact that there appears to exist a serious paucity of information on a variety of major issues which are needed to appropriately assess this planning application.

Cumulatively, the effects of both the minehead and pipeline will have a detrimental effect on the special environment and cultural heritage that is the North Yorkshire Moors National Park. Even with tree screening for the minehead and the burial of the pipeline CPRE believe that as the

developments are in such a rural location the proposed development will be significantly detrimental to the National Park that the proposal should be rejected.

Section 40 of the NERC Act (2006) endorses CPRE's views: *'every public body must in exercising its functions, have regard, as far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'* Should this planning proposal go ahead, the biodiversity found in this special place will be detrimentally affected and may not recover. The tranquillity of the National Park and its beautiful and nationally recognised dark skies will also be lost at the expense of the industrialisation of such a rural and remote location.

National Parks are afforded the highest level of landscape protection and central Government policy as set out in Paragraph 116 of the NPPF (the Major Development Test) applies to proposals for large developments such as the proposed new potash mine. CPRE feel that this application does not meet this Test and should therefore be refused.

It is CPRE's opinion that the pipeline (although acknowledged to be major infrastructure) cannot be adequately assessed separately to the mine head application. The two applications should form one planning application as they cannot exist without each other. Given that the application is within the heavily protected National Park special circumstances should be made for the two applications to be assessed as one. If this cannot be accommodated then no mine construction should proceed until the pipeline plans are approved by the National Infrastructure Directorate. Should they not be approved the mine head plans should be rendered redundant.

I trust that the information provided in this letter is enough to register the full objection made by the Coastal branch of the North Yorkshire County CPRE group to the proposals for a new potash mine at the Dove's Nest Farm/Haxby Plantation, Sneaton.

I look forward to hearing from you regarding the points of clarification raised within the letter.

Yours sincerely,

Katie Atkinson, MRTPI

On behalf of: Dalton Peake, Chair Person of CPRE North Yorkshire's Coastal branch.



