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Mr C France  
The North York Moors National Park Authority  
The Old Vicarage  
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12<sup>th</sup> May 2013

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.**

Thank you for providing the Coastal branch of the Campaign to Protect Rural England (CPRE) with the opportunity to comment on the amended details and additional information provided in respect of the above proposal by York Potash Ltd.

KVA Planning Consultancy has been commissioned once again 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 CPRE North Yorkshire County group.

It is CPRE's opinion that the NYMNP should refuse planning permission for the reasons detailed in their original response to the proposals dated 5<sup>th</sup> March 2013. The primary reason for refusal, in CPRE's opinion being that the proposal directly contradicts Paragraphs 115 and 116 of the National Planning Policy Framework which dictates that (Para. 115) *'Great weight should be given to conserving the landscape and scenic beauty in National Parks... 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'* and (Para 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 an 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 level of landscape protection in planning policy terms 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. The applicants have not satisfactorily demonstrated that all alternatives have been fully explored, i.e. all sites outwith the National Park boundary. CPRE also feel that the issue of expanding operations at Boulby (who already have a significant amount of Potash in reserve) has not been addressed.

CPRE ardently believes that this operation, should it be granted planning permission, would have a significant adverse impact on the natural environment, landscape and recreational opportunities that the North Yorkshire Moors are famous for. Thousands of visitors come to this special area every year to enjoy the tranquil, beautiful landscape that the Moors provide and take part in outdoor pursuits such as walking (the Wainwright Coastal walk passes adjacent to the Minehead site location), cycling and horse riding. The additional information provides details in the Mine Transport Statement highlighting that the 5 year construction phase, would involve 486 movements of spoil from the site (one way) per month by HGVs during 2016, not including all the return trips, and construction vehicles which would be on site during the five years alone. This would certainly lead to a disturbance in the tranquillity of such a peaceful and quiet location, something CPRE successfully campaigned to be included within the NPPF, and potentially deter visitors to the location. The construction phase alone could have a hugely detrimental effect on tourism which has been identified as a major employment sector within the North Yorkshire Moors area, one which after construction and entering the operational phases, is not forced to recover.

CPRE are concerned that the ecology and biodiversity of this special part of the North Yorkshire Moors, for which there are many sites of importance which have been recognised at the European and National levels, will also suffer a detrimental effect. The disturbance to habitats and subsequent noise, vibration and potential dust clouds omitted from the site during construction and operational phases could effectively 'scare away' certain species from the area, for which there is no absolute guarantee they will return.

The NYMNP has previously identified that the proposed location of the Minehead on the Moors is within an area known for its 'dark skies'. CPRE are currently nationally and locally campaigning for the inclusion of 'dark skies' within planning policy and this is a feature that CPRE would be keen to retain. The location of a Minehead in this location would directly contravene this, even with as minimal lighting system that could be provided for health and safety reasons at a mine; this is

significantly more than there is at present and would result in a serious and unacceptable level of light pollution.

Core Policy A and B within the North Yorkshire Moors Core Strategy and Development Plan Document (adopted 2008) highlights the importance of sustainable development within the North Yorkshire Moors. CPRE believe for reasons set out in their first submission that this proposal conflicts with these policies and would not meet the sustainable development targets set by the Local Planning Authority.

Core Policy E relates to mineral extraction within the National Park. 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 has not been fully explored within the EIA should fail the Major Development Test (as set out in Para 116 of the NPPF).

Paragraph 118 of the NPPF and *NE243 – England’s Statutory Landscape Designations, a practical guide to your duty of care*, state that development outside the National Park can adversely impact upon the setting of the National park, therefore CPRE’s concerns that the proposed works at Wilton, Teeside and the pipeline that would travel through Conservation Areas and adjacent to Listed Buildings in this area, are still relevant.

Ultimately, when assessed 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. CPRE strongly believe that these proposals would cause significant detriment to the National Park and thus that the proposal should be refused.

Section 40 of the NERC Act (2006) endorses CPRE’s views that: *‘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. It is CPRE’s fear that should this proposal be approved, alongside existing works at Boulby and the Fylingdales RAF site, the North Yorkshire Moors National Park may become known as ‘Britain’s industrialised National Park’ and therefore attract other unsuitable major development proposals.

It remains CPRE’s opinion that the pipeline (although acknowledged to be major infrastructure project) 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.

CPRE has serious concerns regarding the failure of the pipeline, in terms of the transportation of the product and saline pollution which could penetrate the River Esk (a SSSI) near Whitby and cause potential detrimental effects to human health. CPRE feel s that the removal of the product by road should not be permitted as the road quality and size would not be appropriate for continued HGV movement. Should the pipeline be refused in its separate application, CPRE would not support an application for road transportation of the product.

For the reasons highlighted above and for those which have been made in the previous consultation response, CPRE wish to maintain their strong objection to the proposed Potash Mine at the Dove's Nest/Haxby Plantation location.

CPRE would wish to be kept informed of any further amendments or submissions made with regard to this application by the applicant.

I look forward to hearing from you in due course.

Yours sincerely,

Katie Atkinson, MRTPI

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

