



8 Acres Close  
Helmsley  
York  
YO62 5DS

T: 07734 953236  
E: katie@kvaplanning.co.uk  
W: www.kvaplanning.co.uk

National Planning Casework Unit  
5 St Philips Place  
Colmore Row  
Birmingham  
B3 2PW  
By email to: npcu@communities.gsi.gov.uk

7<sup>th</sup> April 2015

Dear Sir

**Request for a call-in for planning application ref: NYM/2014/0676/MEIA for a potash mine in the North York Moors**

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) submitted to the North York Moors National Park Authority.

KVA Planning Consultancy have also been commissioned to prepare this letter on behalf of the Coastal District of CPRE to request that this planning application is called in for determination by the Secretary of State as it is a matter of national significance and raises issues which we consider:

1. conflict with national policies on important matters, including the National Planning Policy Framework and the major development test in a National Park;
2. will have significant effects beyond its immediate locality; and
3. will give rise to substantial national controversy – as set out in Criteria listed in the Ministerial Statement of 26 October 2012 setting out when the Secretary of State would consider using call - in powers.

The Coastal District of CPRE have followed these proposals since they were initiated by YPL and have welcomed the opportunity to make representations as each stage of consultation, summarised below:

- 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on the proposals made by the applicants in 2013 and were of the opinion that the application, if it have not been withdrawn, should have been refused by the North York Moors National Park Authority (NPA) on the grounds that the proposals were contrary to paragraph 115 of the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.

- In November 2014, CPRE commented on the revised proposals (which amongst other revisions to the scheme increases the lengthy construction period from 3 to 5 years and includes a 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 instead of the previously proposed pipeline) and were of the opinion that the application should be refused planning permission for a number of reasons including that the proposals are contrary to both national and local planning policies, the proposals still fail the MDT, the harm that will be inflicted on the landscape and biodiversity of the National Park, and the loss of the National Park's special qualities, including tranquillity and dark skies.
- In February 2015, the applicant submitted further environmental information highlighting amendments being made to the scheme. However, as CPRE set out in their response to the consultation on the further proposed amendments, the risk to the special qualities of the National Park is made significantly worse by the amendments and re-calculations. It is believed that the increase in height of the spoil mounds will further detrimentally impact upon the landscape and visual amenity of the National Park. This combined with the increased traffic movements will have a significant adverse impact on tourism and the many special qualities of the National Park, including its tranquillity, dark skies and sense of remoteness, all of which add to the special characteristics for which it was originally recognised and thus designated as a National Park.

Fundamentally, CPRE Coastal ardently believe that the applicant has not satisfied paragraph 115 of the NPPF, which provides the National Park with the upmost protection. The applicant has neither proved any great 'need' for polyhalite nor proved that the UK market is undersupplied by the product or indeed potash itself, given that the current extractions at the Boulby Mine meets all the UKs need and also exports much of the ore to worldwide markets. The applicant is reliant on the fact that this product would reduce the UK trade deficit through exports should the mine be approved. There is as yet, no actual market for this product, therefore, CPRE feel that relying on a market who have yet to use the product is not a sufficiently strong enough reason to approve this major development within the National Park. CPRE Coastal also feel that the applicant has not adequately explored all areas outwith the National Park boundary. All of which is detailed within the submitted objection to the National Park Authority.

In addition, the applicants have failed to recognise the special qualities of the National Park and have placed too great an emphasis on one policy consideration (economic benefits) over the primary purpose of designation. Section 62 of the Environment Act clearly indicates that a greater weight must be attached to conserving and enhancing the natural beauty of the area above all other factors.

The current planning application is a straddling application and is therefore also being determined as a planning application under reference: R/2014/0627/FFM by Redcar and Cleveland Borough Council, the local planning authority for the land outwith the National Park through which the mineral transport system passes. The applicant has submitted the same documents to the two authorities who will be expected to determine the part of the proposals within their respective administrative boundaries.

The Coastal District have sent a copy of their letter of objection to Redcar and Cleveland Borough Council urging them not to approve this application in line with their duty to have regard to National Park purposes under S62(2) of the Environment Act 1995. We believe that there is strong case for both these planning applications to be called in for determination by the Secretary of State following a public inquiry. Such a public inquiry should also cover the associated separate planning applications which are required for other parts of the project such as the minerals handling facility at Wilton (to be determined by Redcar and Cleveland Borough Council); the temporary construction workers village and Park and Ride scheme at Whitby (subject to a separate temporary consent application to Scarborough Borough Council); and the necessary works to the Whitby Park and Ride facility (to be determined by North York Moors NPA). CPRE believe that it would be beneficial to the proposed application if all relevant parts of the scheme were considered at one public inquiry by the same Inspector.

For the reasons set out above, we believe that this planning application should be called in for decision by the Secretary of State following a public inquiry which also considers all the related developments, that is, the mineral transport system, the mineral handling facility, the harbour and other related developments as well as the mine head.

The Coastal District of CPRE are aware of an increasing level of support both locally and nationally for calling in this planning application. We understand that the Campaign for National Parks, the North York Moors Association and the Yorkshire Wildlife Trust and the National Trust are all in favour of a call – in.

Should you require any further information regarding this request, please do not hesitate to get in touch with me.

Yours faithfully

Katie Atkinson (MRTPI)

*On behalf of Dalton Peake Chair of the Coastal District of CPRE*