

Mr Chris France
North York Moors National Park Authority
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Dear Chris

NYM/2014/0676/MEIA: Planning Application for 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. immediate 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 at Dove's Nest Farm and Haxby Plantation, Sneaton (proposed minehead); underneath 252sq km of the NYMNPA (winning and 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 sites); site with eastern limits of the Wilton International Complex, Teeside (tunnel portal).

KVA Planning Consultancy has been commissioned by the Coastal District of the North Yorkshire County Branch of the Campaign to Protect Rural England (CPRE) to represent them in objecting to the above proposals by York Potash Limited (YPL).

CPRE commented on the proposals made by the applicants in 2013 and were of the opinion that the application, if it have not been withdrawn, should have been refused by the North York Moors National Park Authority (NPA) on the grounds that the proposals were contrary to paragraph 115 of the National Planning Policy Framework (NPPF), which affords National Parks with the highest degree of protection in terms of planning policy, and that it failed the Major Development Test (MDT) as set out in paragraph 116 of the NPPF. At that time, CPRE were primarily concerned with the significant adverse impact that the mine and proposed pipeline would have had on the natural

beauty of the National Park in terms of its landscape, biodiversity and ecology, tranquillity and dark skies.

CPRE welcome the opportunity to comment on this revised application. The updated proposals include:

- Mine head at Dove's Nest Farm and extraction of polyhalite from a large area beneath the east of the National Park;
- Mineral transport system comprising a series of linked conveyors within a 37 kilometre tunnel at an average depth of 250 metres, moving the extracted mineral from the mine to Teesside;
- Materials Handling Facility at Wilton, Teesside;
- Harbour facility at Bran Sands, Teesside; and
- The construction period has increased from 3 years to 5 years.

Having had the opportunity to consider the revised application, CPRE are of the opinion that this application should be **refused** planning permission on the following grounds:

1. The proposals are contrary to both national and local planning policies;
2. The proposals fail the major development test;
3. The harm that will be inflicted on the landscape and biodiversity of the National Park; and
4. The loss of the National Park's special qualities, including tranquillity and dark skies.

1. The Proposals are contrary to both national and local planning policies

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that all planning applications should be determined in accordance with the relevant Development Plan unless material considerations indicate otherwise.

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 evident, that although the Development Plan (The North York Moors National Park Authority Core Strategy and Development Policies (CSDP) adopted 2008) predates the publication of the NPPF, that this application should be assessed against it given that the policies and strategies contained within it are compliant with the NPPF as evidenced by the NPA's self-assessment document produced immediately after publication of the framework in 2012. 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, SACs (Special Areas of Conservation), SPAs (Special Protection Areas) 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.

The policies within the NPPF taken holistically 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 as set out in para. 8 of the NPPF. **It is CPRE's opinion that the applicant has incorrectly interpreted the meaning of 'sustainable development'**. This opinion was formed as a result of the applicant stating in the Major Development Test Planning Statement (MDTPS), which accompanies the application (para. 3.25, page13), that para. 19 of the NPPF highlights the role of economic development as being the most significant. For purposes of clarity this paragraph is not located within the sustainable development paragraphs which discuss the golden thread of sustainable development which underpin the whole document, but within Chapter 1 and therefore is misleading. CPRE do however acknowledge that the document should be read as a whole. There are many occurrences within the NPPF when the protection afforded to National Parks (and other areas of designation) are also singled out which the applicant fails to mention.

Paragraph 115 of the NPPF affords the greatest protection to National Parks in terms of planning policy:

"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."

Paragraph 116 follows on by saying that development within the designated areas (set out in para. 115) should be refused **except** in exceptional circumstances and when it can be proved to be in the public interest (discussed in more detail below). **It is therefore clear to CPRE that the landscape and beauty of National Parks should be protected and conserved in their current state, therefore, a development of this scale would be totally out of place and contrary to the policies within the NPPF at this location.**

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 of potash types (and the same operator has recently been granted planning permission to extend their site in order to extract polyhalite) at Boulby Mine at Loftus (within the North York Moors National Park), **CPRE would seriously question the need for a further mine within this designated area especially when the polyhalite market has not been fully developed as yet** (discussed below).

The NPPF states that when determining planning applications for mineral excavation, local planning authorities should (at para. 144):

“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.”

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 existing Boulby Mine, RAF Fylingdales, a potential new minehead at Dove’s Nest Farm at Sneaton, intermediate sites at Lady Cross Plantation and 2 sites outwith the boundary of the National Park (Lockwood Beck and Tocketts Lythe) are viewed in combination, **CPRE would express concern about the disturbance of the tranquillity in the special location of the North Yorkshire Moors especially during the lengthy 5 year construction period.** 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 alongside the significant adverse visual impact will essentially degrade 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 Development Plan for the North York Moors National Park consists solely of the Core Strategy and Development Policies (CSDP), adopted in 2008. In accordance with paragraph 216 of the NPPF, decision takers may also give weight to relevant policies in emerging plans according to the stage of preparation, number of outstanding objections and consistency with the NPPF. The NPA are currently preparing a Minerals and Waste Joint Plan with North Yorkshire County Council and the City of York Council. Once adopted, it will replace policies relating to minerals and waste in the CSDP,

namely Policies E and F. This document, however, is at an early stage of preparation (Issues and Options, February 2014) and as such carries little weight in decision making, therefore existing Policies E and F are still relevant when making decisions on planning applications.

The CSDP was formerly adopted in November 2008 and sets out the policy framework up to 2026. The document 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 habitat.”

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. It is the opinion of CPRE that 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 asserts 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 cumulative development of this proposal and the level of activity that goes alongside it 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 to the area. 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 Areas (Egton within the National Park and Conservation Areas within Teesside) 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 is acknowledged that the applicant has proposed using a form of renewables to power a small proportion of the development, although to what extent is still to be investigated. 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 and construction work will be limited to trained specialist firms who have proven experience in the field. 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).

The MDTPS which was produced for the applicant by consultants Quod, highlights the first point within the policy but fails to mention the others. This policy must be read as a whole. The highlighted point, however, states that the NPA will provide:

“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, nor detract from the quality of life of local residents or the experience of visitors...” (para. 3.14, page 9)

CPRE would argue that this development would have an unacceptable level of harm on the landscape, environment and very nature of the National Park, therefore this application is not in conformity with Core Policy A or the supportive text which reinforces that ‘major developments’ are not expected to be located within the National Park (para. 5.3).

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 CSDP, 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 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 the planting of vegetation and landscaping, however, **CPRE express concerns regarding the effect that the removal of such habitats will have on existing species, for example, brown long eared bats (a European protected species)**. The disruption to the habitats over the construction period is proposed to last 5 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.

CPRE are also concerned with regard to the proposed amounts of spoil being used to form landscaping mounds. Although the Moors are of a rolling nature the size of these mounds will be alien in context to the surrounding landscape features. There is also concern amongst members that although the construction period is set to last 5 years (providing there are no delays) vegetation will not reach maturity until (at least) year 15, therefore, the mounds and activity on the sites (both during construction and operational phases) will cause adverse impacts to the landscape and special qualities of the National Park, not sitting well within a moorland landscape, which will subsequently impact negatively upon residents and visitors to the park and thus have a detrimental effect on tourism.

Core Policy C, refers directly to conserving and enhancing the natural environment of the National Park. CPRE believe that although the minehead site at Dove's Nest Farm and the intermediate site at the Lady Cross Plantation are not directly situated on a designated site for the specific protection of a particular species of flora or fauna, the natural environment and ecosystems within the countryside surrounding them are still in need of protection. CPRE both locally and nationally campaign for the 'ordinary' countryside to be given protection. It should be remembered that although these sites are not nationally or internationally protected, they are still within a National Park and although people may value different landscapes more than others, all areas are afforded the same level of protection. The site at Dove's Nest Farm is, however, immediately adjoining a Biodiversity Action Plan (BAP) priority habitat and CPRE have concerns regarding the implications that the size of the minehead, associated buildings and works including the loss of existing vegetation, could have on this ecosystem and how existing woodland will be disrupted by the unsettlement. The minehead site is also bound to the south by the B1416, beyond which are the Ugglebarnby Moor and Sneaton Low Moor Special Areas of Conservation (SAC) and Special Protection Area (SPA). CPRE have concerns that the overall size of the development and magnitude of below ground activity could have a detrimental effect on these designated areas.

CPRE, therefore, feel that this proposal is contrary to CSDP Core Policy C as it fails to have regard to the natural environment, biodiversity and geodiversity of the National Park and that it would have a detrimental impact on protected species which reside in the area and also on neighbouring European protected sites.

Core Policy E to Minerals developments in general throughout the National Park. The policy states that mineral extractions, or the re-working of former quarries will be permitted where:

1. *“It is 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 of 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.*

[..] 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.”

The policy unsurprisingly focuses on local needs, however, sets out clearly that all other minerals applications will be considered against the major development test (addressed below) and discusses the criteria for permitting future extraction at Boulby Mine. The applicants seem to have interpreted this as implying a level of policy support for this proposal and for potash mining in general in the National Park, which does not exist. This policy is specific to conserving traditional building materials and also specific to Boulby Mine and to suggest otherwise is inappropriate (Boulby has not yet reached the end of its lease period and has plans to continue operations through the support of a grant from the Government’s Regional Growth Fund). The supportive text to this policy states (para. 6.36, page 44) clearly that:

“It is not considered appropriate to safeguard other mineral resources as there is no policy provision for their extraction in the Park.”

It goes on to state at para. 6.37, that:

“The policy approach for Boulby is established out of the recognised national need for potash. Proposals in respect of potash extraction at Boulby will therefore be dealt with differently and will be considered against the general policies within the Core Strategy and Development Policies.”

CPRE recognise alongside the NPA that potash is a valuable fertiliser and takes many forms and is used widely within the agricultural sector. However, according to the report published by the UK Minerals Forum Working Group entitled Future Minerals Scenarios for the UK (published July 2014) the British Geological Society show that Boulby satisfied the national need for the mineral (potash) and in 2012, the UK was 100% self-sufficient in potash production. Therefore, **CPRE ardently believe that YPL are misguided in their reliance on the meaning of this policy which is explicitly referring to Boulby and is not a general presumption in favour of potash mining within the National Park on the grounds of an overriding national ‘need’.**

In addition to the above, CPRE also believe that the development proposals as submitted by YPL, are **not be in conformity with a number of Development Policies set out in the CSDP** as highlighted below.

Development Policy 1: Environmental Protection. CPRE are of the opinion that the nature of the mining operation and creation of the ventilation shafts will adversely impact the National Park, in terms of: surface and ground water, soil, air quality, noise (in areas known for tranquillity), vibration, activity and light pollution (in areas famous for their dark skies). It is proposed that the applicants will need to erect aviation lighting during the construction phase for health and safety reasons. This will significantly alter the Dark Skies which are one of the special qualities of the National Park and is an issue that CPRE nationally have been campaigning about. As with any mining operation, there is no 100% guarantee of complete land stability which could affect the landscape and environment. The number of HGV movements (discussed in more detail below), to enable the construction phase in particular, **is not appropriate for the National Park.**

Development Policy 3 – Design. The location of the site and the ‘temporary’ infrastructure required to create the mine – three 45m high winding towers, two 40m high generator stacks and several mobile cranes up to 76m tall would be required at the minehead site and the same at the Lady Cross Plantation (albeit only one high winding tower), coupled with the artificial looking large landscaping mounds will not enhance views out of or into the National Park and will therefore not contribute to the character and quality of the environment within the National Park.

CPRE have concerns regarding the setting of the National Park including views both into and out of the Park from Whitby Abbey and the nearby Heritage Coast. Views will depict a series of construction sites for 5 years as the applicants have proposed to construct all sites in tandem in the hope of reducing the timescales for construction and thus mitigating the direct visual impact on the Park. Given the scale of the development, CPRE are of the opinion that nothing will mitigate the detrimental impact on the Park from this development and even at its shortest (5 years following this proposed method) it is simply too lengthy a time period for such a negative impact for a National Park to endure. The sheer scale and height of the buildings upon completion (the winding towers would be replaced by a single storey building covering the shaft entrance measuring 8m in height and 120m in length) and temporary towers and cranes during construction phases are not compatible with the surrounding area and will therefore have an **adverse effect on the adjacent landscape and nearest residential homes and the existing settlement of Egton (designated as a Conservation Area), close to the Lady Cross Plantation. The landscaping scheme is not considered satisfactory and therefore is not a suitable development for the National Park.**

Development Policy 14: Tourism and Recreation. This policy deals with new and the expansion of existing tourism related activities. However, the policy does state that: *“the quality of the tourism and recreation product in the National Park will be maintained and improved through adopting the principles of sustainable tourism.”* **If permitted, this development will detrimentally effect existing tourism in the area by decreasing current levels of activities in terms of the annual turnover produced by the sector and the number of employees. It will have a detrimental effect to visitors in the area and users of the Wainwright Coast to Coast walk and other public rights of way in the area.** An existing public right of way which traverses through the centre of the Lady Cross Plantation will require re-routing during the construction phase (5 years) to be reinstated during the operation phase. It will also have a negative impact on people wishing to access the wider countryside of the National Park and also on the caravan site situated adjacent to the Lady Cross Plantation. **CPRE are**

concerned that the impact of all sites both within and outwith the Park during the construction phase will prevent visitors to the Park from returning. The MORI survey submitted alongside the application states that there is likely to be a 34% reduction in people changing their behaviour as a result of the mine development during the construction phase. CPRE are concerned that these respondents will simply never return to the area which they will consider blighted by the development.

The applicants recognise the potential loss to the sector but justify it by stating in the MDTPS that:

“The potential adverse impacts are very small on comparison to the scale of benefits the project will bring. A 3% loss of tourism employment during the construction phase would equate to around 150 jobs being lost... similarly the loss of tourism activity at £5.2m during the operational phase is insignificant in comparison to the £1.2bn of annual turnover generated by the project” (Para. 7.39, page 71).

CPRE have significant concerns that this development would seriously undermine the statutory duties of the NPA should this application be permitted. The 1995 Environment Act sets out two clear purposes for National Park Authorities:

1. *“To conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and*
2. *To promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.”*

It goes on to place a duty on NPA’s in pursuing the two purposes: *“to seek to foster the economic and social well-being of local communities.”*

It is not for the NPA to actively seek to promote and encourage development opportunities which would bring economic benefits to either the local area or national markets in order to fulfil its duty. It is rather that they must protect the economic and social well-being of existing local communities whilst conserving and enhancing the natural beauty and special qualities of the Park. **CPRE believe that the loss of return visitors to the area and the consequent loss of revenue within this sector as a result of permitting this development would seriously undermine the NPAs duty in pursuing its purposes.** CPRE are of the opinion that the £1.2bn of annual turnover predicted by the applicant will not all directly enter the local economy therefore is not likely to directly replace the loss of the revenue generated by tourism each year. 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 are also concerned that the creation of this new mine would seriously undermine the workings at the existing Boulby Mine as employees may be poached and therefore the existing enterprise be in jeopardy.

YPL have throughout the history of the application, given presentations and informed local residents about the potential economic benefits this proposal will introduce including job creation and using existing local businesses to house construction workers etc. The submission of this application proposes to create a construction workers village and this was reinstated at the public meeting held in Pickering on Monday 10th November when a member of the audience asked the company to confirm whether local B&Bs and hotels would be used to house workers and the reply was ‘no’.

Therefore, CPRE question the reality of the economic benefits of this proposal to the existing local population.

Development Policy 23: New Development and Transport. 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 minehead 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 has 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 which includes the preparation of two park and ride facilities (in Scarborough and Whitby – both subject to separate planning consents). Improvements to junctions will be made where necessary for construction traffic and appropriate speed restrictions enforced. However, CPRE are concerned that the **existing local infrastructure is simply not adequate for the number of tourists and visitors to the area at present given the number of delays experienced by residents in the main tourist seasons, therefore, will certainly not be suitable for the amount of construction vehicles proposed.** The main route (A171) to Whitby passes directly to the north of the Lady Cross Plantation, and the B1416 passes adjacent to the Dove's Nest Farm site, where CPRE have concerns regarding the amenity to and health and safety of road users during the construction period and of the unnatural landscapes created as screening for the operational phase.

CPRE are of the opinion that this application could be refused on the grounds of the impact of traffic generated by this proposal on the special qualities of the National Park. The Non-Technical Summary of the Environmental Statement (NTS, para. 2.2.1, page 16), predicts that there will be a greater than 60% increase in traffic due to the project, with over 100% increase in HGV numbers using A171, and goes on to state that this equates to in excess of 1,200 vehicles per hour, or more than 2000 HGVs per hour during the construction period – which is predicted to last 5 years. CPRE argue that this is not appropriate within a National Park for any period of time, given its level of protection. CPRE members have also expressed concern for business travellers between Whitby and Scarborough and believe that the operation, in particular during the construction phase, will lead to significant delays and potential incidents due to the increased number of HGVs on the road. In a similar way, large HGVs carrying hard core material for concrete to line the tunnel from Pickering to Dove's Nest Farm and other intermediate locations will degrade the tranquillity and relative peace of the 'famous' A169 Moors Road.

CPRE are also concerned regarding where and how the non-hazardous and non-inert spoil (including initial quantities of polyhalite which will necessitate removal prior to the completion of the underground Mineral Transport System) as a result of the mine construction, will be removed from the site. Will this be transported by road via additional HGV movements? If so, how much material will be transported and where to? Also if it is to be transported via road movements, how many will this equate to? CPRE are concerned with the lack of information provided on this matter by the applicant YPL.

For all of the above mentioned reasons, CPRE are of the opinion that this development proposal should be refused on grounds of being contrary to both national and local planning policies.

2. The proposals fail the Major Development Test

Paragraph 116 of the NPPF is what has become known as the Major Development Test (MDT). It is CPRE's opinion that this is the single most important policy within the NPPF for assessing this application, whilst acknowledging that the policies within the NPPF should be read as a whole. It provides that:

“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.”*

The requirements of the MDT were included in previous national planning policy documents, namely Planning Policy Statement 7 and Circular 12/96. These are referred to in the NPA's CSDP which was adopted in November 2008 and pre-dates the NPPF. Although 'major development' is not defined in Annex 2 (glossary) of the NPPF, the CSDP does refer to 'minerals workings' at para. 5.3, as an example of development that might be classed as major. Core Policy E 'Minerals' also affirms that proposals for mineral development *“will be considered against the major development test”*.

The publication of the NPPF cancelled a raft of planning policy, however, the UK Government Vision and Circular 2010: English National Parks and the Broad's, was not superseded, therefore, paragraph 31: Major Developments is still relevant in terms of planning policy when determining planning applications within National Parks and should be afforded considerable weight.

Following publication of the NPPF, the NPA published a self-assessment of the CSDP against the NPPF (Oct 2012). With regard to paragraph 116 of the NPPF, the assessment states:

“...Specific reference to the need for the most rigorous examination and to carrying out the development to high environmental standards has been removed. The requirement for a rigorous assessment however does remain in the National Parks Circular, and it is considered to be a process issue which should apply to such proposals as a matter of course.” (Page 31)

In relation to the extraction of minerals set out in para. 143 of the NPPF, the self-assessment states that the NPPF does not contain a specific presumption against major minerals development in National Parks as was set out in the superseded Minerals Planning Statement 1 (MPS1). However, it goes on to state:

“Former MPS1 contained reference to 'national considerations of mineral supply' within the Major Development Test for minerals developments. This has now been lost and replaced with the more

general Major Development Test in the NPPF. The implications are that the issue of how far a proposed development will meet a national need for minerals as opposed to any wider need, is now not a specific consideration under the Major Development Test. Nevertheless the more general phrase 'national considerations' remains within the Major Development Test and it is considered that minerals supply should be considered within this context." (Page 37-38)

Annex 2 of the NPPF includes a definition of the term 'minerals of local and national importance'. This lists a series of minerals which are necessary to meet society's needs and includes potash alongside many other mineral ores found in the UK.

A requirement to give great weight to the benefits of mineral extraction (including benefits to the economy) in any consideration for minerals proposals (para. 144) has been introduced through the NPPF. The NPA self-assessment sets out that the economic considerations will be assessed under the MDT and determines that paragraphs 143 and 144 of the NPPF, provide a high significance for decision making. It goes on to state that the NPA are required to continue to emphasise the approach as set out in the CSDP as this represents:

"An appropriate balance between facilitating minerals development and protecting the National Park environment and landscape" (page 38).

CPRE believe that the NPA must determine whether or not the development proposals as submitted constitute exceptional circumstances and are within the interest of the public in order to grant planning permission. This must be achieved by carefully balancing any benefits (including economic) from the mineral extraction with protecting the National Park's special environment and landscape for which it was designated. Section 62 of the Environment Act, 1995, requires all relevant authorities to:

"...have regard to the statutory purposes in exercising or performing any functions in the National Park and; if it appears that there is a conflict between those purposes, to attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area."

This statement clearly indicates, however, that **although the need to attach great weight to the benefits of mineral extraction is presented in the NPPF, a greater weight should be attached to the purpose of preserving the natural beauty and associated features of the National Park and this should be borne in mind whilst determining this application.**

In terms of assessing this application against the provisions of the MDT as set out in paragraph 116 of the NPPF, **CPRE are of the opinion that YPL have failed to demonstrate that this application satisfies the 'test'**. In terms of assessing the 'need' for the development, CPRE believe that 'need' refers to both a need for the mineral and a national need for the economic benefits a development of this magnitude could deliver. YPL has neglected to demonstrate any national requirement for the mineral product choosing to focus solely on identifying a *potential* international market and the economic benefits this will bring to the UK. Markets have already been established in USA, Brazil, China, Africa and Europe but the applicant fails to demonstrate an existing demand for the ore within the UK which would justify this proposal being permitted within a National Park.

The MDTPS lists in Chapter 4, a series of developments which have occurred in National Parks and other areas of designation which have all been assessed against the MDT with the aim of aiding the NPA understand how planning policies have been interpreted in order to support their application. CPRE would point out that each application is different and quite rightly should be determined upon its own merits. Granting planning permission for this development proposal would result in the largest and currently only deep mine extracting the polyhalite form of potash in the world, therefore it is essential that the NPA do not draw comparisons with elsewhere and treat this application as unique.

Boulby Mine at Loftus within the National Park is mentioned twice. Boulby is currently the only mine in the UK which extracts types of potash. This was originally granted permission in 1968 and Cleveland Potash Limited (CPL) began production at an initial rate of 350,000 tonnes per annum. Para. 4.8 of the same document explains that in 1998 the NPA granted permission to CPL for the retention of the existing potash and salt mine and an extension to the approved underground mine working area. The permission authorised the mining of potash and salt for a further period of 25 years, expiring in May 2023. According to the CRU Report, submitted as an appendix to the MDTPS, chapter 5.5.1 describes the 'Demand for Polyhalite in the UK Market'. The chapter describes how CPL have successfully marketed relatively small quantities of polyhalite of between 60,000-70,000 tonnes per annum. It goes on to state that the estimated long term demand for polyhalite *could* be between 100,000-200,000 tonnes per annum. **As polyhalite is a relative new mineral used in fertiliser, there is currently no established demand for the ore.**

Paragraphs 4.43-4.49 of the MDTPS, however, goes on to explain that in May 2014, CPL submitted a planning application (NYM/2014/0296/FL) for an extension of their existing infrastructure in order to facilitate the extraction of polyhalite and associated works all situated within the current boundary of the existing Boulby Mine. CPL have received Government support for the development of up to 600,000 tonnes of polyhalite per annum, through the awarding of a £4.9 million grant from the Government's Regional Growth Fund, recognising the importance of polyhalite production. CPL currently export approximately 1/3rd of their current extractions whilst also satisfying the UK market, as evidenced by the report by the UK Minerals Forum Working Group (July 2014) discussed above.

YPL propose to extract a maximum of 13M tonnes per annum of polyhalite once it is fully operational. Boulby Mine, currently produces up to 70,000 tonnes of polyhalite from the current potash mix and has recently been granted permission to extend their operations in order to enable them to extract polyhalite. They have also recently announced their intention to mine up to 600,000 tonnes per annum. CPRE believe, therefore, that the need for the mineral has already been satisfied within the UK as evidenced by the fact that they currently export approximately 1/3rd of their existing product. **CPRE believe that the new mine within the National Park is not needed and would significantly harm the landscape, biodiversity and special qualities of the Park when the national demand is simply not established.** CPRE feel strongly that this is a matter which the NPA should give great consideration to when determining this application.

YPL describe the proposed outputs as phases throughout all the documentation submitted alongside the application. Phase 1, on first operation will be capable of a mineral throughput of 6.5Mt/yr. Mining operations will then 'ramp up' to phase 2 so that by year 6 of operation there will be a maximum of 13 Mt/yr. The mine will continue to operate at this level for the duration of its life - well over 100 years according to the Planning Statement (PS) prepared by consultants Nathaniel Lichfield

and Partners (LNP) for YPL in paragraph 5.22 bullet vi (page 46). Bullet viii goes on to state that YPL expect the vast majority of its product to be exported:

“Approximately 125,000 tonnes of the first 6.5Mtpa and 175,000 tonnes of 13 Mtpa will be sold into the UK market, with the rest exported.”

It is CPRE’s opinion that the financial ‘need’ for YPL’s proposals is therefore not a satisfactory reason to grant planning permission within a National Park designated for its landscape and scenic beauty. The predominant business case for the proposals is that YPL will generate £1.2bn of exports each year and thus bring down the UK’s trade deficit (bullet viii, para. 5.22, PS). **CPRE do not believe that the reliance on international markets for boosting the UK exports constitutes sufficient exceptional circumstances in order to demonstrate the proposal meets the MDT.** CPRE have asked YPL on several occasions at different meetings to state where their profits are to be declared, to which the response is always unknown at that point of time. CPRE are of the opinion that very little tax may be delivered to the UK in reality, other than through mineral rights to individual landowners, should planning permission be granted and the profits declared abroad.

In order to satisfy the MDT, the applicant must consider whether there are opportunities for the development to occur outside of the designated area. Currently, the only known reserves of polyhalite in the UK exist along the coastline of North Yorkshire and within the East Riding of Yorkshire. In order to facilitate the search for alternative sites, SRK Consulting (SRK) were instructed to define estimates of the ore reserve throughout these known areas.

The MDTPS states (para. 9.22, page 88) that only two locations outside the National Park boundary were identified as being worthy of further consideration – land adjacent to the village of Cloughton to the south of the National Park and a small parcel to the north of Whitby known as the Whitby Enclave. Both of these sites were discounted due to proximity and the potential impacts on settlements, location of natural gas and geographical fault lines. SRK therefore found that the most appropriate location for a potential new mine would be at Dove’s Nest Farm within the National Park. SRK considered further explorations at these sites would be unviable due to the cost of such exercises.

CPRE are of the opinion that all alternative sites have not been fully considered and ergo the MDT cannot be satisfied. It is not acceptable to choose the location in the National Park simply because it is more cost-effective than other locations. It is therefore considered that further investigations should be undertaken in particular at Whitby and at Cloughton in order to more accurately determine the viability of accessing polyhalite in these locations. Indeed, the Guide to the Application submitted alongside the planning application, produced by NLP states at Point 2 of para. 6.5 (page 11) that:

“It is estimated that only 40 and 80 Million tonnes of mineable polyhalite is present in the Whitby area which is not sufficient to support a viable mining operation.”

Given that YPL only seek to serve the potential UK market with 175,000tpa at its peak and for the lifetime of the mine (over 100 years), **CPRE would suggest that there is therefore ample mineral to be found at the Whitby Enclave and that this option should be fully explored and until it has been the MDT cannot be satisfied.**

Finally, in relation to the MDT, paragraph 116 of the NPPF also requires that consideration should be given to:

“Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

The MDTPS affirms that the principal development (minehead and associated buildings and infrastructure) is proposed on a site of approximately 65ha at Dove’s Nest Farm and Haxby Plantation. The principal adverse effect arising from the proposals submitted by YPL relates to the landscape and visual effect of the development, predominantly during the five year construction phase. Temporary structures including: three 45m high winding towers; two 40m high generator stack; and a number of mobile cranes up to a height of 76m would be required to construct the mine and associated infrastructure over a period of 5 years (providing the project plan timescales are fulfilled). Existing vegetation cover and a permanent alteration to the existing land form would all take place within the site boundary including the felling of 13ha of woodland (NTS, para 2.8.2, page 21). The MDTPS, (para. 8.14, page 77), reports that the Environmental Statement (ES) acknowledges:

“A significant adverse effect on landscape character and visual influence across parts of the Coastal and Moorland Landscape Character Area and from public rights of way.”

CPRE believes that the harm inflicted as a result of the lengthy construction phase on the environment, including existing habitats, landscape, vegetation loss and to the adjacent BAP Priority Habitat of existing deciduous woodland and potential effects on the nearby SPA and SAC will be significant and believes therefore that this proposal is not appropriate to be located within the National Park.

Paragraph 3.41 of the Summary Project Description Document (SPDD, page 17), suggests that the proposed development will generate approximately 1.2 million m³ of excavated material, with a further 0.5 million m³ of top and sub-soils created through stripping the surface. The majority of this will remain at Dove’s Nest Farm, the three intermediate sites and at the minerals handling facility in Wilton. Approximately 0.15 million m³ will be transported off-site. The applicant is proposing to create a series of earth mounds in order to fashion landscape features which will in turn be utilised as noise, light and visual barriers. **CPRE believe that the size and location of the size of mounds suggested will not amalgamate into the landscape as the mounds will be too large and will stand out in the landscape as being unnatural.**

Similarly, the applicants proposes to create a new earth mound of approximately 6 metres above the existing ground level at the Lady Cross Plantation. This is intended to screen the permanent above ground structures comprising a shaft cover building measuring 21m x 21m x 8 m high surrounded by hard standing (para. 4.25 of the SPDD, page 24). Furthermore the mound will look artificial and the structure would not be well screened given the difference in heights of the proposed mound and that of the permanent building. CPRE are concerned that this will have a detrimental effect on local road users, visitors to the adjacent camp site and the users of the footpath which is required to be rerouted from the middle of the site during the construction phase. **The proposed landscaping scheme will therefore not moderate the effects on the nearby recreational opportunities.**

All of the reasons set out above illustrate that YPL’s proposals do not satisfy the MDT as required by paragraph 116 of the NPPF. The applicant has not demonstrated exceptional circumstances nor that

the development would be in the public interest and therefore why the development should occur in the National Park. They have not been able to demonstrate any national considerations of need especially given the current operations and commitments demonstrated at the existing Boulby Mine, nor have they adequately considered alternative sites. They have also demonstrated that the environment and landscape will be adversely affected for a significant period of time during a prolonged construction phase and operational stage with inappropriate landscaping. **These proposals would cause a significant detrimental effect to the protected landscape and environment of this special place both on their own and in accumulation with existing major developments within the National Park including the Boulby Mine and RAF Fylingdales. Therefore CPRE believe that the development proposed should not be granted planning permission.**

3. The harm that will be inflicted on the landscape and biodiversity of the National Park

In order to establish the development at this location, temporary structures including: three 45m high winding towers; two 40m high generator stack; and a number of mobile cranes up to a height of 76m would be required at the Dove's Nest Farm site. The Landscape and Visual Impact Assessment (LVIA) (ES Part 2, Appendix 12.2) considers that the construction phases and associated infrastructure listed above will cause the most degree of harm to the landscape and visual amenity of the site within the National Park during the lifetime of the mine (in excess of 100 years) due to the fact that the applicant is proposing to place traditional above ground mining infrastructure below ground level in order to reduce the visual impact. The LVIA states that there would be a 'moderate-adverse' impact on the landscape of the moorland to the east of the site and to the wider hinterland of the Whitby to Cloughton coastal area (designated as Heritage Coast and also awarded particular protection via footnote 9 of the NPPF). It has also predicted that there will be a 'major-adverse' impact on the landscape of the Ugglebarnby Moor SAC due to its proximity and visibility to the moor as reported in the NTS (para 2.8).

This adverse impact is contrary to paragraph 115 of the NPPF which states that National Parks have the highest status of protection in relation to landscape and scenic beauty and that the conservation of wildlife within these areas should be given great weight. It is also contrary to Paragraph 118 of the NPPF which states that Local 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; [...] planning permission 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.."

CPRE believe that this site could potentially be located at an alternative site (Whitby Enclave) outwith the National Park boundary and that compensation in terms of those set out in the applicants s106 details are not able to replace or compensate for the harm which will be inflicted upon the National Park should this proposal be permitted, once the special landscape has been destroyed it cannot be replaced. CPRE are also of the opinion that the significant loss of woodland habitat required (immediately adjacent to a BAP Priority Habitat) in order to facilitate the mine workings and associated buildings at these locations is inappropriate. The loss of vegetation and

mature trees at the Haxby Plantation in particular 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 (including a protected species of bats) will return to this new area, therefore on these grounds the proposal should also be refused as contrary to the NPPF.**

YPL have proposed a landscaping scheme which they suggest at para. 6.24 of the PS (page 60), will result in:

“The creation of new ecologically valuable habitats, increasing the prevalence of local habitats value and diversity”.

The document also states that by year 15 when the proposed planting matures, the impact on the environment and landscape will become ‘minor beneficial’ instead of ‘minor-major adverse’ during construction periods. CPRE are of the opinion that as it will take *at least* 15 years for the new vegetation to mature, providing that there is not any replanting to be undertaken in the first or second year, the harm in relation to the impacts on the environment and landscape is considerable and would therefore remain on the adverse scale until planting and vegetation matures, nearer to year 15 of the project not simply at the end of the construction period.

4. The loss of the National Park’s special qualities, including tranquillity and dark skies

Since the early 1990s CPRE has championed research to define, map, protect and enhance tranquillity as a hugely valued characteristic of the English countryside. CPRE published their tranquillity map in 2006 and a revised version in 2007 together with county tranquillity maps which are widely used. Tranquillity for the purposes of the research was defined as:

‘The quality of calm experienced in places with mainly natural features, free from disturbance from manmade ones’.

Paragraph 17 of the NPPF, sets out 12 core planning principles, one of which is that planning should:

“Take account of the different roles and character of the different areas, [...] recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”

Tranquillity is part of the ‘intrinsic character’ of the countryside in general as defined by the Rural White Paper *Our Countryside: The future – a fair deal for rural England* (2000). The North York Moors were designated as a National Park due to many special characteristics which make it unique, not least for its scenic beauty, cultural assets and biodiversity. The Park contains the largest tract of open heather moorland in England. Approximately 1/3rd of the Park is designated as Sites of Special Scientific Interest, much of this is also designated internationally as SACs or SPAs. The Coastline, as previously mentioned, has also been designated a Heritage Coast. The North York Moors National Park Management Plan 2012 sets out the vision for the Park and lists the special qualities that have contributed towards its designation. One of these is ‘tranquillity’. By permitting this development proposal, the NPA would effectively be allowing the degradation of these special qualities, which in combination with other qualities would also be sullied including: dark skies and unpolluted air,

strong feeling of remoteness, a place for spiritual refreshment, a place of artistic, scientific and literary inspiration, great diversity of landscape, woodland rich in wildlife, a rich and diverse countryside for recreation amongst others.

Paragraph 123 of the NPPF states that:

“Planning policies and decisions should aim to identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”

It is evident that through this policy the Government seek to protect areas known for their tranquil environment. As we have established above, the National Park was designated in part due to this reason, therefore to allow this application would be contrary to national planning policy. It has been 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 therefore, clearly be applied to the boundary of the National Park as well as any sites designated under national and European law for environmental value.

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. 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 proposing to use minimal lighting during the operational phase of this development. During construction – which is a significant period of time in the lifespan of biodiversity and fauna in the area, aviation lighting will be added to temporary construction buildings, cranes and to the welfare building, gatehouse and road leading to the site for health and safety reasons. These lights will be in operation 24 hours per day, 7 days per week. **CPRE would, therefore, ask the NPA to remember that Dove’s Nest Farm is currently in a location where dark skies are normal and that this part of the National Park is an example of where dark skies in general can be observed. Should this application be permitted this area would thus be negatively affected and would also degrade another of the special qualities for which the National Park was designated.**

Conclusions

It is apparent from the assessment of the Policy Context that the proposed development at Dove’s Nest Farm/Haxby Plantation is contrary to both National and Local Planning Policy. It is CPRE’s opinion that the NPA 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 intermediate sites will have a detrimental effect on the special environment and cultural heritage that constitutes the North Yorkshire Moors National Park. Even with a degree of vegetation and landscape screening for the minehead and the burial of the mine workings and newly proposed MTS, 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 view 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 development proposal go ahead, the biodiversity found in this special place will be detrimentally affected and may not ever 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 provides at Paragraph 116 of the NPPF that proposals for major developments such as the proposed new potash mine should be refused in designated areas, unless exceptional circumstances can be justified. CPRE categorically believe that this application does not satisfy this Test and should therefore be refused.

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 potash mine at the Dove's Nest Farm/Haxby Plantation, Sneaton.

CPRE would welcome the opportunity to comment further with regard to this development proposal should further information be submitted by the applicant.

Yours sincerely

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On behalf of Dalton Peake, Chair of the Coastal Branch of CPRE North Yorkshire and David Rose, Acting Chair of the North Yorkshire County Branch of CPRE and the current Chair of the Yorkshire and Humber Regional CPRE Group.