

Mr Chris France
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
North Yorkshire
YO62 5BP

6th March 2015

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).

Thank you for the opportunity to comment on the Supplementary Planning Information submitted by the applicant YPL in February 2015 in respect of the above application which CPRE commented on in November 2014.

It is noted that the description of the development proposal has not altered. However, that the proposed changes to the scheme include:

- Removal of a ventilation shaft and relocation of Mineral Transport System (MTS) access shaft at Dove's Nest Farm;

- Amendments to landforms and drainage at Dove’s Nest Farm, Lady Cross Plantation, Lockwood Beck Farm and Tocketts Lythe, and associated alteration to extent of surface works boundary at Dove’s Nest Farm;
- Provision of an operational phase bridleway around Dove’s Nest Farm;
- A minor revision to the Construction Programme;
- Provisions for early polyhalite production management at Dove’s Nest Farm;
- Amended access details at Lady Cross Plantation and an associated minor amendment to the minerals planning application boundary to include a new operational access; and
- Alterations to the proposed lighting scheme at Dove’s Nest Farm.

Having had the opportunity to consider the Supplementary Environmental information (SEI) documents that were submitted to the National Park Authority (NPA) detailing the amendments to the project, CPRE are of the opinion that the revisions do not reduce the significant detrimental impact that the proposed development will have upon the National Park, therefore, the strength of the objections previously raised in response to the consultation in November 2014 are maintained. Ergo, CPRE feel strongly that this application should be **refused** planning permission on the following grounds (discussed in detail in our response dated 26th November 2014):

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.

Furthermore, CPRE wish to register their objection to the impacts that the amendments to the project will have upon the National Park. These are discussed in more detail below.

1. Removal of ventilation shaft and relocation of MTS access shaft at Dove’s Nest Farm

The requirement for a separate exhaust ventilation shaft serving the mine at this location has been removed following work undertaken between the applicant and engineers. However, in order to compensate for this amendment, the access shaft for the MTS has been moved northwards by approximately 32m (SEI, para 3.2.1, page 19). In theory, a reduction in the amount of surface infrastructure required at the minehead site would be welcomed, however, the proposal will not result in a reduction of the number of tall structures required on site during the construction phase. This will not, therefore, mitigate against the harm caused by these structures during the lengthy five year construction process on the landscape and special character of the National Park and its surroundings. The submitted alterations show that YPL have not demonstrated that the extent of significant impact on the National Park from the development can be moderated, therefore this application is still contrary to the Major Development Test (MDT) as set out in para 116 of the NPPF and also paragraph 109 which states that:

“The planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes”.

A National Park is afforded the highest level of protection in terms of planning policy as set out in paragraph 115 of the NPPF and discussed in detail in our previous response. It is clear that these amendments to the scheme therefore do little to remove CPRE’s objection to the application. Furthermore, the relocation of the MTS access shaft also results in increased land-take as discussed in more detail below.

2. Amendments to landforms and drainage at Dove's Nest Farm, Lady Cross Plantation, Lockwood Beck and Tocketts Lythe and associated alteration to extent of surface boundary at Dove's Nest Farm.

The SEI explains that as a result of the above amendments to the MTS access shaft, YPL have recalculated the quantity of spoil forecast that would be generated at Dove's Nest Farm during the construction phase and have calculated this to be: *"a net increase in spoil generated at Dove's nest Farm of approximately 200,000m³"* (para. 3.3.5, page 23). In order to accommodate this extra quantity of spoil the applicant proposes to adjust the height and gradients of the original proposed earth mounds and to fill in an area that would have been left empty under the previous arrangements thus creating a continuous ridge around the northern section of the shaft platform.

YPL are also proposing to create an earth mound to the south-western edge of the site measuring 8.5m above the nearest existing ground level in the area (the mound itself being 218.5m) which equates to an additional 2m in height above those which were objected to in the original response to the proposals in November 2014. A temporary storage area for non-hazardous, non-inert spoil will be created at the southern edge of the site (to be transported off-site by road – discussed below), however, in order to achieve this, YPL propose to extend the mound south eastwards towards the proposed welfare facility which requires the loss of a further 2.86ha of mature coniferous plantation. CPRE are concerned that the loss of this mature woodland will result in a 'thinner' visual screen between the minehead site and the National Park and will therefore mean that the noise and visual impacts of the mine will travel further than those in the original scheme. Also, of concern to CPRE is the removal of 3.8ha of improved grassland to the north east corner of the site to facilitate a further temporary stock-pile storage area for inert materials. CPRE believe that the amendments to the scheme which result in an increase in height of the spoil mounds and the increased loss of habitats will increase the significant adverse impact on the ecology and endangered species of the National Park and subsequently impact upon the special qualities of the North York Moors National Park.

The SEI goes on to state that incorrect survey information was included with the November application submission with regard to the quantities of spoil arisings at the Lady Cross Plantation intermediate site during the construction phase. The SEI sets out that YPL propose to adjust the height of the spoil mounds by 2m which would mean the creation of a mound 8m above existing ground level and increase the overall footprint to accommodate the extra material (SEI, para 3.9.5, page 33). Consequently CPRE are of the opinion that the mound structures will be even more prominent than originally thought and will stand out in the landscape as being unnatural and artificial forms therefore must continue its objection to the proposals at this location.

3. Provision of an operation phase bridleway around Dove's Nest Farm.

CPRE have no objection to the inclusion of this bridleway within the scheme, however, are of the opinion that given the nature of the scheme, the existence of the bridleway will not encourage potential visitors to the Park and thus will not aid the tourism industry which so many residents and local workers depend upon.

4. A minor revision to the Construction Programme.

Due to the proposed increase in the site footprint and addition to the spoil mounds at Dove's Nest Farm the applicants have extended the timescale of the five year construction phase by a further two months, however, this will not alter the proposed estimated date for first operation. CPRE would therefore wish to reiterate the concerns already expressed in our previous response regarding

the lengthy construction phase. We have stressed the significant detrimental impact that we believe this development proposal will have on the special qualities of the National Park including the impact the construction phase will have on local businesses especially those within the tourism sector. We have already expressed concern that this is an optimistic time frame, including with regard to the expected timeframe for vegetation cover to reach full maturity and therefore reduce the impact of the operational phase on the National Park. Therefore, CPRE fervently object to any extension to this programme which will impact on all the special qualities of the National Park for which it was first designated. It must also be borne in mind that any extension to the construction programme will also increase the cumulative effects on the setting of the National Park from the all of the development sites both within and without of the designated boundary.

5. Provisions for early polyhalite production management at Dove's Nest Farm.

Over the course of this application questions have been raised by the NPA and a variety of consultees with regard to the transportation of polyhalite to Teesside as a result of early production. As part of the amendments to the application, YPL have therefore produced a contingency strategy for transporting polyhalite off-site. Paragraph 3.8.2 of the SEI, page 31, sets out that should the completion of the MTS be delayed (which remains the intended method of transportation), extraction of polyhalite to the surface would be required and *limited* to 1,000 tonnes per 24 hours. Only extraction undertaken during daytime hours (7am-7pm) would be delivered directly into an articulated tipper vehicle (29 litre capacity) to be transported directly to Teesside. At night, polyhalite would be transported on site to the temporary storage facilities (discussed above), which would have a capacity of 3,300 tonnes. Any material placed in the temporary facility overnight would be loaded onto the articulated tipper vehicles and transported the following day. Any polyhalite extracted over a weekend (between 7pm Friday and 7am Monday) will be stored in the temporary storage facility and be transported to Teesside over the course of the following week. In this scenario, it is not intended that polyhalite will be transported off site during the weekend.

The applicants have stated that the average payload of each movement would be 28,000 tonnes. Given the constraints limiting the extraction of polyhalite to 1,000 tonnes per day over the course of seven days, YPL have calculated that this would mean than 250 loads would be required per week - which equates to 50 loads per day over a five day working week. CPRE would argue that should this scenario come into effect, an extra 50 movements per day (and presumably return journeys) of large articulated vehicles within the National Park is not appropriate. The vehicles would not only add to the already reduced levels of tranquillity experienced within the National Park, but also impact upon the air quality and the landscape and visual amenity of the National Park. In the summer months (particularly August) when traffic flow reaches its peak in the Park, this would cause delay, disruption and intimidation for both residents and visitors to the Park. Traffic movements were discussed in detail in our previous response in November 2014 and CPRE believe that this scenario will only lead to an even further detrimental effect on the National Park therefore the initial objection still stands.

6. Amended access details at Lady Cross Plantation and an associated minor amendment to the minerals planning application boundary to include a new operational access

YPL have amended the proposals to include a new access arrangement which has required an adjustment to be made to the planning application boundary for health and safety purposes as a result of consultation with the Highways Authority. CPRE have no objection to this specific proposal, this does not however, remove our objection to the development of this site given its impact upon

the National Park and surrounding tourism facilities as previously discussed in our November 2014 response.

7. Alterations to the proposed lighting scheme at Dove's Nest Farm.

As a result of the newly proposed works at Dove's Nest Farm, the SEI states that additional lighting will be provided in the area where loose tipping will take place during the construction phases at the minehead site. CPRE are of the opinion that this will help to create a 'sky-glow' at the site and subsequently further impact upon an area known for its Dark Skies, which is an area that CPRE nationally campaigns on in order to retain and enhance wherever possible. Information contained within the SEI states that the proposed removal of the further 2.86ha of existing woodland cover and the adjustment in height of the spoil mounds will result in the ability to view orange flashing beacons and headlights from construction vehicles from Sneaton Low Moor Caravan Park during operational times from the Ladycross Plantation and would be considered worse in the winter months when the remaining deciduous trees lose their cover which will result in a more adverse impact than previously thought prior to the amendments (para 12.2.21. page 153).

CPRE acknowledges that within the SEI, (para 12.5.4, page 156) the applicant has removed the proposal to place red aviation obstruction lighting from the construction winding towers as the Ministry of Defence have stated that this requirement is no longer necessary. Although this removal is welcomed, CPRE believe that whilst some negative impact upon the National Park from lighting has been removed, the addition of the glow generated from the newly proposed lighting scheme and increased visibility of some of the workings at Dove's Nest Farm will not reduce the overall impact on the National Park at all. Therefore, CPRE still argues that this proposal is not in conformity with Core Policy C of the CSDP and paragraph 125 of the NPPF.

Conclusions

As stated at the beginning of this letter, CPRE are of the opinion that the revisions and amendments to the scheme submitted in February 2015, supported by the SEI and the Revised Non-Technical Summary, do not reduce, nor mitigate against any of the significant detrimental impact that these development proposals will have upon the special qualities of the National Park. It is apparent from the consideration of the submitted documents that the fundamental nature of the operation has not changed and that if anything, the amendments have worsened the impact on the National Park, especially with regard to the impact on the landscape due to the proposed increase in height of the spoil mounds surrounding the sites.

The assessment of the Policy Context in our previous response highlighted that the proposed development at Dove's Nest Farm/Haxby Plantation is contrary to both National and Local Planning Policy. It remains CPRE's opinion that the NPA should refuse planning permission for the reasons highlighted in the above paragraphs.

Fundamentally, 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. None of the amendments and revisions made by the applicant in the supplementary planning information prove that the exceptional circumstances have been met.

I trust that the information provided in this letter is enough to maintain 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 Julia Marley, Chair of the North Yorkshire County Branch of CPRE and Chair of the Yorkshire and Humber Regional CPRE Group.