

North York Moors National Park Authority

Plans list item, Planning Committee report 2 December 2021

Application reference number: NYM/2019/0764/MEIA

Development description: Application in respect of the winning and working of polyhalite and salt over a 25 year period from 2023, temporary importation of muriate of potash (MOP) to allow the production of fertiliser products until 2027, retention and operation of all surface installations, buildings, plant etc subject to a phased deconstruction plan within the 25 year period and a three year period for site decommissioning and restoration at the end of the 25 year period.

Site address: Boulby Mine, Loftus, Saltburn, TS13 4UZ

Parish: Loftus

Case officer: Mark Hill

Applicant: Cleveland Potash Ltd, c/o Mr David McLuckie

Agent: Wood, fao: Mr Neil Marlborough, Partnership House, Regent Farm Road, Gosforth, Newcastle Upon Tyne, NE3 3AF

Director of Planning's Recommendation

Approval, the full officer recommendation is set out in Section 25 of this report.

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1. Background

1.1 Introduction

1.1.1 This report sets out details and a recommendation for a decision on a planning application for 'major development' at Boulby Mine. In brief summary the proposals comprise:

- i. the continuation of mining operations at Boulby Mine for a further period of 25 years beyond the current permitted operational expiry date of 6 May 2023;
- ii. the retention of surface buildings and infrastructure (subject to a phased partial deconstruction process during the period to the end of 2027);
- iii. the temporary importation of Muriate of Potash for processing at Boulby Mine during the period to the end of 2027;and
- iv. revisions to the extent of the approved underground extraction area.

1.1.2 The report sets out background information and context relevant to the application, provides information about the site and surroundings and details on the specific proposals, summarises the views of consultees and third parties, identifies relevant planning policies and other important material considerations, analyses the main issues and officer judgement on them and sets out an officer recommendation on how the application should be determined.

1.2. Potash, polyhalite and salt

1.2.1 There are a range of mineral types and products of relevance to the proposals considered in this report and these are summarised below to assist with interpretation of the subsequent text.

1.2.2 The term potash typically refers to a number of potassium-bearing ore minerals including sylvinite and polyhalite, with potential for use as agricultural fertiliser. Compared to sylvinite, polyhalite is a form of potash ore with a relatively high proportion of sulphur and relatively low potassium content¹. Polyhalite also includes, in smaller proportions, a range of other plant nutrients, including calcium and magnesium. Additionally, the term potash is sometimes used to refer to ore (typically sylvinite) which has been processed into the mineral product muriate of potash (MOP), which contains a greater proportion of potassium. Where practicable, and to reduce the potential for any confusion, this report uses the specific terms polyhalite, sylvinite and MOP rather than the generic term potash.

1.2.3 Until 2018 the main focus of activity at Boulby Mine was the mining of sylvinite ore and the processing of this on site to produce MOP. In 2018 a switch from sylvinite mining to extraction of polyhalite was completed, with corresponding

¹ Polyhalite contains approximately 14% Potassium (in the form K₂O) and 48% Sulphur (in the form SO₃) whereas sylvinite contains approximately 21% K₂O. Pure MOP contains around 60% K₂O and less than 10% SO₃.

implications for on-site processing requirements following the cessation of MOP manufacture.

- 1.2.4 Polyhalite extracted from the Mine is used both as a pure polyhalite product, marketed by the applicant as 'Polysulphate', and as part of a mix in blended products (mixed with imported MOP) and marketed primarily as 'PotashpluS'.
- 1.2.5 Sodium chloride in the form of halite ore is typically referred to as rock salt. It is found at a similar depth to both the Boulby sylvinite and polyhalite deposits and has been extracted from Boulby Mine, alongside both sylvinite and more recently polyhalite, for several decades.

1.3 Evolution of proposals by ICL and pre-application discussions with the NPA

- 1.3.1 Information from ICL Boulby indicates that, following several decades of high-grade sylvinite extraction and the on-site manufacture of MOP, extraction of polyhalite, alongside sylvinite and rock salt, first commenced in 2010, although sylvinite and rock salt remained the main focus of mining activity until 2018.
- 1.3.2 In 2016 ICL Boulby announced an intention to commence a strategic review of future operations at the Mine. In June 2017 an Environmental Statement scoping request was submitted to the National Park Authority (NPA), indicating an intention to seek planning permission to continue extraction of sylvinite, polyhalite and salt for a 25 year period beyond expiry of the current permission.
- 1.3.3 In January 2018 a press release from ICL Boulby stated an intention to cease sylvinite mining and MOP production in mid-2018, following the exhaustion of accessible reserves of sylvinite, with a future focus on extraction of polyhalite and salt only. Completion of this switch was announced by ICL Boulby in a July 2018 press release.
- 1.3.4 Pre-application discussions between NPA officers and ICL Boulby during the period 2018-19 indicated an expectation of a 'bridging' strategy towards a focus on a new product, marketed under the brand name 'PotashpluS' (essentially a 50:50 combination of polyhalite and imported MOP to produce a product with a higher potassium content) with a decision on long-term investment at the Mine expected in the last quarter of 2020. It was understood that this decision would in turn determine the nature of any long-term new permission for the Mine that may be sought.
- 1.3.5 However, in March 2019 NPA officers were informed of the operator's intention to submit an application within 2 months for retention of the Mine for a further 25 year period post 2023.
- 1.3.6 A pre-application presentation to members of the NPA took place on 17 October 2019 at which the applicant presented summary information about the proposed development and officers outlined the policy context and key planning issues expected to be relevant to consideration of the application.

1.3.7 The current planning application was submitted on 31 October 2019 and, in summary, seeks permission for extraction of polyhalite and salt for a period of 25 years beyond the current date for cessation of minerals extraction of May 2023; the retention of related minehead buildings, plant and infrastructure (subject to a phased de-construction programme) and; the importation of MOP over the period until 31 December 2027 for the purposes of Potashplus manufacture. With respect to this latter aspect of the proposal, it should be noted that officers currently consider such importation to be unauthorised and the application therefore contains a 'regularising' element in relation to this activity.

1.4 Procedural matters and decision making context

1.4.1 The planning application constitutes an Environmental Impact Assessment (EIA) application under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). Under the EIA Regulations, the relevant planning authority must not determine the application unless an EIA has been carried out in respect of that development and the EIA must be taken into account and referenced in the decision.

1.4.2 The EIA must identify, describe and assess in an appropriate manner, the direct and indirect significant effects of the proposed development on a range of specified factors including;

- a) Population and human health
- b) Biodiversity, with particular attention to internationally protected species and habitats,
- c) Land, soil, water, air and climate,
- d) Material assets, cultural heritage and the landscape,
- e) The interaction between the above factors.

1.4.3 The application is accompanied by an Environmental Statement, submitted under the EIA Regulations, which contains information addressing the relevant requirements. An external review of the EIA was carried out by a consultant, Savills, using resources available through a Planning Performance Agreement (PPA) between the NPA and ICL Boulby.

1.4.4 In June 2017 a request for an EIA Scoping Opinion was submitted by the prospective applicant to the NPA and a formal Scoping Opinion was subsequently issued by the NPA in August 2017. The development proposals outlined in the documents accompanying the 2017 scoping request differed in a number of substantive ways from those contained in the application eventually submitted in October 2019, although an updated scoping request was not provided. Under the EIA Regulations submission of a formal scoping request is not mandatory.

1.4.5 At the EIA scoping stage the applicant accepted that an appropriate baseline for assessment of the effects of the development was the Boulby Mine surface site in a restored condition, as that represents the default requirement in the event

that a further permission for the Mine is not granted. It also reflects the fact that the surface site was subject to mining operations prior to the development of Boulby Mine and that there would be substantial difficulty in identifying in detail representative baseline conditions existing prior to the commencement of construction of Boulby Mine in 1969. The applicant also notes that in undertaking the EIA, regard has also been had to the conditions prevailing with the Mine present, as this helps inform assessment of relevant EIA topics.

- 1.4.6 The review of the initial EIA undertaken by Savills identified a number of shortcomings with the version originally submitted and this led to a request for further clarification and information, which was treated as a formal request for further information under the EIA Regulations.
- 1.4.7 Information in response to this request was received in August and October 2020. Following ongoing review an additional request for further information and clarification led to the submission of further details in late spring/early summer 2021. Public consultation on this took place in late summer 2021, with further technical review by Savills in autumn 2021.
- 1.4.8 Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') a competent authority (in this case the NPA) must, before deciding to give permission for a project which is likely to have a significant effect on an internationally designated nature conservation site or Ramsar site, make an appropriate assessment of the implications of the project for the integrity of that site in view of the site's conservation objectives.
- 1.4.9 In this instance, professional support to the NPA to enable the Authority to fulfil its obligations under the Habitats Regulations has also been provided by external consultants using resources available through the PPA. More information about the proposed development in the context of the Habitats Regulations is set out later in the 'Main Issues' section of this report. Following initial work on an appropriate assessment, the applicant was requested to provide additional information and clarification to support the process. This was received in October 2020.
- 1.4.10 As the proposals have the potential to give rise to harm to the setting of listed buildings and the Staithes Conservation Area, the Authority also has a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance to a listed building or conservation area. More information on this matter is set out in the 'Main Issues' section.
- 1.4.11 In mid-2021 the applicant put forward suggested heads of terms for a Section 106 legal agreement which it proposes would accompany a permission for the development sought, in order to provide for further mitigation of, or compensation for, residual harmful impacts which cannot be addressed through use of planning conditions. Section 106 obligations must comply with the tests in regulation 122(2) of the Community Infrastructure Levy Regulations 2010 if the

decision maker is to rely on them as a reason for granting planning permission. This issue is addressed in more detail later in this report.

- 1.4.12 Members of the Planning Committee undertook a formal visit to the site on 31 January 2020, accompanied by representatives of parish councils and the local community. Members also viewed the site from an off-site location, located on the Cleveland Way to the south of Staithes.

2. Site and surroundings

2.1 The application site

- 2.1.1 ICL Boulby's development proposals include the existing surface minehead site and an extensive underground working area, the latter lying both onshore and offshore. The minehead site and the majority of the currently approved onshore underground area fall within the North York Moors National Park, although a relatively small part of the underground area falls within the administrative boundary of Redcar and Cleveland for planning purposes. The jurisdiction of the onshore planning system extends as far as the Mean Low Water Mark (MLWM). Any development licensing requirements in relation to that part of the underground working area beyond the MLWM are subject to the administration of the Marine Management Organisation.
- 2.1.2 The main operational minehead site covers approximately 32ha and is located immediately to the south of the A174. This area includes the two mine shafts and associated head gear, processing plant and buildings, welfare facilities, office accommodation and ancillary parking, access and internal roads and other mine operational infrastructure. Rail sidings and a rail loading facility are located near the western boundary of this site and provide a direct rail connection between the minehead and export facilities at Teesside. The applicant also controls extensive areas of agricultural land and woodland immediately adjacent to this site and extending to approximately 100ha. The operational area includes a separate parcel of land, approximately 3.6ha in extent, to the north of the A174 and connected to the main minehead site via an underground connection. This provides the location for a pump house and associated infrastructure including transformers, a tailings shaft and wind house and related plant to support the discharge of mine water to the North Sea via an offshore outfall.
- 2.1.3 The permitted onshore underground working area is approximately 13,740ha. The extent of this is proposed to reduce to 3,630ha under the proposals contained in the application, although it should be noted that the applicant intends only to use this onshore underground area for mine access and maintenance purposes. The applicant states that all minerals extraction under the new permission sought would take place in the offshore area.
- 2.1.4 Plans showing the application site and adjacent areas will be available at the Committee meeting.

2.2 The surrounding area

- 2.2.1 The operational minehead surface site is located between Staithes and Easington, approximately 2km from the boundary of the National Park and relatively near to more urbanized areas within East Cleveland.
- 2.2.2 The main minehead site and pump house sites are situated in a relatively prominent coastal location approximately 600m and 300m inland respectively from the coast (Mean Low Water Mark) near Boulby, and approximately 1.5km west of Staithes (including the outlying settlements of Cowbar and Dalehouse) and 2km east and north of Easington and Roxby respectively. The smaller settlement of Boulby lies approximately 300m to the north. The National Park boundary lies within 2km to both the West and South. The coastal fringe to the north of the A174, immediately opposite the main Mine access point, is defined as Heritage Coast. Beyond the immediate vicinity of the Mine site the area of defined Heritage Coast extends westwards and eastwards through Boulby and Staithes respectively. The Mine pump house referred to in para. 2.1.2 above is located within the Heritage Coast designation (North Yorkshire and Cleveland).
- 2.2.3 The main minehead is located on relatively flat ground on land that otherwise forms a pronounced south-east facing slope, dropping from Upton Hill to the north west towards the base of the valley containing Easington Beck. The lower parts of this slope, below the minehead, are heavily wooded whereas the slopes above are more open in character, mainly in agricultural use, although there are smaller blocks of woodland to both the north and west of the operational site.
- 2.2.4 A number of residential properties and local businesses, comprising both isolated properties and small clusters, are located in relatively close proximity to the surface site boundary. These include properties to the South including Ridge Hall and associated holiday cottages, Ridge Farm and East and West Ridge Lane Farms; the West, including properties at Twizziegill Farm and in the vicinity of Ings Farm; the North including Boulby Barns Cottages and Boulby Grange, Boulby Lodge and Allandale; and East, including Redhouse Farm and in the vicinity of Onehams Farm. The nearest of these properties lies within 15m of the overall Mine boundary, although more distant (in excess of 400m) from areas of the site where mineral processing, handling and storage operations take place.
- 2.2.5 There are a number of other significant features and designations in proximity to the operational surface site area:

Ecological designations include:

- North York Moors SAC/SPA/SSSI - approximately 2.8km distant;
- Boulby Quarries SSSI – approximately 1km distant;
- Staithes-Port Mulgrave SSSI – approximately 2km distant;
- Runswick Bay Marine Conservation Zone – approximately 2.2km distant;

- Oneham's Pasture and Easington Beck Local Wildlife Site – adjacent to the operational site;
- Saltburn to Staithes Coast Local Wildlife Site – 1.8km distant;
- An area of ancient woodland and replanted ancient woodland lies within the wider area controlled by the applicant but outside the Mine operational area.

Cultural heritage designations include:

- The Staithes Conservation Area - approximately 1.6km from the operational site boundary;
- A number of grade II listed buildings and structures within 1km of the operational site boundary, and a further four located within 1.5km;
- One Scheduled Ancient Monument within 1km of the operational site boundary, and a further four within 1.5km.

Access and public rights of way include;

- The Cleveland Way National Trail, which passes approximately 150m from the operational site boundary and at this point is also coincident with the route of the England Coast Path;
- Route 1 of the National Cycle Network, which connects Dover and the Shetland Islands and is described by Sustrans as one of the networks' star routes, passes the entrance to the Minehead site
- A number of other public footpaths links and a bridleway lie within 1km of the operational site boundary.

2.2.6 More detail about the relationship between the proposals and specific designations and receptors is provided in the Main Issues section where relevant.

2.2.7 The application also includes, within the proposed development boundary, an 'onshore underground area' amounting to 3,630ha. This area of land extends mainly to the south-east of the minehead site, encompassing the coastline from the National Park boundary to the west of Boulby, to a point approximately 1km east of Runswick Bay and extending inland between 3 to 4 km.

2.2.8 The minehead site has a rail loading facility with an established link via a private rail line, owned by the applicant, as far as Carlin How (outside the National Park near Loftus), where it joins the line owned by Network Rail. The link is used for export of mineral products from the Mine to handling and port facilities on Teesside.

2.2.9 The main minehead site connects to the public highway via a single access point onto the A174 at the northern end of the main surface site.

3. Planning history

3.1 Planning permission for development of a potash mine at Boulby in the North York Moors National Park was first granted by the Minister for Housing and Local

Government in 1968 following call-in of the application, alongside two other applications for potash extraction. The National Park Committee at the time opposed the application. Construction commenced in 1969 and the Mine, which is the UK's only working potash mine, became operational in 1973. Prior to development as a potash mine, and pre-dating the introduction of the statutory Town and Country Planning system, the site and its immediate vicinity had a long history of mining, particularly ironstone mining, and related development and the remains of former mining infrastructure are still present on adjacent land.

- 3.2 In 1998 permission was granted by the National Park Authority (NPA) for the retention of the existing potash and salt mine, including all surface installations, buildings, plant etc. and an extension to the approved underground working area. This remains the substantive planning permission controlling activities at the Mine. It authorises mining until 6 May 2023 and requires the surface site to be restored within 2 years of that date.
- 3.3 During the operational life of Boulby Mine a substantial number of further permissions have been granted for erection of additional buildings and installation of additional plant and equipment. The most significant of these is the permission granted in 2014 for construction of a new polyhalite processing plant, which now represents one of the larger structures present on site.
- 3.4 From commencement of mineral extraction in 1973 until recently, the main focus of the Mine has been on extraction of sylvinite, a potassium-bearing mineral ore used primarily in agricultural fertilisers. Sylvinite was processed on site in order to manufacture Muriate of Potash (MOP), which is the main potassium-bearing potash fertiliser product sold to the UK market. The Mine also produces rock salt for winter treatment of roads.
- 3.5 Prior to recent difficulties in accessing mineral reserves, the Mine extracted up to around 3mt of sylvinite per annum for processing into c.1mt of saleable potash in the form of MOP and small volumes of associated potash products (after processing the remaining non-saleable element was disposed of via an subsea outfall under the terms of an environmental permit).
- 3.6 In 2016, ICL Boulby indicated an intention to undertake a strategic review of operations. In January 2018 it announced an intention to switch from extraction of sylvinite to extraction of polyhalite, another form of potash mineral, in view of increasing difficulties in accessing remaining permitted reserves of sylvinite of sufficiently high quality, taking into account foreseeable potash commodity prices. The 2019 planning application summarises the position as follows:

‘Over recent years, the extraction of sylvinite became increasingly difficult and inefficient, as existing seams were worked out and potential, additional resources largely lie beyond significant fault lines. Coupled with uncertainty over the price that MOP can be sold at, ICL Boulby had to review their business plans to find an efficient and profitable manner in which to continue operations.

This review led to the cessation of sylvinitic extraction in 2018, and a focus on polyhalite and salt extraction going forward.'

- 3.7 Polyhalite is higher in sulphur (another important plant nutrient) than sylvinitic and MOP but lower in potassium and is being produced by ICL Boulby under the brand name Polysulphate. ICL Boulby is also developing a high potassium product, marketed under the name Potashplus, by mixing polyhalite from Boulby Mine with imported MOP.
- 3.8 A transition from sylvinitic to polyhalite extraction was completed in July 2018 and the Mine now produces both polyhalite and salt. The Authority has taken the view that extraction of polyhalite, instead of sylvinitic, is within the scope of the current permission, which is for the retention of a potash and salt mine and processing of extracted mineral.
- 3.9 The current application to retain the Mine for a further period of 25 years beyond the 6 May 2023 expiry date of the extant permission for mineral extraction was submitted on 31 October 2019.
- 3.10 In addition to permissions relating to mining, the main minehead site has the benefit of extant permissions for science research facilities, first granted in 1998 and with a further permission in 2007. These authorise a surface laboratory building to support underground science research activities using the deep mine workings to conduct forms of research for which low levels of background radiation and avoidance of other surface interferences are necessary. The surface facilities are subject to a time limit which essentially requires them to be removed when the main minehead site is restored. More information about the range and significance of the science research uses being undertaken is included later in this report in the sections 'Third party representations' and 'Main issues'.

4. Proposals

4.1 Summary of proposals

- 4.1.1 In summary, planning permission is sought for:
- 4.1.2 A reduction in the extent of the authorised onshore underground area from 13,740ha as currently permitted, to 3,630ha. The extent of the area proposed to be retained would be as described in para. 2.2.7.
- 4.1.3 Whilst the original application statement refers to the potential for continued minerals extraction within the onshore underground area, the applicant has subsequently clarified that all minerals extraction would take place offshore. However the reduced onshore area is proposed to be retained for the purposes of driving underground access roads and for water pumping and other maintenance operations within the Mine workings.
- 4.1.4 the permitting of extraction under the North Sea in the offshore area is within the regulatory remit of the Marine Management Organisation, who have indicated that such extraction is likely to be subject of a licensing exemption under the

Marine and Coastal Access Act 2009, subject to satisfactory confirmation from the applicant to the MMO that the terms of exemption will be met.

4.2 The proposals in more detail

a) The winning and working of polyhalite and salt over a 25 year period (from 6 May 2023 when the current permitted timeframe for minerals extraction expires).

- 4.2.1 The applicant proposes that extraction of polyhalite would increase from current relatively low rates, to a theoretical maximum of 3mtpa by 2030. However, the applicant has also clarified that a more realistic maximum rate of extraction, bearing in mind market factors, would be around 2 to 2.5mtpa.
- 4.2.2 Rock salt is expected to be extracted at a rate of around 350ktpa, although the applicant has stated that the Mine has the potential to supply around 500ktpa (equivalent to approximately half the UK's estimated total need for rock salt) if required.
- 4.2.3 As noted earlier, both polyhalite and rock salt would be extracted from the offshore underground area, at a depth of around 1100m -1400m below sea-level, although access to parts of the offshore area with suitable minerals resources may require the driveage of new underground access tunnels within the onshore area.
- 4.2.4 The method of extraction would remain the same as for the existing development. Access to the underground workings would be gained via the two existing shafts at the minehead. Underground mineral working would be via pillar and stall extraction to help ensure the stability of the workings. Underground access roadways would be driven within the polyhalite and salt deposits and these would be used for the underground transport of workers, materials, ore and for ventilation and other services.
- 4.2.5 The existing planning permission for the Mine includes a condition (condition 4b) which prevents minerals extraction or other forms of underground development within 1.5km of the coastline (high water mark) without the prior approval of the National Park Authority. Approval was granted in 2002 for the partial relaxation of this condition with respect to three discrete areas, in order to facilitate underground development into the offshore area. As part of the current proposals, the applicant is seeking authorisation to undertake some underground development (for the purpose of constructing access roadways but not minerals extraction) within this 1.5km zone.
- 4.2.6 The existing permission also prevents underground mining from taking place beneath an area of land extending from Brotton and Loftus (outside the National Park) across the National Park boundary to encompass a small area of land around Easington. The reduced area of underground development now proposed includes within its scope the restricted area around Easington, although as noted earlier the applicant only proposes to undertake underground roadway

development and maintenance operations within the onshore area under the terms of any new permission.

- 4.2.7 A confidential report has been supplied by the applicant relating to the availability of minerals reserves, resources, and mineral quality at the Mine. Although not an independent assessment, the report has been prepared by a 'Competent Person' for the purposes of declaring compliance with the 2012 international Joint Ore Reserve Committee (JORC) standards. Information in the report confirms the existence of a high purity polyhalite deposit, with indicated and inferred resources sufficient to last a substantial way through the proposed extraction period at the estimated likely maximum rate of production (assumed 2.5mt pa), with prospects for significant further resources to the north-east and south-east and a further underground exploration drilling programme planned.
- 4.2.8 The polyhalite ore is processed by crushing and then screening it mechanically into different size fractions. These comprise a Granular product with a particle size range of 2-4mm, a Mini Granular product (1-2mm) and a standard product (0-2mm). Standard product is also reconstituted to form a 'premium' granular product. Additionally, polyhalite fines (less than 1mm) are combined with MOP to form a product marketed as PotashpluS. Granular and Standard products account for the majority of production. Manufacture of PotashpluS requires additional processing on-site, and this activity is still in a research and development phase utilising adapted plant and equipment rather than a bespoke facility.
- 4.2.9 Halite ore extracted at the Mine is subjected to a relatively simple crushing and screening process in order to form the road salt product.
- 4.2.10 Mineral products would continue to be transported from the site by both rail (for longer distance deliveries) and road (local deliveries), in line with current arrangements. The majority of products are transported by rail to Teesside and the ICL Teesdock facility. Road exports are limited under the terms of the existing permission and related legal agreement to a maximum of 150,000 tonnes in any 12 month period, and to a maximum of 66 loads of product leaving the site per day. This is to provide a degree of flexibility for more local deliveries. A HGV routeing agreements requires use of the A174 north and southbound unless for specific local delivery purposes. The applicant proposes that existing restrictions on HGV volume and routeing would remain under the terms of any new permission.

b) The temporary importation of MOP (over the period until 31 December 2027) to allow the manufacture of fertiliser products.

- 4.2.11 In 2018 the NPA became aware that ICL Boulby has been, and continues to, import MOP into the Boulby Mine surface site for subsequent processing in the manufacture of PotashpluS. This followed completion of the transition from sylvinitite to polyhalite extraction during that year, and the resulting lack of availability of Boulby sylvinitite as the raw ore necessary for the on-site manufacture of MOP. It is understood that the imported MOP originates from

ICL's overseas mining operations (including in Spain) and is brought into the site by lorry via port facilities on Teesside.

4.2.12 As noted above, no specific new structures or significant items of plant and equipment have been erected or are being used on site for the processing of MOP into PotashpluS, with the operator instead seeking to utilise or adapt existing buildings, plant and machinery for this purpose.

4.2.13 In the summer of 2018 the NPA advised ICL Boulby in writing of its provisional view that conditions 2 and 3 of the 1998 planning permission for Boulby Mine do not allow for such importation. As it was known at that time that ICL Boulby was intending to submit a planning application for a further phase of mine development beyond the current 2023 expiry date, the developer was advised in 2019 either to submit a freestanding application to regularise the position, or to incorporate this element within the expected application to continue the Mine beyond 2023. The 2019 application seeks approval for the importation of MOP for the period to 31 December 2027. The application statement explains the rationale for importation of MOP as follows:

- Following the cessation of sylvinitic extraction in 2018, and MOP subsequently not being produced at Boulby Mine, ICL Boulby have been importing MOP into the site by HGV to allow the processing of polyhalite and MOP to produce PotashpluS. This MOP comes from other ICL Fertiliser sites and is therefore a secure and cost-effective supply. ICL Boulby is investigating land options in Teesside for the development of a permanent processing plant and once this site is operational, importation of MOP to Boulby Mine will cease and all production process to manufacture blended/compound products will all cease at Boulby Mine. At this point, Boulby Mine would only produce forms of polyhalite and salt in their raw form. It is expected that ICL Boulby will need up to 10 years to acquire and develop an appropriate site on Teesside, and to switch operations fully over from Boulby Mine to Teesside. It is estimated that until this point, a maximum of 400,000 tonnes of MOP will be required to be imported to Boulby Mine annually.

4.2.14 Since submission of the application, and following concerns expressed by officers about this element of the proposals (in the context of national policy and the need to locate major development in a National Park), the applicant has now indicated that it would be willing to accept a more limited timescale for importation and processing of MOP and the manufacture of PotashpluS at the Boulby Mine site, with this activity to cease by 31 December 2027, following the switch of PotashpluS manufacturing capacity to a new offsite production facility. Whilst in some application documents the applicant has indicated that a new facility would be developed on Teesside, others suggest that processing activity could be located elsewhere in the UK or overseas. It is understood that the applicant is currently investigating potential locations for an off-site processing facility, with a location on Teesside being the applicant's preferred option, although no formal proposals have been brought forward at this stage.

4.2.15 Further clarification of the applicant's position on this matter was provided by ICL Boulby in April 2021, when it was stated that: If a Teesside facility could not proceed for any reason before 2027, then CPL has the option of utilising ICL-owned facilities in Europe. As such, the provision of a Teesside facility is not critical to the implementation of the proposed development at Boulby Mine and the proposed development could proceed without it. A subsequent update in July 2021 confirms that provision of a processing facility on Teesside remains the applicant's preferred option and that it is pursuing discussions with relevant parties.

c) The retention and operation of all surface installations, buildings, plant etc, subject to a phased deconstruction plan within the 25 year period.

4.2.16 The Boulby Mine operational surface site has an extensive range of large scale buildings, plant and equipment and related infrastructure including a combined heat and power plant, car parking and access roads, rail sidings, helipad, water storage and treatment tanks, drainage facilities and open air product storage silos and areas.

4.2.17 The tallest existing structure is the chimney stack serving the main processing building, with a maximum height above ground level of 87.5m. The adjacent processing building itself, which is of much greater massing, has a height in excess of 40m and there are many other buildings and structures on the site with a height in excess of 20m, including the rock shaft tower approximately 51m tall.

4.2.18 Whilst the majority of buildings and structures would remain, the applicant proposes the phased removal of structures that would no longer be required, and a reduction in the size of a number of other structures. The aim of this would be to consolidate built development on to a smaller footprint to reduce the extent of landscape and visual impact, as well as to increase operational efficiencies. The applicant states that a phased approach would be needed to allow for a transition from current activities to those required for future operations and to provide some degree of flexibility for the operator to deliver a managed transition, bearing in mind the site will remain operational.

4.2.19 The phased approach proposed by the applicant is summarised below:

Phase 1 - Late 2020 to early 2021 (these have now been completed): Peripheral Plant Demolition (assets externally local to the main plant buildings including, tanks, pumps, launders, centrifuges, Horizontal Belt Filter (HBF), ECAT, Thickeners, No2A Crystalliser etc.);

Phase 2 – 2021: Raw Ore System: Tail end of 517-202 to the head end of 517-203 Raw Ore Storage, Bunker and Conveyors. (The 2,000 tonne bunker and conveyors). These have been completed or are in progress;

Phase 3 – 2023: Internal Plant Area: Three Crystallizers, two filter presses and associated tanks and pumps;

Phase 4 – 2024: The Wet Plant: Within the main plant building, all plant, equipment and structures relating to the wet processing activities;

Phase 5 - 2024-2027: Slimes and tails thickeners and associated pumping infrastructure; oil storage building; sports dome and construction store; general stores building; administration building; old boiler house; engineering services building, 87.5m stack.

- 4.2.20 The applicant has also clarified that, as part of the Phase 4 works, the main plant building would be reduced in height and the existing stack connected to this building would be removed. They state that the exact reduction in height of the main plant building (which is currently in excess of 40m in height) cannot be confirmed at this point in time, as it will depend on the facilities required for the simple crushing and grinding processes required to produce Polysulphate and how other facilities in the plant building can be removed around the remaining equipment. From the work undertaken to date by Cleveland Potash Ltd it is expected that this building would be reduced in height by around 50%. This assumption has formed the basis for the applicant's photomontages and the applicant has subsequently confirmed that they would be willing to have a 50% reduction made a requirement of any planning permission granted.
- 4.2.21 Where practicable, the cleared land would be converted to agricultural land and nature conservation areas in accordance with the longer-term restoration plan for the site.
- 4.2.22 As well as the removal or reduction in size of some buildings and structures, the original proposals submitted also made reference to a proposed new office building, to be located at the western end of the surface site. This would be a two to three storey structure, 50m by 50m in area, with the applicant proposing that further details be agreed via a planning condition. Following further discussion with officers this element of the proposals was withdrawn from this application in April 2021.
- 4.2.23 Alongside the retention of a range of surface buildings and infrastructure used to support mining activities, the applicant also proposes to retain the surface laboratory building used in association with the underground dark matter and space science research facility (see para.3.10).
- 4.2.24 Following negotiation with officers on the approach to delivery of the requirements of Local Plan policy ENV8, which requires new development in the National Park of 200 sq. m or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions, the applicant originally brought forward proposals to provide for this via a ground-based solar PV installation on land within the applicant's ownership immediately to the north of the operational site area. Following further review and discussions with officers this element of the proposals was withdrawn in April 2021.

d) A three year period for site decommissioning and restoration at the end of the 25 year period

- 4.2.25 Following cessation of minerals extraction, above ground structures would be decommissioned and demolished. The applicant states that all existing surface structures would be removed with the possible exception of the two concrete winding towers where there may be an option to retain these in situ as historic features if considered appropriate. Shafts would be filled and capped and any foundations would either be removed or left in situ where sufficient depth of new soil cover could be achieved. Rails would be removed from the railhead but it is proposed that the trackbed be retained as a historic feature. All other hard surfaces would be broken out and removed except in areas where a minimum 1m of soil cover could be achieved. All utilities and services would be disconnected at the site boundary and removed from areas within the Mine site. The applicant states that all reasonable attempts would be made to reuse or recycle demolition materials.
- 4.2.26 Fixed underground plant would be left in-situ unless it were able to be re-used on other mine developments although potentially polluting materials would be removed.
- 4.2.27 Following decommissioning the site would be restored to an agreed landform in keeping with the surrounding countryside. The applicant states that this is likely to include a series of undulating terraces falling from high ground in the north-west towards lower ground in the Easington Beck valley to the south and south east. Drainage culverts would be opened up to form surface drainage channels connecting to existing watercourses and a series of permanent ponds and flushes would be created. Subsoil and topsoil would be replaced and the applicant states that this would be carried out in a way to minimise the value of the limited topsoil resources available.
- 4.2.28 The applicant estimates that decommissioning and restoration to replacement of topsoil would take approximately 3 years.
- 4.2.29 Following initial restoration the site would be subject to a scheme of aftercare for a minimum period of 5 years, to include the following actions:
- Woodland and hedgerow planting
 - Cultivation and seeding
 - Drainage works including underdrainage
 - Field boundary treatment including fencing
 - Provision of footpath, tracks, roads, car parking, stiles, gates and signage
 - Ponds and wetland creation
- 4.2.30 The applicant further states that details would be agreed with the NPA and that progress through the aftercare period would be monitored through production of annual monitoring reports and site meetings with relevant parties.

5. Proposed developer contributions under Section 106

- 5.1 The applicant has put forward suggested heads of terms for a Section 106 legal agreement which it proposes would accompany any permission for the development sought, in order to provide for further mitigation of, or compensation for, residual harmful impacts which cannot be addressed through use of planning conditions. Section 106 obligations must comply with the tests in regulation 122(2) of the Community Infrastructure Levy Regulations 2010 if the decision maker is to rely on them as a reason for granting permission.
- 5.2 These tests require that, for any such obligations to be taken into account as a reason for granting permission they must be:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
- 5.3 In brief summary the applicant has proposed obligations relating to the following matters:
- Landscape mitigation and compensation contribution;
 - Tourism economy mitigation and compensation contribution;
 - Heritage assets mitigation and compensation contribution;
 - Monitoring and implementation contribution;
 - Policy ENV8 carbon offsetting contribution;
 - Subsidence and effluent monitoring;
 - HGV routing, volume and timing restrictions;
 - Contingency off-site noise mitigation measures.
- 5.4 Further information about the proposed obligations, the legal and policy context for them and the officer judgement on them in relation to relevant legal tests and planning policy is set out in Section 22 of this report.

6. Consultations

6.1 Redcar and Cleveland Borough Council

- a) Highways – have no objection subject to maintenance of existing restrictions on HGV volume and routeing and implementation of a Travel Plan;
- b) Environmental Protection - have no objection and comment that the Council will continue to manage environmental emissions including noise, under the Environmental Protection Act 1990, to ensure the site does not create a statutory nuisance to nearby environs.

6.2 North Yorkshire County Council

- a) Highways Authority - Has no objection subject to maintenance of existing restrictions on HGV volume and routeing, via Section 106 obligations (to which the Highways Authority would wish to be a party) and to conditions requiring installation and use of wheel washing facilities and to ensure provision of a Sustainable Travel Plan;
- b) Lead Local Flood Authority – has not commented.

6.3 Loftus Town Council

- a) Support the application as it is essential for economic stability and the potential for future economic growth.

6.4 Mickleby Group Parish Council

- a) Support the application.

6.5 Hinderwell Parish Council

- a) No comments as the application is outside the Parish boundary.

6.6 Roxby Parish Council

- a) Has not responded.

6.7 Ugthorpe Parish Council

- a) Has not responded.

6.8 Borrowby Parish Council

- a) Has not responded.

6.9 Newton Mulgrave Parish Council

- a) Has not responded.

6.10 Department for Levelling up, Housing and Communities

- a) Has no comment on the environmental statement.

6.11 Historic England (HE)

- a) In its initial response, Historic England advised that Boulby Mine is a current working feature in the landscape and therefore, because the proposal does not introduce any new industrial components to the complex, there are no new impacts to the significance of designated and undesignated heritage assets to consider. HE therefore consider that the application meets the requirements of the NPPF, particularly para. 189 and raise no objections on heritage grounds.

- b) HE agree with the applicant's suggestion that restoration and possible enhancement of the site should be considered in detail nearer the time of decommissioning.
- c) HE also advised that consideration should be given to the recording of the existing mine complex (above and below ground) before the phased deconstruction begins and in advance of full decommissioning. They state that this could be undertaken by film, rather than detailed metric or digital survey, and include oral history interviews with the current and preceding workforce to help identify the significance of the Mine to them in order to preserve a 'living' archive.
- d) It should be noted that HE provided a substantially updated and revised response following consultation on further environmental information and this is summarised in the next section of the report.

6.12 Natural England (NE)

- a) NE's initial response to the application noted that the development could have potential significant effects on the North York Moors Special Protection Area and Special Area of Conservation and that planning permission should not be granted in the absence of further information to determine the impacts of the development. Specifically, NE requested that further information be provided on traffic flows on roads near to the development and within 200m of the designated sites in order to screen for likely significant effects, both alone and in combination. NE advised that if, following an updated screening for likely significant effects, such screening indicates a likelihood of significant effects, or uncertainties, then the NPA should undertake an appropriate assessment to fully assess the implications of the proposals on internationally designated sites and undertake further consultation with NE.
- b) With regard to landscape impact, NE considers that the Landscape and Visual impact Assessment has been carried out to a sufficient standard and welcomes the mitigation measures proposed. It raises no objection subject to appropriate further mitigation measures, via planning conditions or obligations, to include:
 - Screening from viewpoints from the A174 towards the beginning of the permission;
 - Where feasible, additional screening for views from the Cleveland Way (and English Coastal Path);
 - Ensuring the tranquillity of the National Park is maintained and not impacted by additional traffic.
- c) NE also advises that the development has the potential to adversely affect woodland classified on the ancient woodland inventory and refers to standing advice on this matter.

- d) With regard to ecology and ornithology, NE also request that consideration be given to requirements for monitoring, mitigation and enhancement during the operational and restoration phases.

6.13 Natural England additional comments in response to further information on traffic movements through the North York Moors SAC/SSSI- April 2020

- a) 'Based on the additional information and plans submitted, Natural England considers that the proposed development will not have likely significant effects on the North York Moors SAC and has no objection regarding impacts to the North York Moors SAC/SSSI.

- b) To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:

- Using the average baseline between 2015-2019, the increase in Annual Average Daily Traffic will only amount to 157 HGVs and 138 cars traveling through the North York Moors SAC. This is below the standard threshold set by Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations when determining a Likely Significant Effect;
- The figures quoted (in the letter dated 9 March 2020 from Wood plc.) for vehicle movements traveling through the North York Moors SAC are precautionary. This is because they assume that all traffic travelling to and from the east of the proposal will go through the North York Moors SAC (on the A171).
- Under the past permission, staff numbers (and vehicle movements) were significantly higher than the current proposal;
- Case Study F (Atmospheric nitrogen profile for North York Moors SAC) of the Improvement Programme for England's Natura 2000 Sites - Planning for the Future IPENS049 showed that road emissions were not a major contributing factor to nitrogen deposition on the SAC at current;
- Unit 113 (Ugthorpe moor) is intersected by the A171 and is currently in favourable condition;
- Although not directly related to impacts on the SAC, the proposed travel plan may provide some mitigation.

6.14 Environment Agency – Has no objection but draw attention to the following detailed comments:

- The development should be carried out in accordance with the submitted Flood Risk Assessment, which should be listed as an approved plan/document in any permission granted;
- North Yorkshire County Council should be consulted in their capacity as Lead Local Flood Authority with respect to surface water drainage;

- The applicant will need to secure a groundwater abstraction licence for ongoing dewatering works.

6.15 Forestry Commission

- a) Refer to the applicant's intention to manage existing woodlands and comment that woodland management plans should be UKFS compliant. The Forestry Commission also request that it be consulted on any restoration plans including creation of, or which may affect, existing woodland/forestry.

6.16 The Coal Authority

- a) Confirm that the application site lies within a defined Development High Risk Area and that records show 23 mine entries within or immediately adjacent to the planning boundary and 5 mine entries within the operational boundary. As the proposed development is for winning and working of polyhalite and salt only, the Coal Authority has no specific comments but states that, in the interests of public safety, the applicant should ensure that all site operatives should be made aware of the presence of these mining features. The Coal Authority also requests that an Informative Note should be included on any planning permission granted. Detailed wording for an Informative Note is provided in the response.

6.17 Marine Management Organisation (MMO)

- a) MMO have reviewed the legislation and advice and conclude that the activities described fall within the scope of the Marine and Coastal Access Act 2009 and that the proposed works appear to fall within the scope of Article 35 of the 2011 Exempted Activities Order. Notification of the intention to carry on the activity must be submitted to the MMO and the applicant will need to satisfy itself that the exemption applies and will need to provide the MMO with above exemption notification.

6.18 Health and Safety Executive

- a) Has not responded.

6.19 North Yorkshire Fire and Rescue Service

- a) Has no objection at this stage and comment that further assessment of suitability of proposed fire safety measures will be made in response to consultation under Buildings Regulations.

6.20 Cleveland Police

- a) State that the applicant should make direct contact for advice and guidance in relation to designing out opportunities for crime and disorder.

6.21 Yorkshire Water

- a) Comment that the area is not served by the public sewerage network and the application should be referred to the Environment Agency and Local Authority

Environmental Health section for comment on private treatment facilities, and to Northumbrian Water for comment on water supply.

6.22 Northumbrian Water

- a) Has not responded.

6.23 Network Rail

- a) Has not responded.

6.24 Ramblers Association

- a) Has no objection but requests that procedures are in place for the adjacent PROW to be open at all times during the construction period.

6.25 Campaign for National Parks

- a) Has not responded.

6.26 Council for the Protection of Rural England

- a) Has not responded.

6.27 North Yorkshire Moors Association

- a) Has not responded.

6.28 NPA Buildings Conservation Officer

- a) Provides detailed comments on the evolution of the built heritage in the vicinity of the Mine and observes that: 'The mine at Boulby is without a doubt incongruous in the rural hamlet of what was Old Boulby and Boulby Grange. The scale and massing of the structure along with the urban and industrial materials, pollution (noise, light, air) that the site is characterised by is at odds with its setting and undoubtedly causes harm to the aesthetic and historical qualities of the area.'
- b) 'The mine however, is part of the history of the area and part of the narrative of extractive industries of the local area. Its removal would be a benefit as a whole, but there is some (limited) value in the communal properties of the site, deriving from the employment it has brought. '
- c) 'As a whole the site negatively impacts on the historical significance of the area and nearby Staithes. Furthermore its presence is likely a contributing factor as to why Staithes has not generated the levels of income, preservation and habitation as Robin Hoods Bay that would in normal circumstances facilitate the preservation and enhancement of the numerous listed buildings and the conservation area.'
- d) 'Whilst I raise no objection to the continuation of the mine, as some of the damage to the historic environment (destruction of archaeological and built heritage) has already been done and is to a degree irreversible, I have concerns

about the ongoing lack of investment into Staithes which has a dense concentration of listed buildings and a conservation area, both of which are classed as designated heritage assets.'

- e) 'In the exercise of its planning functions with regards to development which affects a Listed Building or its setting, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.'

'Paragraph 184 of the NPPF advises that heritage assets "are an irreplaceable resource and should be conserved in a manner appropriate to their significance". Paragraph 193 advises that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". Paragraph 194 states that "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".'

- f) 'I would ask that with any grant of permission that the applicant should seek to offset the continuing harm caused to Staithes and the setting of nearby listed buildings, such as Boulby Grange. The applicant should work with the Authority and other local stakeholders to form a package of proposals that would achieve this.'
- g) 'I would also ask that provision be made for a scheme of Historic Building Recording of the mine, prior to its demolition at the end of its permission. This will preserve by record the form of the site, paying particular attention to long distance views to record what is undoubtedly, a local landmark even if the impact of this landmark is considered visually negative. This is similar to the approach taken at Harworth Mine prior to its demolition.'

6.29 NPA Archaeology officer

- a) Agrees with the conclusion of the EIA and HE that the impact on designated assets within 2km is largely negligible, though they would see a marginal improvement were the site decommissioned earlier. In terms of impact on the historic landscape, the Archaeology officer comments that the high chimney can be seen from a large swathe of the northern National Park. This area includes some highly significant prehistoric landscapes, amongst a myriad of other designated and non-designated features and monuments encompassing most of human history in this region. However, for the most part the chimney has a negligible impact on these assets, being only a small part of the skyline. If

removed, it would be a slight benefit to these other features. Overall the Archaeology officer concludes that although there is a minor adverse effect on the setting of nearby historic assets, there would not be a major benefit to those assets if the mine site was removed.

- b) The Archaeology officer also supports Historic England's position of welcoming consultation on the decommissioning and restoration of the site, whenever that may be, to restore the environment in a sensitive way for nearby heritage assets. This could include a record of the Mine and the working lives of those who worked in it.

6.30 Responses to consultation on further information received during 2020

- a) Following receipt of further environmental information during 2020, including information relevant to assessment under the Habitats Regulations, an additional phase of public consultation took place, for a statutory period of 30 days, as required under relevant legislation. The following responses were received.

b) Redcar and Cleveland Borough Council Planning – No comments

- c) Redcar and Cleveland Borough Council Environmental Protection** – Reiterate previous comments relating to air quality, stating that the site operates a mineral drying and cooling operation under the Environmental Permitting (England and Wales) Regulations 2016 SI 1154, which is regulated under a permit by Redcar and Cleveland Borough Council. The permit covers environmental emissions to atmosphere including particulate emissions from both the mineral drying operation (stack emissions) and site surface operations (fugitive emissions).

RCBC states that the proposed mine extension will mean the continued regulation by the Council to ensure all environmental emissions, including noise, under the provisions of the Environmental Protection Act 1990, will be appropriately managed to meet emission levels and ensure the site does not create a statutory nuisance to nearby environs.

RCBC notes that a noise assessment has been submitted in support of the planning application. It comments that a BS4142 assessment has determined that there is potential for an adverse impact on noise sensitive receptors for both day and night time, whilst also noting that the ambient noise levels at noise sensitive receptors exceeds the assessment rating level by a minimum of +7 dB. RCBC therefore have no objections but comment that, notwithstanding any approved details made under planning provisions, should any noise or other nuisance occur then action may be taken under statutory nuisance provisions.

- d) North Yorkshire County Council Highways and Transportation** – Comment that the Travel Plan proposed by the applicant has looked at existing travel to work patterns and some of the constraints and difficulties in trying to get staff to shift away from single occupancy car use, currently the primary mode of transport to the site and accepts that due to the relatively remote location of the mine site and the shift patterns amongst staff there are perhaps limited choices available. The

proposed facilitation of a car sharing scheme is welcomed and should be of benefit to some staff.

NYCC (Highways and Transportation) consider that options for walking/cycling and using public transport are restricted and promotion of such measures are unlikely to result in any significant modal shifts. However given the relatively large number of employees on site at any one time, one measure that that may be viable and successful in reducing car trips is the use of a company run shuttle bus. This could operate to coincide with shift patterns on site for example, with pick up and drop off points at a number of the nearby larger settlements. Such a scheme could have the potential to facilitate a significant switch from private cars, reduce vehicular trips to the site and should be considered as part of the Travel Plan.

- e) **Scarborough Borough Council** - Note and accept the case made by the applicant regarding the ongoing national need for the polyhalite and rock salt produced by the Mine. It recognises the major contribution that this facility makes to employment and the economy of the local area and, therefore, welcomes and supports the continued operation of the Mine for a further 25 year period. However, it considers that the future operation of the Mine should meet the highest practicable environmental standards, taking account of the constraints imposed by the existing site, its location and infrastructure and that all associated activities should be carried out as sustainably as possible.

The Borough Council also requests that whatever measures are necessary should be implemented to minimise the effects of subsidence and that considerable attention be given to securing arrangements for the remediation and after-use of the site.

- f) **Scarborough Borough Council Environmental Health** – No objections
- g) **Loftus Town Council** – No objections
- h) **Hinderwell Parish Council** – No objections
- i) **Coal Authority** – No specific observations and original comments remain valid.
- j) **Yorkshire Water** – Confirm that their response to the initial consultation still applies.
- k) **Northumbrian Water** – No comments
- l) **Historic England** – Initially offered no specific comments but suggest that the views of NPA’s own specialist conservation and archaeological advisers are sought and that HE will provide more detailed advice on request.

In response to Historic England’s offer to provide further advice on request, additional advice was sought in the light of views received from the Authority’s own specialist advisers. As a result the following additional views were expressed by Historic England.

Accepting the baseline condition (using the concept of the site in a restored condition), the extension of mining operations will generate 'harm' to the significance of designated and non-designated heritage assets, but this 'harm' will be less than substantial. Additionally, after the proposed 25 year extension period there will be phases of decommissioning and landscape restoration: but this is still a generation in human terms.

Historic England considers that less than substantial harm would be caused to significance of the following designated heritage assets:

- Round barrow on Boulby Cliffs;
- Boulby Alum Quarries and Works;
- World War One early acoustic warning mirror near Boulby Barns Farm;
- Staithes Conservation Area and associated Listed Buildings.

With reference to impact on Staithes, Historic England comment that high historic, evidential, communal and aesthetic values are attached to this very distinctive settlement, giving it high significance. There is very limited visibility of the Mine, principally from the extreme south-western extent of the Conservation Area. The continuation of the mining operation will generate less than substantial harm to the significance of the Conservation Area, but the presence of the mine is incongruous and has a negative impact on the appreciation of its landscape context.

Para 193 National Planning Policy Framework (NPPF) requires that 'great weight should be given to the asset's conservation...irrespective of whether any potential harm amounts to...or less than substantial harm to its significance'. Any harm to the significance of heritage assets requires clear and convincing justification (NPPF, para 194). Para 196 of the NPPF requires that, where there is 'less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.'

Historic England has considered the advice from the authority conservation and archaeology officers and agrees that, whilst it does not object to the proposal on heritage grounds, the authority should work with the applicant to identify a suite of mitigation and compensation measures to address any harm generated by the continuation of the mining operation, specifically its likely impact on the vitality of Staithes. Historic England considers that the suggested advice and conservation measures are sensible and warranted, and agrees that the Boulby mining site should be recorded, being both a record of the fabric, but also an oral history of the workforce.

- m) North Yorkshire Fire and Rescue Service** – No observations but indicate they will provide more detailed advice at Buildings Regulations stage.

- n) **Cleveland Police** – Indicate that they are available to provide advice directly to the applicant.
- o) **Natural England** - Based on the additional information and plans submitted, Natural England considers that the proposed development will not have likely significant effects on the North York Moors SAC/SPA and has no objection regarding impacts to the North York Moors SAC/SPA/SSSI. NE state that its comments submitted on 7th April 2020 may provide a suitable justification for that decision, along with the other information submitted as part of the Environmental Statement. NE also state that their original comments on the need for landscape mitigation and on Ancient Woodland remain applicable.
- p) **Environment Agency** - Has no objections and confirm that the details in its previous response dated 05 December 2019 remain valid, with an additional comment in relation to groundwater, as follows: The geological layer of future mining has changed to polyhalite, with this not changing the scale of impact to groundwater. Dewatering within the mine will continue, with the vast majority of this groundwater from the Sherwood Sandstone principal aquifer.
- q) **Forestry Commission** - Welcome the retention of existing trees where possible. Any trees that are to be removed should be clearly identified in the planning documents and should only relate to those that fall within the direct footprint of any construction. Future woodland planting should follow UK Forestry Standard design principles and be compliant with the UK Forestry Standard. New woodland should seek to join and or connect existing areas of woodland where possible.
- Ancient Semi Natural Woodland and Plantations on Ancient Woodland are in close proximity to the proposed solar site, please ensure these are protected and appropriate buffers are assigned. The woodland to the south of areas 1 and 2 does not have a designation of ASNW or PAWS, however on a recent site visit ancient woodland indicators have been identified – we ask that you treat this in the same context as an ASNW/PAWS.
- r) **CPRE North Yorkshire - CPRENY** do not object to the winning and working of polyhalite and salt over a 25-year period from 2023 but have some concerns in relation to significant parts of the proposal, which they consider should be assessed against the policy requirements for major development in the National Park.

CPRENY's specific concerns relate to:

- the lack of clarity around the proposed relocation of mineral processing to an off-site location on Teesside, as no details of this have been submitted, and a proposal has not been submitted in tandem, nor a straddling application to the two authorities. CPRENY are concerned that this could take a longer period or, worst case, may not come forward at all and that neither of these scenarios has been adequately explored. CPRENY further believe that a proposal for an industrial processing plant at a site on Teesside would need fully assessing in

terms of its potential impact on the setting of the National Park, especially when viewed cumulatively with other large industrial developments in Teesside. It is considered that it may be premature to determine an application which is based on another scheme which may not come to fruition.

- The NPA should be wholly satisfied that the proposed office building at 50m by 50m and around 15m in height is considered appropriate and necessary and in conformity with policy (NPA officer note – this element has now been withdrawn from the application). Mitigation is essential and must be considered appropriate given the national protection in place for the landscape and biodiversity of the NP.
- The lack of details on, and assessment of, the proposed solar farm proposed as a means of satisfying Policy ENV8 of the adopted Local Plan (Officer note – this element has now been withdrawn from the proposals).
- Tranquillity is not limited to sound but also movement. Both elements are synonymous with the proposed development and usage. CPRENY are aware that members of the public residing within the vicinity of the mine have increasingly objected to increased levels of noise and lighting emitting from the plant. CPRENY believe that the NPA should ensure that these individual aspects are acceptable at this location within a protected landscape.

s) **North Yorkshire Moors Association (NYMA)** – States that it has considered the proposed development against the relevant planning policies and concluded that there is a measure of accord with them in particular with Core Policy E of the Development Plan and Policy M22 and D04 of the Draft Minerals and Waste Joint Plan (MWJP) and on the issues of National Need and Local Economy. The following specific comments are also provided:

Boulby Mine is an established mine and has been producing potash since 1973 and although this is a new application for planning permission it is also a continuation of mining operations which have been uninterrupted for over 40 years.

One of the main objections to the mine is as a major industrial presence within the National Park. Plans to reduce the visual impact of the mine site by moving processing operations to Teesside are welcome along with other environmental measures to mitigate the effect on the landscape and the marine environment. There is a national need for potash and sulphur as ingredients of fertiliser. Historically the national need for potash has been met to a large extent by the production of MOP from Boulby mine.

The loss in employment and consequent economic loss to the local economy which would arise if the application is refused would be very significant.

We consider that collectively these factors amount to exceptional circumstances and that the application is in the public interest and should be approved with conditions as set out in Chapter 16 of the ES. This includes incorporated mitigation and recommendations for mitigation as set out in tables 16.1 and 16.2

and additional conditions which the National Park consider necessary to add to these. We would also like to see the move to Teesside facilities brought forward if this is practicable so that the reduction in the buildings and structures at the Boulby mine site might be brought forward.

In response to further information and clarification submitted in 2020, NYMA welcome the revised programme which indicates that significant structures such as the 2000 tonne bunker and elevators will be removed within 6 months of planning permission being granted. Also that deconstruction of plant buildings, including a 50% reduction in height, and the removal of the stack will be brought forward from 2033 by 5 years from the granting of planning permission.

6.31 Responses to consultation on further information received during 2021

- a) Hinderwell Parish Council** – No comments
- b) Redcar and Cleveland Borough Council (Planning)** – No comments
- c) Redcar and Cleveland Borough Council (Environmental Protection)** – With regard to noise, note the amendments made to the noise assessment and proposed mitigation. Comment that, in response to complaints received, RCBC has not been able to establish statutory nuisance relating to noise and recommends imposition of a condition to require submission of a scheme of noise mitigation which specifies the provisions to be made for the control of noise.

With regard to dust RCBC recommend adherence to the dust mitigation measures set out in the Further Environmental Information.

A subsequent update from RCBC EHO in November 2021 indicates that RCBC completed an annual site inspection at the end of October and issues surrounding the noise and dust were discussed. Further works are to be completed with regards to noise and at present system 7 is not operational on a night time. Dust emissions around certain points of the process have been subject to some and further planned mitigation measures to prevent emissions. The boundary and off-site dust monitoring results show very low levels of dust, indicating that although there may be at times some visible dust this is falling out before it leaves the site boundary.

- d) Scarborough Borough Council** – Confirm comments made in response to previous consultations still apply.
- e) Environment Agency** – Has no objection and confirms that earlier comments still apply.
- f) Natural England** – Comment that it is for the Authority to determine the application consistent with policy and provide generic standing advice on nature conservation matters.
- g) CPRE** – State that it does not object but comment that the Authority should ensure that the proposals satisfy the Major Development Test.

CPRE make specific comments about night time noise impact, including querying the robustness of the applicant's approach to this, the need for reduction in night time noise as far as possible, in line with World Health Organisation guidelines and request that a detailed scheme of noise mitigation be submitted prior to determination of the application.

CPRE also request that phased partial deconstruction works commence as soon as possible and that a planning condition be imposed to require a fixed timescale for this, with opportunities sought for biodiversity net gain via agreement with the applicant.

- h) Yorkshire Water and Northumbrian Water** – Previous comments still apply.
- i) Network Rail** – No comments
- j) Cleveland Fire Brigade** – Provide general advice to the applicant on fire prevention and safety.
- k) Health and Safety Executive** – Provide general advice on industrial hazards.
- l) Ramblers Association** – Has no objection and comment that all adjacent PROWs should remain safe and accessible.

7. Third party representations

7.1 Pre-application publicity by the applicant

- 7.1.1 The applicant has submitted a Pre-application Consultation Report, which summarises the range of pre-application consultation activity undertaken and the feedback received. Activity was carried out in two main phases.
- 7.1.2 Phase 1 was carried out between April and June 2017, focussing on the principles of a new planning application to continue mining of sylvinitic. This phase included the holding of 19 public exhibitions and 13 Borough, Town and Parish Council meetings.
- 7.1.3 Phase 2 took place during September and October 2019 in the immediate lead in to submission of the current application. The applicant states that the purpose of this activity was to increase awareness of the transition from sylvinitic mining to polyhalite and the need for continuation of mining, as well as to increase awareness of the proposed planning application for extraction of potash and salt. Other objectives were to explain the EIA process, increase understanding of future development plans, explain the potential rationalisation of surface buildings and inform local residents of opportunities to provide feedback. Activity at this stage included the offering of briefings to local stakeholders, direct provision of information to the public via the ICL Boulby website, distribution of literature and face to face briefings, writing to more than 1,500 neighbours and the holding of a series of local exhibitions. Public exhibitions were held in eight locations (Hinderwell, Lythe, Loftus, Staithes, Skinningrove, Skelton, Mickleby and Marske). Briefing meetings were also held with the following parish and town

councils: Mickleby, Saltburn, Marske and New Marske, Guisborough, Lockwood, Castleton and Danby.

7.1.4 The exhibitions were attended by a total of 128 people, with 95 individuals providing feedback. Feedback was also received from a 27 further individuals via the website or Freepost.

7.1.5 The applicant has written to known surface owners and minerals owners to give notice of the intended submission of the application. An 'Article 13' notice under the Town and Country Planning (Development Management Procedure) Order 2015 has also been posted on site as well as at a number of other locations in the vicinity of the site and published in the Evening Gazette and Whitby Gazette.

7.2 Publicity by the National Park Authority

7.2.1 Neighbour notification letters were sent by the NPA to 272 nearby properties. The application was also advertised in the Whitby Gazette and the Darlington and Stockton Times and via a notice posted on site. Representations received are summarised below.

7.3 Representations in support of the development

7.3.1 **Skelton and Brotton Parish Council** – Support the application and consider the development is needed to preserve current jobs and hopefully create more in future.

7.3.2 **Saltburn, Marske and New Marske Parish Council** – Support the application in order to develop new products from polyhalite and to preserve current and future employment opportunities in the East Cleveland area.

7.3.3 **Cleveland Potash Retirement Association** – State that the Mine has brought much needed employment and prosperity to the area and that refusal would result in the speedy decline of Loftus and the surrounding area.

7.3.4 Two further letters of support have been received from individual members of the Cleveland Potash Retirement Association who consider that the Mine has brought prosperity to the area and has helped the tourism industry.

7.3.5 **The Mining Association of the UK** fully support the application as the Mine is a major employer and supporter of the local supply chain. The Association also comments that as a large operation the Mine is important in helping to maintain essential skills in the UK mining industry.

7.3.6 **The Association of British Mining Expertise** - Support the application because of its contribution to the local economy and employment and consider that it is positive for the local community and for British engineering and the supply chain.

7.3.7 **Boulby Underground Laboratory** – give strong support to the development as it is essential for the future work of the Boulby Underground Laboratory. They state that the facility is fully funded by the Science and Technology Facilities Council, is

widely acknowledged as an important national asset for UK science and that it is one of the few facilities globally that enables safe and supported access for science requiring an ultra-low background radiation environment and/or access to deep geology. The letter indicates that astro-particle physics studies have taken place for over three decades, as well as other important studies relating to geology/geophysics, climate and the environment, life in extreme environments and on technology for planetary exploration. This is reliant on the safe and supported access provided by ICL Boulby, which also means that the cost to the UK in operating an underground laboratory is reduced by more than £10 million per annum.

7.3.8 UK Centre for Astrobiology – Gives its very strong support to the application as it would enable the continuation of the world-leading and internationally significant science and technology research which takes place, including planetary science and research relating to 3D mapping of wider relevance to underground mine safety. This includes visits by science teams from NASA, the European Space Agency, the Indian Space Organisation and many other UK and international science teams.

7.3.9 CBI Yorkshire and Humber and North East Regions – Support the application on the basis that it currently employs over 500 people, with over 800 planned, in high-value jobs which directly contribute to the local economy and which also support a high number of additional roles through the supply chain.

They also state that COVID-19 has caused huge disruption not just in the UK but globally, with the UK economy about to enter a sharp recession and there has already been a significant upturn in unemployment. Unemployment in the UK is forecast to rise significantly so it is imperative that, where possible, jobs are safeguarded for the long-term. They add that the CBI is working with businesses and the UK Government to put in place measures so the economy builds back better than pre-COVID-19 and that sustainability will be at the heart of this rebuilding. The continuation of operations at the Boulby Mine will see job creation and safeguarding. It will see organic products sold here in the UK and around the world, allowing growers to increase crop yields and sustainably service the growing population's need for food.

7.4 Representations against the development

7.4.1 Lichfields on behalf of Sirius Minerals plc – Has submitted detailed representations and considers that it is in a good position to comment on the application in that consideration of the York Potash proposals against planning policy provides a recent and highly relevant precedent.

7.4.2 In summary, their representations focus on:

- the uncertainty regarding the nature of built development proposed and the proposed schedule of demolition;

- the misrepresentation of Sirius's role in satisfying need for polyhalite and a lack of quantified information on need, within the context of the Major Development Test;
- the failure to give adequate consideration to alternatives, particularly in terms of the potential for development outside the National Park boundary; and;
- that in the absence of additional clarity, evidence and robust assessment of alternatives and a revised EIA, it is not possible to appraise the development as being acceptable in the National Park and determination would be premature.

7.4.3 More specific points raised include:

- i) a perceived lack of detailed technical information and mitigation details in order to demonstrate how the proposals comply with the 'major development test';
- ii) a need for far greater certainty over the timing and extent of the phased decommissioning and removal of buildings and structures and a concern over whether a planning condition to secure this (as suggested by the applicant) would provide sufficient certainty to the NPA about delivery of this;
- ii) the need to ensure that protection of the National Park takes precedence over flexibility for the applicant;
- iv) the lack of detail regarding a proposed processing facility at Teesside, delivery of which is necessary to achieve the decommissioning and removal of processing plant from the Boulby site and the corresponding need to assess the impacts of importing up to 1mtpa of MOP to the Boulby Mine site in order to achieve the 3mt per annum overall production target (based on the applicant's assumed 30:70 split of sales of Polysulphate and PotashpluS);
- v) the applicant's suggestion that details of the new office building be addressed via a planning condition is wholly inappropriate for a detailed planning application and means that impacts cannot adequately be assessed. The proposed new building would be substantial structure in the National Park and it would be premature to grant permission in the absence of full details;
- vi) a lack of detailed analysis of the ability of Woodsmith Mine to satisfy UK need for polyhalite and the incorrect assumption in the Planning Statement that Sirius's operational plans would almost wholly serve the international market. The representation states that there are no barriers which would prevent Sirius from targeting the domestic market and potentially meeting demand beyond the limited proposed operational life for Boulby Mine. It also states that the national need for polyhalite could be met from Woodsmith Mine and that Sirius fully intends to target the domestic market by supplying polyhalite in the UK and, further, that this is demonstrated by the Company's extensive research and development activity and trials in the UK, as well as marketing activity and the signing of a 10 year exclusive distribution agreement covering Europe including the UK with a guaranteed minimum volume of 2.5mtpa by year 5;

vii) A general absence of information in the application about economic and agronomic need, necessary to demonstrate consistency with the 'major development test' in comparison with the detailed studies that were undertaken in support of the application by Sirius Minerals, and some figures on need which have been presented are questionable;

viii) It is not clear whether the stated additional minerals resource of 600 million tonnes has been calculated by standards defined by the Joint Ore Reserve Committee Code;

ix) In terms of potential alternatives to the development, no consideration is given to how all processing activity (both Polysulphate and Potashplus) might be achieved off site from day one of the development and, if cost is to be relied on to discount this option, full information on such costs should be provided;

x) The application should not be determined until land investigations for an off-site processing plant have progressed to the point where an option has been secured and a planning application for a processing facility has been made to the relevant planning authority. Otherwise the application should be assessed on the basis that a processing facility at Teesside is not realised. The cumulative impact of an off-site processing facility needs to be considered as part of the EIA and such an approach would be consistent with that adopted for the Sirius Minerals development;

xi) Assessment of alternative sites for the Mine development itself is inadequate and inconsistent with the more rigorous approach followed by Sirius Minerals;

xii) There are a number of inadequacies with the EIA, which requires detailed technical review. The EIA is largely qualitative in nature and uses inconsistent professional judgement, with a lack of consistent baseline and approach to assessment of significance, and questionable assumptions about future scenarios for relocation/removal of buildings and structures, and absence of adequate assessment of tourism impacts and insufficient information on mitigation and compensation measures, including via heads of terms for a legal agreement.

7.4.4 A letter of petition with 49 signatures, together with related site photographs, has also been received from residents in the local area including Ridge Lane, Staithes, Easington, Dale House, Moorsholm, Loftus, Whitby as well as a small number of visitors from elsewhere in the UK. The petition requests that Boulby Mine become a good neighbour for the next 25 years and raises a range of concerns about recent operations including:

i) The need for the import of hundreds of thousands of tonnes of potash from Spain, without planning permission, to stop;

ii) The need for replacement of external lighting to be replaced by low energy units to protect dark skies in the National Park;

- iii) The proposals do not go far enough with commitments for removal of redundant large buildings and chimney stack. These should be removed and the area remediated from contamination;
- iv) The site needs to be effectively screened with woodland;
- v) Noise causes disturbance and must be reduced to a minimum;
- vi) Processing of imported potash generates an acrid smell and this needs to stop;
- vii) During windy conditions salt blown from stockpiles forms a corrosive cloud which kills plants and trees and there has been a huge loss of trees around the Mine site. Salt must be protected from getting into the atmosphere;
- viii) Materials have been tipped outside the southern operational boundary of the Mine. These are probably contaminated and causing pollution and must be removed immediately with the area remediated and landscaped;
- ix) The potash treatment plant is probably responsible for a large part of the carbon footprint of the National Park and needs to be removed and the development progress to maximum energy efficiency.
- x) The instigator of the petition has also provided a copy of a noise log covering the period 15 October to 29 November 2019, which records perceived noise disturbance from the Mine during day time and night-time hours as experienced at a residential property in the Ridge Lane area.

7.4.5 A further letter of objection and accompanying noise log, produced by another resident of the Ridge Lane and area covering the period 27 September to 1 December 2019 has also been received. The covering letter states that the switch to polyhalite mining and the processing of imported potash to manufacture PotashpluS has led to an unbearable impact on health, well-being and impact on enjoyment of their property. It states that the plant can be unacceptably noisy 7 days a week, 24 hours a day for extended periods causing difficulties sleeping as well as reducing the ability to enjoy the inside and outside of the property during the day. The letter also refers to a lack of adequate mitigation measures for noise and to a recent increase in odour from the site, with dust also a significant concern.

7.4.6 Four further individual letters of objection have been received raising concerns on grounds of:

- i) Impact of Mine traffic passing through Easington (noise, vibration, public safety and damage to property);
- ii) Excessive noise and light pollution from the Mine site;
- iii) Air pollution including odour and wider environmental damage to plants from dust and also the potential for long-term effects on public health;

iv) Impacts from temporary processing of imported potash. The National Park is not a suitable location for this, and how long is 'temporary'?

v) These issues are not insurmountable but 25 more years of current practices would be environmental and social vandalism.

7.4.7 Two letters have also been received from minerals rights owners, one objecting although no reasons are stated and one raising concern about lack of engagement by ICL Boulby regarding minerals rights issues and requesting that determination of the application be deferred until the applicant has undertaken meaningful engagement.

7.5 Third party representations on further information received during 2020

7.5.1 Four letters of representation have been received in response to public consultation on further environmental information received during 2020. These comprise three from local residents who raise concerns on grounds of:

1. Noise, vibration and excessive speed of vehicles passing through Easington, and related road safety concerns;
2. Importation of muriate of potash or other products for processing is unacceptable and does not need to take place in the National Park. The site is essentially a chemical works;
3. Light pollution from the site has become worse over the past 3 or 4 years, is excessive and unjustified bearing in mind availability of modern lighting technologies;
4. Dust pollution has become worse over the past 3 or 4 years;
5. Emissions from the stack regularly affect Staithes and other locations and have become more noxious, potentially representing a health hazard;
6. The polyhalite processing building does not contain acoustic insulation to help reduce noise nuisance;
7. If the importation and processing of muriate of potash were to cease and only polyhalite mined at the site were to be processed, most of the buildings adjacent to the A174, and clearly visible from the Cleveland Way, would be redundant and could be removed including the smokestack. This would greatly reduce the visual intrusion in the landscape and eliminate air pollution problems;
8. There is a need for clear details and effective programmes of landscaping, noise and lighting reduction;
9. The solar farm proposal is supported in principle subject to effective landscape planting.

7.5.2 Further detailed representations have also been received from Lichfields on behalf of Anglo American Woodsmith Ltd, who object to the application and

consider that the additional information provided in 2020 does nothing to allay the significant concerns raised in previous representations and introduces new fundamental issues in relation to: lack of clarity and detail in the application, particularly with regard to the proposed removal of buildings and structures; relocation of processing facilities to Teesside; delivery of a new office building at the Mine site and details of the mitigation needed to satisfy the Major Development Test.

The specific concerns raised on behalf of Anglo American Woodsmith Ltd include:

- 7.5.3 **Development details** - The information gaps and lack of clarity with regard to the proposed removal of buildings and structures; the delivery of the proposed processing facility at Teesside; the delivery of a new office building at the mine site and; the details of any mitigation needed to demonstrate satisfaction of the Major Development Test (“MDT”) are extremely disappointing and the additional information that has been provided by the applicant fails to address any of these matters, which appear to us to be fundamental to the ability of North York Moors National Park Authority to consider the application, let alone reach a positive conclusion on the acceptability of the development.
- 7.5.4 **Removal of buildings and structures** - A significant degree of risk remains that the buildings/structures proposed to be removed as part of the phased deconstruction could remain on site for a much longer period than anticipated. The fact that the phasing timescales have been so readily amended by the applicant since the application was originally submitted demonstrates the fluidity of the project’s timescales. A worst case scenario has to be that these buildings/structures remain in place for at least the extended lifetime of the mine and potentially beyond that. To that end – and in the absence of any further information from the applicant to the contrary – the permanent retention of the concrete winding towers remains an option within the proposals.
- 7.5.5 Importantly, there has been no assessment of the visual impact associated with this in terms of impact on the National Park and requirements for mitigation, even if such impacts could be rendered acceptable. Whilst the applicant suggests that the removal of these buildings / structures could be enforced by way of a commitment to a planning condition, the fact that the applicant would have opportunity to vary or remove this in the future (via a Section 73 application) highlights the lack of control over such approach. Accordingly, the removal of any buildings / structures should be made subject to a S106 agreement, thus enabling compensatory payments to be made if required.
- 7.5.6 **Teesside facility** - There remains no clarity regarding the delivery of the Teesside processing facility. It is confirmed within the Planning Statement Addendum that no planning permission, planning application, or even an identified location for such a facility is in place, notwithstanding the revised phasing programme, which assumes that it will be operational within a five year period following the grant of planning permission for the extended mine at Boulby. It is concerning that no

material progress appears to have been made by the applicant in terms of securing an off-site facility since the application to extend the Boulby mining operation was submitted. Significantly, the assumption that the Teesside processing facility will be delivered – and within the assumed time period - is integral to the Environmental Impact Assessment and the associated mitigation package for the overall development.

- 7.5.7 Given the uncertainties regarding the ability to find a suitable site for the processing facility, the need to secure planning permission and discharge relevant planning conditions within the given timeframe (all of which are out with NYMNPA's and the applicant's control), there is a requirement for the EIA to have considered a scenario where the processing facility is not delivered or at least not in the short term of the extended mine operation. In the absence of this, the EIA is flawed as it fails to consider realistic alternatives. More pertinently, it leaves the National Park exposed to the not unrealistic prospect of processing operations continuing to remain on the Boulby site for the duration of the extended 25-year operation.
- 7.5.8 **Office building** - No further details have been provided by the applicant regarding the 2,500 sq. m 'office' building that was referred to in the original submission as replacing the existing administration facility (Officer note – this element has now been withdrawn from the application).
- 7.5.9 **Solar farm** – The additional information submitted by the applicant includes a report which looks at landscape and visual implications for a proposed solar farm within the Boulby Mine site area and options for its location. Whilst this did not form part of the original submission – and is not referred to in the description of development - it is noted that the solar farm is needed in order to satisfy Policy ENV8 of the adopted Local Plan (Officer note – this element has now been withdrawn from the application).
- 7.5.13 **Section 106** – The Planning Statement Addendum refers to the applicant's intent to enter into appropriate S106 agreements with NYMNPA when clarity is available on what residual effects may need to be addressed. Whilst it is stated that Savills had been appointed by NYMNPA to progress this, any such agreements that have been made appear not to be in the public domain. Any draft Heads of Terms should be made publicly available so that third parties can understand the full extent of compensation proposed, and how CPL propose to commit to delivering such measures and when. This would ensure consistency with the open and transparent approach that was applied to the Woodsmith Project, whereby draft Heads of Terms were publicised prior to the determination of the application, covering the following topics:
- NYM Management Plan;
 - Tree Planting Contribution;
 - Tourism Contributions;

- Archaeological Data Contribution;
- Geological Data Contribution;
- Liaison Group;
- Policy Contribution;
- Scarborough Local Opportunities Contribution;
- Skill Strategy Action Plan;
- Monitoring Contribution;
- Security Provisions;
- Noise Mitigation and;
- Highways and Transport Contributions

7.5.14 We would expect the scope of any mitigation package needed to address the various deficiencies in the Boulby proposal to be consistent with that agreed in respect of the Woodsmith Project.

7.5.15 **Application of the MDT** – Anglo American reaffirm earlier submissions that the Woodsmith Project is fully capable of meeting the domestic need for polyhalite, reflecting that:

1. There are no barriers which would prevent Anglo American from targeting the domestic market;
2. Anglo American fully intends to target the domestic market by supplying POLY4 products in the UK and, to that end, continues to pursue a development programme which involves trials on UK domestic crops;
3. Anglo American is actively marketing POLY4 in the UK and has already signed distribution agreements which cover Europe, including the UK.

7.5.16 Previous submissions from Anglo American demonstrated how, in applying the MDT to the Woodsmith Project, an extensive suite of technical reports were provided to demonstrate the agronomic and economic need for polyhalite. Whilst Section 2.3 of the Planning Statement Addendum refers to a document which has been prepared by the applicant regarding the ‘veracity of the polyhalite resource’, this report has not been made publicly available on the basis of its commercial sensitivity. Without access to equivalent information for the Boulby scheme, third parties cannot fully consider the applicant’s needs case and, in turn, assess whether the Major Development Test (“MDT”) has been satisfied. Furthermore, in the context of the determination of the Woodsmith Project, this absence of publicly available information goes against NYMNPA’s obligation to be consistent in its actions and decision-making.

7.5.17 A summary Table is provided comparing how officers applied the requirements of the Major Development Test on the Woodsmith Project with the information that has been provided by the applicant for the current Boulby Mine proposals.

7.5.18 Anglo American consider that the evidence presented by the applicant is weak and lacks the rigour that is required for a major development of this nature to demonstrate satisfaction of the MDT.

7.5.19 **Environmental impacts** - The technical review of the ES (and further information submitted by the applicant) identifies a range of inaccuracies, inconsistencies and technical flaws within the submitted EIA. Without these being addressed, it remains our view that the EIA cannot be relied on as providing an accurate assessment of potential environmental effects from which a suitable mitigation package can be agreed and thereby any positive determination of the application reached. Specific comments are raised on the following EIA topics:

7.5.20 Overall approach to the EIA:

- There is a lack of clarity and consistency regarding application of the future baseline (without development) scenario. The true consideration should be that a major industrial development would be introduced at an entry point to the National Park adjacent to the Heritage Coast. As made clear in the Scoping Opinion, the future baseline scenario should be one which accords with the current planning permission, not an assumed extension of operations.
- The operational scenario is reliant on elements for which no clear proposal is presented (most significantly, the relocation of works to Teesside), or permission guaranteed. This means that only outline effects can be considered, when assessments should be in line with robust application of the precautionary principle.
- The ES fails to assess a scenario in which these proposed elements do not come forward, and operations continue at the Boulby Mine site for 25 years.
- The proposed solar farm is represented as significantly reducing future GHG emissions. However, there is no guarantee that this can be delivered through the planning process at this stage.
- The assessments are highly reliant on measures which are expected to be conditioned but for which no illustrative documentation is provided.
- The Restoration Plan provided within the submission pack is an outdated and incomplete working version of a document, and it is not clear to what degree it relates to the current proposals.
- The ES proposes little mitigation other than application of standard good practice measures, and no continuation to net enhancement through mitigation of minor effects is evident. As a principle, mitigation should be applied where effects can be reduced.
- Monitoring in itself does not constitute mitigation of an effect; this, for example, is presented as the ongoing mitigation for subsidence, but it is not clear that there is a response plan, with key trigger levels, potential courses of

action, or whether any such action can be preventative, or solely reactive/restorative.

7.5.21 Traffic and transport:

- The methodologies set out in the ES have not been followed in the assessment itself, which is misleading.
- The methodology for establishing the baseline is flawed, ignoring the high seasonality of traffic in the North York Moors, leading to under-estimation of impact.
- The 'sensitivity' of highways links is inconsistently applied and is not in accordance with the methodology agreed with NYMNPA.
- The submitted Travel Plan fails to comply with the requirements of the National Planning Policy Framework.

7.5.22 Noise and vibration:

- The methodology for establishing the baseline is highly flawed and is not reflective of the special qualities of the National Park.
- There is an apparent failure to follow the methodology set out in BS4142: 'Methods for rating and assessing industrial and commercial sound'.
- The assessment is qualitative, with no effort made to develop credible scenarios for quantitative assessment, meaning the true potential impacts cannot be reliably presented or understood.

7.5.23 Terrestrial ecology:

- The baseline is out of date and is not considered to be valid, in accordance with CIEEM guidelines.
- Detail on existing designated sites within 5km is missing, resulting in a lack of their assessment.
- There is a lack of evidence to support the inclusion and exclusion of protected species from the assessment.
- Confidence in the overall ecological assessment is undermined by incorrect reference made to the Conservation of Habitats and Species Regulations 2010. This is an out-of-date reference – the Regulations were updated in 2017.
- There are inconsistencies between the ES Chapter 9 and the Phase 1 Habitat Survey Technical Note, relating to the number of ponds and the number of designated sites, lending uncertainty to the rigor of the assessments.
- The assessment for bats is unclear and inadequate.

7.5.24 Air Quality and dust:

- There is a lack of quantitative assessment of changes in emissions or effects that would arise as a result of the proposals.

- There is no assessment of dust effects that addresses the concerns raised by the public consultation responses.
- The assessment focuses on chemical composition of dust and not upon its ability to cause nuisance, as would be expected for such an application.
- There is no assessment of potential emissions and air quality/dust effects arising from the proposed relocation of the mineral processing facility to Teesside.

7.5.25 Greenhouse gases:

- There is no assessment of the GHG emissions associated with road and rail movement of product and no assessment of emissions from staff transport or deliveries to the site.
- It is also noted that, whilst there is reference to the proposed provision of an off-site processing facility on Teesside in the future, there is no assessment of GHG emissions arising from the proposed relocation of the processing facility to Teesside.
- Whilst the calculated current and future calculated GHG emissions are compared with totals for the NYMNP area and those for the Borough of Redcar and Cleveland, there is no consideration of total lifetime project GHG emissions or to the UK Net Zero Target.
- The proposed solar farm has no planning permission and no certainty of securing permission. As such, it cannot be considered an acceptable commitment within this application, and therefore the application does not demonstrate compliance with Policy ENV8 of the NYMNPA Local Plan.

7.6 Third party representations on further information received during 2021

7.6.1 Further representations have been received from three local residents

7.6.2 One resident, whilst raising no objections, queries whether there is potential for agreement to be reached with the applicant on making the mineral rail line serving the site available for use by the public.

7.6.3 Two representations raise concern about the proposals on grounds of impacts including noise, dust, lighting and odour, damage to vegetation from dust and the potential for unknown long term effects on humans. One representor also comments that processing of imported material should be undertaken outside the National Park and that allowing a further 25 years of development would represent ecological and social vandalism.

7.6.4 Further detailed representations have also been received from Lichfield's on behalf of Anglo American. The main points raised are:

7.6.6 **Removal of buildings and structures** - A substantive risk remains that these buildings could remain on site much longer than anticipated and, as a worst case

scenario, retained permanently. The proposed deconstruction / removal of the structures is entirely predicated on the mobilisation of an off-site processing facility (over which the NYMNPA will have no control). This is a credible possibility which has yet to be fully considered within the ES. The additional information submitted by CPL also confirms that there is uncertainty regarding the extent to which the main plant building will be reduced in terms of scale and this is not fully addressed in the visual impact assessment. There is also a possibility that the concrete winding towers could remain in place beyond the future operational life of the mine although this is not addressed within the ES. The ES should be updated to assess either a confirmed quantum of development or a worst case scenario.

- 7.6.7 **Teesside processing facility** - The additional information provided by CPL confirms that if a processing facility in Teesside does not become operational by 2027, an option to utilise an alternative facility 'in Europe' will be pursued. No further details are provided to assess whether this is a realistic alternative option, the impacts that would arise, or the scenario where an off-site facility is not realised, leaving processing operations to remain on the Boulby site. Delivery of the off-site processing facility is integral to the proposed mitigation package and needs to be fully considered within the EIA.
- 7.6.8 **Office building** - Whilst the new office building originally proposed has been removed from the scheme, the applicant states this does not affect its commitment to remove the existing offices building from the northern part of the mine site. This 'benefit' (as described by the applicant) must be considered in the context of CPL's statement confirming its intent to seek development of a new office building via a future planning application.
- 7.6.9 **Solar farm/Policy ENV8** - CPL's intent to satisfy Policy ENV8 (carbon offsetting) through financial contributions for off-site peat restoration will first require assessment of the quantum of carbon equivalent associated with the future mining operation. This needs to be considered in the context of the processing facility potentially remaining on the Boulby site and the extent to which certain buildings / structures may or may not be removed or reduced in size. A 'worst case scenario' should be adopted and the assessment made available for independent scrutiny prior to determination of the application.
- 7.6.10 **S106 Agreement** - Anglo American is pleased to note that the applicant is engaging positively with regard to mitigation and compensation requirements for the acknowledged impacts of the development.
- 7.6.11 Any contributions aimed at addressing Policy ENV8 (carbon offsetting) should reflect a worst case scenario including retention of buildings/structures proposed for phased deconstruction and retention of mineral processing on site.
- 7.6.12 A section 106 agreement should provide for security for restoration and payment of any mitigation and compensation payments required, noting that the applicant has posted an operating loss in each of its last four financial statements and in

order to ensure the Authority is not unduly exposed to risk and for consistency with its approach to Woodsmith Mine. Security against failure to undertake the proposed phased deconstruction works should also be sought.

- 7.6.13 The applicant's draft Heads of Terms do not include any contributions towards impacts falling outside of the National Park's interests. If, as suggested by CPL in the application, development of facilities at Teesside are to be considered as part of the planning application, then effects of the development will be manifest in that authority area. Furthermore, effects on infrastructure such as highways, beyond the NPA boundary may be felt. Such effects were identified in the case of the Woodsmith Mine project and 'compensatory' payments made to North Yorkshire County Council and Redcar and Cleveland Borough Councils.
- 7.6.14 **Application of the Major Development Test** – Anglo American's previous representations compared the extent of information on this provided for the Woodsmith Project with that provided by CPL in respect of its own proposals. Any assessment of this proposal against the MDT should consider the baseline position of the site as being remediated, greenfield land. Given the obligation for NYMNPAs to be consistent in its decision making, it is considered entirely appropriate for a similar level of information to be provided, particularly given the lack of in-depth analysis of alternative options that have been considered by CPL to date. It remains the case that the proposal cannot be robustly assessed against the requirements of the Major Development Test.
- 7.6.15 The provision of certain information on a commercially sensitive basis makes it impossible for third parties to robustly consider the acceptability of the proposal against the MDT. The starting point should be that all information is made publicly available, as was the case for the Woodsmith Project. Whilst it is accepted that certain aspects of CPL's production information will be commercially sensitive, it is unclear why – for the sake of openness and transparency - this cannot be provided even in a redacted form.
- 7.6.16 Anglo American remain of the view that the 'Need' case for Boulby Mine is not adequately demonstrated. The sourcing, import and blending with polyhalite of other materials is not relevant to the need case, only the extraction of polyhalite itself. On this basis, CPL has not demonstrated that the need for the development cannot be met in another way (i.e. via Woodsmith Mine). The minerals necessary to create fertiliser blends, using polyhalite or not, are widely available and used by others to meet the requirements of farmers and specific crops. CPL is not in a unique position in this regard, regardless of the existing product lines of its parent company and, as such, the ability to provide a blended polyhalite fertiliser should not be a consideration in determining the need case.
- 7.6.17 Further to concerns around the Need case, Anglo American has previously questioned the stated intention of CPL to move processing operations to locations outside of the North York Moors National Park. The continued absence of information on this does not justify the need for ongoing importation of materials from Europe and processing them within the National Park. Alternative

locations, their availability or suitability have not been clarified. No consideration of the magnitude or significance of impacts associated with import of materials and processing within the National Park has been provided. This suggests the Environmental Impact Assessment is incomplete.

7.6.18 The purpose of including the “Oxford Economic summary of economic impacts” within the additional information provided by CPL is not understood including, for example, whether it should be read as part of the impact analysis included within the Environmental Statement. The lack of supporting commentary within it means that it cannot be relied on as providing a robust economic impact analysis of the proposals.

7.6.19 **Environmental Impacts** - Review of the latest ES information identifies significant remaining uncertainties in the approach, scope and technical details. In particular, the applicant has sought to address the matter of the off-site processing plant (for which environmental impacts had previously not been considered) by simply removing it from the EIA scope. Any permission for extended operation of Boulby mine is reliant on such a facility and its associated impacts need to be considered; the alternative, for the processing to be retained on site, has not been considered in the EIA. There remain numerous points relating to flawed impact assessment methodologies for GHGs, traffic and noise which, in turn, has resulted in impacts being underestimated. Key concerns include:

7.6.20 Overall approach to the EIA:

- No assessment of impacts from either a processing facility at Teesside or the impacts associated with material being transported to a facility in Europe has been undertaken. Without an understanding of the environmental impacts associated with either option, neither of these options may be feasible. As such, processing may be required to continue on the existing site;
- There is a failure to adequately consider the total greenhouse gas (GHG) arisings from the development, notably in relation to the point above. It is claimed that GHG ‘savings’ are made from the removal of processing from Boulby Mine, with no consideration of the GHG emissions associated with processing of the material at Teesside or in Europe, which could be significant;
- These GHG ‘savings’ from the original scheme are otherwise based only on an updated national carbon factor for the UK grid supply, and do not reflect a more energy efficient development, and the statements made on this matter may be misleading.

7.6.21 Noise and vibration -

- No account of receptor sensitivity has been provided by the assessment, even though the importance of this factor is discussed in the text;

- There is no assessment of the deconstruction works in accordance with BS5228, even though the use of high reach demolition equipment is confirmed;
- There is no reassurance that the weather effects have been appropriately taken into account during the monitoring survey, for the period when the weather monitor was offline. This lends uncertainty to the entire baseline dataset;
- There are no details and clarification is required relating to how the future layout of the site will affect noise emissions, including:
 - Any new plant to be installed;
 - Where plant is to be moved; or
 - Where the site layout is to be changed;
- Anglo American disagree that context has been correctly taken into account. Many of the noisier operations are to be removed which may lead to acoustic features of remaining or new plant becoming more apparent; therefore the contextual argument comparing the rating level to the residual level rather than the background level is not appropriate.

7.6.22 Traffic and transport -

- Contrary to relevant policy, the applicant's Travel Plan does not seek to reduce single occupancy car trips beyond their current levels;
- The applicant has not demonstrated that the effects of increases in traffic outside of the adopted study area are negligible;
- The application does not consider the potential for the greatest magnitude of change, resulting in a potential underestimation of effects;
- The applicant has not correctly applied its own assessment parameters for sensitivity and magnitude of effect. This results in a significant underestimation of potential severance, and amenity and delay effects upon local receptors.

8. Planning policy and guidance

8.1 National Park purposes and the planning status of National Park Authorities

8.1.1 In assessing this proposal for major development it is essential to bear in mind the specific statutory roles of the North York Moors National Park. The National Park Authority is the sole local planning authority for the National Park under section 4A of the Town and Country Planning Act 1990. This confers on it all the responsibilities of a local planning authority, including minerals and waste planning and development management functions. This is because the town and country planning system is a key instrument in the achievement of National Park purposes and ensures that there is a strong link between the statutory purpose of planning (Planning and Compulsory Purchase Act 2004 and The Town and

Country Planning Act 1990), which is the delivery of sustainable development, and the statutory purposes of National Parks which are to:

- a. Conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
- b. Promote opportunities for the understanding and enjoyment of the special qualities of the area by the public.

8.1.2 In pursuing these purposes a National Park Authority has a duty to seek to foster the economic and social well-being of local communities within the National Park.

8.1.3 Section 11A of the National Parks and Access to Countryside Act 1949 states that if it appears that there is a conflict between these purposes which cannot be resolved, greater weight shall be attached to the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Park.

8.1.4 These purposes and, in their pursuance, the duty, are an important material planning consideration in determining planning applications but they are also fundamentally interwoven into the development plan for the National Park. In assessing the proposal, the Authority therefore has an additional responsibility to consider whether it contributes to the statutory purposes and duty. It is this particular dual statutory role of the National Park Authority which sets it apart from other local planning authorities, as planning decisions should ideally contribute to the achievement of National Park Purposes.

8.2 Determination of the application in accordance with the development plan.

8.2.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This is set out in section 38(6) of the Planning and Compulsory Purchase Act 2004 which states that “If regard is to be had to the development plan for the purpose of any determination under the planning acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”. This effectively establishes the primacy of the ‘development plan’ in the planning system and the Government has confirmed this in the National Planning Policy Framework, which sets out that the planning system should be ‘genuinely plan-led’ (Paragraph 15).

8.3 The Development Plan

8.3.1 The adopted development plan for the National Park consists of the North York Moors National Park Authority Local Plan (2020), the Whitby Business Park Area Action Plan (adopted 2014) and the Helmsley Local Plan (prepared jointly with Ryedale District Council and adopted in 2015). There are no policies in the latter two Plans relevant to the determination of this application.

8.3.2 Work is also very advanced on preparation of a Minerals and Waste Joint Plan (MWJP), a new local plan dealing specifically with minerals and waste matters and

covering the National Park, North Yorkshire County Council and City of York Council planning areas.

- 8.3.3 The Minerals and Waste Joint Plan Examination in Public (hearings stage) took place between February 2017 and January 2019. Subsequent consultation on the relevance for the Joint Plan of national policy updates and developments relating to shale gas have taken place, as well as updating of Sustainability Appraisal and Habitats Regulations assessment. Public consultation on a final schedule of proposed main modifications to the Plan took place between July and September and the Inspector's report is awaited.
- 8.3.4 The National Planning Policy Framework states that decision-takers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF. In the context of this advice, it is noted that the draft Joint Plan is now at an advanced stage of preparation, and is considered to be generally consistent with the NPPF.
- 8.3.5 Officers therefore consider that some weight can be attached to the relevant draft MWJP policies referred to in this report, as they are not subject of significant, as yet unresolved, objections arising through the Examination in Public.
- 8.3.6 In assessing the application against relevant elements of local planning policy it is necessary to consider the development as a whole, and have regard to its overarching strategy and aims, as well as consider the proposal in relation to any more directly relevant policies. In this respect the development plan includes both strategic policies and more detailed specific policies to take forward the vision, objectives and spatial strategy for the National Park. Such an approach is of particular relevance to the assessment of proposals for major development like this.

8.4 North York Moors Local Plan 2020

- 8.4.1 Para. 1.6 of the Local Plan states that '...it covers the whole of the National Park, and all areas of planning (including environment, housing, employment etc.), apart from specific policies for minerals and waste.' As referenced above, specific policies for the various forms of minerals occurring within the National Park and elsewhere within North Yorkshire and the City of York are being brought forward via the MWJP, which is at an advanced stage of preparation but not yet adopted. Pending finalisation and adoption of the MWJP, relevant policies in the adopted Local Plan remain applicable and operate alongside the draft policies in the MWJP, with weight capable of being afforded to the latter, as referred to above.

The most relevant policies in the Local Plan 2020 are set out below.

- 8.4.2 Strategic Policy A – Achieving National Park Purposes and Sustainable Development.

8.4.3 This Policy sets out a local approach to delivery of sustainable development, linking a positive approach to new development with a need to ensure compatibility with National Park purposes. It indicates that sustainable development for the National Park is development which:

- Is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment;
- Supports the function and vitality of communities by providing appropriate and accessible development to meet local need for housing or services, facilities, energy or employment opportunities;
- Protects or enhances natural capital and the ecosystem services they provide;
- Maintains and enhances geodiversity and biodiversity through the conservation and enhancement of habitats and species;
- Builds resilience to climate change through adaptation to and mitigation of its effects;
- Makes sustainable use of resources, including using previously developed land wherever possible;
- Does not reduce the quality of soil, air and water in and around the National Park.

8.4.4 Strategic Policy D – Major Development

This sets out the fundamental policy approach towards major development in the National Park. Strategic Policy D should be read in conjunction with the substantially similar Minerals and Waste Joint Plan draft Policy D04 – Major Minerals and Waste Development (see Section 8.6).

It states:

Proposals for major development shall be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. Demonstration of exceptional circumstances and public interest will require justification of:

- The need for the development which can include a national need and the contribution of the development to the national economy;
- The impact of permitting it, or refusing it, upon the local economy which includes that of the National Park;
- Whether in terms of cost and scope, the proposal can viably and technically be located elsewhere outside the National Park in a place that would avoid conflict with the National Park's statutory purposes; or that the need for it can be met in some other way;
- The extent to which any detrimental effect on the environment, the landscape and recreational opportunities can be moderated.

Where there are exceptional circumstances and the proposal is considered to be in the public interest, every effort to avoid adverse effects will be required. Particular consideration will be given to the extent to which the proposal may affect the qualities which contributed to the designation of the landscape. Where adverse impacts (including in combination with other developments) cannot be avoided harm should be minimised through appropriate mitigation measures. Appropriate and practicable compensation will be required for any unavoidable adverse effects which cannot be mitigated.

The supporting justification for Strategic Policy D explains that, in the case of demonstrating national need, 'this may be the need for the product of the development, for example the mineral in the case of a mining proposal which cannot be met elsewhere, the need for the wider national economic benefits which would flow from the development, or the need for a nationally significant piece of infrastructure or facility that cannot be accommodated elsewhere and which provides a long term benefit to the nation. Need generally will be considered by the Authority in assessing proposals but greater weight will be given to a national need for a particular product or function that requires a location in the National Park as the need cannot be met elsewhere.'

The justification also indicates that 'the Authority will require evidence that the circumstances of the application are genuinely exceptional and will consider whether the public benefits outweigh the nation's long term interest in conserving and enhancing its National Parks. Applicants should look to demonstrate that their proposals share a commitment to helping pursue National Park statutory purposes over time.'

'Proposals should be designed to avoid adverse impacts (including cumulative impacts) on aspects of the National Park relating to its statutory purposes, its natural assets and on its local communities. In the event that this cannot be guaranteed on and off site mitigation measures will be put in place to ensure that the planning obligations from the development help to contribute to meeting wider National Park purposes.'

8.4.5 Strategic Policy E – The Natural Environment

This requires that: 'The quality and diversity of the natural environment of the North York Moors National Park will be conserved and enhanced.

Development which has an unacceptable impact on the natural environment, the wildlife it supports and the environmental benefits it provides will not be permitted.

All development will be expected to:

- Ensure that natural capital is used in efficient and sustainable ways;
- Demonstrate, where appropriate, how it makes a positive contribution to natural capital and its ability to provide ecosystems services.'

8.4.6 Strategic Policy F – Climate Change Mitigation and Adaptation

This Policy needs to be read in conjunction with Policy ENV8 which sets out specific requirements for generation of renewable energy in association with large scale development in order to displace CO2 emissions. Strategic Policy F requires that new development is resilient to and mitigates the effects of climate change.

‘Where appropriate this is to be achieved by requiring development to:

- Reduce the need for and makes efficient use of energy;
- Use renewable energy;
- Incorporate sustainable design and construction;
- Facilitate carbon sequestration and storage in uplands;
- Facilitate appropriate coastal and flood protection works including natural flood management techniques to ensure resilient catchments and avoiding development in areas of flood risk;
- Ensure and promotes the long term connectivity of important sites for biodiversity, including through creation and maintenance of wildlife corridors to help species adapt to climate change;
- Be compatible with the appropriate Shoreline Management Plan.’

8.4.7 Strategic Policy G – Landscape

This states that ‘the high quality, diverse and distinctive landscapes of the North York Moors will be conserved and enhanced.

Great weight will be given to landscape considerations in planning decisions and development will be supported where the location, scale and detailed design of the scheme respects and enhances local landscape character type as defined in the North York Moors Landscape Assessment.

Development which would have an unacceptable impact on the natural beauty, character and special qualities of the areas of moorland, woodland, coast and foreshore as defined by the Section 3 Conservation Map or on the setting of the Howardian Hills AONB or local seascape will not be permitted.’

The supporting justification for this Policy clarifies that, as well as being important for its own sake, the high quality landscape of the North York Moors and surrounding areas is an important draw for visitors and makes a valuable contribution to the local economy.

Particularly relevant in the context of the location of Boulby Mine, it states that seascapes, as well as landscapes are important in the North York Moors with many panoramic views from the National Park incorporating both. It goes on to say that the National Park coastline is defined as Heritage Coast and proposals which affect the coastal area should have regard to Key Principle 1 of the North

Yorkshire and Cleveland Heritage Coast Management Plan to conserve and enhance the coastal landscape, retaining its open character and extensive uninterrupted views.

8.4.8 Strategic Policy H – Habitats, Wildlife, Biodiversity and Geodiversity

This states that the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity within the National Park will be given great weight in decision making.

All development and activities will be expected to:

- Maintain and where appropriate enhance features of ecological value and recognised geodiversity assets;
- Maximise opportunities to strengthen the integrity and resilience of habitats and species within the National Park and provide a net gain in biodiversity; including those species for which the National Park supports a significant proportion of the regional or national populations and those found at the edge of their range. Examples would include nightjar, honey buzzard, goshawk and turtle dove; and
- Maintain and where appropriate enhance existing wildlife connections and landscape features such as water courses, disused railway lines, hedgerows and hedgerow tree lines for biodiversity as well as for other green infrastructure and recreational uses.

With regard to international sites and protected species, the policy requires that Appropriate Assessment takes place in accordance with the Habitats Regulations.

8.4.9 Policy ENV2 – Tranquillity

This states that:

- Tranquillity in the National Park will be maintained and enhanced. Development proposals will only be permitted where there is no unacceptable impact on the tranquillity of the surrounding area.

All proposals will be considered in relation to:

- Visual intrusion;
- Noise;
- Activity levels; and
- Traffic generation.

The supporting justification clarifies that ‘Tranquillity is a state of peace and calm which is influenced by what people see, hear and experience around them. It adds that:

‘Tranquil places are increasingly rare in the modern world and as such are highly valued. The nature and geography of the North York Moors landscape means that tranquillity is a very strong special quality of the National Park – the North York Moors Visitor Survey 2016 showed that peace and tranquillity were very important to 72% of visitors to the National Park, only beautiful, unspoilt scenery was mentioned more often.’

‘It is also important to recognise that the whole of the National Park is tranquil in comparison with towns and cities outside the National Park and the Authority aims to conserve and enhance tranquillity throughout the whole of its area. Particular pressures which threaten tranquillity include demands for further minerals development and improved transport links across the National Park, but small as well as large development proposals have the potential to affect tranquillity depending on the location.’

‘In assessing impact on tranquillity the Authority will consider the nature of the surrounding area and how vulnerable it is to loss of tranquillity as a result of the proposed development. This will include considering the impact of the development on natural habitats and historic assets in the locality in relation to how they contribute to tranquillity as well as the experience of users of any public rights of way or access land.’

8.4.10 Policy ENV4 – Dark Night Skies

This states that:

- ‘The darkness of the night skies above the National Park will be maintained and where possible enhanced. All development will be expected to minimise light spillage through good design and lighting management and the following lighting principles will be applied:
- ‘In Open Countryside proposals that involve external lighting will only be permitted where it can be demonstrated that the lighting is essential for safety or security reasons and the lighting details meet or exceed those set out in any lighting guidelines adopted by the Authority;’
- The supporting justification states that the ability to experience dark night skies is another of the National Park’s special qualities, and that the ‘..natural characteristics of the National Park combine so that it is possible to experience especially dark and starry skies from many locations within the National Park. Dark night skies are an intrinsic part of the quality of the National Park landscape and are important for wildlife including species such as bats, moths and nightjar and therefore contribute to biodiversity. Dark skies are also important for recreation – there is growing interest in star gazing which in turn has benefits for the local tourism economy.’
- ‘..where the development involves works to an existing building applicants will be encouraged to bring all existing external lighting up to the standards set out in any lighting guidelines adopted by the Authority.’

- It should also be noted that, since adoption of the Local Plan, the National Park has been awarded International Dark Skies Reserve status.

8.4.11 Policy ENV5 – Flood Risk

- This requires that new development will only be permitted where:
- It meets the sequential approach to development in areas of flood risk; and
- It does not increase the risk of flooding elsewhere.
- The text adds that a site specific flood risk assessment will be required for any application in flood zones 2 or 3 or for applications in flood zone 1 where the site is larger than 1ha.

8.4.12 Policy ENV6 – Land Instability

Amongst other requirements, this Policy states that:

- Development close to cliff edges which may be subject to instability and are not protected from erosion will only be permitted where it is compatible with the latest Shoreline Management Plan unless it is essential infrastructure or sea defences which clearly require such a location.

8.4.13 Policy ENV7 – Environmental Protection

This policy seeks to protect the natural environment by ensuring that development is only permitted where:

- It does not risk harm to water quality, including groundwater, rivers, streams and coastal and bathing waters;
- It is not located on sizeable areas of the best and most versatile agricultural land;
- It does not compromise surface and groundwater and its abstraction;
- It does not have an unacceptable adverse impact on soil quality;
- It does not have an unacceptable impact on air quality;
- It does not generate unacceptable levels of noise, vibration or odour; and
- There will be no unacceptable adverse effects arising from sources of pollution which would impact on the health, safety and amenity of the public and users of the development.

The supporting text states that applicants will be expected to submit sufficient details of their proposals to ensure that impacts can be fully assessed (with use of EIA in appropriate cases). The text also states that, where appropriate the Authority will use conditions or seek Section 106 Agreements to reinstate features or implement other habitat creation/enhancement measures.

8.4.14 Policy ENV8 – Renewable Energy

This Policy carries forward and builds on the now superseded Core Strategy and Development Policies DPD Core Policy D. It requires new development in the National Park of 200 sq. m or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.

The supporting text adds that 'The Authority will seek to ensure that proposals aimed at meeting this Policy will not have an unacceptable visual impact and the same considerations will be given as for any other renewable energy proposal. It is possible that there will be more than one way to meet the requirement for providing renewable energy and applicants should show how they have arrived at the submitted scheme, taking into account the visual impact of the installation. In some circumstances the Authority may consider that the requirement cannot be met without unacceptable visual or other impact and in such cases the requirement may be varied.'

With regard to proposals for renewable energy, Policy ENV8 states these will only be permitted where:

- It is of a scale appropriate to the locality and contributes to meeting energy needs within the National Park;
- It respects and complements the existing landscape character type as defined in the North York Moors Landscape Assessment;
- It does not result in an unacceptable adverse impact on the special qualities of the National Park, either on its own or in combination with other schemes;
- It provides environmental enhancement or community benefits wherever possible; and
- It makes provision for the removal of the facilities and reinstatement of the site, should it cease to be operational.

8.4.15 Strategic Policy I – The Historic Environment

This Policy requires that all developments affecting the historic environment make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment. Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area, including:

- Features that contribute to the wider historic landscape character of the National Park such as the legacy of features associated with the area's industrial, farming, fishing and monastic past;
- The vernacular building styles, materials and the form and layout of the historic built environment including Conservation Areas, Listed Buildings and regionally or locally important non-designated structures and buildings
- Harm to an element which contributes to the significance of a designated heritage asset ...will require clear and convincing justification and will only be

permitted where this is outweighed by the public benefits of the proposal. Substantial harm will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits which outweigh the harm or there are other exceptional circumstances.

- Where non-designated assets are affected, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the asset and other material considerations.

8.4.16 Policy ENV9 – Historic Landscape Assets

This states that development affecting historic landscape assets of the North York Moors will be required to conserve and, where appropriate, enhance its landscape quality and character by taking into consideration the elements which contribute to its significance and, where relevant, the public's experience of it. Such assets can include, but are not limited to:

(Criterion 9) – Evidence of historic mining, railways and other historic industries;

(Criterion 13) – The network of extant trenches. Bombing decoys, anti-tank defences;

(Criterion 14) – Features of the Heritage Coast such as harbours, harbour walls, former lighthouses and slipways.

8.4.17 Policy ENV11 – Historic Settlements and Built Heritage

This requires that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features. Development proposals will only be permitted where they:

(Criterion 1) - Conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting including key views, approaches and qualities of the immediate and wider environment that contribute to its value and significance;

8.4.18 Strategic Policy K – The Rural Economy

This states that development which fosters the economic and social well-being of local communities within the National Park will be supported where one or more of the following criteria are met:

- It promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand;
- It helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors which help maintain the land-based economy and

cultural heritage of the National Park or contribute to National Park purposes;

- It provides support for and supports small and micro businesses through the provision of flexible start-up businesses;
- It provides additional opportunities to diversify and better equip the National Park's workforce, including through the development of new communications technologies (including superfast broadband) and home working;
- It provides additional facilities, or better use of existing facilities for educational and training uses, including those which provide further opportunities to understand and enjoy the special qualities of the National Park.

The supporting text to this policy explains that it is intended to encourage the development of rural based businesses which can benefit from the environmental, economic and social resources offered by the National Park in a way which contributes to the economic and social well-being of communities whilst not depleting or compromising those resources.

It further states that access to a range of high quality and long-term employment opportunities is a key factor in encouraging young people to stay in the area and help maintain sustainable rural communities.....The Authority has a duty to foster the economic and social well-being of local communities whilst pursuing National Park purposes and will encourage and promote opportunities for appropriate new employment, training and enterprise in the National Park as well as supporting the continued viability of the agricultural and tourism sectors.

8.4.19 Policy C01 – Developer Contributions and Infrastructure

This states:

- Development will only be permitted where adequate infrastructure is in place or can be provided to support that development.
- Developer contributions will be required where they are considered necessary to:

(Criterion 3) – Ensure that the development can be made acceptable in the context of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park and ensuring the continued understanding and enjoyment of its special qualities.

The supporting text indicates that contributions from developers may be sought to eliminate or mitigate the impact of any new development. Examples could include highways improvements, the provision of affordable housing, community facilities and new areas of community space or new green infrastructure.

The Authority's approach to negotiating developer contributions will take into account the proposed development's impact on National Park special qualities.

Contributions will be sought where they are necessary and directly, fairly and reasonably related in scale and kind to the development. Applicants are encouraged to contact the Authority at an early stage in such cases so that negotiations can take place in a timely manner. The Authority will consider financial viability provided the agreed contribution remains sufficient to make the development acceptable.

8.4.20 Policy C02 – Highways

This states that new development will only be permitted where:

(Criterion 1) - It is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety'

8.4.21 Policy C04 – Public Rights of Way and Linear Routes

This requires that development should protect and where appropriate enhance existing networks of Public Rights of Way, linear routes and other access routes used by pedestrians, cyclists and horse riders.

Development which would have an unacceptable harmful impact on a Public Right of Way or which would prejudice the future recreational use of linear routes such as disused railway lines indicated on the Policies Map will not be permitted.

The supporting text adds that:

- The PROW network and other areas of public access in the National Park provide one of the most important recreational resources throughout the whole of the National Park area. They form a resource which offers considerable opportunities for visitors and residents to enjoy the countryside and special qualities of the North York Moors, and which directly supports the National Park second purpose. Most of the Cleveland Way National Trail, regional routes and other long distance walks, all of which attract considerable numbers of visitors each year, pass through the National Park.

8.5 Renewable Energy Supplementary Planning Document 2010

8.5.1 The Authority published a Renewable Energy SPD in April 2010. Although it was produced as a supplement to the 2008 Core Strategy and Development Policies DPD, which has now been replaced by the Local Plan 2020, it has not yet been replaced or withdrawn.

8.5.2 The SPD includes guidance on implementing the requirement for 10% of predicted CO2 emissions to be displaced by renewable energy for developments of over 5 houses or other uses over 200sq. m, including a template for performing the associated calculations. Its objectives are to 'contribute towards the reduction of greenhouse gas emissions by: ensuring that the use of energy within development is minimised; encouraging renewable energy to be integrated within development wherever possible and guiding applicants through this process; and supporting renewable energy developments that are consistent with pursuing

National Park purposes'. It goes on to provide guidance on the considerations that will be applied to proposals for different forms of renewable technologies (including, for instance, solar panels), advising at the beginning of section 5 that:

- 'large scale renewable energy developments can be particularly damaging to the landscape and environment of the National Park which is protected through the 1995 Environment Act. The basis for consideration of all applications will therefore be that the need for renewable energy must not override the statutory purposes'.
- Section 6 on 'Integrating Renewable energy into other developments' refers to the former Core Policy D and sets out likely suitable technologies and the potential to integrate them into defined categories of development. There is no category for mining, although under the 'industrial/agricultural' reference is made to energy from waste, photovoltaics, wind, hydro, biomass and heat pumps. Section 7 provides guidance on calculating the 10% requirement and selecting an appropriate renewable technology.

8.6 Draft Minerals and Waste Joint Plan for York, North Yorkshire and the North York Moors National Park

Draft Policy M22: Potash and Salt (as proposed to be modified) states that:

- 'Proposals for the extraction of potash, and salt within the North York Moors National Park and renewed applications for the existing sites at Boulby Mine and Woodsmith Mine beyond their current planning permissions will be assessed against the criteria for major development set out in Policy D04.'
- 'Proposals for new surface development and infrastructure associated with the existing permitted potash and salt mine sites in the National Park, or their surface expansion, which are not considered to be major development, will be permitted provided they meet the requirements of Policy D11 and Policy I02 and that no unacceptable impact would be caused to the special qualities of the National Park, its environment or residential or visitor amenity in the context of any need for the development. Proposals for new surface development and infrastructure which are considered to represent major development will be assessed against the criteria for major development set out in Policy D04.'
- 'Proposals for increased volume of potash extraction, the extraction of other forms of potash not included in existing permissions, or sub-surface lateral extensions to the permitted working area in locations accessible from the existing sites at Boulby Potash Mine and the Woodsmith Mine site as well as proposals for new sites outside of the National Park, will be permitted where it can be demonstrated that the following criteria are met:
 - i. The proposals would not result in unacceptable harm to the special qualities of the National Park, taking account of any mitigation measures proposed;

- ii. The effects of subsidence upon land stability, coastal erosion and important surface structures, infrastructure (including flood defences) and environmental and cultural designations, can be monitored and controlled so as to prevent unacceptable impacts;
- iii. The proposed arrangements for disposing of mining waste materials arising from the development are acceptable; and
- iv. The requirements of Policy I01 for transport and infrastructure have been fully considered.'

The supporting text for Policy M22, as proposed to be modified, states:

- 'Potash is identified as a mineral of local and national importance in the NPPF, which requires policies to be included for its extraction. There is however no requirement within national policy to maintain a certain level of potash reserves. Potentially viable and accessible resources of potash are understood to lie mainly beneath the North York Moors National Park. Where proposals for new potash (including polyhalite) mining activities are located within the National Park they will need to be considered in accordance with the requirements of the major development test (Policy D04). This includes extensions to the operating period or renewal applications for the existing mine sites at Boulby and Doves Nest Farm². For these reasons it is not considered appropriate to allocate proposed sites in the Joint Plan but to consider any new proposals against the policy requirements set out above.'
- 'The UK's only working potash mine is located at Boulby which is in the north eastern area of the North York Moors National Park. The mine has been producing potash since 1973, although the mine now produces mainly polyhalite, with mining currently occurring at depths of 800-1350m below ground with operations extending to 14km off-shore. In 2015, permission was granted for a second mine, located at Doves Nest Farm near Whitby, for the extraction of polyhalite underneath the North York Moors National Park, incorporating a 37km tunnel to convey the mineral to a handling facility at Wilton on Teesside. An associated export facility at Teesport was approved in 2016 under the NSIP process. The "North Yorkshire Polyhalite Project" was approved by the North York Moors National Park Authority when it concluded that the potential economic benefits from the proposal represented a transformational economic opportunity at a regional and local level. At the same time it was concluded that the innovative nature of the mine design and associated landscaping would result in an acceptable reduction in the long term environmental impacts of the development. It was also recognised that there was no realistic scope for locating the development elsewhere outside the National Park. (It is important to note that the need for the mineral was not considered to represent exceptional circumstances as this form of potash did not have any established market globally, and in any case was available in significant volumes at the nearby Boulby Potash mine). Construction of the

² Members will be aware that the development is now known as Woodsmith Mine
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mine began formally on the 4th May 2017. At the time of the MWJP Hearing, site preparation works at both the mine site and the Lockwood Beck intermediate tunnel site (located just outside the National Park in the Redcar & Cleveland BC area) will have been substantially completed and the project will be broadly on target for first Polyhalite production around the end of 2021.'

- 'Rock salt is mined as a by-product of potash extraction at Boulby mine. The rock salt is transported by rail to Teesside from where it is either exported or transported to locations within the UK, with a small amount transported by road to local authorities for use on roads.'

Draft Policy D04 (as proposed to be modified)

Part 1) – Major minerals and waste development

- 'Proposals for major development in the National Park, Howardian Hills, Nidderdale, North Pennines and Forest of Bowland Areas of Outstanding Natural Beauty should be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based on the following:
- The need for the development, which can include a national need for the mineral or the waste facility and the contribution of the development to the national economy; and
- The impact of permitting it, or refusing, it upon the local economy which includes that of the National Park or AONB; and
- Whether, in terms of cost and scope, the development can viably and technically be located elsewhere outside the designated area, or the need for it can be met in some other way; and
- The extent to which any detrimental effect on the environment, the landscape and recreational opportunities, can be moderated.'
- 'Where there are exceptional circumstances and the proposal is considered to be in the public interest, every effort to avoid adverse effects will be required. Particular consideration will be given to the extent to which the proposal may affect the qualities which contributed to the designation of the landscape. Where adverse effects cannot be avoided, harm should be minimised through appropriate mitigation measures. Appropriate and practicable compensation will be required for any unavoidable effects which cannot be mitigated.'

Part 2) – All other developments

- 'Planning permission will be supported where proposals contribute to the achievement of, or are consistent with, the aims, policies and aspirations of the relevant Management Plan and are consistent with other relevant development management policies in the Joint Plan.'

Part 3) – Proposals which impact the setting of Designated Areas

- ‘Proposals for development outside of the National Parks and AONBs will not usually be permitted where it would have an unacceptable harmful effect on the setting of the designated area.’

The supporting text to Policy D04 (as proposed to be modified) states:

- ‘For major development in the National Park and AONBs, the four strands of the major development test need to be addressed in order to determine whether the proposal represents an exceptional circumstance and is in the ‘public interest’. One of the main considerations in this assessment, where relating to proposals for minerals extraction, should be the need for the resource itself, including at a national level, and whether there are alternative sources available to meet any national need. The potential for a specific mineral to be extracted on a national basis only from within the National Park or AONB will be a relevant consideration when assessing need. The outcome of these considerations will then, where relevant, need to be assessed in accordance with the Habitats Regulations and other relevant policies contained in this Joint Plan and the NPPF. Applicants will be expected to supply sufficient information to demonstrate robustly that proposals fulfil the requirements of the major development test.’
- ‘Proposals should be designed to avoid adverse impacts (including cumulative impacts) on the special qualities of the National Park, though because of the inherent nature and scale of major development it is unlikely that impacts can be moderated to a level where significant adverse effects can be completely avoided. A proposal that is likely to harm a National Park or AONB to the extent that it compromises the reason for its designation is unlikely to be regarded as being in the public interest. The North York Moors has an existing potash mine and a second mine is under construction which in terms of volume of production is stated to become the largest potash mine in the world. Other significant major developments have also been located in the National Park such as RAF Fylingdales and there is growing pressure on the southern part of the Park from the hydrocarbons industry. Cumulatively it is considered that the impact of these large scale developments of an industrial nature are starting to impact on the special qualities of the National Park, particularly in terms of far reaching open moorland views, remoteness and a sense of wildness and tranquillity which were important reasons for its designation.’

Draft Policy D06 Landscape (as proposed to be modified) states:

- All landscapes will be protected from the harmful effects of development. Proposals will be permitted where it can be demonstrated there will be no unacceptable impact on the quality/character of the landscape, having taken into account any proposed mitigation measures.

- For proposals which may impact on nationally designated areas, including the National Park, AONBs, and the adjacent Yorkshire Dales National Park, a very high level of protection to landscape will be required. Development which would have an unacceptable impact on these areas will not be permitted.
- Protection will also be afforded to the historic character and setting of York and to areas defined as Heritage Coast. Permission will only be granted where it would not lead to an unacceptable impact on the historic character or setting of York or on the undeveloped character of Heritage Coast, unless the need for, or benefit of, the development outweighs the harm caused.
- Where proposals may have an adverse impact on landscape, tranquillity or dark night skies, schemes should provide for a high standard of design and mitigation, having regard to landscape character, the wider landscape context and setting of the site, as well as for the delivery of landscape character where practicable.

Extract of supporting text to D06:

- ‘An important aspect of the environment of the Plan area, of relevance when considering landscape impact, is the concept of tranquillity. Tranquillity mapping undertaken for CPRE in 2007 indicated that North Yorkshire was the 7th most tranquil of 117 County and Unitary authority areas, with a high degree of tranquillity particularly in the National Parks and AONBs and other less developed parts of the Plan area. A more recent survey by CPRE indicated that 72% of respondents identified tranquillity as the characteristic they valued most about the countryside, and protection of tranquil areas is an objective of the Management Plan for the NYMNP. Although tranquillity cannot be measured in any definitive way, the potential for a development proposal to impact adversely on tranquillity will be a matter to be taken into account when considering applications, particularly those located within or in close proximity to the National Park and AONBs.’
- ‘A further consideration related to landscape, and which could potentially be impacted by minerals or waste development, particularly in the more rural areas, is the maintenance of dark night skies. The relatively undeveloped nature of large parts of the Plan area, particularly within the National Park and AONBs, mean that there are substantial areas with low levels of light pollution, leading to high-quality starscapes at night which are increasingly rare in England. Proposals for minerals or waste development, particularly those with a requirement for significant amounts of external lighting and which are situated in rural locations should ensure that the impact of development on dark night skies is considered and that mitigation in the form of carefully designed and controlled site lighting is provided where necessary.’
- ‘In those parts of the Plan area designated as National Park or AONBs, any proposals for major development will also need to satisfy the major

development test. Effects on the landscape are a specific consideration under the test.’

Draft Policy D15 – Planning Obligations

- Developer contributions will be sought to eliminate or mitigate the potential adverse effects of new development on site or on the surrounding area, and to ensure the provision of any necessary and adequate improvements to infrastructure to support the functioning of the development.
- The level of contributions required will be negotiated as part of a Section 106 agreement, or set out in any adopted Community Infrastructure Levy Charging Schedule or successor framework.
- Contributions will only be sought where they are necessary to make the development acceptable in planning terms and where they are fairly and reasonably related to the development in scale and kind.

Supporting text to Policy D15 (extract) states:

- ‘Section 106 of the Town and Country Planning Act 1990 provides a mechanism for planning obligations, in order to make development acceptable in planning terms which would otherwise not be acceptable. This can include the making of a financial contribution towards measures (which may be off-site in some circumstances) where needed to mitigate against or compensate for the impacts of the development. Such contributions should be proportionate to the scale and nature of the development and the matters which need to be dealt with. The minerals and waste planning authorities will seek such agreements where justified and where they would be in accordance with relevant legislation and guidance.’

8.7 Material considerations: The National Planning Policy Framework (NPPF)

8.7.1 Material considerations are important issues relevant to planning which will be specific to each planning case and need to be considered in determining an application. They can be of such importance as to override planning policy, including that contained in the development plan. The NPPF was first published in 2012 and last updated in July 2021. It sets out the Government’s planning policies for England and how these are expected to be applied and is an important material consideration in determining applications. As the NPPF confirms in paragraph 2, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. It also states that the NPPF is a material consideration in planning decisions and that planning policies and decisions must also reflect relevant international obligations and statutory requirements. NPPF para. 3 states that the Framework should be read as a whole (including its footnotes and annexes).

8.7.2 The NPPF sets out the purpose of the planning system, which is to contribute to the achievement of sustainable development. At a very high level, the objective of

sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

8.7.3 The three objectives for sustainable development identified are economic, social and environmental.

8.7.4 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

8.7.5 The NPPF requires that sustainable development is pursued in a positive way, via the presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. 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.

A footnote to i) above clarifies that:

The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.

8.7.6 It is important to note that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting

point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

8.7.7 Whilst the NPPF needs to be considered as a whole, as with the development plan, certain policies are of particular relevance and in the context of minerals extraction and protected landscapes these are as follows:

Paragraph 210:

Planning policies should:

- provide for the extraction of mineral resources of local and national importance....

Annex 2 of the NPPF identifies a wide range of minerals which are necessary to meet society's needs and are considered to be of local and national importance. Potash, polyhalite and salt are included in this definition.

Paragraph 211:

When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy.

The above references indicate the importance the Government attaches to society's need for potash and the economic benefits of mineral extraction generally. They are however generic in the sense that they are not location-specific and in this instance need to be considered in context of a proposal for major development within a National Park.

Paragraph 174:

Indicates that planning decisions should contribute to and enhance the natural and local environment by, amongst other matters:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;

8.7.8 The 'Major Development Test' in national planning policy

8.7.9 It is long established government policy that major development should be refused in National Parks except in exceptional circumstances and where public interest can be demonstrated. The 'Major Development Test' remains as a strategic government policy, and is now set out in the NPPF. Because of the reference to elements of the 'major development tests' in Strategic Policy D of the Local Plan, this important government policy is both part of the 'development plan' and also a key material planning consideration.

8.7.10 Paragraph 176 and 177 of the NPPF (set out in more detail below) explain how major development should be assessed within these designated areas. The policy represents one of the very few policy approaches in the entire planning system where a presumption against development forms the starting point (in the sense that the default position is that permission should be refused). This reflects the fact that major development by definition is likely to have an unacceptably harmful effect on protected landscapes due to its scale and nature and as such is intrinsically in conflict with the purposes for which these areas are designated. Approval should therefore be given only in exceptional circumstances and where there is demonstrable public interest.

8.7.11 Specifically, NPPF paragraph 176 sets out the importance of the National Park first purpose in the planning system and as such is a key consideration when considering any development within a National Park. It states:

8.7.12 Great weight should be given to conserving and enhancing 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 these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

NPPF paragraph 177 states:

When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) 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;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

NPPF paragraph 178 states:

Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The potential tension between these two national policy objectives (i.e. to give great weight to both the economic benefits of mineral extraction and to the need to conserve National Parks and the individual conservation assets they contain) needs to be interpreted in the context of further qualifying text in para. 205 which states that:

“In considering proposals for minerals extraction, minerals planning authorities should:

- a) 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;

It is clear therefore that the need to give great weight to the economic benefits of mineral extraction should not override unacceptable environmental harm, particularly in areas which have statutory landscape, cultural and biodiversity protection.

NPPF paragraph 185 states:

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

NPPF paragraph 188 states:

The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

NPPF paragraph 199 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

NPPF paragraph 202 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8.8 Material considerations: Planning Practice Guidance

- 8.8.1 The Government's national Planning Practice Guidance is a material consideration in planning decisions. The Guidance states that minerals can only be worked where they naturally occur. As a result, options for the economically viable and environmentally acceptable extraction of minerals may be limited.
- 8.8.2 The Guidance states that industrial minerals (which includes polyhalite and salt amongst other types) are essential raw materials for a wide range of downstream manufacturing industries. Their economic importance therefore extends well beyond the sites from which they are extracted.
- 8.8.3 With reference to development in a National Park, the Guidance states that planning permission for major development should be refused except in exceptional circumstances and where it can be demonstrated to be in the public interest. Whether a proposed development should be treated as a major development, to which the Major Development Test should apply in accordance with the NPPF (paragraphs 176 and 177) will be a matter for the relevant decision

taker, taking into account the proposal in question and the local context. The NPPF is clear that great weight should be given to conserving landscape and scenic beauty in these designated areas.

- 8.8.4 Planning Practice Guidance also clarifies the relationship between the planning system and other regulatory regimes. It indicates that these regimes are separate but complementary. The planning system controls the development and use of land in the public interest and this includes ensuring that new development is appropriate for its location – taking account of the effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution.
- 8.8.5 In doing so, the focus of the planning system should be on whether the development itself is an acceptable use of the land, and the impacts of those uses, rather than any control processes, health and safety issues or emissions themselves where these are subject to approval under regimes. Mineral planning authorities should assume that these non-planning regimes will operate effectively.

8.9 Material considerations: Defra Circular 2010 – English National Parks and the Broads

- 8.9.1 The English National Parks and the Broads UK Government Vision and Circular 2010 is the Government's most recent policy guidance specifically on the English National Parks. It is cross-referenced in the NPPF in paragraph 176, through footnote 59.
- 8.9.2 The Circular sets out that the Government expects National Park Authorities to be exemplars in achieving sustainable development, which they should deliver through their statutory purposes. Specifically it states that: Sustainable development is about ensuring a better quality of life for everyone, both now and for generations to come. Within the Parks, conserving and enhancing the landscape, biodiversity, cultural heritage, dark skies and natural resources, and promoting public understanding and enjoyment of these should lie at the very heart of developing a strong economy and sustaining thriving local communities (para. 29).
- 8.9.3 This advice confirms that achieving sustainable development within National Parks is intrinsically linked to the delivery of National Park purposes and the public's enjoyment of the special qualities of the National Park. Importantly it also sees this as fundamental to developing strong economies and vibrant National Park communities. In the context of the Boulby Mine application it is important to consider whether this meets the definition of sustainable development within National Parks and assess the degree of conflict, if any, with the achievement of National Park purposes as set out above. Paragraph 31 of the Circular restates the Government's policy on major development in National Parks.

8.9.4 The Circular also provides advice on the duty to seek to foster and maintain thriving rural economies in National Parks, recognising that National Park Authorities have key statutory responsibilities in areas with some of England's lowest wages and low levels of economic productivity. Paragraph 74 of the Circular makes it clear that the Government sees the Authorities' role as focusing on developing those businesses which can help contribute and gain value through the delivery of National Park purposes: "The Authorities' role (and that of local and regional partners) in fostering a positive environment for sustaining and developing business in the Parks should be cognisant of those sectors and activities which are most likely to sustain their communities, are appropriate to their setting and maximise the benefits of a high quality environment."

8.9.5 The application needs to be assessed in the context of these Government expectations and an awareness of the clear and close relationship between the purposes of National Park designation and the Authority's duty to foster the social and economic wellbeing of National Park communities. The Environment Act 1995 makes it clear that the duty is to be achieved through the delivery of the statutory purposes rather than being a stand-alone economic development function in itself.

8.10 Material considerations: 8 Point Plan for England's National Parks (DEFRA 2016-2020)

8.10.1 In March 2016 DEFRA published an '8 Point Plan for England's National Parks'. The Plan does not constitute planning policy but sets out the Government's intended approach to the protection and enhancement of National Parks, identifying 8 main aims:

- Connect young people with nature;
- Create thriving natural environments;
- National Parks driving growth in international tourism;
- Deliver new apprenticeships in National Parks;
- Promote the best of British Food from National Parks;
- Everyone's National Parks;
- Landscape and heritage in National Parks;
- Health and wellbeing in National Parks.

8.11 Material Considerations: DEFRA Landscapes Review

8.11.1 The final report of the National Landscapes Review (the 'Glover review'), published in September 2019, argues for a strengthened place for national landscapes in the planning system, stating:

- We think that the NPPF should make a reality of its promise that 'great weight' should be given to national landscapes by issuing new advice that will secure confident delivery of this aim by both public and private sector players. In

situations where such cases are determined with the expert advice of the National Infrastructure Commission, we urge the government to give the strongest emphasis to its commitment to our national landscapes. They should not be the place for major intrusive developments unless, as is stated in the NPPF, they are truly in the national interest without any possible alternative locations being available.

8.11.2 The Secretary of State announced, in a written statement of June 2021, that the Government will be working closely with our partners over the coming months including local authorities and National Park authorities, to address the review's recommendations in full and consult on draft proposals later this year.

8.12 Material considerations: The National Park Management Plan, 2012 (as reviewed and amended in 2016)

8.12.1 The National Park Management Plan was adopted by the Authority in June 2012 (with an update in 2016) and sets out the vision, strategic policies and outcomes for the National Park over a long term period. A review and updating of the Management Plan is currently in progress. The 2012 Plan, as updated in 2016, remains an important material consideration.

8.12.2 National Planning Practice Guidance states that Local Planning Authorities should have regard to National Park Management Plans where they raise relevant issues, as the outcome of each planning decision will cumulatively impact on the achievement of some of the plan's aspirations.

8.12.3 The Management Plan is the key programme for setting out the delivery of National Park purposes in their wider context. As such, the Plan recognises the outputs and role of key parts of the rural economy and how these can deliver wider benefits to the nation, within the context of National Park purposes generally and without detriment to the Park's special qualities specifically. This approach reflects the principles of 'ecosystem services' so, for example, it looks at how the Park can be managed to provide more locally produced food, clean water and air, improved health benefits, increased tourism, more woodland and how it can contribute towards mitigation of and adaptation to climate change. There are no policies in the Management Plan relating to the Potash resources or the mining industry in the National Park though the Boulby Mine is referenced in relation to its employment importance. Policy B20 refers to support for economic development where it is related to the special qualities of the National Park.

8.12.4 Amendments to the Management Plan incorporated in 2016 include references to the increased value of tourism to the economy of the National Park and references to the aims contained in DEFRA's '8 Point Plan for England's National Park's' (DEFRA, March 2016).

8.13 Material considerations: The draft York and North Yorkshire Local Industrial Strategy

8.13.1 This sets out a vision for ‘York and North Yorkshire to become England’s first carbon negative region. The Local Industrial Strategy contributes to this, by transforming the way our economy works to deliver a carbon negative, circular economy that increases productivity and provides higher paid jobs.’

8.13.2 It states that ‘York and North Yorkshire has unique innovation and industrial capabilities, along with the diverse and extensive landscape required, to demonstrate and deliver carbon sequestration at a scale that will enable us to become England’s first carbon negative region. Our assets include:

- World leading bio-economy and agri-tech innovation assets;
- Industrial innovation including carbon capture and storage;
- Two National Parks and three AONB’s providing the opportunity to increase agricultural and food productivity whilst delivering natural carbon reduction opportunities.’

8.13.3 ‘Valuable natural resources such as offshore wind and potash are driving fresh investment across Whitby, Scarborough and Filey, whilst the presence of GCHQ provides a high profile anchor for digital creative businesses, equally attracted to the high quality of life that the natural beauty of the borough provides. This same landscape has sustained coastal communities for generations, establishing a Visitor Economy which is a significant driver of employment. We will invest to broaden the economic base, increasing the value of the North Yorkshire Coast’s visitor offer, emboldening its position as the most visited overnight UK destination outside London. Delivering the right business support to coastal businesses will embolden business sustainability and confidence and empower better, well-paid and secure jobs.’

8.14 Material Considerations - Tees Valley Local Industrial Strategy 2019 (Draft)

8.14.1 The Strategy states that: ‘..employment in Tees Valley is low, with 68% of residents in employment. Inactivity is high (27% of the local population) and the proportion of inactive residents who want a job is low (16%). Health and disability are significant barriers to work – rates of employment among people with disabilities are low and rates of long-term sickness among the economically inactive are high.’

8.14.2 It indicates that: ‘Those sectors where Tees Valley is currently globally competitive (advanced manufacturing and the chemicals and process industries) are characterised by high levels of foreign-ownership. This presents opportunities (the ability to import managerial and technical best practice) as well as challenges (our capacity to influence investment decisions and the development of a ‘branch plant’ economy). In delivering productivity growth we will explore opportunities to encourage our foreign-owned businesses to undertake more R&D and value-adding activity locally. This will be pursued by better leveraging our innovation

assets and taking a lead on emerging clean growth and industrial digitalisation technologies.'

8.14.3 'Our economy is export-facing, with a balance of goods trade surplus of £206m in 2017. Exports are dominated by chemicals and process industries and advanced manufacturing. Supporting the growth of these sector strengths and enabling more businesses to sell into international markets can help to reduce the UK's trade deficit. Additionally, 'domestic exports' from the chemical and process industries play a key role in supporting the sustainability of manufacturing at the national level, with downstream impacts observed across 90% of all UK manufacturing.'

8.14.4 'The Tees Valley presents a unique opportunity to develop strength in clean growth. With the combination of assets including large scale sites, deep access port facilities, global companies and innovation organisations including the Materials Processing Institute and the Centre for Process Innovation, the area can become the clean growth centre of the UK. The borough is still home to a significant steel industry and mining and processing of minerals is growing with Boulby mine (one of the deepest in Europe) and the new £2.3bn polyhalite mine under construction in North Yorkshire (with processing to take place at Wilton). Outdoor pursuits and a wide range of culture activities are available across the borough in the countryside, the North York Moors National Park, the heritage coastline, the beaches and the towns. These include festivals (such as The Festival of Thrift) and events. The provision of new cultural venues including Kirkleatham will continue to grow the visitor offer.'

8.14.5 The Strategy sets out an ambition for Tees Valley to be a global leader in clean energy, low carbon and hydrogen, with interventions organised around five core themes:

1. Lead the way as an exemplar region for clean energy, low carbon and hydrogen;
2. Develop pioneering capabilities in industrial digitalisation and ensure implementation of digital applications at scale;
3. Leverage the full potential of our innovation ecosystem in support of building innovation capability, R&D capability, commercialisation, business creation and growth;
4. Grow and widen the pipeline of talent to support our competitive advantages and help more local people into jobs with good long-term prospects;
5. Attract investment and establish a global reputation for Tees Valley as a vibrant and thriving place to be, with world leading opportunities in clean energy, low carbon and hydrogen.

9. Main issues

9.1 Establishment of any ‘exceptional circumstances’ and ‘public interest’ justification for the development under the Major Development Test (MDT) requires that consideration be given to the need for the development as a whole, including whether there is any national need. In this context the term ‘need’ can include an economic need, such as the contribution of the development to the national economy. Consideration also needs to be given to the impact of permitting or refusing the development on the local economy, including the economy of the National Park. The concept of ‘need’ in this particular case can therefore include socio-economic considerations, in addition to the need for the minerals or mineral products themselves and requires that need be considered at a range of spatial scales, including at a national and more localised level. The MDT also requires consideration of whether any identified need could be met in some other way. These and other key matters are addressed in more detail in this section of the report.

9.2 Need for the mineral and mineral products

9.2.1 Two minerals are currently extracted from Boulby Mine: polyhalite and rock salt. The Mine is the first and only operational source of polyhalite globally, although members will of course be aware of the progress being made on construction of a second polyhalite mine, elsewhere in the National Park. Boulby Mine is one of three UK sources of supply of rock salt.

9.2.2 Establishing the extent of need for polyhalite is inevitably constrained by the fact that it is, in a commercial sense, a new mineral, without a long-established supply/demand balance that can be used to help inform a judgment on any current need. Whilst polyhalite has been extracted from Boulby Mine for around 10 years, it is only over the past three years or so that production has ramped up from very low levels to a more significant volume (although recent production has been impacted by the COVID-19 pandemic). By contrast rock salt production, both at Boulby Mine and elsewhere in the UK, is long established.

9.3 Need for polyhalite – the applicant’s position

9.3.1 The applicant states that the main need for polyhalite is as a fertiliser itself, or as an ingredient in the manufacture of fertilisers. ICL Boulby currently produce polyhalite both in straight application form (marketed as ‘Polysulphate’) and in combined form with imported muriate of potash (MOP), marketed mainly as ‘PotashpluS’ and certain other fertiliser products within a ‘FertiliserpluS’ product range. It intends to continue to produce these products in future. The applicant states that population growth, changing diets and the effects of climate change on crop yields are likely to increase global use of fertilisers to help address global food security, with sulphur becoming increasingly important as a nutrient.

9.3.2 ICL Boulby indicate that supply direct to land of sulphur from anthropogenic sources, principally in the form of sulphur dioxide emissions through coal-fired

power generation, has reduced to very low levels as a result of clean air legislation, leading to a need for alternative sources of sulphur supply. This has led to an increase in the use of sulphur fertilisers in recent years. According to the applicant this demand has been met in the UK largely by imports of processed ammonium sulphate (a by-product of the plastics industry) which has the disadvantage of leading to release of ammonia, particularly when applied to alkaline soils. In the applicant's view the use of polyhalite from Boulby Mine as a source of sulphur would be preferable in environmental terms, as well as serving to displace imports of ammonium sulphate. The applicant therefore considers that there is a national need for sulphur as a fertiliser mineral, which cannot currently be met from within the UK.

- 9.3.3 The applicant's assumption is that UK demand for sulphur (in the form SO_3) will increase from 218kt per annum in 2017 (equivalent to around 450kt of polyhalite) to around 300kt over the next 10 years, plateauing at around 300-350kt per annum thereafter. Meeting this demand would require approximately 730kt of polyhalite per annum. The applicant indicates that sulphur requirements could be met through their Polysulphate product, or PotashpluS or, most likely, a combination of the two at an assumed ratio of 30:70.
- 9.3.4 The applicant indicates that, as Boulby Mine has the potential to produce between 2 and 3mt of polyhalite per annum it has the potential to meet all of the UK requirement for sulphur. However, the applicant assumes that, in practice, some demand for sulphur will be met from other sources of supply or other products and therefore that Boulby Mine will supply at least 50% of the UK sulphur market, equating to a requirement for around 360kt of polyhalite per annum.
- 9.3.5 With regard to the need for potassium (in the form K_2O) the applicant states that UK demand has fallen in overall terms over the last 20 years, with most of this fall occurring over the first half of this period, with demand subsequently stabilising at around 270kt per annum. ICL Boulby expect that future demand will remain stable at around 275kt per annum. The applicant further indicates that, historically, Boulby Mine has supplied around 66% of the UK's requirement for potassium, mainly in the form of MOP produced from sylvinites, with remaining demand met by imports.
- 9.3.6 ICL Boulby state that, since the cessation of sylvinites production at Boulby Mine, and in the absence of any other indigenous sources of supply, the UK is reliant on imports. ICL Boulby also consider that, as Anglo American's Woodsmith Mine development is still under construction and that the focus of that Mine is on exports to international markets, the UK will remain reliant on imports if their application at Boulby Mine is not approved. Members should note that Anglo American dispute this view and have made representations to the effect that there are no barriers which would prevent Anglo American from targeting the domestic market; that it fully intends to target the domestic market by supplying POLY4 products in the UK and continue to pursue a development programme

which involves trials on UK domestic crops; and that Anglo American is actively marketing POLY4 in the UK and has already signed distribution agreements which cover Europe, including the UK.

- 9.3.7 The applicant considers that, of its estimated total demand figure for potassium of 275kt per annum, approximately one-third will continue to be met by imports of compound fertilisers and MOP, in line with previous years. In order to meet Boulby Mine's historical role in supply of potash of around two-thirds of the total requirement (i.e. approximately 180kt per annum) an equivalent amount of potassium would need to be supplied in the form of polyhalite and PotashpluS. As polyhalite is significantly lower in K_2O than MOP manufactured from sylvinite, this would require an estimated 650kt of polyhalite (assuming that demand is met through a combination of their Polysulphate product and PotashpluS product in the expected 30:70 ratio).
- 9.3.8 The applicant states that sales of Polysulphate and PotashpluS have been increasing at an average of 50% per annum since 2011 as the market responds to increasing use and evidence of effectiveness, giving confidence that sales will continue to grow. ICL Boulby therefore consider that the proposed development would meet a national need for sulphur and potassium at a level which is in the public interest and likely to be justified as 'exceptional' in the context of relevant planning policy relating to mining in a nationally protected landscape.

9.4 Need for polyhalite – officer discussion

- 9.4.1 Polyhalite contains four important plant nutrients (K, S, Ca and Mg) and therefore can be used on its own as a multi-nutrient fertiliser. However it is not generally regarded as a 'balanced' fertiliser as, on its own, the nutrients it contains are not present in the proportions required by most crops. In particular it is high in sulphur and low in potassium when compared with many established fertiliser products. Polyhalite can be incorporated in mixes or blends with other fertilisers to give a product with a different overall mix of nutrients and other characteristics to suit soil and crop requirements.
- 9.4.2 In considering the need for polyhalite from Boulby Mine it is important to focus on the merits of this particular case and at this point in time. Specifically, members are advised that caution is required in drawing direct comparisons between the current application and the proposals for extraction at Boulby Mine in the current application and the proposals by York Potash Ltd for development of a new polyhalite mine, elsewhere in the National Park, permitted in 2015. Those proposals were for extraction of polyhalite at a much larger volume and with economies of scale, with a general emphasis on the targeting of international markets. Furthermore, it is apparent from ICL Boulby's own assessment of need that its main focus is on the supply to market of polyhalite in a combined 'added value' form with MOP via their PotashpluS product, whereas the main focus of Woodsmith Mine is on the production of a granular straight polyhalite product. Nevertheless, there is contextual information and analysis available from the Authority's determination of the 2015 application that remains generally relevant.

- 9.4.3 With regard to the agronomic case for polyhalite, officer conclusions at that time were that the multi-nutrient nature of polyhalite presents both advantages and disadvantages and that, as it is not a balanced fertiliser, its usefulness is tempered by its relatively low level of potassium and relatively high level of sulphur. It was also noted that the plant nutrients contained in polyhalite are not in themselves in short supply from other sources. Nevertheless, it was acknowledged that, in straight form, it could have a role as a speciality fertiliser and a wider role as an ingredient in blends. Officers also accepted that there was likely to be an increased need for fertilisers globally and that polyhalite-based products may have a role to play in addressing global food security.
- 9.4.4 With regard to the likely market for polyhalite, officer conclusions in 2015 were that there was no indication of a UK or global supply and demand need for polyhalite, although it was acknowledged that there is a potential market for the mineral based on its constituent plant nutrients, through capturing a share of the existing fertiliser market. For their part, in granting permission members did not expressly conclude that there was a need for polyhalite but resolved that 'the likelihood of establishing a global market for polyhalite fertiliser is such that Phase 2 production levels will be achievable, resulting in economic benefits that are significant at a national level.'
- 9.4.5 It is considered that the officer conclusions reached in 2015 on the need and market for polyhalite remain generally applicable today. However, to further inform officer assessment of the current application for Boulby Mine, a review of the UK fertiliser market was commissioned from Savills (Food and Marketing Team). The findings of the review are summarised below.
- 9.4.6 Potash application rates in the UK have declined over the last 10 years, but appear to have now stabilised. This is due to more targeted use of nutrients through use of precision GPS technology in agriculture and better utilisation of nutrients contained in animal manures, as well as constraints on nutrient use in some grassland situations due to environmental stewardship scheme restrictions. Sulphur use has increased as atmospheric deposition is no longer at levels to supply crop needs.
- 9.4.7 Industry data shows total UK use of potash in all forms is over 300,000 tonnes per year, the majority of which is applied in conjunction with other nutrients, particularly phosphate in blends and compounds. Where farmers are using blends and compounds of this type it is unlikely that PotashpluS would gain much market share from them, as it cannot satisfy the phosphate nutrients these products are also supplying. It is understood that a large majority of potash currently used in the UK is imported.
- 9.4.8 Of the total potash used in this country, 86,000 tonnes is MOP as a standalone product. The lower potassium content of PotashpluS, compared to MOP, will have in some circumstances practical implications for farmers, and could give a slight increase in fertiliser spreading costs where potassium is the sole focus, but the sulphur it contains could also mean for some crops an additional fertiliser

application pass is avoided. The MOP used currently in the UK is imported, so the output outlined in the planning application would give less exposure to trans-border supply chains in theory, subject to the applicant being able to get farmers to make the switch from the current products they use, but the appetite for such a change is yet to be shown clearly in the UK fertiliser market.

- 9.4.9 Sulphur use has grown quickly to over 220,000 tonnes per year, with the majority of this coming from imported ammonium sulphate, and the polyhalite production at Boulby could be a means to reduce this reliance on imports, but would be dependent on farmers moving away from applying sulphur with nitrogen in the spring, which is the current industry norm. It appears unlikely that sulphur demand will grow as rapidly in the future based on the levels of the nutrient that are currently being applied, especially when the sulphur supplied to fields directly by grazing animals or through application of animal manure are considered.
- 9.4.10 Where the main nutrients a crop needs are only sulphur and potassium then the nutrient profile of PotashpluS is a good fit with plant requirements. Examples of such crops (subject to individual field soil index levels) would be legumes like peas, beans and clover leys. As these crops are nitrogen fixing there is no opportunity to meet their sulphur requirements from applying a product that contains nitrogen and sulphur, which is the current common practice with cereal crops. Peas and beans make up just under 5% of the arable area in the country. In some circumstances PotashpluS could also act as a useful top up to aid grass growth where animal manures are the main source of nutrients.
- 9.4.11 In terms of sources of nutrients, MOP is currently imported into the UK, nearly all of which comes from the EU. Currently there are no tariffs in place in terms of exports or imports of potash by the EU, so it could be that this market is less disrupted by the UK withdrawal from the EU than will be the case for other parts of the fertiliser trade (officers note that the EU-UK Trade Co-Operation Agreement has now been concluded and is operational).
- 9.4.12 At a global level MOP remains the dominant source of potassium, with products that provide potash and sulphur plus other nutrients being a small part of the market. To date no independent data has been sourced showing PotashpluS or polyhalite sales volumes, but it does appear market up-take has been relatively limited. The Savills Food and Farming team note that the only purchases of PotashpluS by clients have been for applications to either vining peas or beans, with no use seen on wheat, barley, oilseed rape or grassland, which are the main land uses in the UK. Although not a representative survey of UK agriculture, Savills note that this anecdotal evidence is from 50 farm advisors spread throughout the country and working across farming sectors.
- 9.4.13 The Savills review notes that, in order to gain market share for use on the main arable crops in the UK, and not just be used on legumes and in certain grassland situations, or to complement manures, the pricing of PotashpluS will be key. The pricing would have to be competitive with MOP (after allowing for K content, but also for some premium for the sulphur content of PotashpluS). As farm support

reduces over time, with the current Basic Payment scheme in England due to be phased out by 2028, it is likely that farm businesses will focus even more than they currently do on the relative cost of fertiliser products in terms of nutrient content, when making fertiliser purchasing decisions meaning price is likely to be a main driver of market share for Potashplus.

9.4.14 It also notes that the overall direction of UK Government policy is moving towards the countryside having to support other land uses and not just farming, including increased tree planting. As land use changes this is therefore likely to result in at least slight reductions in overall fertiliser use across farming sectors, including some reductions for total potassium and sulphur tonnages sold to the UK market.

9.4.15 The available information and analysis suggests to officers that, whilst it is reasonable to assume that the applicant is likely to be able to continue to build a UK market for polyhalite and products using polyhalite as an ingredient, significant obstacles remain in achieving a high level of substitution with these products in place of long established supply sources, including those now being met from imports. In addition to the need to bring about a further shift in established market preferences in order to meet the applicant's expectations on future supply volumes, the applicant acknowledges that it continues to experience technical difficulties in the development of polyhalite-based products able to withstand transportation and spreading. Product development works to overcome these issues have been in progress for several years now and are still continuing. It is understood that this is one of the reasons why the applicant is not yet able to confirm its detailed requirements for off-site manufacture of fertiliser products using polyhalite extracted at Boulby Mine. Whilst specific figures are commercially confidential, officers understand that the recent level of sales of polyhalite products from Boulby Mine is significantly below longer term targeted sales. It is also understood that a majority of products from Boulby Mine are exported to international markets, although the applicant has aspirations to increase both the amount and proportion sold within the UK.

9.4.16 As the applicant has emphasised, at the current time Boulby Mine remains the only operational polyhalite mine globally, as well as the only operational mine in the UK producing fertiliser mineral of any nature. This position would change should Woodsmith Mine becomes operational. Following commencement of development in 2017, construction of Woodsmith Mine has continued, although substantial work is required before extraction of polyhalite can commence. This includes undertaking the main sinking stage for the three main shafts and completion of the tunnel connection with Teesside. Nevertheless, whilst funding issues and the Covid-19 pandemic have had some impact on progress, it is considered reasonable on current knowledge to assume that the Mine will go in to production in the next few years, particularly bearing in mind that the development is now being carried out by a global mining entity with a long-established track record of mine development. At that point, which on current progress might be expected to follow on relatively shortly after the expiry date of

the current planning permission for Boulby Mine, an alternative UK supply of polyhalite would become available.

- 9.4.17 Notwithstanding ICL Boulby's expressed view that the focus of Woodsmith Mine is on supplying international markets, Anglo American have confirmed in representations their intention to seek UK outlets for their Poly4 product and have arrangements in place to facilitate this, including distribution agreements covering Europe and the UK. Officers consider that it is not surprising that the main focus of Woodsmith Mine would be on export markets, given the intended volume of extraction, which greatly exceeds that for Boulby Mine, and taking into account the information summarised earlier in this section about the potential size of the UK fertiliser market. However, it remains the case that there are no planning restrictions on the destination of sales from Woodsmith Mine and officers consider it reasonable to assume that the operator would seek to supply polyhalite into UK markets should opportunities arise.
- 9.4.18 Based on current information, there is no clear expectation that Anglo American intend to develop a high potassium fertiliser equivalent to ICL's PotashpluS product, using imported MOP. Whilst to some extent this represents a differentiation between the two Mines, officers consider that the weight that can be attached to this potential benefit is significantly reduced by the fact that there is no overriding locational reason why manufacture of MOP has to take place at Boulby Mine itself, as reflected in the applicants' intention to relocate this activity off-site by the end of 2027, potentially to a location outside the UK. In the same way there is no reason in theory why, in due course, the operator of Woodsmith Mine could not purchase MOP on the open market and seek to make a combined product at an off-site location for supply into UK markets.
- 9.4.19 National planning policy confirms that polyhalite is one of a significant number of minerals identified by Government as being of national and local importance (i.e. necessary to meet society's needs) and, with reference to minerals generally, national policy (NPPF para. 211) states that great weight should be given to the benefits of their extraction, including to the economy.
- 9.4.20 For the duration that it remains the only operational source of supply, Boulby Mine clearly has a unique role in ensuring the availability of polyhalite. However, as stated earlier, it is anticipated, although not certain, that an alternative source of supply within the UK will become available in the relatively near future, potentially following on fairly shortly after expiry of the existing planning permission for Boulby Mine. On the assumption that Woodsmith Mine becomes operational within such a timeframe, any hiatus in availability of supply, whilst undesirable within the context of its status in the NPPF as a mineral of national and local importance, would be quite limited in the event that a further permission for Boulby Mine is not granted. Should Woodsmith Mine not progress to the operational stage then clearly the significance of Boulby Mine with respect to this aspect of National policy would be substantially increased. In a scenario where two polyhalite mines are operational then this would provide additional resilience

of supply, although officers do not consider that the available evidence supports a justification for two operational polyhalite mines on this scale in the National Park to be necessary in order to meet any realistic scenario of future UK requirements.

9.4.21 In considering this particular matter it should also be acknowledged that, although polyhalite is identified in the NPPF as a mineral of national and local importance, it is not a long-established product in the UK market, such that it has achieved large-scale substitution for existing sources of fertiliser. Officers therefore consider that the current significance of polyhalite as a mineral of national and local importance is somewhat limited, although it is accepted that there is potential for increased demand for polyhalite and products incorporating polyhalite in future.

Officer conclusion on the need for polyhalite

Taking into account existing planning policy, available information and current circumstances, officers conclude that, specifically in terms of minerals supply considerations, the potential role of Boulby Mine in maintaining a supply of polyhalite carries some weight in favour of the proposal.

However the extent of this weight is limited by the lack of a well-established role for polyhalite and polyhalite-based products in the UK fertiliser market and the absence of compelling evidence on the extent of any future need (i.e. in terms of the balance between acknowledged demand and available supply) for polyhalite, as well as the expectation that a further UK source of supply of polyhalite is in any event likely to become available in the next few years. In this context officers are also mindful of the difficulties that ICL Boulby continue to experience in producing products, using polyhalite, that can withstand transportation and spreading. Specifically in terms of minerals supply considerations, therefore, it is not considered that there is a national interest justification, or that exceptional circumstances have been demonstrated in terms of the need for this particular form of mineral, to the extent that the presumption against major development in the National Park should be overridden for this reason alone.

9.5 Need for rock salt

9.5.1 Salt is extracted from Boulby Mine in association with polyhalite but is not the primary mineral target. Rock salt is used mainly as a de-icing agent on roads.

9.5.2 The applicant's position

9.5.3 ICL Boulby indicate that, whilst UK demand fluctuates from year to year depending on winter conditions, it averages just over 1mt per annum. ICL Boulby expect to supply around 350kt per annum to the UK market, although there is the potential to supply around 500kt per annum if required. As other UK sources of supply are located in Cheshire and Northern Ireland, the applicant considers that Boulby Mine has an important role to play in keeping supplies available in the east of the UK, including shipping salt from Tees Dock to other locations on the east

coast. The applicant states that maintaining this significant contribution to national supply is clearly in the public interest.

9.5.4 Need for rock salt – officer discussion

- 9.5.5 Salt is identified in the NPPF as a mineral of national and local importance. It has been extracted in the UK on a significant scale for many years and there is a clear expectation that salt will continue to be needed for road de-icing and other purposes for the foreseeable future. Boulby Mine is one of only three sources of supply in the UK and the only one located within a National Park.
- 9.5.6 Although now somewhat dated, a report was published in 2010 setting out the findings of an independent review of the resilience of England’s transport systems in winter, commissioned by the then Secretary of State for Transport³. This highlights the important role of the existing UK sources of salt supply, including Boulby Mine, in contributing to resilience and the national importance of ensuring that adequate stocks of salt are available in order that de-icing capability is maintained.
- 9.5.7 The report contains the following statement: ‘In the Interim Report we observed that the current supply chain for salt is fundamentally vulnerable and lacks resilience – largely as a result of the combination of highly constrained production, volatile seasonal demand uncertain in its amount, timing, duration and geographical location, and relatively low stockholding in the system (and no strategic buffer stocks).’ It also states that: ‘... current UK production capacity is sufficient only to meet the British demand in an average winter. It falls considerably short in a moderately severe winter (as in 2008/09) or a nationally severe winter (as in 2009/10). Even if demand is constrained – such as when the Secretary of State requested that highway authorities reduce their usage in January 2010 – nationally severe winter demand cannot be met by UK production alone.’
- 9.5.8 This suggests to officers that Boulby Mine has a significant role to play in the indigenous supply of road salt, notwithstanding the availability of other UK sources. The continued availability of salt from Boulby Mine would make a contribution to increased resilience in UK supply and would be likely to reduce the need for imports, with related economic advantages.

Officer conclusion on the need for rock salt

In conclusion, officers consider that the role of Boulby Mine in maintaining more than one UK source of supply of salt is of value in contributing to national and local resilience in the availability of strategically significant product and that this carries some weight in favour of the proposal. However, given the availability of alternative sources of supply, in isolation this is not considered to be sufficient alone to satisfy the ‘exceptional circumstances’ and ‘public

³ The Resilience of England’s Transport Systems in Winter An Independent Review Final Report (October 2010)

interest' justification required under the MDT in order for this extraction to be acceptable within the National Park.

9.6 Economic and Socio-economic need for the development

9.6.1 As referred to earlier in this report, under the MDT, assessment of need requires consideration of need for the development as a whole, not just for the minerals to be extracted. Within this context, the need for the economic and socio-economic benefits a development can bring may be a key consideration and particularly so in this instance as the NPPF states that planning authorities should give great weight to the benefits of minerals extraction, including to the economy.

9.7 Economic and Socio-economic need - The applicant's position

9.7.1 The applicant has submitted information relating to the economic and socio-economic benefits of the proposed development. This consists of an analysis in the main application statement prepared by Wood plc on behalf of the applicant and submitted in 2019, and an additional summary assessment by Oxford Economics in May 2020. This latter assessment was not prepared specifically in support of the planning application but contains information of relevance to it and was submitted by the applicant as further information in support of the application in June 2021. The summary is accompanied by a more detailed report which has been submitted by the applicant in confidence. Officers also commissioned an assessment of the impact of the existing Mine development on tourism in Staithes and a report of this work, which was undertaken by the consultant Emotional Logic, was produced in December 2020.

9.7.2 The applicant indicates that the economic and socio-economic benefits of the development, in the context of the local and wider economy, represent an aspect of need which requires consideration under the MDT and as noted above, officers agree that this is the case.

9.7.3 In general terms, and with regard to the local economy, the applicant argues that refusal of permission would result in the loss of a significant number of jobs in the local area, which includes some of the most deprived wards in the country and where some existing industries are in decline. Closure of the Mine would lead to significant reductions in income streams for local companies and reduced business rates payments to local authorities. It estimates that, if approved, and over the life of the development, more than £1.4 billion would be invested in the local area, including over £1 billion in staff wages, approximately £325 million to local suppliers and over £25 million in business rates. It also points to a planned investment of £750,000 in ICL's community fund.

9.7.4 The applicant states that the economic benefits of the Mine are already being provided and consequently there is a high level of certainty that the level of local economic benefits identified would be delivered over the period of operations. Conversely, returning the site to agricultural land (i.e. the default restoration

requirement) would only support existing employment in the farming industry, as it is not large enough to create new employment in agriculture.

9.7.5 Although the main focus of the application statement is on the local economic benefits of the development, with reference to the national economy the applicant states that more than 2 million tonnes of polyhalite and polyhalite products would be exported, at a wide range of prices but expected to amount to 'tens of millions' of pounds to the UK economy each year and reducing the trade deficit. ICL Boulby also point out that supplying fertiliser products to the UK market would displace imports and also assist in balancing the trade deficit. It states that this would be a lesser figure but still amount to tens of millions of pounds and that the economic benefits of the development would be significant at a national scale, thus representing an overriding national need within the context of relevant planning policy and demonstrating that the development would be in the public interest.

9.7.6 The assessment by Oxford Economic looks at current data (although relating mainly to the 2019 financial year) and also projects forward over the subsequent 5 year period to 2024. The study presents data at a local level (defined by the study for this purpose as the six local authority districts that contain and surround both Boulby Mine and the North York Moors National Park (i.e. Redcar and Cleveland, Middlesbrough and Stockton on Tees in the Teesside area and Hambleton, Ryedale and Scarborough districts in North Yorkshire), as well as at the regional and national level. Key findings are summarised below.

Contextual information:

- Across the six local authorities making up the core area of the study, GVA per job (a measure of productivity) was below the UK average in 2018. The area therefore accounted for a smaller share of the nation's GVA (0.8%) than of its employment (1.0%). Productivity levels in the wider North East and Yorkshire and Humber regions were also below the UK mean.
- In the Teesside local authority districts, the unemployment rate was above the national average in 2018 on the claimant count measure, at 4.5% in Middlesbrough, 3.5% in Redcar and Cleveland, and 3.3% in Stockton on Tees. The national average was 2.2% in that year. The unemployment rate in the three Yorkshire local authority areas was, however, slightly below that benchmark, at 1.5%-1.9%.
- In Redcar and Cleveland gross value added and jobs reduced over the five years to 2018. Employment in the district fell by 5.1%, meaning a net loss of 2,400 local jobs in that time Associated GVA fell by a cumulative 16.5% in real terms.
- Ryedale is the only one of the six districts where the growth of both employment and GVA outpaced the nationwide average over the five years to 2018. Other districts in the area, such as Middlesbrough and Scarborough, did

experience growth in both jobs and production value, but at slower rates than were seen across the UK as a whole.

- For employees, average earnings in the area surrounding Boulby mine are comparatively low. In each of the six local authorities, as well as the North East and Yorkshire and the Humber regions as a whole, average annual earnings were less than the UK average in 2018. In Redcar and Cleveland, the figure was £23,100, equivalent to 77% of the UK-wide average. Earnings in two of the North Yorkshire districts were lower still, at £21,300 in Scarborough (71% of the UK figure), and £22,500 in Ryedale (75%).

9.8 The current economic impact of Boulby Mine:

9.8.1 The study presents figures for 2019. It should be noted that in 2019 the transition from sylvinitic mining to polyhalite mining had only recently been completed, and officers understand that sales were at a low level when compared with typical figures for the former sylvinitic mining and the applicant's production aspirations for polyhalite. The figures therefore need to be viewed in that context.

- Boulby mine generated a direct £5.3 million gross value added contribution to GDP in 2019. This low net figure masks the payment of £27.7 million in wages and salaries to staff, £1.2 million in royalties and £1.1 million in business rates to the local authority.
- 518 staff were employed in 2019. Most of the jobs (297, or 57% of the total) were skilled mining roles. Processing staff accounted for a further 18% of the roles, with 13% of the jobs in warehousing and logistics.
- 94% of staff lived in the local area, defined as the six local authority districts containing and surrounding the mine. In total, 75% of staff lived in the North East and 24% reside in the Yorkshire and the Humber region. Officers note that the application statement presents more localised information indicating that between 80 and 90% of employees live within a 20km radius of the Mine.
- The average salary was £53,500 in 2019 (it is understood this includes 'on-costs'), making the Mine one of the highest-paying employers in the local area, among the top 10% paid to employees in the both the Tees Valley and York, North Yorkshire and East Riding LEAs.
- ICL and its staff paid £12.5 million in taxes in 2019. This included £7.1 million paid in labour taxes, comprising £3.5 million in labour taxes paid by the staff, and £3.7 million in employers' and employees' National Insurance contributions. £1.2 million was also paid in royalties for the mining operation.
- In 2019 £67.0 million was spent on inputs of goods and services from UK suppliers, of which 46% was spent in Yorkshire and the Humber, and 25% in the North East region. Approximately £15 million was procured from suppliers in the defined local area.

- Procurement along the UK supply chain supported a GVA contribution to GDP of £58.7 million in 2019. Some £20.4 million (35% of the total) was in the Yorkshire and the Humber region, with £11.7 million (20% of the total) supported in the North East. The indirect contribution to the local area's GDP was £10 million. The study estimates that procurement related to Boulby Mine supported 1,220 jobs in the UK supply chain, of which 230 were in the defined local area. Tax revenues generated by procurement amounted to an estimated £14.3 million.
- Overall, the study estimates that multiplier effects associated with Boulby Mine supported 2,480 jobs (direct, indirect and induced) in the UK, of which 1,050 were in the defined local area. Total tax revenues generated through direct, indirect and induced channels were approximately £40 million.

9.9 Future economic impact over the period 2020-2024

9.9.1 Projections of the future economic impact of the Mine will inevitably be closely linked to the degree of success with which the operator can increase production and sales of polyhalite from the relatively low levels of recent years. ICL Boulby aim to increase production from approaching 1mt in 2020 (and lower in 2019) to a realistic maximum of around 2 to 2.5mt per annum. It is understood that the projected economic impacts over the period to 2024 are based on the proposed ramp-up of output over that same period. It should also be noted that output is proposed to increase further beyond 2024, although projections of related economic impacts beyond that date are not provided in the Oxford Economics study.

- The GVA contribution of the Mine is projected to increase from £5 million in 2019 to £85 million in 2024, with the direct tax contribution increasing from £13 million to £22 million. The total tax contribution is forecast to rise from £40 million to £54 million over the same period.
- The indirect contribution to GVA is projected to increase from £59 million to £63 million over the same period. Indirect employment would increase from 1,220 to 1,290 nationally, with the increase in the defined local area rising from 230 to 240.
- Wage-induced spending is forecast to support an increase in induced employment from 750 to 880 nationally, with those in the defined local area increasing from 300 to 370 and with a corresponding increase in wage-induced tax revenues.
- The total contribution of the Mine (direct, indirect and induced) to GDP is forecast to increase from £115 million to £209 million, of which the defined local area increase would be from £33 million to £118 million.
- Total employment (direct, indirect and induced) nationally is forecast to rise from 2,480 in 2019 to 2,710 in 2024, with the corresponding increase in the defined local area being from 1,050 to 1,160.

9.9.2 Overall, with respect to local economic impacts, the applicant considers that the beneficial effects of the development on the local economy would be substantial and that continuation of employment at Boulby Mine is vitally important to the local economy. Conversely, it considers that closure would result in a significant adverse effect on local employment, amenities and services. The applicant also states that its business plan factors in the Woodsmith Mine becoming operational over the timeframe of the development and that the employment and economic benefits from Boulby Mine would be additional.

9.10 Impact on the tourism economy

9.10.1 The MDT, as expressed in both the development plan and national planning policy, states that demonstration of exceptional circumstances and the public interest requires consideration of the impact on the local economy, including that of the National Park.

9.10.2 The applicant's submissions say relatively little about the potential impact of the development on the tourism economy, notwithstanding the location of the Mine within the National Park and in close proximity to the coast and the important coastal location of Staithes in particular.

9.10.3 The applicant points to existing tourism survey data up to 2016 as showing an increasing trend in the number of visitors and the value of the tourism economy within the National Park and its influence area up to that point, as well as data showing high levels of repeat visits including at Runswick Bay, 5km from the Mine. The applicant considers that this supports its stated position that the presence of the Mine does not adversely affect visitor perceptions of the National Park to a large degree. ICL Boulby further state that the continuation of Boulby Mine for a further period of 25 years would not hinder aspirations in the current National Park Management Plan to increase employment in the tourism sector. However, no more localised assessment of visitor attitudes, or localised quantitative analysis, is provided.

9.11 Officer discussion on economic and socio-economic need – contextual matters

9.11.1 Under relevant legislation the essential role of the National Park Authority is to pursue National Park statutory purposes (i.e. to conserve and enhance natural beauty, wildlife and cultural heritage and to promote opportunities for understanding and enjoyment of the National Park's special qualities by the public). In pursuing these purposes, but not independent of them, the Authority has a statutory duty to seek to foster the economic and social well-being of local communities within the National Park. The National Park Authority does not therefore have a specific or direct economic development role and, where significant harm to National Park statutory purposes is identified but is not judged to be outweighed by any other material considerations, it is reasonable to expect that proposals would be resisted. To the extent that the statutory economic and social well-being duty is relevant, it should also be noted that it is focussed on

fostering the economic and social well-being of communities within the National Park specifically, rather than at any wider sub-regional, regional or national level.

- 9.11.2 As a planning authority, there is also a legal requirement to determine planning applications in accordance with the policies in the development plan, unless material considerations indicate otherwise. Economic and socio-economic benefits of a development may represent important material considerations in the determination of a planning application, and this is reflected in the national policy requirement to give great weight to the benefits of minerals extraction including to the economy. However, such benefits need to be viewed in the context of relevant development plan policy as a whole and within the wider framework of the legislative requirement to deliver National Park statutory purposes, referred to in the preceding paragraph. In this particular case there is also a need to consider the economic impacts of the development against a baseline of the Mine site in restored state following cessation of mining.
- 9.11.3 A further contextual matter relevant to consideration of the economic impacts arising is that in practical terms this proposal, if permitted, would lead to a further 25 year period of mining at a location where mining has been taking place continuously since the early 1970's. Economic and socio-economic effects of the development are therefore already integrated into the wider economic and socio-economic make-up of the area influenced by the Mine and any beneficial or harmful effects are not hypothetical, in the way they would be for an equivalent proposal for a 'new' speculative development. In this sense, if the development were to proceed it would be actual jobs that would be retained rather than hypothetical new jobs created, for example. The positive or harmful impacts of the development on economic and socio-economic factors are correspondingly of more direct and potentially immediate consequence than those arising in connection with a proposal for a greenfield development giving rise to the same positive or negative effects.
- 9.11.4 Also of relevance to assessment of the economic impacts of the proposed development is that over the large majority of the operational life of Boulby Mine, its economic performance has been based on the extraction of sylvinitic and rock salt, with the former mainly processed into MOP for domestic and international markets. In mid-2018 a switch from sylvinitic to polyhalite mining was completed, with the operator seeking to develop new products and build markets for this essentially new form of fertiliser mineral as economic resources of sylvinitic became exhausted. The future economic performance of Boulby Mine will therefore be closely linked to the success with which these new products can be commercialised to the levels intended by the applicant. This introduces more uncertainty into the claimed expected economic benefits of the proposed development than would have been the case if the proposal were for the continuation of extraction of sylvinitic for a further 25 year period. However, in the opinion of officers, this uncertainty should impact only to a limited degree on the weight that can be attributed to the claimed economic benefits of the development.

9.11.5 Finally, in terms of context, the MDT, as expressed in national policy and via Strategic Policy D of the North York Moors Local Plan 2020, confirms that assessment of need for the development ‘...can include a national need and the contribution of the development to the national economy; and also the ‘...impact of permitting it, or refusing it, upon the local economy which includes that of the National Park’. It is therefore clear that in order to identify any economic need for the development, such that the development can be judged to represent exceptional circumstances and be in the public interest, economic need should be considered at a range of spatial levels from national level to the North York Moors National Park specifically.

9.11.6 However, as the MDT is intended specifically to provide a high degree of protection to nationally important landscapes, it follows that exceptional circumstances are more likely to arise, and the public interest be met, in circumstances where the economic benefit is also significant at a national level.

9.12 Officer discussion on national economic considerations

9.12.1 The economic benefits of the Mine would accrue over a substantial period of time (25 years) and the development would clearly make a positive contribution to GDP/GVA and to the balance of trade⁴ through increased exports and a reduction in imports of fertiliser. The expected £209 million contribution to GDP from the Mine in 2024 (based on the study by Oxford Economics) can be viewed in the context of data available via the ONS on UK GDP, of £496,737 million as at 30 June 2021.

9.12.2 Further context on scale is provided by the figures presented on the proposals by York Potash Ltd, determined by the National Park Authority in 2015, which is referred to here for general comparison purposes only as each case must be determined on its own merits. Whilst officers had some reservations about the projected figures, the forecast GDP contribution from that development at the proposed Phase 1 production level of 6.5mt per annum was between £335 million and £500 million, depending on the assumed price of polyhalite in the market, increasing to between £680 million and £1 billion at Phase 2 production levels of 13mt per annum.

9.12.3 In that particular case officers concluded in 2015, with regard to national economic considerations, that ‘...the project would clearly be a large scale development, with the potential to deliver substantial economic benefits over many years and this should carry great weight in favour of the proposals in the overall planning balance.’ However, officers did not accept the argument that it was exceptional for a single project to be able to deliver such a scale of economic benefits and ‘...that the potential national economic benefit of the development, on its own does not amount to exceptional circumstances’.

⁴ The UK balance of trade is quite variable and data suggests that at May 2021 the UK was running a small trade surplus. If those conditions persist the effect of the development would be to generate a small increase in the trade surplus rather than a reduction in trade deficit.

- 9.12.4 For their part, members resolved in that case that ‘...the likelihood of establishing a global market for polyhalite fertiliser is such that Phase 2 production levels will be achievable, resulting in economic benefits that are significant at a national level’.
- 9.12.5 Although not directly relevant to their own conclusions on this issue officers note that, in the 2015 decision, members did not expressly accept that the Phase 1 national economic benefits were considered significant at a national level (as emphasised by the reference to achievement of Phase 2 levels – see para. 9.12.4 above). They also note that the projected national economic contribution from that proposal at Phase 1 stage was significantly higher than that expected to be generated by the proposals at Boulby Mine.
- 9.12.6 In overall terms, officers consider that the national scale economic benefits of the proposed development at Boulby Mine, whilst clearly positive in nature and carrying some weight in favour of the development, do not alone meet the ‘exceptional circumstances’ and ‘public interest’ criteria set out in the MDT.

9.13 Officer discussion on regional and local economic considerations, including the economy of the National Park.

- 9.13.1 To assist officer consideration of the application, Savills were commissioned to undertake a peer review of that part of the application statement dealing with economic and socio-economic need. The review identified a number of weaknesses with data sources and methodologies underlying some of the data presented in the application statement, and highlighted the omission of any robust information on the impacts of the development on the tourism economy of the National Park. It should be noted that subsequent to that review, further information on the economic benefits of the development was submitted by the applicant in the form of the study by Oxford Economics, summarised earlier in this section of the report. Additional information also became available via the NPA commissioned survey on the impact of Boulby Mine on the tourism economy of Staithes, also summarised in Section 9.15 below. The officer conclusions set out below draw mainly on these latter two sources as representing the most up to date information available but reference is also made to the application statement and Savills peer review where relevant.
- 9.13.2 Given the scale and nature of the proposed development and its location on the fringe of the National Park, in relatively close proximity to more urbanised areas in the Tees Valley sub-region, it is inevitable that the economic and socio-economic impacts of the development will extend beyond the National Park boundary. The site also falls very close to the boundary between the North East and Yorkshire and Humber regions. The more localised economic and socio-economic geographies impacted by the development will therefore vary substantially.
- 9.13.3 The applicant states that 80 to 90% of existing employees live within a 20km radius of the Minehead site. This is an area that essentially comprises the Borough of Redcar and Cleveland, the northern part of the National Park (as far

south as Goathland) and the Whitby enclave. This figure is generally consistent with the position presented in the Oxford Economics study, which indicates that 94% of Mine staff lived in the wider 'local area', defined in that study as the local authority areas of Redcar and Cleveland, Middlesbrough and Stockton on Tees in the Teesside area and Hambleton, Ryedale and Scarborough districts in North Yorkshire. The applicant anticipates that this local profile would continue as the number of employees increases from over 500 to the estimated future maximum of 838, although the applicant has subsequently clarified that approximately 60 jobs associated with mineral processing would move off-site when this activity is transferred to an off-site location. Whilst the applicant has stated that its preferred approach is to locate this activity on Teesside, it has not ruled out the potential to undertake it elsewhere, including overseas, and there is therefore no guarantee that the benefits of that element of employment would benefit the local area or indeed the UK at all.

9.13.4 Officers note the fact that the Mine has been operational for a long period of time, with an established work force, and this means that it is to be expected that a high proportion of the existing workforce will now be locally based, even if initially drawn to employment at the Mine from a wider geographical area. This is consistent with the applicant's view, which officers share, that important economic and socio-economic impacts of the Mine are closely integrated into a relatively local area and have been now for several decades. Correspondingly, this suggests that the harmful impacts of a cessation of mining, for example in terms of loss of jobs and loss of contribution to local supply chains, would also be experienced locally and proportionately in line with the former benefit.

9.13.5 The Savills review contains information on private sector employers, by number of permanent on-site employees, in the Redcar and Cleveland and Whitby areas and based on publically available information in mid-2020. Only two (British Steel - Lackenby and Skinningrove and Sabc UK petrochemicals) had more than 500 employees and none had more than the 840 future maximum envisaged by ICL Boulby. Further context is available through the proposed operational stage employment figures provided by York Potash Ltd in support of its application for polyhalite mining, determined by the NPA in 2015. At phase 1 stage (output at 6.5mt per annum) 700 direct jobs would be created, with 1,040 at Phase 2 stage (13mt per annum output). The equivalent figures for the Woodsmith Mine site itself (excluding processing activity at Wilton for example) are 435 (Phase 1) and 725 (Phase 2). Anglo American have said publically in recent months that the project construction stage is currently generating around 1,300 jobs.

9.13.6 There is some variability in the quoted existing employment level at Boulby Mine, dependent on the date of the information source used and it is understood that this is due to the evolving position with the recent transition from sylvinitic to polyhalite production. Nevertheless, it is clear that Boulby Mine is currently a very major employer, in the context of Redcar and Cleveland, the Whitby area and the North York Moors National Park (Woodsmith Mine and Boulby Mine are the largest individual sources of employment in the National Park) and that its relative

significance as a single employer would further increase with any future rise in employment at the Mine. Furthermore, whilst some queries were raised in the Savills review on the basis for calculation of the figures, officers accept that in relative terms these are on average well paid jobs and amongst the top 10% within the Tees Valley and York, North Yorkshire and East Riding areas and more than double the average salaries (2018) in the North East and Yorkshire and Humber regions. With regard to the National Park specifically, the Local Plan notes that wages are low, with employment focussed on low pay sectors such as agriculture and tourism. Some caution also needs to be applied when considering the scale of any indirect and induced benefits as inevitably these are based on projections.

9.13.7 However, the significance of the benefits of employment at the Mine also needs to be considered in the context of the other socio-economic factors, rather than in isolation. This includes the relative strength of the economy and the key pressures and opportunities it faces.

9.13.8 The applicant's Oxford Economics summary study presents data on unemployment and productivity, using ONS data for a range of local authority areas. This indicates that, in 2018, the UK average unemployment rate was 2.2%, with the rates for Yorkshire and the Humber and North East regions being higher at 2.5% and 3.6% respectively. The rate in Redcar and Cleveland specifically was also above average at 3.5%, whilst within the less urbanised area comprising Hambleton, Ryedale and Scarborough Districts the rate was below average at between 1.5 and 1.9%. Productivity was also below the national average across all these areas and lowest, relative to the national average, within Redcar and Cleveland, and Scarborough and Ryedale Districts.

9.13.9 Figures presented in the NYM Local Plan show that unemployment in the National Park specifically (based on claimant count data and excluding the part of the National Park within Redcar and Cleveland) was very low, at 0.3% at November 2017.

9.13.10 The applicant refers to the 2015 ONS Index of Multiple Deprivation, noting that both Redcar and Cleveland and Scarborough local authority areas were amongst the top one-third most deprived areas in England (ranked 78 and 90 out of 326 respectively). Officers have reviewed more recent ONS data for 2019 and note that the equivalent rankings are now 62 and 75 respectively (out of 317) suggesting that conditions measured by the Index have deteriorated in relative terms between 2015 and 2019. However, officers also note that deprivation within Hambleton and Ryedale Districts (which also fall within the local area identified in the Oxford Economics study) is much lower, with those Authority areas ranked 255th and 180th respectively.

9.13.11 Socio-economic conditions in the National Park itself are significantly different from much of the surrounding areas, with low unemployment, a high proportion of retirees and an economy focussed on agriculture and tourism. The NYM Local Plan identifies as a challenge that: 'Businesses operating in the National Park may

face recruitment difficulties and there is a need to encourage better paid jobs in a more diverse range of sectors, and to flatten the trend of seasonal employment so job opportunities exist throughout the year’.

9.13.12 Officers note that the draft Tees Valley Industrial Strategy 2019 contains an ambition to ‘Grow and widen the pipeline of talent to support our competitive advantages and help more local people into jobs with good long-term prospects.’ The Strategy refers to the presence of important existing industrial assets including Boulby Mine, and that the economy of the Tees Valley is ‘...export-facing, (and that) exports are dominated by chemicals and process industries and advanced manufacturing. Supporting the growth of these sector strengths and enabling more businesses to sell into international markets can help to reduce the UK’s trade deficit. Additionally, ‘domestic exports’ from the chemical and process industries play a key role in supporting the sustainability of manufacturing at the national level, with downstream impacts observed across 90% of all UK manufacturing.’ Looking forward, the Strategy focuses on opportunities for clean growth via clean energy, low carbon and hydrogen and industrial digitalisation.

9.14.1 The equivalent draft Strategy for York and North Yorkshire sets out a vision for the area to become England’s first carbon negative region, via a transformation of the way the area’s economy works to ‘...deliver a carbon negative, circular economy that increases productivity and provides higher paid jobs.’ It notes that the area’s key assets include:

- World leading bio-economy and agri-tech innovation assets;
- Industrial innovation including carbon capture and storage;
- Two national parks and three AONB’s providing the opportunity to increase agricultural and food productivity whilst delivering natural carbon reduction opportunities.’

9.14.2 With regard to the coastal area it notes that ‘Valuable natural resources such as offshore wind and potash are driving fresh investment across Whitby, Scarborough and Filey, ... equally attracted to the high quality of life that the natural beauty of the borough provides’. It notes that ‘This same landscape has sustained coastal communities for generations, establishing a Visitor Economy which is a significant driver of employment. We will invest to broaden the economic base, increasing the value of the North Yorkshire Coast’s visitor offer, emboldening its position as the most visited overnight UK destination outside London. Delivering the right business support to coastal businesses will embolden business sustainability and confidence and empower better, well-paid and secure jobs.’

9.14.3 As economic development strategies, officers consider that it is to be expected they will emphasise the role of existing major developments, such as Boulby Mine, in helping to sustain the local and wider economy. Whilst inevitably phrased in broad language, these Strategies also serve to highlight the obvious tension between objectives for future economic growth on a transformative scale and the

need for protection of high-quality environmental assets that also help attract inward investment and support other key areas of the economy such as tourism and recreation. As such officers consider that, whilst they are useful in providing context for this proposal, they do not provide a clear steer on the overall approach to determining this particular application for major development in the National Park, where the legislative and policy focus is on protection of the environment rather than regeneration.

- 9.14.4 Officers also note that, whilst the Mine surface site does not lie within Scarborough Borough, that Authority has made representations to the effect that it recognises the major contribution the Mine makes to employment and the economy of the local area and therefore welcomes and supports the continued operation of the Mine for a further 25 year period. Although not a statutory consultee, NYMA has also commented that it considers the loss in employment and consequent economic loss to the local economy which would arise if the application is refused would be very significant. Supporting third party representations have also been received from the CBI (Yorkshire and Humber and North East Regions), mining organisations and interest groups, emphasising the significance of the Mine in supporting employment and the economy in the local and wider area.
- 9.14.5 Whilst not specifically raised in representations on the current application, officers are aware that the potential for two large operational polyhalite Mines within relatively close proximity (the road distance from Boulby Mine to the Woodsmith Mine main surface site is approximately 25km) could have economic implications, for example in terms of competition in the fertiliser market and for specialist staff. Information available in relation to the proposals by York Potash Ltd in 2015 and referred to in the officer report to Committee on that planning application, expressed the view that two operational polyhalite mines could provide positive competition and drive the market for polyhalite more positively than a sole supplier, as purchasers may be reluctant to commit to a product with a single source of supply. It was also noted that as neither company was, at that time, operating at significant volumes, it is difficult to make a judgement about which company could be affecting the other's market. Because of the difficulty in predicting impacts, officers advised that any potential adverse impact on Boulby Mine arising from market competition should be given little or no weight in determination of the proposals by York Potash Ltd.
- 9.14.6 The potential for the introduction of a major new Mine (i.e. Woodsmith Mine) to lead to a loss of specialist staff from Boulby Mine was identified as a potentially more serious issue. Officers concluded that whilst it carried some weight against that proposal, it was likely to be a temporary impact that should only be given limited consideration.
- 9.14.7 With reference to present circumstances officers do not consider that the retention of an existing Mine, with an established workforce, would be likely to lead to directly equivalent considerations with regard to competition for staff and

remain of the view that any such impact would be likely to be temporary and of very limited significance as a factor in determination of the current application. Similarly, the potential for competition between two operational polyhalite mines, albeit with differing proposed product ranges, is considered to be a matter for the market and of little or no weight in the determination of the application.

9.15 Specific impact on the tourism economy of the National Park – Officer discussion

9.15.1 Tourism and recreation is the mainstay of the National Park economy as a whole, with the Local Plan (July 2020) stating that they supported nearly 11,000 jobs and created £647 million a year income in the National Park and its hinterland (based on STEAM data for 2016). The attractiveness of the National Park's tourism offer derives primarily from its Special Qualities, which are not found so extensively, or in this particular combination, elsewhere in the country. The tourism economy is also closely interlinked with the second statutory purpose of the National Park, which is to promote opportunities for understanding and enjoyment of the Special Qualities of the National Park by the public. A number of objectives and policies in the Management Plan for the Park are aimed at maintaining and enhancing opportunities for tourism and recreation.

9.15.2 Staithes is one of the iconic settlements of the North Yorkshire coast, of cultural and aesthetic significance and linked to important long distance walking and cycle routes. It is a key location on the coast for informal recreation and also for marine nature tourism. Officers note that, measured as a straight line distance, Staithes harbour is 2km from the boundary of the operational area of the Mine site.

9.15.3 As noted earlier in the section, the application does not contain much detail on the potential for impact on the tourism economy of the National Park. To address the gap in information about the actual impacts of Boulby Mine, if any, on the local tourism economy, officers commissioned a specific survey of visitors to Staithes and Robin Hood's Bay, with the latter included to allow comparative assessment as a coastal village of generally similar character and nature, within the National Park but at a substantial distance from Boulby Mine. The survey was carried out by market research company Emotional Logic, which has significant experience of undertaking tourism research within the National Park.

Key findings include:

- There is a very high likelihood all visitors will return to the North York Moors as an overall destination from the outset, regardless of Mine awareness;
- The mine has a negative impact on visitor satisfaction scores for Staithes, unprompted;
- 12% of Staithes visitors rate Staithes as a destination slightly lower ('Agree' rather than 'Strongly Agree') because of the Mine. The main reason stated is that the Mine spoils the landscape;

- There is a stated small negative impact on likelihood to return after prompting. For the vast majority (91% in Staithes and 98% in Robin Hood's Bay) the mine will not seriously impact on likelihood to return. But 3% of visitors would not return to Staithes as a result of the Mine, and 1.8% of the whole sample state they are unlikely to return to Staithes due to the Mine.

9.15.4 Further analysis was carried out, using data from the visitor survey, Visit Britain's Great Britain Tourism Survey and STEAM data for the Coastal Communities Fund area, to identify a reasonable estimate of the total number of visitors to Staithes who are less likely to return per year as a result of the Mine and the corresponding loss to the local visitor economy. This data resulted in estimates of an economic loss of £214,964.58 per annum (years 1 to 5 of the development) and £193,468.13 per annum (years 6 to 25 of the development) reflecting a degree of reduction in landscape impact following the phased removal of some Mine plant and buildings.

9.15.5 The applicant has accepted the survey methodology and the conclusions ultimately drawn from it.

Overall officer conclusions on economic impacts

Overall, in officers' opinion, the picture that emerges from this data and wider contextual information is one in which the main economic and socio-economic benefits of the development are likely to be most significant in adjacent areas relatively near to but outside the National Park, particularly within Redcar and Cleveland and more widely within the Tees Valley sub-region and potentially in those parts of Scarborough District outside the National Park, but with benefits also extending more widely at a sub-regional and regional level through indirect and induced effects. The existing and likely future scale of these benefits is substantial within that context and a very important factor in the determination of this application.

Conversely, harmful impacts on economic factors are most likely to be experienced in close proximity to the development, within the National Park. This is mainly a result of the highly industrialised character of the development, combined with the sensitivity of its location in proximity to the National Park coastline, the important tourism destination of Staithes and strategically important long distance recreational access routes. The information contained in the tourism survey undertaken by Emotional Logic on behalf of the National Park Authority provides evidence of a significant impact on the propensity of visitors to return to Staithes, as a result of the impact of the existing development on the landscape, with a corresponding adverse impact on the local tourism economy. In officers' opinion this is a matter which would require appropriate mitigation or compensation if the development were to proceed.

Subject to such appropriate mitigation or compensation being agreed, potentially via Section 106 obligations, officers conclude that the wider, but sub-national, economic benefits of the development should be afforded great

weight in the determination of this application, in line with national policy in the NPPF and could alone, subject to other considerations, meet the MDT requirement to demonstrate exceptional circumstances and the public interest. An overall officer conclusion in relation to all elements of the MDT, including the economic merits of the proposal, is addressed in the section on Planning Balance later in this report.

9.16 Other considerations relevant to need for the development – Underground science activities at Boulby Mine

- 9.16.1 Scientific research has been taking place underground at Boulby Mine for more than 30 years. This activity utilises the ultra-low background radiation environment available in the deep mine workings to carry out research on astro-particle physics, as well as other studies relating to geology/geophysics, climate and the environment, life in extreme environments and on technology for planetary exploration. Officers understand that the facility is fully funded by the Science and Technology Facilities Council (STFC) and operated with the support of ICL Boulby. Planning permission for a surface laboratory building on the Mine site, to support the underground research, was granted in 1998 with a further permission in 2007. The surface facilities are subject to a time limit which essentially requires them to be removed when the main minehead site is restored. ICL state that the Facility employs 4 staff on a full time basis and attracts visiting academics who contribute to the local economy through spending on accommodation, transport and subsistence. The applicant also comments that the scientific research undertaken at Boulby Mine contributes to the National Park Special Qualities ‘A place of artistic, scientific and literary inspiration’ and ‘A heritage of authors, explorers and scientists’.
- 9.16.2 The STFC website states that ‘The focus of early work was the search for Dark Matter, the ‘missing mass in the universe’ thought to be as yet unknown fundamental particles that only interact weakly with normal matter. Deep underground particle detectors designed to detect dark matter can be operated with vastly reduced levels of cosmic ray interference that would be experienced on the Earth’s surface. For over 2 decades at Boulby, UK and international scientists have developed and tested world-leading dark matter detector technologies including the NAIAD and ZEPLIN detectors, the latter being one of the key technologies now used in the world’s most sensitive dark matter detectors. Boulby continues to host part of the CYGNUS (previously DRIFT) directional dark matter detector programme, and is home to BUGS (the Boulby UnderGround Screening facility), enabling world class ultra-low background material screening which is essential for future Dark Matter and other low-background / rare event studies.’
- 9.16.3 Representations received from Boulby Underground Laboratory state that the research is ‘reliant on the safe and supported access provided by ICL Boulby, which also means that the cost to the UK in operating an underground laboratory is reduced by more than £10 million per annum.’ Further representations from the

UK Centre for Astrobiology, which utilises the facility, state that retention of the Mine would 'enable the continuation of the world leading and internationally significant science and technology research which takes place, including planetary science and research relating to 3D mapping of wider relevance to underground mine safety. This includes visits by science teams from NASA, the European Space Agency, the Indian Space Organisation and many other UK and international science teams'.

9.17 Officer discussion on the need for the underground science uses at the Mine

9.17.1 The scientific research taking place at Boulby Mine is opportunistic in the sense that it utilises the unique (within the UK) underground environment that has been created through previous mining at a depth of 1,100m. Officers note that the workings at the two other salt mines in the UK (in Cheshire and Northern Ireland) are at depths of approximately 150m and 400m respectively and are therefore not able to provide the same ultra-low radiation environment available at Boulby Mine. Officers are not aware of any other Mine workings in the UK that could fulfil this specific role.

9.17.2 Officers accept that the science research at the Mine is significant, of national and global relevance, and not directly replicable elsewhere nationally. Officers also acknowledge that closure of the Mine would result in the loss of the opportunity for this research to be carried out in the UK. Whilst in theory future underground workings at the Woodsmith Mine, should it become operational, could provide an alternative location with similar underground conditions, in officers' view such an alternative is not a realistic prospect for the foreseeable future and would in any event require the active support of the operator of that Mine. It cannot be regarded as a credible potential alternative at this stage.

9.17.3 Officers also accept that the undertaking of the science research at the Mine must lead to an additional small (but unquantified) positive contribution to employment and the local economy and achieves this without adding in any significant way to the harmful impacts of the Mine in environmental terms.

9.17.4 There are no specific policies in the North York Moors Local Plan that address science research facilities as a form of development. In these circumstances the presumption in favour of sustainable development, contained in the National Planning Policy Framework (para. 11), is generally relevant. This indicates that the presumption applies unless:

- i) the application of policies in (the) Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) 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.

9.17.5 National Park designation is identified in a footnote to criterion i) as one of the circumstances where the presumption may not apply. In this particular case officers do not consider that there is harm arising from the current science research activities and development at the Mine such that the presumption in favour of sustainable development should not apply in this instance. In officers' view this position pertains so far as the research activities are taking place alongside, and very much subordinate to, the operation of the site as a Mine.

Officer conclusion on the need for the underground science uses at the Mine

Overall, officers conclude that the science research activities taking place at Boulby Mine are important within a national and international science research context, as evidenced by the fact that they are subject of considerable financial support via the STFC. The availability of the operational Boulby Mine beyond the current 2023 expiry date would, to the extent that it would also enable the Mine to continue to host the Boulby Underground laboratory and related surface supporting facilities, be a benefit of the development to which some limited weight should be attached in the overall planning balance.

10. Potential for locating the development outside the National Park

10.1 The applicant's position

10.2 Assessment of proposals under the MDT (as expressed via Local Plan Strategic Policy D and draft MWJP Policy D04) requires that consideration be given to whether, in terms of cost and scope, the proposal can viably and technically be located elsewhere outside the National Park in a place that would avoid conflict with the National Park's statutory purposes; or that the need for it can be met in some other way.

10.3 Opportunities to undertake this development outside the National Park are inevitably highly constrained by the fact that this would involve the need for removal of the existing minehead (as the most harmful element of the development in terms of adverse impact on the National Park) and construction of a new one in an alternative location. In order to conform to Strategic Policy D, any new minehead re-located outside the National Park boundary would also need to be in such a location as to avoid significant harm to National Park purposes. In effect this means that its relocation immediately beyond the boundary would be unlikely to achieve policy compliance. Officers acknowledge that a range of other requirements would substantially constrain selection of a suitable alternative location outside the National Park. These include ensuring proximity to the mineral resources to be extracted; appropriate geological conditions for shaft sinking purposes; the ability to provide the site with appropriate access and other infrastructure, and; a site location sufficiently free from environmental and local amenity constraints, as well as considerations of cost and viability.

- 10.4 Whilst the applicant has undertaken a high level review of the potential for relocating the Mine outside the National Park, it states that the ability to achieve this is fundamentally constrained by cost. It points out that, if continuity of production were to be maintained, a new minehead would need to be constructed, and access to underground mineral reserves achieved, before the existing minehead could be decommissioned. This would involve additional costs from construction of the new site alongside operational costs for the existing site. Alternatively, cessation of mining at the existing site prior to construction of a new minehead would mean that no revenue was available to support the new construction works. The applicant states that neither of these scenarios is a financially viable proposition.
- 10.5 Notwithstanding, the applicant has identified, based on what it describes as ‘very high level’ considerations, four possible minehead locations outside the National Park which are of sufficient size and with potential for adequate road and rail access, as well as proximity to the sea for effluent discharge. These locations are all to the north of the boundary, the applicant having ruled out consideration of possible locations within the Vale of Pickering and the Whitby enclave. In dismissing these latter two options ICL Boulby point out that they were assessed and ruled out, for geological and associated mining feasibility reasons, through consideration of the proposals brought forward by York Potash Ltd, with the National Park Authority accepting that position at the time.
- 10.6 The four potential locations identified are on land to the West of Skinningrove Steel Works; Land between Saltburn and Marske; Land between Marske and Redcar (adjacent to the Coast road), and; Land near to Coatham Sands. All these locations are considerably further away from the applicant’s intended polyhalite mining area under the North Sea than the existing Boulby minehead site, being at a distance of between 15km and 28km compared with the current 9km. The applicant states that this would increase the costs and labour required for underground minerals transport. The applicant also identifies a number of other important planning and environmental constraints associated with each of the four locations and concludes that a suitable alternative site is not available.
- 10.7 Overall, the applicant concludes that, even if a suitable alternative minehead site were available, it would not be economic, sustainable or reasonable to require closure of the existing mine site and development of a new one outside the National Park.

10.1.1 Potential for locating the development outside the National Park – Officer discussion

- 10.1.2 Whilst representations have been received to the effect that the alternative sites assessment should be more rigorous (as was carried out with regard to the proposals brought forward by York Potash Ltd), officers consider that the two cases are materially different and that it would not be reasonable to expect a directly equivalent approach to be followed in the case of proposals for retention of an existing mine, in comparison with proposals for development of a wholly

new mine on a greenfield site. To that extent officers generally agree with the applicant's position on this matter.

- 10.1.3 A further consideration relevant to the potential for locating the development outside the National Park is that pertaining to the mineral processing element, particularly with regard to the manufacture of PotashpluS and aligned products using imported MOP or other materials not extracted at the site.
- 10.1.4 It is accepted that minerals can only be extracted where they occur in economically viable configurations, and that this may involve a need for some initial processing of the extracted mineral in order to generate a saleable product, or to bring it into a condition where it can be transported off site. However, operations involving more extensive processing, utilising a relatively high proportion of materials brought on to the site from elsewhere, are not necessarily constrained in the same way and can lead to additional impacts as a result of the presence of additional processing plant, equipment and on-site activities, as well as additional transport movements.
- 10.1.5 In this particular case the PotashpluS product currently manufactured on site comprises approximately 50% imported MOP. This product is, in effect, still under development by the applicant and is produced using plant and equipment adapted from that formerly used to process sylvinitite. ICL Boulby acknowledge that it expects to gain knowledge and experience, obtained during the production of PotashpluS in this way at Boulby Mine, in order to refine its requirements and plans for a bespoke processing plant for the manufacture of PotashpluS off-site and on a larger scale. The applicant has clarified in mid-2021 that this product development activity is still in progress and that it is not yet in a position to finalise its mineral processing requirements.
- 10.1.6 To date PotashpluS has only been sold in relatively small volumes. Information from the applicant suggests that two-way lorry movements involved in import of MOP or export of PotashpluS, in combination with other lorry movements relating to the site, do not exceed the established 150kt per annum and 66 HGVs per day limits allowed via the current planning permission for export of potash from the site. However, the processing activities required for the manufacture of PotashpluS currently utilise substantial items of plant and equipment contained within the main processing plant building, formerly used for the on-site production of MOP from sylvinitite extracted at Boulby Mine. In terms of massing this building is one of the largest structures on site. The drying process involved also necessitates use of the main chimney stack which, at 87.5m, is significantly the tallest structure on site. Furthermore, the need for additional handling of polyhalite fines material and associated health and safety systems for dust extraction give rise to the potential for additional dust and noise generation.
- 10.1.7 In the opinion of officers, and notwithstanding on-going efforts being made by ICL Boulby to reduce impacts from this aspect of their operations, in overall terms the on-site manufacture of PotashpluS leads to substantial additional environmental impacts within the National Park and would more appropriately be

undertaken at an off-site location. The applicant's future aspirations for substantially increased supply of PotashpluS into the market further enhances the significance of this issue. This matter is relevant within the context of the element of the MDT requiring consideration of whether, in terms of cost and scope, the proposal can viably and technically be located elsewhere outside the National Park in a place that would avoid conflict with the National Park's statutory purposes.

- 10.1.8 Whilst, as noted earlier in this section, officers accept the applicant's position that the minehead as a whole cannot viably and technically be located outside the National Park, officers do not draw the same conclusion with regard to the importation of MOP and the manufacture of PotashpluS, or other products reliant on a significant proportion of imported materials.
- 10.1.9 In general terms the applicant also acknowledges this and has indicated an intention to develop a bespoke off-site processing facility, potentially on Teesside. However, no specific proposals have been brought forward at this time and therefore do not form part of the current application. Nevertheless, the applicant has given a commitment that importation of MOP and the on-site manufacture of PotashpluS will cease by the end of 2027. It states that it is in a position to give such a commitment as it has access to a range of other possible options for off-site processing, including via use of ICL facilities overseas, and therefore this commitment is not dependent on the ability of ICL to secure, develop and commission a facility on Teesside within that same timeframe.
- 10.1.10 The most recent update from the applicant on this matter is that discussions have taken place with Redcar Bulk Terminal with regards to the potential location of a Secondary Products (compaction/ granulation) production facility on their land estate, with a request from ICL to have this land area allocated. The potential utilisation of this land area for secondary products was included as part of the Freeport submission.
- 10.1.11 Representations on the planning application relevant to this issue make two main points. Firstly, that no consideration has been given to how all processing activity (both Polysulphate and PotashpluS) might be achieved off-site from day one of the development and, if cost is to be relied on to discount this option, full information on such costs should be provided. Secondly, that the application should not be determined until land investigations for an off-site processing plant have progressed to the point where an option has been secured and a processing facility subject of an application to the relevant planning authority. Otherwise, the application should be assessed on the basis that a processing facility at Teesside is not realised. The cumulative impact of an off-site processing facility needs to be considered as part of the EIA and such an approach would be consistent with that adopted for the Sirius Minerals development.
- 10.1.12 Whilst officers note these views, they also note that since submission of the application, and following negotiations, the timeframe proposed by the applicant for relocation of the processing element has reduced from 2030 to 2027.

Although officers consider it essential that, if the Mine is to be retained for a further period beyond its current operational expiry date, this processing activity is relocated at the earliest practicable opportunity and in any event by the end of 2027, officers also accept that it is likely to take a number of years for the operator to finalise its processing requirements, secure a site and construct and commission a new processing facility. In officers' opinion the period to the end of 2027 provides an adequate and reasonable timeframe in which to achieve that relocation. Equally, officers do not consider it helpful to set an unrealistically ambitious timetable. ICL Boulby has acknowledged that a very substantial investment will be needed to deliver a new bespoke processing facility but has not, specifically, sought to discount the earlier delivery of a new facility on cost grounds.

10.1.13 Officers also acknowledge that a more holistic approach, whereby more advanced proposals for a new off-site facility were put forward alongside the current application, would bring greater clarity on the applicant's intentions for this element of its business. However, the NPA is under an obligation to determine the application on its merits and in the form submitted. As the applicant has confirmed that its proposal to cease Potashplus manufacture at the Boulby minehead site by the end of 2027 is not contingent on the delivery of a new facility on Teesside or indeed elsewhere in the UK, as other options to achieve this are available within the ICL business, a requirement for the cessation of this processing activity at Boulby Mine and the removal of related plant and equipment can, in officers' opinion, be adequately secured via planning conditions if planning permission is granted.

10.1.14 A further related issue does however arise with regard to the claimed benefits of the development. Mineral processing gives rise to employment at the Mine. It is to be expected that the re-location of processing activities off-site would result in a corresponding reduction in employment at the minehead location within the National Park. It is understood that this is likely to be around 60 jobs. An off-site processing facility on Teesside would be likely to retain positive effects from additional employment and related economic and socio-economic impacts within the area already considered to be at greatest need of such benefits. However, as the applicant is not at this stage able to confirm an off-site location for processing, it cannot be assumed that such benefits would be retained in the local area, or indeed at a national level. In officers' opinion this leads to some reduction in the weight that could otherwise be attached to the claimed economic and socio-economic benefits of the development.

Officer conclusions on the potential for locating the development outside the National Park

Officers conclude that, whilst it might be technically feasible to develop a minehead location outside the National Park to serve the Boulby underground workings, the existence of an established and operational minehead and related infrastructure in the present location means that such an option is not

likely to be viable in any practical sense and accept that it would not be reasonable to seek this as part of the current proposals.

Officers also conclude that there is much greater potential for the manufacture of PotashpluS, or any other mineral products utilising a substantial proportion of imported material, to be undertaken at an off-site location outside the National Park and indeed that this is necessary in order to minimise the harm caused by the development and secure compliance with relevant planning policy. The applicant acknowledges the need for this and it is reflected in the proposals for the phased removal of plant and buildings and the cessation of this processing activity on-site by the end of 2027. Officers are therefore of the opinion that it would be necessary to secure this matter through planning conditions in the event that planning permission is granted.

10.2 Meeting the need for the development in some other way

10.2.1 The MDT also requires that consideration be given to whether any need for the development could be met in some other way. As noted earlier in the report, consideration of 'need' can go beyond just the need for the minerals and include other aspects of the development. In addition to any need for the minerals, of particular relevance in this case is the need for the economic and socio-economic benefits that the development would bring.

10.2.2 The applicant's position

The applicant points to the fact that Boulby Mine is the only operational polyhalite mine in the world and that currently almost all of the UK sulphur and potash fertiliser requirements are met through imports. It states that other potential alternative sources of sulphur have limited attractiveness to the market and that unconventional sources of potassium are yet to be used at a commercial scale and are not likely to be used over the timeframe of the proposed development. The applicant also refers to the fact that the proposals by York Potash Ltd have a stated focus on exports of polyhalite and that figures presented in that application suggest that Woodsmith Mine would only supply an equivalent of about 17% of the national sulphur fertiliser requirement, or 6.5% of the potassium requirement, meaning that in the absence of supply from Boulby Mine the UK would remain heavily reliant on imports.

10.2.3 With regard to rock salt, ICL Boulby state that whilst other UK suppliers could take up some of the supply from Boulby Mine, the location of these other sources means that increased costs and emissions from transport would occur in the supply of customers on the east coast or in Scotland

10.3 Potential for the need for the development to be met in some other way - Officer discussion

10.3.1 As a relatively new form of mineral in the market, and for reasons explained in more detail earlier in this report, officers consider that there is only limited evidence of a clear 'need' for polyhalite at this point in time. Demand for fertiliser

in the UK is being met mainly through imports, notwithstanding the fact that Boulby mine remains operational and it may be that the market chooses to maintain this position for the majority of requirements moving forwards. Officers are also mindful that it is the nutrients contained within polyhalite that are of interest to the market as commodities, rather than the mineral itself, and they are not aware of any significant overall constraints in the availability of those nutrients via other forms of fertiliser globally. Nevertheless, at this point in time Boulby Mine is the only operational source of supply of polyhalite nationally and globally and any need specifically for polyhalite cannot be met in some other way at present.

10.3.2 To the extent that a need for polyhalite does exist, and may potentially increase in future, it is likely that future UK requirements could in theory be met via supply from Woodsmith Mine, should it become operational. Clearly there is still some uncertainty about this and the specific timeframe in which that new Mine could commence supply to the market but, given the relative immaturity of the market for polyhalite noted above, this factor is perhaps of lesser relevance than might otherwise be the case.

10.3.3 With regard to rock salt, officers note the existence of two other UK sources of supply. Potential constraints on the availability of salt from these two sources of supply has not been drawn to officers' attention via the applicant or through responses to consultation. In general terms, therefore, it would appear that there is potential for salt requirements to be met from other UK sources of supply. Nevertheless, officers are also aware of the value of maintaining adequate security in the supply of salt for the resilience of UK's critical transport infrastructure during winter conditions. They also note that a Government commissioned review from 2010 has identified constraints in the availability of indigenous road salt supply under a scenario where three mines are in production. To this extent specifically, officers are of the opinion that the need for salt supplied from Boulby Mine cannot currently be met in some other way, other than via imports, noting also that there is no planning permission authorising supply of rock salt via any future operations at Woodsmith Mine.

10.3.4 Consideration also has to be given to whether any need for the potential economic and socio-economic benefits of the development could be met in some other way. Earlier sections of this report have identified that officers accept that the development would give rise to substantial economic and socio-economic benefits. Officers concluded that these benefits are most likely to be felt in adjacent areas relatively near to but outside the National Park, particularly within Redcar and Cleveland and more widely within the Tees Valley sub-region and potentially in those parts of Scarborough District outside the National Park, but with benefits also extending more widely at a sub-regional and regional level, mainly through indirect and induced effects. In this respect, and in general terms, officers consider that the benefits will arise in those areas where the apparent need for them is greatest.

- 10.3.5 Within the National Park and at an individual project level, only the Woodsmith Mine development is likely to provide economic and socio-economic benefits of the same general nature, albeit at a scale in excess of that expected to be delivered via the proposals for Boulby Mine. As members will be aware, Woodsmith Mine is under construction and is already generating positive economic impacts through construction stage employment, supply chains and other direct, indirect and induced effects. As a wholly new development these benefits are additional to those generated by the current Boulby Mine. It is also likely that there is, and would continue to be, significant overlap in the spatial extent of the respective positive economic and socio-economic impacts.
- 10.3.6 With regard to the Tees Valley area, officers note that the Redcar and Cleveland Local Plan (May 2018) identifies aspirations for the expansion of Teesport and that this could create thousands of new jobs over the Plan period. More generally it identifies that growth will be supported across a range of employment generating sectors, with land safeguarded to meet identified employment needs and support growth of the local economy.
- 10.3.7 The overall focus of relevant plans and strategies covering development and growth outside the National Park and particularly in the immediately adjacent Tees Valley sub-region, is on creation of more, and generally higher value, employment opportunities. Both the Tees Valley Local Industrial Strategy 2019 (Draft) and the Tees Valley Strategic Economic Plan (2016-2026) identify aspirations and targets for future economic growth and job creation, with the latter containing a target to create a net 25,000 new jobs over 10 years, although the Strategy notes that it is inevitable that a proportion of employment growth will be in lower paid and less secure employment. Both Strategies also identify opportunities in low carbon industries and technologies, and growth in digital businesses, as well as more traditional sectors.
- 10.3.8 Officers note that opportunities for new job creation in the Tees Valley sub-region have already been realised and that such opportunities will continue to arise across a range of sectors over the additional lifespan now proposed for Boulby Mine, and these are likely to assist in furthering economic and socio-economic development. However, it is not considered that the economic and socio-economic benefits generated by Boulby Mine can in any event be readily and directly replaced by similar new opportunities generated through such initiatives. This is because the benefits accruing from Boulby Mine are already integrated into the surrounding area as a result of the extensive operational life of that Mine to date. The effect of removing the source of those benefits, through closure of Boulby Mine, would be likely to lead to harm to the economic and socio-economic well-being of existing communities in a way that would be at odds with the economic regeneration aspirations and objectives of local authorities and agencies outside the National Park.
- 10.3.9 Similarly, whilst in theory Woodsmith Mine may provide an alternative source of employment opportunities and economic benefits, and at a scale greater than

that generated by Boulby Mine, officers do not consider that the position is a simple binary one. In a scenario where two Mines are operational then it is to be expected that, in overall terms, they would in combination make a greater contribution to development and growth objectives in those locations outside the National Park most in need of such benefits.

- 10.3.10 Officers emphasise that the main drivers for the economic and socio-economic benefits that would be generated through continued operations at Boulby Mine (as for Woodsmith Mine) are focussed on areas outside the National Park. There remains a high degree of tension between the harm caused to the National Park and the potential for economic and socio-economic benefits generated, with these latter effects being felt mainly outside the National Park boundary. A balanced decision on this matter has already been taken in respect of Woodsmith Mine. Members are advised that the proposals now under consideration for Boulby Mine require a separate judgement on this balance, based on the specific circumstances and merits at this point in time.

Officer conclusions on whether the need for the development could be met in some other way

The overall conclusion of officers on this matter is that, to the extent a national need for polyhalite (and the nutrients contained in polyhalite) arises, there is a reasonable expectation that such need could be met from a new source of supply expected to come on stream at Woodsmith Mine over the next few years.

The contribution that road salt from Boulby Mine makes to the security of indigenous supply and the resilience of national transport infrastructure cannot currently be met in some other way, other than via imports. With reference to the local and sub-regional economic and socio-economic benefits of the development, officers conclude that the need for these could not directly or clearly be met in an alternative way.

11. Impact on the landscape and visual impact

- 11.1 In the context of this section of the report, impact on landscape refers to impact of the development on landscape elements and designations; for example impacts on differing aspects of landscape character and landscape features, and on the important landscape attributes of the National Park. Visual impact refers to impacts on views and visual attractiveness as experienced by people, including from residential properties, roads and public rights of way. Affording protection of the highly valued landscape of the National Park is essential to consideration of proposals under the Major Development Test and landscape is also subject of protection through NYM Strategic Policy G. Prevention of unacceptable impact on tranquillity, including as a result of visual intrusion, is a requirement of NYM Policy ENV2.

11.2 Landscape and visual impact – the applicant’s position

The Environmental Impact Assessment (EIA) undertaken by the applicant (as subsequently amended and updated) considers three main scenarios. These are: the Mine in its current form (ie prior to implementation of the proposed partial deconstruction by the end of 2027); the position following partial deconstruction; and the position following removal of Mine infrastructure and completion of site restoration. An assessment of night-time visual impact is also included. The EIA evaluates these various scenarios against a baseline of the operational Mine continuing until 2023 (as currently authorised), with a subsequent period of decommissioning (until 2025), an ‘aftercare’ period until 2033, a semi-mature restored site until 2048 and a fully mature restored site post 2048.

11.2.1 The Landscape and Visual Impact Assessment focusses on a 5km radius study area around the Mine surface site but incorporates a more detailed assessment within a 2km radius, focussing on landscape and visual receptors more likely to experience higher magnitudes of impact. The EIA acknowledges that the 5km radius study area does not mark the absolute limits of the development’s visibility but states that, beyond that distance, it is highly unlikely the development would generate landscape or visual effects that are assessed as ‘significant’ in EIA terms.

11.2.3 The assessment of landscape and visual impacts also considers the position with and without the related landscape and visual impact mitigation measures proposed by the applicant.

11.2.4 In brief overall summary, the EIA acknowledges that the development would have harmful residual effects on the landscape (ie after mitigation) assessed as ‘Significant’ harm in EIA terms, for the following main receptors:

- Landscape Character Area 4a (Coast and Coastal Hinterland Boulby to Whitby) – Significant effects within the Mine Site and for an area reaching approximately 2km outside of it, due to the loss of landscape elements within the Mine Site and the indirect effects of the large mine buildings on the surrounding area;
- North Yorkshire and Cleveland Heritage Coast - Significant effects within the Heritage Coast designation, within an approximate 2km radius from the proposed development site.

11.2.5 It also acknowledges that significant harmful residual effects on visual impact would be caused with regard to the following receptors:

- Staithes Upper Town, Cowbar, Boulby and Hinderwell (NB: Effects would range from Not Significant to Significant depending on exact location in these areas);
- The individual properties at: Ings Farm, Redhouse Farm, Twizziegill Farm, Boulby Barn Farms, Cowbar Farm, Seaton Hall, Midge Hall group, Borrowby Grange group;

- Recreational users of: Cleveland Way, England Coast Path, National Cycle Route 1, Some PRoWs in and adjacent to the Mine Site;
 - Drivers on: A174, Cowbar Lane (NB: Effects on A174 would be Significant only in certain locations within the sections between Easington and the Mine Site entrance (eastbound) and Hinderwell and the Mine Site entrance (westbound)).
- 11.2.6 With regard to night-time residual visual effects, the EIA concludes that, after mitigation, significant harm would be caused to: Ings Farm / A174 area to the West, England Coast Path / Cleveland Way area to the north, Dalehouse Bank area to east, Roxby lane area to the south.
- 11.2.7 The EIA notes that, in most cases, the phased removal of some plant and buildings at 2027 would still result in a situation where the assessed magnitude of landscape change is high, relative to the baseline scenario of the Mine site with the development removed and the site restored, meaning that the level of effects post-2027 until the restoration phase of the development would continue to be significant adverse in EIA terms.
- 11.2.8 A further issue addressed in the EIA is the landscape and visual effects of the deconstruction works themselves. The EIA notes that all of the deconstruction works, including at low or high levels, would be temporary operations lasting a matter of weeks for the lower level works, and around a few months for the higher-level operations.
- 11.2.9 With regard to the landscape effects of the proposed phased deconstruction, the EIA states that effects from the demolition of the smaller buildings and ground level structures would result from the movement of plant and vehicles in this area during the works. These effects would be most visible from the A174 and coastal hinterland between Boulby and Staithes, including the recreational path network to the north of the mine entrance. The Assessment notes that the remaining mine buildings, topography and woodland features would provide a great deal of screening from locations around Ridge Lane, although some deconstruction activity may occasionally be perceptible from elevated land in and around Roxby to the south, and that topography and distance would screen almost all views from longer distances.
- 11.2.10 The deconstruction works for the taller structures would be more visible, and if high-reach plant is used would introduce new, moving features on the skyline during the works, most visible within an area from Ings Farm in the west, out to around 2km from the Mine Site to the south and east. The EIA notes that, beyond a 2km distance, views of these deconstruction works would still be available (from Hinderwell and Ellerby for example) but the increased distance would reduce the magnitude of the effects substantially, with the slender nature of the high-reach plant less visible against the skyline from these distances, and only the movement of the plant having the potential to draw the eye. Overall, the EIA concludes that the landscape effects of the phased deconstruction would not be significant.

- 11.2.11 With regard to visual impact from the phased deconstruction works, the EIA concludes that significant visual effects would occur on receptors within a 1km distance of the proposed works to the west (towards Ings Farm), north-west and north (Boulby and the coastal hinterland) and to the south east (Ridge Lane). Towards the north-east these effects could extend to a 2km distance from certain viewpoints in Staithes. The EIA notes that these significant effects would however be temporary and are required to provide an improved visual appearance for the longer-term benefit.
- 11.2.12 With regard to the National Park and the adjacent Heritage Coast designations specifically, the EIA also addresses the ‘..effects of the proposed development on the overall integrity and special qualities for which these areas are designated.’ By way of introduction to this matter the EIA quotes advice from the Landscape Institute on assessment of landscape and visual impacts stating ‘An internationally, nationally or locally valued landscape does not automatically or by definition have high susceptibility to all types of change’ and that ‘It is possible for an internationally, nationally or locally important landscape to have relatively low susceptibility to change resulting from the particular type of development in question, by virtue of both the characteristics of the landscape and the nature of the proposal.’ ‘The particular type of change or development proposed may not compromise the specific basis for the value attached to the landscape’.
- 11.2.13 Following review of the potential impacts of the development on the 28 National Park Special Qualities identified in the current Management Plan, the EIA concludes that localised landscape-related effects, albeit below the threshold of significance in EIA terms, would occur in respect of a number of Special Qualities. It also concludes that landscape-related effects defined as significant in EIA terms would be experienced in relation to the Special Quality of ‘Tranquillity’ over the proposed additional 25 year operational period of the Mine. The EIA assesses that this would be mainly restricted to a small proportion (under 4%) of the National Park. It also notes that the affected area is not one of the National Park’s most tranquil parts, being sited on the edge of the National Park and in a location where tranquillity is also affected by the presence of the A174 and comparatively large settlements at Staithes and outside the National Park at Loftus, Skinningrove and Brotton.
- 11.2.14 With reference to the North Yorkshire and Cleveland Heritage Coast specifically, the EIA concludes that effects up to year 25 would be moderate to substantial and assessed as Significant adverse within that part of the Heritage Coast within 2km of the Mine surface site. It also concludes that indirect significant effects would be experienced within a very limited proportion of the Heritage Coast and would not compromise the integrity of the most relevant key principle of Heritage Coast designation, which relates to the conservation and enhancement of the coastal landscape, retention of open landscape character and retention of extensive, uninterrupted views.

11.3 Landscape and visual impact – officer discussion

- 11.3.1 As a major development within a National Park setting, it is clear that there is high potential for the development to cause substantial harm to the landscape, and to generate substantial visual impact. This is particularly so when the very large scale and highly industrialised character of the Mine surface site is taken into account.
- 11.3.2 In reaching a view on the nature, extent and significance of the harm caused by the proposed development on the landscape and through visual impact, officers consider that the following factors are of particular relevance.

11.4 The design and appearance of the Mine

- 11.4.1 The Mine was constructed approximately 50 years ago and the utilitarian design and materials are ‘of their time’, reflecting an unsympathetic approach to accommodating a major industrial development in a sensitive location. The large scale and industrial function of many of the structures remains very apparent to those living in, visiting, or passing through the local area today, notwithstanding attempts by the operator to provide a degree of screening of the development through tree planting and other measures. The landscape and visual harm caused by the development has not, in officer’s opinion, meaningfully been reduced through effective mitigation measures over the nearly 50 year period that has elapsed since mining commenced.

11.5 Locational context

- 11.5.1 The Mine surface site is in a prominent coastal location, with the varied local topography and relatively open character of the landscape along the immediate coastal fringe in this locality meaning that effective screening of taller structures in areas in closest proximity to the Mine is unlikely to be achievable, notwithstanding the applicant’s proposed further mitigation measures, which are described in more detail later in this section. The Landscape Character Assessment for the National Park (2004) identifies Boulby Mine as a landscape detractor within the Landscape Character Area 4a (Coast and Coastal Hinterland Boulby to Whitby), stating ‘The tall chimneys and structures of Boulby Potash Mine, the deepest mine in Britain, dominate the northern part of the character area’.
- 11.5.2 A further consideration relevant to the locational context is that the EIA undertaken by the applicant focusses on landscape and visual impact within a 5km radius of the site. Whilst the ES notes that a 5km limit will not mark the absolute limits of the development’s visibility, it notes that beyond that distance ‘...it is highly unlikely that the development would be a prominent landscape and visual element with the associated potential to generate significant landscape or visual effects.’
- 11.5.3 Officers consider that, whilst it is appropriate for the visual and landscape impact element of the EIA to be focused on a 5km radius of the Mine given that the

emphasis of the EIA is on the identification of harm identified as significant in EIA terms, the Authority needs to consider all potential harm arising from the development, including when assessing the proposal in relation to National Park statutory purposes and relevant local and national planning policies.

- 11.5.4 The Zone of Theoretical Visibility (ZTV) identified in the EIA shows that for the duration the main stack (87.5m in height) is present, the development is visible beyond the 5km radius identified in the ES and can also be seen from offshore. Danby Beacon is located at 9km, Hutton Mulgrave Wood (boundary with A174) is 12km and Moorsholm Moor at 9km. Moreover, the development is visible from even further afield and in good visibility can be clearly seen against the skyline at Ralph's Cross on Westerdale on the Blakey Ridge road, 18km away, as well as from Guisborough Moor and Fylingthorpe, suggesting a wider visual and landscape impact beyond that identified as Significant in terms of the EIA.
- 11.5.5 Following removal of the main stack by the end of 2027, substantial structures up to approximately 51m in height (the rock shaft tower) would remain on site. Once the main stack is removed, the development would no longer be visible from some locations and from others the impact would reduce as the stack and intermittent plume would not be visible. However, officers consider that the remaining buildings and structures will still have a material impact within and beyond the 5km radius identified in the ES. In this respect it is also noted that the ES does not alter its conclusion in terms of the significance of landscape and visual impact between phase 1 (up to 5 years) and phase 2 (6 years to 25 years), notwithstanding the proposed phased partial removal of plant and buildings. Even without the main stack and other structures to be removed, the Mine will still represent a very substantial and highly incongruous industrial development within a nationally protected landscape. Members are reminded that, for EIA purposes, the impacts of the development need to be assessed against a baseline of the site with the Mine surface development removed, as required by the current permission.
- 11.5.6 The assessment of officers, based on their own further Zone of Theoretical Visibility (ZTV) mapping work, extending beyond the 5km radius cut-off used by the applicant, is that in overall terms there would be a very substantial visual and landscape impact in the immediate vicinity of the development, with the wider zone of theoretical visual and landscape impact extending up to 2.86% of the National Park for the period until the main chimney stack is removed. For the remaining life of the development the extent of this area would reduce to 0.82% of the National Park. The ZTV mapping reflects the presence of woodland and there is potential for increased visibility of the Mine from certain locations at different times of year, or in the event that woodland areas outside the control of the developer are removed during the life of the Mine. Officers also note that 'sky glow' from light from the development (e.g. light reflecting from low cloud cover) during hours of darkness may also be visible, and have a harmful 'industrialising' impact on the National Park, even from locations where the Mine itself is not directly visible.

11.5.7 The calculated ZTV areas (both the applicant's and that undertaken by officers) do not seek to assess in any detail the extent of the offshore area, which is outside the jurisdiction of the National Park Authority and the land use planning regime, from which the development is visible. Nevertheless such impact, which may be experienced by those using the offshore area for tourism and recreation (noting that Staithes is an important local location for marine wildlife watching and sea fishing, as well as informal marine recreation) remains an impact of the development. Officers have verified that the Mine is clearly visible and dominant as an industrial backdrop to Staithes and its setting on the approach into Staithes harbour from offshore.

11.6 Duration of the development

11.6.1 The proposed retention of the Mine for a further 25 year operational period would mean that harm to the landscape and from visual impact would last for a generation and in that context, whilst clearly temporary in nature in a strict sense, in human terms cannot be viewed as anything other than long-term harm.

11.7 Landscape and visual impact mitigation measures proposed by the applicant

11.7.1 A number of measures are proposed by the applicant in order to mitigate the landscape and visual impact of the development. These are:

- A phased partial deconstruction programme for mine buildings and infrastructure over the period to the end of 2027 - the aim of this would be to remove or reduce in scale those buildings and structures which are no longer required (or only required in a reduced form) following cessation of production of sylvinitite and the manufacture of MOP, and/or the transfer of PotashpluS manufacture to an off-site location by the end of 2027.
- Consolidation of the cladding colour scheme (to a colour to be agreed with the NPA) across remaining buildings to produce a more harmonious appearance.
- A regular maintenance programme to ensure the buildings on site are kept in a satisfactory condition (in terms of their colour, cleanliness and in accordance with any other condition requirements such as light pollution).
- Tree planting and management alongside the A174 overlooking the Mine Site south eastwards from The Brows; alongside the A174 looking eastwards from the section of road near Red House Farm and the Mine Site entrance; and general screening around the operational area to screen low level minehead clutter and activity in views from the north and east.
- Management of existing woodland and tree planting areas on land within the applicant's control around the operational area to retain screening properties and ecological value.
- A lighting management plan.

- 11.7.2 Officers acknowledge that these measures are necessary and would be of some assistance in reducing the impact of the development on the landscape and visual amenity. However, it is considered that, collectively, they will be of only relatively minor benefit in reducing the overall extent of harm caused by the development to the landscape and from visual impact. In this respect officers also note that there is some uncertainty about the actual extent in the reduction in height of the main processing plant building as part of the phased deconstruction proposals. This building is one of the largest on the site in terms of overall massing. The applicant has indicated that it would be prepared to accept a planning requirement to reduce this building to half its current height and this assumption forms the basis for photomontages in the application documents.
- 11.7.3 Whilst the application refers to proposals for (although contains no detail of) additional screen planting as a mitigation for visual and landscape impact it is unlikely, bearing in mind the scale and duration of the proposed development and the length of time it would take for trees to establish to the extent that sufficient screening would be provided, that new planting will be an adequate means of delivering adequate mitigation for the visual and landscape impacts of the development. Furthermore, the exposed coastal location of the Mine is likely to result in a relatively slow growth rate and deciduous trees will be without leaf during the winter period, hence reducing their screening capacity. This is apparent in the existing situation, where earlier landscape planting has been of only very limited benefit in mitigating views of low level site ‘clutter’ with the main structures remaining substantially unscreened. Artificial landforms of a size necessary for effective visual and landscape impact reduction would, in themselves, be intrusive forms of development giving rise to harm and would not be an appropriate form of on-site mitigation.
- 11.7.4 It is therefore clear in officers’ opinion that a high degree of landscape and visual harm would arise, as well as harm to related Special Qualities, notwithstanding the on-site mitigation proposed to be applied. The impacts would be experienced throughout the operational lifetime of the development and although the removal of the main stack and certain other structures after 5 years of the development (i.e. 2027) would reduce the level of visual and landscape impact somewhat, major structures will remain and some impacts will endure as long as the site is operational.

11.8 Legislation and planning policy relevant to protection of National Parks and the landscape

- 11.8.1 The first statutory purpose of the National Park Authority is to conserve and enhance natural beauty, wildlife and cultural heritage. This is reinforced by Strategic Policy G of the NYM Local Plan 2020, which has statutory force in the determination of planning applications. The Policy states: ‘Great weight will be given to landscape considerations in planning decisions and development will be supported where the location, scale and detailed design of the scheme respects and enhances local landscape character type as defined in the North York Moors

Landscape Assessment.’ ‘Development which would have a unacceptable impact on the natural beauty, character and special qualities of the areas of moorland, woodland, coast and foreshore as defined by the Section C Conservation Map or on the setting of thelocal seascape will not be permitted.’ Officers note that the coastal slope and foreshore identified on the Section 3 Conservation Map lies within approximately 350m and 70m respectively of the main Mine site and the coastal pumping house. Woodland, identified as Section 3 Woodland, lies immediately adjacent to the operational Mine site to the east and south.

- 11.8.2 Strategic Policy G is consistent with national planning policy in the NPPF which states at para. 176 that ‘Great weight should be given to conserving and enhancing 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 these issues.The scale and extent of development within all these designated areas should be limited....’ Furthermore NPPF para. 177, setting out the Government’s expression of the Major Development Test applicable in National Parks, states that an assessment should be carried out of ‘..any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.’ As mentioned earlier in this report, the MDT is also incorporated in similar form into the statutory development plan via NYM Local Plan Strategic Policy D. Further policy protection to the landscape is provided through draft MWJP Policy D06, which states that development which would have a high level of impact on the landscape within the National Park will not be permitted.
- 11.8.3 Visual intrusion specifically is addressed in Local Plan Policy ENV2 Tranquillity, which states that ‘Tranquillity in the National Park will be maintained and enhanced. Development proposals will only be permitted where there is no unacceptable impact on the tranquillity of the surrounding area.’ The Policy goes on to identify visual intrusion as a matter that will be considered in assessing proposals. Of related relevance is Policy ENV 4 Dark Night Skies. This seeks to maintain and where possible enhance the darkness of the night sky above the National Park, with all development expected to minimise light spillage through good design and lighting management.
- 11.8.4 Draft MWJP Policy D02 contains a criterion stating that minerals and waste development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space, including as a result of the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park
- 11.8.5 Taken together, this planning policy context serves to emphasise the level of importance attached to protection of the landscape and visual impact within the National Park.

11.9 Implications of the landscape and visual harm for the identified Special Qualities of the National Park

11.9.1 In considering the landscape and visual harm caused by the development, officers have had regard to impact on those National Park Special Qualities which directly or indirectly relate to landscape matters. The relevant Special Qualities are identified below, together with a brief summary of the officer-assessed impact.

11.9.2 **Great diversity of landscape** - The presence of the Mine adds to industrialisation of the National Park, accentuated by the intermittent plume arising from the stack and visible dust from the operational area. Development is visible from over 18km from the site and also impacts harmfully on the appreciation of the landscape by residents or visitors to the National Park.

11.9.3 **Sudden dramatic contrasts associated with this** - Dramatic landforms and significant changes in topography accentuate the visual impact. The development (including the stack and the intermittent plume) sits against the skyline in some views substantially beyond the 2km main impact zone identified in the ES.

11.9.4 **Wide sweeps of open heather moorland** - The development is located within a designated landscape which includes the largest expanse of heather moorland in England and Wales. Whilst the development itself is not located within the moorland, it is visible from locations within this special landscape quality and the perception of industrialisation of the National Park is detrimental in this context.

11.9.5 **Distinctive dales, valley and inland headlands** - Industrialisation of the National Park impacts on the quality and character of the landscape, accentuated by the intermittent plume arising from the stack and visible dust from the operational area, and also impacts harmfully on the appreciation of the landscape by residents or visitors to the National Park.

11.9.6 **Majestic coastal cliffs and sheltered harbours** - The visual intrusion of the development, which is in a prominent coastal location, as seen from onshore as well as in views available to receptors accessing the offshore area for tourism and recreation via locations such as Staithes, significantly and specifically detracts from this Special Quality. The industrialising presence of the development impacts on the quality of the coastal landscape and detracts from the experience of the unique coastal cliffs of Boulby and the seaward approach to the sheltered harbour of Staithes. Officers note that the coastal cliffs and harbours near to the development also lie within an area identified as Heritage Coast.

11.9.7 **Distinctive coastal headlands** - The visual intrusion of the development as seen from the offshore area in views available to those using the offshore area for tourism and recreation significantly and specifically detracts from this Special Quality, particularly the landmark headland at Boulby.

11.9.8 **A rich and diverse countryside for recreation** - The development detracts from the experience of the National Park landscape for those accessing this part of the National Park for recreational purposes, including users of important national

trails including The Cleveland Way National Trail, England Coast Path and National Cycleway 1, as well as a number of local bridleways and footpaths, noting also that Staithes is an important location for tourism and recreation within the National Park.

11.9.9 An extensive network of public paths and tracks - The development is a significant detractor in terms of visual impact for users of important national trails including The Cleveland Way National Trail, England Coast Path and a number of local bridleways and footpaths.

11.9.10 Strong feeling of remoteness- Industrialisation of the National Park impacts on the quality of the landscape, accentuated by the intermittent plume arising from the stack and visible dust from the operational area, and acts as a reminder of the presence of intrusive development which detracts from the feeling of remoteness and detracts from the rural idyll. Although the development is not located in a Remote Area as identified in the Local Plan (i.e. areas at least 1 km from an address point or main road) it is visible from locations within such areas and in any event the Special Quality 'strong feeling of remoteness' applies more widely than the Remote Areas identified solely for the purposes of the development plan. Officers note that the whole of the National Park is remote relative to more urbanised areas of the country.

11.9.11 Tranquillity - Tranquillity is defined in the Local Plan as a state of peace and calm which is influenced by what people see, hear and experience around them. The Local Plan explains that it is important to recognise that the whole of the National Park is tranquil in comparison with towns and cities outside the National Park and that the Authority aims to conserve and enhance tranquillity throughout the whole of its area. Minerals development is identified in the Local Plan as a threat to tranquillity. The impact on residents or users (walkers, horse riders, drivers and cyclists) of the Park who see the development or traffic related to it, or perceive the consequences of the development through other senses, from a fixed location or during a journey through the Park, potentially moving in and out of one or more ZTVs, or through viewing structures at the start or end of a wider route through the area, will experience a reduced sense of tranquillity as users of the landscape and as a result of the visual impact of the development.

11.9.12 Dark skies at night and clear unpolluted air - Lighting associated with the development impinges on the experience of dark skies and the related special quality of tranquillity. The intermittent plume arising from the stack and visible dust from the operational area acts as a reminder of the presence of intrusive development that is inconsistent with the Special Quality of 'clear unpolluted air'.

Overall officer conclusions on landscape and visual impact

Officers are clear that the extent of harm to the landscape and visual amenity caused by the Mine would, for those locations and receptors affected, be very high notwithstanding the mitigation measures proposed by the applicant. This harm would be experienced by local residents, visitors and those passing

through the area in proximity to the Mine using the local highway and rights of way network and would endure for a very substantial period of time. The harm caused to the landscape and from visual impact carries great weight against the proposal.

Although the overall extent of the area of National Park theoretically impacted could be said to be relatively small, at less than 3% of the National Park surface area until 2027, reducing to less than 1% post-2027, this also needs to be viewed in the context of the very strong protection afforded to the landscape in relevant planning policy and via the first National Park statutory purpose; which is to conserve and enhance natural beauty, wildlife and cultural heritage.

Planning policy at both local and national level requires that harm to the landscape be given great weight in planning decisions and this is a very important factor in the determination of this application.

In this particular case it will also need to be considered alongside the requirement in the NPPF to give great weight to the benefits of minerals extraction, including to the economy, although officers note that the NPPF, whilst a very important material consideration, does not have the statutory force of the development plan.

A judgement is required to be made as to whether the high level of harm caused by the development to the landscape and from visual impact, alongside any other harm, is outweighed by the benefits of the development such that the proposals can reasonably be judged to represent exceptional circumstances and be in the public interest, thus overriding the policy presumption that permission for major development within the National Park should be refused. In this respect, and in the opinion of officers, the benefits arising from the development would need to be very substantial in order to outweigh the harm caused to the landscape and from visual impact and the resulting conflict with relevant planning policy, including NYM Strategic Policy G, Policies ENV2 and ENV4 and draft MWJP Policies D02 and D06, such that planning permission should be granted.

In forming a view on the impact of the development on the landscape, officers note that the applicant has offered, via proposed section 106 obligations, a financial contribution to the Authority for the purposes of delivering off-site mitigation and compensation measures related to the landscape. For reasons referred to earlier in this Section of the report officers consider that, whilst there is expected to be some potential for delivery of off-site landscape measures to assist in mitigating the actual landscape and visual impact of the development, the main focus of such measures would need to be on the delivery of compensatory landscape enhancements within the National Park to offset the harm caused.

The scale of this proposed contribution is substantial, amounting to approximately £8.9m over the life of the development and, in the opinion of

officers, would be sufficient to deliver a range of landscape works that would be significant and proportionate within the context of the nature of the assessed impact, the extent of the area impacted and the duration of the proposed development. It would therefore serve to offset the overall extent of harm to the landscape of the National Park that would otherwise arise but in the opinion of officers the remaining harm to the character and appearance of the landscape, particularly within close proximity to the site, would remain very high.

An officer conclusion on the overall planning balance is provided later in this report.

12. Impact on recreation and tourism

12.1 Impact specifically on the tourism economy in the vicinity on the Mine is addressed in more detail earlier in the report under economic and socio-economic impacts (section 9). This section considers other impacts from the development relevant to recreation and tourism.

12.2 Impact on recreation and tourism – the applicant’s position

12.2.1 The applicant points out that no information is available on how popular the local area would be for tourism and recreation purposes in the absence of the Mine. Its approach has therefore been to consider how tourism and recreational activity is established in the area in the presence of the Mine and considering key receptors that might be affected. For this purpose the EIA focusses on a 5km radius from the Mine, coinciding with the approach taken in its landscape and visual assessment, as the applicant considers there are unlikely to be significant effects beyond this distance.

12.2.2 Key receptors within 5km identified in the EIA include:

- The Cleveland Way National Trail (high sensitivity);
- The England Coast Path National trail (high sensitivity);
- National Cycle Route 1 (high sensitivity);
- Visitor attractions at Staithes (high sensitivity);
- Visitor attractions at Runswick Bay (medium sensitivity)
- Cattersty Sands (outside the National Park at Skinningrove) (medium sensitivity);
- Port Mulgrave beach (medium sensitivity);
- Tourism accommodation facilities such as holiday cottages, B&B’s caravan sites and eateries (medium sensitivity);
- Local public rights of way (low sensitivity).

- 12.2.3 In brief summary the EIA concludes that, when compared with the future baseline of a restored site, continuation of the Mine for a further 25 years would give rise to a number of significant effects due to the large scale of the site and buildings. This includes effects on users of the Cleveland Way, England Coat Path and National Cycle Route 1 for a 3km stretch of their routes close to the Mine site, as well as on tourism accommodation facilities either close to the Mine site or with clear views of the Mine, including at Roxby, Ridge Lane and Staithes Lane.
- 12.2.4 The EIA also notes however that, when considered as a continuation of the existing Mine (rather than against a baseline of a restored site), it is not considered that users of the Cleveland Way, England Coat Path and National Cycle Route 1 are currently experiencing significant effects due to the established position the Mine has had in the landscape for nearly 50 years. It also notes that significant effects could be occurring on the tourism accommodation sector for a very localised area of land around Roxby, Ridge Hall Lane and possibly Boulby village and these would continue.

12.3 Impact on recreation and tourism – officer discussion

- 12.3.1 The applicant's assessment focusses mainly on the visibility of the Mine as the cause of impact on tourism and recreation receptors (although it does note, for example, that for tourism accommodation at Ridge Lane noise could also be a factor). Officers accept that the landscape and visual impact of the Mine is likely to be the main detractor in this respect, and note that impact on landscape was the main reason leading to a reduced propensity to return to Staithes cited by respondents to the visitor survey undertaken by Emotional Logic, discussed in more detail in the Economic and Socio-economic impacts section of this report.
- 12.3.2 However, it is considered that a range of other factors are likely to be relevant too. These include tangible impacts from factors including visible dust and increased HGV and car traffic, and the way these combine with landscape and visual impact to create an impression of 'industrialisation', as well as more perceptual factors such as the incongruity between the presence of the Mine, the public's perception of the purposes of a National Park and their ability to appreciate a number of the National Park's special qualities in proximity to the Mine. Officers acknowledge however that such impacts are not readily quantified but it is nevertheless considered reasonable to assume that they will to varying degrees impact on the experience and/or perception of those visiting or using the area for tourism and recreation purposes and thus impact on delivery of the National Park statutory purpose to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Policy CO4 of the NYM Local Plan states that development should protect and where appropriate enhance existing networks of public rights of way, linear routes and other access routes used by pedestrians, cyclists and horses.
- 12.3.3 Furthermore, Draft MWJP Policy D02 contains a criterion stating that minerals and waste development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and

users of the public rights of way network and public open space, including as a result of the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park.

- 12.3.4 Officers note that the applicant has offered to make financial contributions, via Section 106 obligations, to offset the assessed harm to the tourism economy in the vicinity of Staithes, as discussed in more detail earlier in this report. The applicant proposes further financial contributions for the purposes of delivering off-site mitigation and compensation measures relating to landscape impact, and impact on heritage assets. Whilst these are aimed specifically at addressing the assessed level of harm relevant to those topics, officers note that such measures would be likely to be of benefit also in helping reduce the overall extent of harm caused by the development to tourism and recreation. Such measures would be expected to include, for example, landscape enhancements which help mitigate views from important public rights of way and viewpoints and via a proposed contribution to support the Staithes Heritage Centre.

Overall officer conclusions on tourism and recreation impact

Officers conclude that the retention of the Mine for a further 25 years would lead to harm to tourism and recreation assets and interests, concentrated particularly in relatively close proximity to the Mine site but noting also that, for those who pass the Mine on the A174 during a journey to or from a more distant destination, or using public rights of way and linear recreational routes, their perception of the National Park may also be impacted even if any direct impact is only very transitory. Similarly, the proposals would not be consistent with the objective of Local Plan Policy CO4 and draft MWJP Policy D02 in protecting and where appropriate enhancing networks of public rights of way, and important long distance recreational routes and in reducing the potential for enjoyment and understanding of the special qualities of the National Park

The embedded mitigation measures proposed, including additional on-site landscaping works and the phased partial deconstruction are likely to be of some benefit in reducing the extent of this impact but it is considered that residual harm will arise.

The applicant's proposed contribution, via a section 106 obligation, for the purposes of delivering compensatory measures to support the local tourism economy, is substantial and considered by officers to be sufficient to offset the identified degree of harm such that this matter is neutral in the overall planning balance.

13. Impact on the historic environment

- 13.1 The historic environment of the National Park is reflected in a number of its identified Special Qualities and this topic is also relevant to consideration of the development in relation to both the National Park statutory purposes of conserving and enhancing natural beauty, wildlife and cultural heritage, and;

promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. It is therefore an important material consideration in the determination of the application.

13.2 Impact on the historic environment – the applicant’s position

13.2.1 The applicant acknowledges that the Mine surface site lies within the setting of a number of historic assets and that the retention of the Mine for a further 25 year period could give rise to indirect impacts through change in the setting of those assets (as compared with the baseline position of the site in a restored condition). The focus of the EIA is on designated assets although it is acknowledged that undesignated historic assets may also be present in the area.

13.2.2 In summary, the EIA concludes that the proposed development would have no significant indirect effects on the historic environment, with the potential for significant beneficial effects to occur as a result of the restoration of the site (through enhancement of the setting and interpretation of heritage assets within the site itself, comprising industrial heritage features from former mining activities at the site). The EIA contains a recommendation that further assessment of the potential for direct effects on on-site archaeological remains should be undertaken when restoration plans are finalised.

13.3 Impact on the historic environment – officer discussion

13.3.1 Although the EIA concludes that there would not be a significant adverse impact on heritage assets, other advice to the Authority suggest that there is likely to be harm (identified as less than substantial harm) to a range of heritage assets in the vicinity of the Mine site, including the Staithes Conservation Area, listed buildings and scheduled monuments. Whilst the harm caused would not be direct, harm to the setting of assets would occur.

13.3.2 In the context of National Park statutory purposes and consideration of impact on Special Qualities, officers note that all potential harm is relevant, even if it is not assessed as significant in the applicant’s EIA.

13.3.3 Officers also note by way of context that section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the Act requires local planning authorities to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. Furthermore, National Park statutory purposes require the Authority to conserve and enhance cultural heritage and adopted Local Plan policy (Strategic Policy I) requires that all development affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment.

- 13.3.4 In summary terms, officers consider that harm will arise as a result of the dominating presence, scale and massing of the Mine structures, along with their urban and industrial materials, and related operational impacts of an industrial nature. These factors cause harm to aesthetic and historical qualities, such that the development negatively impacts on the historical significance of affected heritage assets, both designated and undesignated, including the nearby Staithes Conservation Area. Officers also consider that the Mine's presence is likely a contributing factor as to why Staithes has not generated the levels of income, preservation and habitation that would in normal circumstances facilitate the preservation and enhancement of the Staithes Conservation Area and the various listed buildings within the Conservation Area and in the vicinity of the Mine site.
- 13.3.5 Whilst there is only very limited direct inter-visibility between the Mine development and the Staithes Conservation Area it is important to acknowledge the impact of the development on the setting of the Staithes Conservation Area as experienced from the elevated coastal locations along the Cleveland Way, particularly to the east of Staithes, where there is simultaneous visibility of 'old' Staithes with the Mine as a backdrop. From these locations the characteristic enclosed and compact setting of Staithes can be fully appreciated to maximum effect. The presence of the Mine in the backdrop to these views represents a severely incongruous and distracting element which impacts on the receptor's ability to appreciate the asset. This harm exists regardless of the degree of direct inter-visibility between the Mine and the Conservation Area itself. From these locations Staithes and its Conservation Area also represents a critical focal point in a view of significant beauty, albeit unplanned or intended. However, the aesthetic appreciation of those views, and hence of the Conservation Area in its setting, is seriously diminished by the presence of the Mine.
- 13.3.6 Less than substantial harm to the setting of other heritage assets is also anticipated, particularly during years 1 to 5 of the development. Relevant such heritage assets include Scheduled Monuments at round barrows at Boulby Cliffs, Boulby Alum Quarries and Works and a WW1 acoustic early warning mirror near Boulby Barns Farm. Harm to these assets is considered to be harm to the setting of the monuments, as opposed to physical damage.
- 13.3.7 Officers also note that the EIA has not sought to identify or assess any impacts on undesignated heritage assets. However, it is likely that such assets exist in locations where their settings could be harmed by the presence of the Mine and this represents a further potential harmful impact of the development.
- 13.3.8 Additionally, officers have considered the potential for impact on those National Park Special Qualities which directly or indirectly relate to the historic environment and cultural heritage. These are identified below, together with a brief summary of the officer-assessed impact.
- 13.3.9 **Settlements which reflect their agricultural, fishing or mining past-** Although mining is part of the cultural history of the National Park, and the Mine itself represents part of the evolution of this history, the impact of the contemporary

Mine building cluster, as a result of its scale, form and character and condition, detracts from the historic value and appreciation of the nearby settlement of Staithes.

13.3.10 **Locally distinctive buildings and building materials** - The industrial materials used for this development starkly contrast the local vernacular.

13.3.11 **Long imprint of human activity** - Although mining is part of the cultural history of the National Park, the scale of the development is incongruous against the largely rural backdrop of its surroundings and lesser scale of former industrial activity.

13.3.12 **A wealth of archaeology from prehistory to the 20th Century** - The development is expected to give rise to less than substantial harm to the setting of a number of heritage assets in the vicinity of the site.

13.3.13 Strategic Policy I of the NYM Local Plan requires that ‘all developments affecting the historic environment make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment.’ It states that ‘Development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area, including:

- ‘The vernacular building styles, materials and the form and layout of the historic built environment including Conservation Areas, Listed Buildings and regionally or locally important non-designated structures and buildings.’
- ‘Harm to an element which contributes to the significance of a designated heritage asset ...will require clear and convincing justification and will only be permitted where this is outweighed by the public benefits of the proposal. Substantial harm will only be permitted where it can be demonstrated that the proposal would bring substantial public benefits which outweigh the harm or there are other exceptional circumstances.’
- ‘Where non-designated assets are affected, a balanced judgement will be taken having regard to the scale of any harm or loss and the significance of the asset and other material considerations.’
- Policy ENV9 addresses Historic Landscape Assets and states that ‘..development affecting historic landscape assets of the North York Moors will be required to conserve and, where appropriate, enhance its landscape quality and character by taking into consideration the elements which contribute to its significance and, where relevant, the public’s experience of it. Such assets can include, but are not limited to: (Criterion 14) – Features of the Heritage Coast such as harbours, harbour walls, former lighthouses and slipways.’
- Policy ENV11 (Historic Settlements and Built Heritage) requires that development affecting the built heritage of the North York Moors should reinforce its distinctive historic character by fostering a positive and

sympathetic relationship with traditional local architecture, materials and construction. High standards of design will be promoted to conserve and enhance the built heritage, settlement layouts and distinctive historic, cultural and architectural features. Development proposals will only be permitted where they:

- (Criterion 1) - Conserve, enhance or better reveal elements which contribute to the significance of the heritage asset or its setting including key view, approaches and qualities of the immediate and wider environment that contribute to its value and significance;

13.3.14 Similar protection is provided to relevant elements of the historic environment through draft MWJP Policy D08 Historic Environment and equivalent policies in the National Planning Policy Framework.

13.3.15 For reasons stated earlier in this document, on-site mitigation measures are not expected to be effective in substantially reducing the harm caused by the development, including visual and landscape harm, such that this will be an adequate means of delivering adequate mitigation for some of those elements of the development which harm the setting of heritage assets.

13.3.16 Officers note that the applicant has offered to provide resources, via Section 106 obligations, to enable delivery of off-site mitigation and compensation measures relevant to the residual impact on heritage assets. The measures would be intended to address the harm caused by the development to the setting of heritage assets, with a main spatial focus on Staithes and its hinterland, where the continued presence of the Mine within the landscape would give rise to some degree of harm to setting. Specifically, it is intended that the contributions would be used for both:

- Compensatory actions to enhance the setting of heritage assets (including the Staithes Conservation Area and other designated and non-designated assets in the vicinity of the Mine), to compensate for the direct and indirect harm caused to setting; and
- Works to enhance the fabric of historic buildings (both designated and non-designated) in the vicinity of the Mine, representing a thematic compensatory mechanism for conserving and enhancing other elements of the historic environment of the National Park relevant to the harm caused by the Mine.

Overall officer conclusions on historic environment impact

Officers consider that the overall extent of harm caused by the development to heritage assets, particularly its indirect impact on the historic core of Staithes and its associated Conservation Area, whilst still representing ‘less than substantial harm’ in terms of national and local planning policy for the historic environment, would be greater than that identified in the applicant’s EIA. Similarly, in officers’ judgement, the wider impact of the development on those National Park Special Qualities relevant to historic assets and cultural heritage

and on delivery of the National Park statutory purpose to conserve and enhance cultural heritage would be greater than acknowledged.

Adopted development plan policy requires that, where less than substantial harm would arise, there should be clear and convincing justification for the development, which will only be permitted where the harm is outweighed by the public benefits of the proposal. In officers opinion the less than substantial harm caused by the development to the historic environment represents a dis-benefit of the proposal which carries some weight against the proposal.

The embedded mitigation measures proposed, including additional on-site landscaping works and the phased partial deconstruction are likely to be of some benefit in reducing the extent of this impact but it is considered that residual harm will arise.

The applicant's proposed contribution, via a section 106 obligation, for the purposes of delivering compensatory measures to heritage assets, is considered by officers to substantially offset, but not eliminate, the identified harm. Impact on the historic environment therefore carries some weight against the proposal in the overall planning balance.

An overall conclusion on the planning balance, including whether any public benefits of the development are considered to outweigh the harm caused, is provided later in this report.

14. Impact on Ecology

- 14.1 The ecological value of the National Park links directly to the National Park statutory purpose of conserving and enhancing natural beauty, wildlife and cultural heritage, and is also reflected in a number of National Park special qualities. NYM Local Plan Strategic Policy H states that the conservation, restoration and enhancement of habitats, wildlife, biodiversity and geodiversity will be given great weight in decision making. The potential for impact on ecological considerations is therefore an important material consideration in the determination of the application.
- 14.2 As noted in the introduction to this report, there is also a requirement, under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations') for the NPA, as a 'competent authority', to make an appropriate assessment of the implications of the project for the integrity of internationally designated nature conservation sites (in this case the North York Moors SAC/SPA) in view of those site's conservation objectives. This must be done before a decision is taken on whether to give permission for a project which is likely to have a significant effect on an internationally designated nature conservation site.

14.3 Impact on ecology – the applicant’s position

14.3.1 The potential for impact on ecology and ornithology is addressed in the EIA, focussing on important biological receptors (both species and habitats). A confidential report relating to certain legally protected species has also been submitted. Additionally, the applicant has provided information specifically to facilitate the Authority’s consideration of the proposals under the Habitats Regulations, as referenced above.

14.3.2 The EIA includes an assessment of the impact of the development on known ecological receptors, and also evaluates the proposals against the baseline of a restored site. In order to achieve this latter objective, the applicant’s ecological assessment has made broad assumptions about the likely future ecological value of the site as it matures in its restored form. The assessment also takes account of off-site ecological receptors. Ecological surveys were carried out mainly in 2017, with partial updating in 2019, focussing on the mine operational site (c.32ha) and the wider adjacent area within the applicant’s ownership, amounting to c.127ha.

14.3.3 The Assessment identified the following statutory nature conservation sites for further consideration:

- North York Moors SPA, located approximately 2.5km to the south-east of the site at the closest point - cited for its breeding populations of merlin and golden plover;
- North York Moors SAC, located approximately 2.5km to the south-east of the site at the closest point - cited for features including blanket bog, North Atlantic wet heath and European dry heath and including the largest continuous tract of upland heather moorland in England;
- North York Moors SSSI – cited for a nationally important assemblage of moorland breeding birds including, merlin, golden plover, snipe, curlew, redshank, winchat, ring ouzel, hen harrier, peregrine and short-eared owl;
- Tranmire Bogs SSSI, approximately 3km to the south-east - supports breeding birds including snipe, curlew and redshank.

14.3.4 The assessment also identifies 23 local wildlife sites within 5km of the Mine site, including two within the overall Mine boundary (Oneham’s Pasture and Easington Beck).

14.3.5 Field survey work has identified a range of legally protected and/or priority species on or adjacent to the Mine site, including:

- Schedule 1 birds (black redstart, barn owl and kingfisher);
- NERC S.41 list birds (skylark, song thrush, dunnock, house sparrow, tree sparrow, linnet, bullfinch, yellow hammer, wood warbler);
- BoCC red list breeding birds (herring gull, marsh tit, mistle thrush, grey wagtail, pied flycatcher);

- Bats (including a single common pipistrelle roost within a building in the main operational area), brown long-eared bats within the disused rail line tunnel and a range of other bat records using bat boxes at the site and in disused areas of the Mine). A range of bat species were also recorded using detectors, including common pipistrelle, soprano pipistrelle, Nathusius' pipistrelle, noctule, Leislars, brown long-eared and Myotis sp, with only common pipistrelle and noctule recorded in this way within the operational area;
- Great crested newt;
- Otter;
- Slow worm;
- A range of invertebrates;
- Brown hare;
- Brown trout;
- Common toad;
- European hedgehog;
- A range of plant species;
- A confidential report of a badger survey has also been provided.

14.3.6 Assessment of effects of the development on existing ecological receptors focusses on the North York Moors SAC/SPA and SSSI, as well as bats and great crested newts as statutorily protected species.

14.3.7 With regard to the SAC the EIA identifies that emissions, specifically deposition of nitrous oxides, have the potential to cause permanent damage to the SAC. Although the Mine is located approximately 2.5km from the SAC, the Assessment also notes that the principal HGV transport route partly runs through the SAC, representing a further potential source of emissions. It also explains that the Assessment is based on an assumption that emissions would remain around current levels for the whole 25 year period, notwithstanding the applicant's commitment to relocate processing activities off-site, in order to ensure that a worst case scenario is considered.

14.3.8 The EIA notes that the prevailing wind direction means that only a 'low to negligible' proportion of emissions from the Mine would move towards the SAC and that for those emissions transported towards the SAC, dispersal would occur due to the separation distance. It also notes that Boulby Mine is one of a number of sources, including industrial activity on Teesside and RAF Fylingdales, identified in Natural England's North York Moors air quality study (2015) as contributing to the total 12.9% of nitrogen deposition linked to non-agricultural and background sources, suggesting that the amount potentially attributable to Boulby Mine would be limited. Any effects are therefore assessed as 'non-significant' in EIA terms.

- 14.3.9 With reference to the SPA, the Assessment refers to draft supplementary advice from Natural England (2017), relating to the NYM SPA, which identifies that the structure and function of habitats which support species protected via the SPA may be sensitive to changes in air quality. However, it also identifies evidence to suggest that, in practice, no adverse impacts on merlin or golden plover are likely as any additional nitrogen deposition from the development is unlikely to impact on relevant habitats within the SPA, including habitats supporting relevant prey species for merlin. The EIA therefore concludes that any effects would be 'non-significant'.
- 14.3.10 The applicant indicates that assessment of impact on the SSSI has been undertaken on a 'worst case scenario' involving continuation of current levels of emissions from the Mine site and related road traffic, with emissions having the potential to cause permanent damage to qualifying habitats within the SSSI via nitrogen deposition. With regard to emissions from the Mine site itself, the EIA notes that the prevailing wind direction and distance dispersion factors relevant to consideration of impact on the SAC would also apply for consideration of impact on the SSSI. The EIA notes that the main route for HGV traffic to/from the Mine runs through or immediately adjacent to a small part of the SSSI and indicates that features within 200m of qualifying habitats is usually used as a cut-off point for consideration of nitrogen deposits from traffic. However, only lowland and upland heath are present within that distance. The Assessment notes Natural England advice from 2015, relating to the North York Moors SAC (which shares the same boundary as the SSSI) to the effect that road traffic is not thought to be the main threat to the SAC with road emissions of nitrogen representing well below 10% of the total deposition. The Assessment also notes that, given the low level of site-related road use within 200m of qualifying features and the view of Natural England that deposition of nitrogen from road sources is not considered a threat to the SAC, it can be concluded that deposition from these sources will not be a threat to habitat communities or bird assemblages of the SSSI.
- 14.3.11 With regard to bats, the assessment notes that the common pipistrelle roost is located in a building proposed to be removed within the first five years of the development as part of the phased partial deconstruction programme. It notes that, whilst this is not considered to be a significant effect in EIA terms, due to the healthy status of the population of these bats in the Tees Valley area, there is a need for mitigation measures, and potentially a Natural England development licence, to ensure the appropriate treatment of this roost and in order to comply with relevant legislation. Deconstruction works would take place under an ecological method statement and, if necessary, a Natural England licence in order to prevent any harm to the bats that use the roost.
- 14.3.12 The applicant states that the partial deconstruction works will enable early restoration of some areas of the site to agricultural and nature conservation uses, providing additional foraging habitat to that currently found on site, and that additional bat boxes would also be installed in order to provide additional roost

opportunities. These boxes would be provided prior to the deconstruction works proposed and the applicant therefore considers that no significant effects on bats would arise.

- 14.3.13 The EIA notes that terrestrial habitats within the Mine operational area, being dominated by hardstanding and bare ground, are generally unsuitable for great crested newts, with habitats in the wider area in the applicant's ownership being generally more suitable, with survey evidence providing positive indications of great crested newts in two ponds and could not be ruled out in the case of a third pond. These ponds would not be subject to additional development during the operational stage of the proposals and the Assessment concludes that there would be no effect at this stage and therefore also no breach in any relevant legislation.
- 14.3.14 The EIA also considers the potential effects of the development on receptors predicted to be relevant under a scenario where the Mine is decommissioned, the site restored and habitats within the restored site progress towards maturity over the period to 2048, whilst noting the inevitable limitations involved in doing this and the need to use a range of assumptions professional judgement.
- 14.3.15 In summary it concludes that the habitats proposed to be created during restoration of the site, providing a mix of grassland, woodland, scrub, hedgerows, ponds and watercourses, would as it matures provide habitat of moderate to high conservation value for amphibians, reptiles and invertebrates; moderate value for bats and terrestrial mammals; low to moderate value for semi-aquatic mammals and low value for aquatic fauna.
- 14.3.16 The applicant's proposed mitigation for ecological impacts comprise a range of measures including minimising land take within areas of valued habitat and sensitive features; maintaining a minimum stand-off from watercourses, application of water pollution and dust prevention methods in line with relevant industry guidance; employment of best practice working methods; undertaking of pre-demolition and landform creation update surveys; replanting of habitats where possible and development of a Habitat Management Plan.

14.4 Impact on ecology – officer discussion, including discussion on HRA

- 14.4.1 Assessing the impact of the development on ecology, against a baseline of the site in a restored and maturing condition, inevitably requires significant judgements to be made on the ecological assets the site could support in that condition. In general terms the applicant's assessment suggests that the restored site would provide opportunities for creation of a range of wildlife habitats that are currently not available on the site. Officers agree that this is likely to be the case and it therefore follows that delaying the restoration of the site, by retaining the operational Mine for a further 25 year period, must be impacting adversely on the ecological potential of the land within the site.

- 14.4.2 Overall, the EIA concludes that the impacts of the development on ecology would be 'non-significant' in EIA terms. Officers accept that, with appropriate mitigation including necessary site specific measures to be agreed via a landscape and ecological management plan (to include provision for protection and management of areas of ancient woodland and other woodland within the wider area under the applicant's control amongst other matters) and appropriate species-specific protection plans as relevant, alongside other proposed operational mitigation measures including those relating to dust, noise and lighting, this is an appropriate conclusion.
- 14.4.3 As referred to earlier in this report, the National Park Authority has a separate legislative obligation, under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, (the 'Habitats Regulations'). Under the Habitats Regulations a competent authority (in this case the NPA) must, before deciding to give permission for a project which is likely to have a significant effect on an internationally designated nature conservation site or Ramsar site, make an 'appropriate assessment' of the implications of the project for the integrity of that site in view of the site's conservation objectives. In this instance the requirement for assessment under the Regulations is triggered due to the relative proximity of the Mine site to the North York Moors SAC/SPA, which is approximately 2.5km from the site boundary. Of particular relevance is the potential for emissions (directly from the Mine site and as a result of transport movements). Officers have sought external professional support to enable the Authority to fulfil its obligations under the Habitats Regulations.
- 14.4.4 Information to support the undertaking of an appropriate assessment was first submitted by the applicant in 2019. This included a Habitats Regulations Screening Assessment which concluded that there are considered to be no Likely Significant Effects (LSEs) as a result of the continued operation of Boulby Mine on the qualifying features or conservation objectives of North York Moors SAC/SPA or Teesmouth and Cleveland Coast SPA and Ramsar and that, as no LSEs are predicted, there is no requirement for the competent authority to undertake an Appropriate Assessment under Regulation 63 of the Conservation of Species & Habitats Regulations 2017.
- 14.4.5 The information submitted by the applicant and relevant to consideration of requirements under the Habitats Regulations was supplemented by further information on air quality and traffic emissions, received in October 2020. This followed an initial review by the Authority and receipt of queries from Natural England as the statutory body with responsibility for nature conservation, as well as feedback from other stakeholders.
- 14.4.6 Following consideration of this further information Natural England has now confirmed it is satisfied that the proposed development will not have any Likely Significant Effects on the SAC and SPA. NE also suggests that the following observations may provide a suitable justification for that decision:

- Using the average baseline between 2015-2019, the increase in AADT will only amount to 157 HGVs and 138 cars travelling through the North York Moors SAC. This is below the standard threshold set by Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations when determining a Likely Significant Effect;
- The figures quoted (in the letter dated 9th March 2020 from Wood plc.) for vehicle movements traveling through the North York Moors SAC are precautionary. This is because they assume that all traffic travelling to and from the East of the proposal will go through the North York Moors SAC (on the A171).
- Under the past permission, staff numbers (and vehicle movements) were significantly higher than the current proposal;
- Case Study F (Atmospheric nitrogen profile for North York Moors SAC) of the Improvement
- Programme for England's Natura 2000 Sites - Planning for the Future IPENS049 showed that road emissions were not a major contributing factor to nitrogen deposition on the SAC at current;
- Unit 113 (Ugthorpe moor) is intersected by the A171 and is currently in favourable condition;
- Although not directly related to impacts on the SAC, the proposed travel plan may provide some mitigation.

14.4.7 Officers also note that the external review, undertaken on behalf of the NPA, comments that although NE has not commented specifically on Teesmouth and Cleveland Bay SPA/Ramsar, this issue was raised by NYMNPA during the scoping process. No further information has been provided by the applicant on this issue; however, on the basis of the information provided it appears reasonable to conclude that the continuation of existing transportation activities at Tees Dock would not result in any additional impacts on the qualifying features. This issue would, however, require more detailed consideration as part of the EIA and HRA process if any future application for the relocation of processing facilities to Teesside is made.

14.4.8 Taking this information into account, officers are satisfied that, for the reasons summarised by Natural England and in the external review undertaken on behalf of the Authority, it can be concluded that the development would not have any Likely Significant Effects on the North York Moors SAC and SPA.

Overall officer conclusions on ecological impacts and on HRA

Whilst the development will give rise to some adverse ecological impacts, including through introducing delay in the creation of the restored habitats that would otherwise be generated following the decommissioning of the Mine, officers accept that such impacts would not be significant in EIA terms and

that, with appropriate on-site mitigation, including via use of planning conditions to require a detailed Landscape and Ecological Management Plan and species-specific protection plans, the development would not be in conflict with NYM Local Plan Policy Strategic Policy H – Habitats, Wildlife, Biodiversity and Geodiversity and draft MWJP Policy DO7 Biodiversity and Geodiversity. Officers also conclude that the development would not have Likely Significant Effects on the North York Moors SAC and SPA.

Overall therefore, any ecological impacts are considered to carry only limited weight against the proposal in the planning balance.

15. Impact on ground and surface waters and the marine environment

15.1 The potential for impact on ground and surface waters and on the marine environment is an important consideration that is the subject of policy in the development plan, in national planning policy and guidance and under the national marine planning regime. Following consultation at EIA scoping stage, it was determined that the focus of the assessment should be on surface waters in the context of flood risk and on coastal erosion. The potential for impact on hydrogeology is considered to be limited as the future focus of development is on the underground extraction of minerals beneath the off-shore area. However the potential for the development to impact on groundwater, as well as on the marine environment, is addressed in the application documents.

15.2 Impact on ground and surface waters and the marine environment – the applicant’s position

15.2.1 a) Surface water

15.2.2 The application is accompanied by a Flood Risk Assessment (FRA) which has been prepared on a worst-case scenario assuming all buildings, structures and hard-standings would remain on site throughout the 25 year period. In practice the proposed partial de-construction and initial restoration of some areas of the site would result in some reduction in surface water run-off rates during the timeframe of the development.

15.2.3 Both the main Mine site and the separate, smaller surface site located across the A174 and containing the Mine water pumping house fall within Flood Zone 1 under the national flood risk classification system, which is the lowest risk rating. The applicant considers that the main risk to the site itself from flooding is rainfall events, although the nature of the operations taking place there mean that any such event would be of low consequence. The applicant also considers that the main site itself is not at risk of fluvial flooding although, in a scenario where the Mine’s drainage system is exceeded, there is the potential for the presence of the Mine to lead to increased flooding downstream. The risk of flooding from groundwater at the main site is considered to be negligible due to the limited

scale of groundwater bodies and the likely emergence of groundwater to watercourses below the site.

- 15.2.4 Notwithstanding that the site falls within Flood Zone 1 an FRA has been provided as the area of the site exceeds 1ha. The FRA identifies a range of potential flood risk receptors downstream from the site in the area of Easington Beck and notes that the capacity of the main site's surface water drainage system is exceeded, on average twice a year, with flows spilling off-site to the adjacent Easington Beck. Due to this exceedance, the site runoff could increase the flood risk to downstream receptors compared to a pre-development (i.e. pre-1973 before the mine was built) 'greenfield' situation. A number of potential receptors are situated with the Environment Agency's mapped Flood Zones along Easington Beck and Staithes Beck downstream of the main site.
- 15.2.5 The receptors identified as potentially being at risk are Onehams Farm adjacent to Easington Beck, dwellings at Dalehouse, and a caravan park at Staithes. These receptors could be at increased risk of flooding if runoff from the main site contributed to peak flood flows. The applicant has therefore undertaken a more detailed hydrological assessment to examine the rate and volume of runoff discharged from the site, and how the timing of this runoff would coincide with the peak flood flows generated by the Easington, Roxby and Dalehouse Beck (which combine to form the Staithes Beck).
- 15.2.6 The assessment shows that due to the proximity of the main site to the potential receptors and the catchment outlet to the North Sea at Staithes, site runoff passes through the river system in advance of the flood peaks generated by the three beck catchments. Since the peaks do not coincide, runoff from the site does not increase the risk of severe flooding.
- 15.2.7 The FRA shows that in terms of overall volume, runoff from the main site is small in comparison to the volume of runoff generated by the catchments and that the steep gradient of the watercourses means that flood storage is limited and flows are rapidly conveyed through the system to the North Sea. Further, it indicates that the channel capacity available below the elevation of the identified flood risk receptors is sufficient to convey the runoff from the main site, with minimal potential to increase flood risk to the identified receptors.
- 15.2.8 The FRA also considers the potential effect of mining subsidence on flood risk and notes that, given the steep topography of the area and the identified level of subsidence that has occurred, any effect on the wider area's drainage network would be negligible.
- 15.2.9 Overall the FRA concludes that the mine operations themselves are at limited risk of flooding from all sources of flood risk and that the presence and operation of the site would not lead to any unacceptable increase in flood risk elsewhere. Nevertheless, the FRA recommends a number of potential improvement and/or mitigation measures including installation of additional attenuation storage to the site drainage system; increasing the pump capacities available on site to provide

an effective increase in capacity of the drainage system; and the creation of water storage features on Boulby Gill between the site interceptor pit and Easington Beck.

- 15.2.10 With regard to risk of pollution of surface and ground waters, the applicant states that the Mine site is bunded so that all water captured on the surface of the operational area and via any sub-surface drainage systems beneath the site is captured and directed to an interceptor pit. This helps separate and collect silt and any other contaminants, prior to dilution of the water with seawater and brine used to create the effluent stream prior to disposal at sea.

15.3 b) Groundwater

- 15.3.1 The applicant notes that there is groundwater flow from deep aquifers into certain areas of the underground workings, with this being controlled by pumping the water to the surface for discharge via the sea outfall. The assessment indicates that any shallow aquifers in the vicinity will not be in hydraulic continuity with the mine workings due to the presence of significant thicknesses of low permeability rock strata above the mineral deposits. The applicant therefore considers that there would be no impacts on groundwater quality or quantity as a result of the continuation of mining.

15.4 Marine environment

- 15.4.1 During the majority of the life of the Mine to date, discharge of effluent streams via the sea outfall to the Boulby Sand Patch included mine tailings resulting from the processing of sylvinite. However, since the cessation of sylvinite extraction and processing in 2018, discharge to sea has consisted solely of brine (from extracted sea water) together with groundwater pumped out of the underground workings and treated surface water (including treated foul water) from the Mine site.

- 15.4.2 The applicant considers that, as monitoring of the outfall during the period when tailings were being discharged revealed no adverse effects were being caused to habitats or marine wildlife on the Boulby Sand Patch, or to species of interest to commercial fishing, it can also be concluded that no significant effects would occur as a result of the future discharge solely of brine, and that the material built up on the sand patch from former discharge will gradually disperse until the sea bed returns to a more natural state.

- 15.4.3 The applicant therefore concludes that the development would not lead to any adverse effects on the marine environment and in this respect would be in accordance with relevant national policy including marine policy.

15.5 Impact on ground and surface waters and the marine environment – officer discussion

- 15.5.1 Policy ENV5 of the NYM Local Plan 2020 addresses flood risk and requires that new development will only be permitted where it meets the sequential approach

to development in areas of flood risk and does not increase the risk of flooding elsewhere. Policy ENV7 is concerned with Environmental Protection and, amongst other matters, seeks to protect the natural environment by ensuring that development is only permitted where it does not risk harm to water quality, including groundwater, rivers, streams and coastal and bathing waters; and it does not compromise surface and groundwater and its abstraction. Risk to and from flooding and impact on water resources is also subject of policy protection in draft MWJP Policy D09 Water Environment.

15.5.2 The NPPF and the accompanying PPG describe the principles of the Sequential Test, which aims to steer new development to areas with the lowest probability of flooding. This is intended as a decision-making tool to promote development of sites at little or no risk of flooding, in preference to sites in areas at higher risk. As the whole of the Mine surface site is located within Flood Zone 1 (i.e. lowest risk of flooding) the requirements of the Sequential Test are considered to be met in this instance. Furthermore, under the Government's flood risk vulnerability classification system mineral working and processing is deemed to be 'Less Vulnerable' to flooding. It is therefore considered that the development is acceptable in terms of risk from flooding. It is also considered that the FRA has satisfactorily demonstrated that the development would not give rise to unacceptable risk from flooding downstream of the site. Officers note that the Environment Agency has requested that the development should be carried out in accordance with the submitted Flood Risk Assessment, which should be listed as an approved plan/document in any permission granted. It is also noted that the FRA recommends additional improvement/mitigation measures relating to flood risk and consider that this should be subject of a condition if permission is granted.

15.5.3 Officers consider that, taken overall, the information available is sufficient to confirm that the development can be undertaken in a way which is consistent with the requirements of those elements of development plan policy and national policy and guidance relating to ground and surface water protection and protection from flooding.

15.5.4 With regard to the marine environment, the UK Marine Policy Statement (2011) sets out an overall framework for strategic planning and decision taking affecting the marine environment. In general terms it sets out an overall vision for a marine environment which is clean, healthy, safe, productive and biologically diverse. A Marine Plan for the North East Inshore area, which will cover the area beyond the coast at Boulby/Staithes, is in preparation but has not yet been finalised. Officers consider that the changed position with regard to discharge of effluent from the Mine, following the switch from sylvinite production to polyhalite, has resulted in a significant reduction in the potential for harmful impacts on the marine environment and on other users of the marine environment. Subject to a requirement for ongoing monitoring of the offshore discharge it is not considered that the development would be likely to give rise to adverse impacts.

Consideration of the potential effects of the development on coastal erosion and subsidence is addressed in the following section of this report.

- 15.5.5 Although not directly addressed in the EIA, Officers are aware of a further consideration relating to the effects of run-off of water containing polyhalite-based fertilisers. Officers are not aware of any specific evidence or information relating to this but note that polyhalite is a naturally occurring product and that requirements and controls relating to application of fertiliser in order to reduce the likelihood of pollution are administered by the Environment Agency. There is no evidence available to suggest that polyhalite would be any more harmful in this respect than any other fertiliser products that may be used in the alternative, or that supply of polyhalite from Boulby Mine would be expected to lead to any net overall increase in the amount of fertiliser applied to land. Officers therefore consider that this consideration would not lead to any identifiable conflict with relevant planning policy protecting ground and surface waters.

Overall officer conclusion on impact on ground and surface waters and the marine environment

Officers conclude that the available information indicates that, subject to appropriate mitigation and monitoring, the development would not be likely to give rise to unacceptable harm by reason of flood risk, ground or surface water pollution or on the marine environment and would therefore be consistent with adopted policy in the development plan giving protection from such impacts. Overall, therefore, this matter is considered neutral in the planning balance.

16. Impact from subsidence and on coastal erosion

- 16.1 The potential for impact on people, infrastructure and natural and cultural assets from mining subsidence is a material consideration in the determination of the application. A related consideration is the potential for any subsidence to lead to an increased risk of coastal erosion. Protection of local communities and infrastructure from unacceptable impacts from mining subsidence is also subject of policy in the draft MWJP.
- 16.2 The applicant has confirmed that no new mineral extraction is proposed within the on-shore area, although access to parts of the offshore area with suitable minerals resources may require the driveage of new underground access tunnels within the onshore area. These would be driven within the polyhalite and salt deposits and used for the underground transport of workers, materials, ore and for ventilation and other services.
- 16.3 The existing planning permission for the Mine includes a condition which prevents minerals extraction or other forms of underground development within 1.5km of the landward side of the coastline (high water mark) without the prior approval of the National Park Authority. Approval was granted in 2002 for the partial relaxation of this condition with respect to three discrete areas, in order to facilitate underground development into the offshore area. As part of the current

proposals, the applicant is seeking flexibility to undertake limited underground development (i.e. for the purpose of constructing access roadways and underground maintenance) more widely within this 1.5km zone.

16.4 The existing permission also prevents underground mining from taking place beneath an area of land extending from Brotton and Loftus (outside the National Park) across the National Park boundary to encompass a small area of land around Easington. The reduced area of underground development now proposed includes, within its scope, the restricted area around Easington, although as noted earlier the applicant only proposes to undertake underground roadway development and maintenance operations within the onshore area under the terms of any new permission.

16.4.1 Impact from subsidence and on coastal erosion – the applicant’s position

16.4.2 The applicant points out that the land flexing and subsidence that has occurred over the period since mining commenced is mainly a result of the extraction of sylvinitic. Subsidence monitoring has taken place since 1976 and indicates that the extent of subsidence as a result of onshore working is wide but that the ground subsides in a relatively uniform manner, such that the possible effects of differential settlement and lateral strains are of very low magnitude. Sylvinitic has different physical properties to polyhalite and salt, being softer and more elastic. The differing rock dynamic properties of polyhalite and salt mean that workings are more stable and the risk, and rate, of any subsidence are much lower.

16.4.3 Whilst residual subsidence as a result of former sylvinitic mining onshore will continue for a further period of time, future development under any new permission would be focussed on the extraction of polyhalite and salt in the offshore area. Significant subsidence as a result of new underground roadway development within the polyhalite in order to access the offshore area is not expected to arise. The applicant accepts that there will be a need to continue monitoring of residual subsidence in the onshore area as part of any new permission.

16.4.4 With regard to coastal erosion, the application is accompanied by a 2019 report by Durham University on Coastal Behaviour and Rates of Activity. The report sets out the findings of a long-running collaborative research project between Durham University and ICL, with the stated aims of assessing the impacts of relative sea-level change on coastal erosion and quantifying the rates and nature of erosion within the Boulby-Staithes area, as a means to determine the actual and potential impacts of mining-induced subsidence.

16.4.5 The summary to the report notes the following matters:

- The coast of the North York Moors National Park has a long history of mineral extraction that has resulted in relative sea-level change along the coast, either as a result of inducing surface subsidence, or by lowering or quarrying of the surface through rock removal. The latter has involved the removal of

substantial volumes of rock over extensive (km²) areas of the foreshore, and so has a significant influence on the foreshore and cliff toe landscape;

- Subsidence due to mining at Boulby has resulted in the generation of a subsidence bowl that is approximately 750 mm deep (up to 2018) at its maximum, and which extends over a radius of 2 km above and around the mine workings. Observed rates and strains of subsidence due to mining at Boulby are classed as non-damaging to structures;
- Subsidence at Boulby results in a local increase in relative sea level on some sections of the coastline. Since the start of mining in the 1970s, an analysis of the changing position of the cliff line and the rate of subsidence suggests this rise in relative sea level has not resulted in an acceleration in the rate of cliff erosion;
- There are significant and demonstrable variations in the controls on coastal erosion along the coastline monitored that cannot be explained by mining-induced subsidence. These variations can be shown to strongly link to either i) the structure of the cliff rock mass, which either promotes or inhibits its erosion, or ii) to the shape and configuration of the foreshore which also either promotes or inhibits the erosion of the coast, or iii) to both. This analysis shows that it is difficult to identify a direct link between morphological controls and the rate and style of erosion observed along approximately 75% of the 22 km of coast monitored, and hence to relative sea level.

16.5 Impact from subsidence and on coastal erosion – officer discussion

16.5.1 The change in nature of the development for which permission is now sought, with a focus on mining polyhalite and salt and in the offshore area only, means that the significance of subsidence and coastal erosion as material considerations are somewhat less than for proposals to continue sylvinite mining in the onshore area. Nevertheless, the relevant Shoreline Management Plan for the River Tyne to Flamborough Head, published in 2007, notes several coastal locations within the vicinity of the Mine where there are known issues relating to coastal erosion and where future management intervention may be needed. Draft Policy D11 of the MWJP requires that proposals incorporate provision for mitigation of the impacts on the development arising from any predicted mining subsidence or land instability. The National Planning Policy Framework also requires that consideration be given to the potential for impacts from subsidence and land instability.

16.5.2 With regard to subsidence specifically, officers consider that the development would not be likely to give rise to any unacceptable impacts. Nevertheless, it is considered that it would be appropriate, if permission is granted, to require continued monitoring and reporting of any remaining on-shore subsidence, in line with existing arrangements via a Section 106 obligation, in order to help identify any unexpected effects and to facilitate on-going understanding of erosion considerations in the coastal zone.

16.5.3 The applicant's request for flexibility under any new permission to undertake development within the 1.5km coastal zone is also considered acceptable, on the basis that the applicant has clarified that this would only be for the purposes of driving of new underground roadways and related underground maintenance works and bearing in mind the negligible risk of surface subsidence occurring as a result of such activity. Nevertheless, if permission is granted officers consider that a condition should be imposed to limit development in the coastal zone area to these purposes only, with a requirement for the developer to provide details of the proposed location and dimensions of any new roadways for approval in advance of their construction. Such an approach would be consistent with the scope of the applicant's Environmental Statement.

16.5.4 With regard to the risk of coastal erosion generally, officers note the references in the 2019 report by Durham University, referred to above, that Shoreline Management Plans have identified the coastline proximal to Boulby Mine as one area of particular concern, highlighting accelerated rates of erosion that were suggested in a 2002 Shoreline Management Plan to result directly from mining-induced subsidence, with the assumption being that subsiding the coast, as a direct result of mining activity, is equivalent to increasing local sea level.

16.5.5 However, the more detailed and recent analysis in the 2019 report by Durham University identifies a range of factors influencing rates of erosion and suggests that, whilst subsidence at Boulby has led to some local increase in relative sea level on some sections of the coastline, this rise in relative sea level has not resulted in an acceleration in the rate of cliff erosion. Taking this into account, and the fact that remaining extraction would be focussed on the off-shore area, officers conclude that the development would not be likely to give rise to unacceptable impacts on coastal erosion.

Overall officer conclusion on subsidence and coastal erosion impacts

Officers conclude that, subject to requirements including on-going monitoring and prior approval of any future underground roadway driveages in the coastal zone area, the development would not be likely to give rise to unacceptable impacts from mining subsidence or on the rate of coastal erosion and would therefore be consistent with relevant planning policy addressing these matters and neutral in the overall planning balance.

17. Impact on traffic and transport

17.1 Impact on traffic and transport can manifest itself in a number of ways, including; impacts on highways safety and the free flow of traffic; impact from transport-related emissions including on local amenity and on climate change considerations; and impact on ecology and on National Park Special Qualities. Both the North York Moors Local Plan and the draft Minerals and Waste Joint Plan contain policies which seek to ensure that unacceptable impacts would not arise as a result of the traffic and transport implications of new development. It is therefore an important material consideration in the determination of the

application. Members should note that the potential impacts from traffic on ecological considerations, specifically the North York Moors SAC/SPA, is addressed in the earlier section on ecological impacts.

17.2 Impact on traffic and transport – the applicant's position

17.2.1 The applicant points out that the Mine site has the benefit of direct rail access and an onsite rail loading facility, which means that the large majority of minerals products can be transported from the site without the need for road transport. It also states that the Mine site has the benefit of a direct road access on to the principal road network (the A174); adequate parking provision on site and that there would be no increase in road traffic (compared with the existing development) as a result of the proposed development.

17.2.2 The majority of mineral products are transported by rail to Teesside and Teesdock. Despatch of mineral products by road are limited under the terms of the existing permission and related legal agreement to a maximum of 150,000 tonnes in any 12 month period, and to a maximum of 66 loads of product leaving the site per day. This is to provide a degree of flexibility for more local deliveries. A HGV routeing agreement, via a S106 obligation, requires use of the A174 north and southbound unless for specific local delivery purposes. The applicant expects that the proportion of future development traffic using these routes would remain the same as existing (68%-32% split). The agreement provides that no lorries used for the dispatching of product shall enter the site before 6.45am or leave before 7.30am each day and no lorries to be used for the despatching of product shall leave the Site after 7.00 pm each day. The applicant proposes that existing restrictions on HGV volume, routeing and timing would remain under the terms of any new permission.

17.2.3 With regard to the phased deconstruction works, further information provided by the applicant has clarified that around 13,500 tonnes of material would require disposal to off-site waste management facilities and this would be expected to require around 675 HGVs. The most likely location for suitable waste management facilities would be on Teesside and the majority, if not all, of the HGVs associated with these movements would leave the Mine Site on the A174 and travel west. The applicant also notes that, as the works would be phased across a period of up to 6 years, it is unlikely that any sustained periods of additional HGV traffic would result, with the most likely scenario being 15-20 HGVs per day utilised for a week or two in each phase to remove waste materials. The applicant has also committed to managing the use of HGVs for waste removal within the 66 HGVs per day currently permitted for the export of product from the mine. No significant effects are therefore predicted as a result of HGV traffic associated with deconstruction works.

17.2.4 The applicant also considers that the EIA, including via further information and clarifications provided, has demonstrated that whilst the Mine does create a significant volume of traffic within the local area, this does not cause any significant effects on the local highway network or to people along routes used by

Mine traffic. It also considers that, as non-mine related traffic numbers using the local highway are so low, and the highway of such a standard, the network can accommodate the traffic from the proposed development without any difficulty.

17.2.5 The applicant proposes further mitigation in the form of a Travel Plan which would identify alternative modes of travel available to employees, as well as an action plan to promote sustainable travel options for staff and visitors. A draft Travel Plan has been submitted with the application documents.

17.3 Impact on traffic and transport – officer discussion

17.3.1 Officers note that the Mine has established access arrangements and agreed transport mitigation measures, which would continue to be used if permission were granted to retain the Mine beyond 2023. However, as for other impacts associated with the development, the traffic and transport implications need to be considered against the baseline of the default position of a decommissioned Mine. The EIA therefore also includes an assessment of traffic movements from the development against predicted baseline traffic movements in 2048 (i.e. at the end of the proposed additional period of mining). The focus of the EIA is on impact on severance (i.e. the separation of people from other people or places), driver and pedestrian delay and pedestrian amenity. Potential impacts on accidents and safety and risk from hazardous loads have been scoped out from detailed assessment as the applicant considers that baseline data shows the development would not exacerbate the existing low personal injury accident rates along the routes used by development traffic, and that transport of hazardous loads is not proposed.

17.3.2 Officers also note the conclusion of the EIA that, with regard to those impacts scoped into the Assessment, no significant impacts would be likely to arise, and that no objections on traffic and transport grounds have been received from relevant statutory consultees. However, concerns have been expressed in representations received from third parties. These included detailed criticisms of the methodology used to produce the Assessment and the corresponding unreliability of the stated effects, which are claimed to underestimate the extent of adverse impact, as well as responses from nearby residents concerned about noise, vibration and excessive speed of vehicles passing through Easington, and related road safety concerns.

17.3.3 A further issue requiring consideration is the potential for any additional impacts on traffic and transport considerations resulting from the applicant's intended importation of MOP into Boulby Mine for processing over the period to the end of 2027. Although current levels of importation are relatively small, the applicant has indicated that this could increase to a theoretical maximum of 400,000t per annum. Whilst this would equate to a substantial number of HGV movements, the applicant has confirmed that in practice it would be able to accommodate importation of MOP alongside export of mineral products by road, within the overall annual/daily HGV of 150,000 per annum and 66 loads per day. Officers consider that if permission is granted this provision, alongside restrictions on

HGV routing, should be included within a Section 106 obligation dealing with HGV traffic movements.

- 17.3.4 Representations have been received which criticise the approach taken in the EIA to the assessment of traffic and transport impacts. As a result, officers have sought further advice on the points raised. In summary this indicates that, whilst the approach in the applicant's assessment does not always follow best practice, this has not impacted on the validity of the overall findings as the methodology employed has nevertheless allowed relevant factors to be considered and the methodology used would not be likely to lead to different conclusions on impacts. The review also notes the fact that the relevant highways authorities have not objected to the proposals.
- 17.3.5 Local Plan Policy CO2 states that new development will only be permitted where the adjacent road network has the capacity to serve the development without detriment to highway safety and Draft MWJP Policy DO3 Traffic and Transport imposes similar requirements. Overall, officers accept that the development would not be likely to give rise to unacceptable impacts on grounds of highway capacity, highway and pedestrian safety and therefore would be generally consistent with these policies.
- 17.3.6 However, Local Plan Policy ENV7 also requires that development does not generate unacceptable levels of noise, vibration or odour, and officers consider that this is applicable to noise and vibration from traffic as well as any fixed elements of development. Draft policies in the Minerals and Waste Joint Plan also seek to ensure that the traffic and transport implications of development are acceptable in terms of any impact on local amenity as well as highway capacity and safety considerations.
- 17.3.7 Whilst the outcome of the EIA process is of course important in informing a decision on the application, officers are also aware that any harmful impacts within the National Park from traffic and transport are relevant in terms of reaching a view on the overall planning balance. National Park statutory purposes and policy are focussed on protecting and promoting natural beauty, wildlife and cultural heritage and the understanding and enjoyment of National Park Special Qualities. Impacts from any additional road traffic movements associated with the development would be likely to impact adversely to some degree on the appreciation of a number of National Park special qualities, including tranquillity and sense of remoteness. This is reflected in Local Plan Policy ENV 2, which indicates that when assessing the impact of development on Tranquillity, consideration will be given to factors including traffic generation and requires that development will only be permitted where there is no unacceptable impact on the surrounding area.
- 17.3.8 Overall therefore, in officers' opinion and when considered against a baseline of the Mine site in a restored condition, the traffic and transport impacts of the development would give rise to a degree of harm to those residents and communities impacts by Mine traffic over an extended period of time, as well as a

degree of harm to relevant National Park Special Qualities. This is notwithstanding the applicant's intended continuation of use of the rail connection at the Mine, and its agreement to carry forward existing restrictions on HGV movements. In officer's opinion these factors are of significant benefit in moderating the degree of harm that may otherwise arise. Officers also acknowledge that it would not be practicable to require all transport of mineral to be via rail, as there will remain a need for more local delivery of products which will need to be transported via HGV on the local road network.

- 17.3.9 The applicant has also proposed a Travel Plan, aimed at enhancing use of sustainable travel options for Mine staff, as required by national planning policy and Draft MWJP Policy DO3. However, in essence the applicant's submitted Travel Plan indicates that it is likely to be difficult to achieve significant shift in the modes of transport used by Mine employees, due to constraints including the dispersed locations at which employees reside, lack of availability of alternative public transport options and the challenges posed by a shift working system. Whilst officers note these constraints, which are not unique to the Boulby Mine development, officers also consider that the applicant could do more to facilitate modal shift than is proposed in the current iteration of the Travel Plan. A similar view has been raised in comments from the highways authority and in third party representations. Officers agree that the draft Travel Plan submitted with the application is not sufficiently comprehensive and, if permission is granted, it is considered that a planning condition should be imposed requiring submission of a revised and enhanced sustainable travel plan, alongside a requirement for this to be kept under regular review and updating.

Overall officer conclusion on traffic and transport impacts

The conclusion of officers is that, whilst the impacts of the development on traffic and transport considerations would be unlikely to reach thresholds of significant harm in EIA terms, there would nevertheless be other elements of harm arising from traffic and transport, including impact on the amenity of local communities and on the appreciation of relevant National Park Special Qualities. Harm to these latter would correspondingly also impact adversely to varying degrees, albeit in a way which cannot be readily quantified, on the understanding and enjoyment of those visiting or using the National Park for tourism and recreational purposes.

Overall therefore and notwithstanding the mitigation proposed by the applicant, officers consider that there would be some conflict with relevant development plan policies and that the impact of the development on traffic and transport considerations carries some weight against the proposal in the overall planning balance.

18. Impact on climate change and energy considerations

- 18.1 The North York Moors Local Plan 2020 contains policies requiring that climate change mitigation and adaptation considerations be addressed, and use of

renewable energy promoted, in proposals for new development. Specifically, Strategic Policy F requires that proposals should, amongst other matters, reduce the need for or make efficient use of energy; use renewable energy; facilitate carbon sequestration and storage in uplands and woodlands. NYM Local Plan Policy ENV8 requires that proposals for non-residential uses in excess of 200sq. m generate energy on-site from renewable sources, in order to displace at least 10% of predicted CO₂ emissions.

18.2 Draft policy D11 in the Minerals and Waste Joint Plan is also relevant and requires that proposals for major mineral development take account of the potential for effect from and on climate change, and seek to utilise renewable energy where practicable. It states that proposals for minerals and waste development will be permitted where it has been demonstrated that measures appropriate and proportionate to the scale and nature of the development have been incorporated in its design, construction and operation in relation to:

i) Minimisation of greenhouse gas emissions by incorporating energy-efficient siting, design and operational practices including those relating to bulk transport of materials;

ii) Minimisation of waste generated by new minerals and waste development;

iii) Generation and utilisation of renewable or low carbon energy where practicable and in a manner appropriate to the character and location of the development;

18.3 Similarly, national planning policy and guidance require that consideration be given to the impact of new development on and from climate change through delivery of sustainable development principles.

18.4 As a proposal for major development, where the Policy ENV8 threshold is also exceeded, climate change and renewable energy considerations are therefore material to the determination of this application.

18.5 Impact on climate change and energy considerations – the applicant’s position

18.5.1 The applicant notes that there is no formalised methodology for assessment of the potential effects of a development on climate, although the Institute of Environmental Management and Assessment (IEMA) has produced guidance which has been utilised in the EIA. The approach taken is more generic, using professional judgement to identify significance of any effects.

18.5.2 In general terms, the applicant points out that the minerals extracted to make fertiliser would help sustain and increase food production while reducing the need for additional land to do so. It also states that the provision of UK-sourced fertiliser products to UK markets helps reduce emissions compared with imports, representing a positive effect judged to be significant in EIA terms. Using available baseline data, the applicant acknowledges that although overall energy requirements for the Mine have dropped substantially over the period since 1996,

the Mine will nevertheless have made a contribution to National Park emissions over that time which is significant in EIA terms, although it considers that relative to UK and Redcar and Cleveland emissions, the Mine's contribution would not be significant in EIA terms. The applicant also points to the fact that the Mine has the benefit of an established rail link which is used for the transport of the majority of mineral products sold from the site, thus reducing transport emissions relative to reliance solely on road transport.

18.5.3 Following the submission of the original application the applicant has undertaken further work to confirm the energy requirements of the mine, taking into account the changes proposed to the timescales for deconstruction and removal of major processing activities from the Mine site from 2028 onwards.

18.5.4 The underground extraction, transportation of minerals from the working face to the surface, pumping of water from the mine, ventilation of the mine and processing of the minerals at the surface all require large amounts of energy. The applicant states that, over time, it has been able to reduce the amount of energy used as plant and machinery is replaced or upgraded to newer and more efficient models, working practices are refined to more efficient practices and energy-saving measures are introduced across the Mine Site. This led to a 35% decrease in annual energy usage from 1996 to 2012.

18.5.5 Energy consumption at the Mine over the proposed development period would consist of:

- Electricity use for the operation of the underground and surface pumps, and the ventilation and fans which service the underground working area;
- Electricity use for the extraction of polyhalite and salt and transporting this to the surface;
- Electricity and gas use for the processing of minerals to create mixed products (e.g. PotashpluS) up until 2027;
- Electricity use for the simple processing of minerals to create Polysulphate products;
- Gas use for generating electricity from the Combined Heat and Power (CHP) plant.

18.5.6 Electricity use would increase from around 90GWh when around 1 million tonnes of minerals is being extracted from the mine per annum, to around 126 GWh in 2033 when extraction will have increased to around 2 million tonnes per year. The applicant indicates that gas use can be split into two main categories: (1) in the processing facilities to make PotashpluS and (2) in other uses on site, principally the generation of electricity from the CHP plant. Gas use would therefore increase from 2020 as PotashpluS production increases, from around 114GWh to around 135GWh in 2027. As PotashpluS production then moves off-site, gas use would fall to around 58GWh per year.

- 18.5.7 In 2020 the electricity use would generate around 253 tonnes of CO₂e per GWh used. This figure is projected to drop to 41 tonnes per GWh by 2033 as the electricity generation sector rapidly decarbonises. From the predicted electricity requirements of Boulby Mine and the conversion factors available, the applicant estimates that the Mine would generate an average of 10,053 tonnes of CO₂e per year over the proposed development period.
- 18.5.8 With regard to gas, the applicant assumes that the amount of carbon emitted for every GWh used will remain the same over time. This would equate to an average of 14,047 tonnes of CO₂e arisings for each year proposed.
- 18.5.9 The total CO₂e arising from the mine would therefore fall from a maximum of around 43,000 tonnes in 2020, to around 40,000 tonnes in 2027 and down to just under 16,000 tonnes from 2033 onwards, averaging 24,101 tonnes per year.
- 18.5.10 The applicant notes that baseline data on GHG emissions for all activities within the National Park is not available, although a figure of 704,000 tonnes per annum from 2006 is contained in the North York Moors National Park Management Plan (2016). The applicant also states that, whilst it would normally be expected that the 704,000 tpa figure for the National Park from 2006 would have reduced significantly since 2006, and would continue to decrease into the future, the construction and future operation of the Woodsmith Mine will now be affecting the National Park's figures.
- 18.5.11 Data shows that Boulby Mine would produce emissions which equate to just under 9% of the Scarborough Council area figures in 2020 and 2027 but would then drop to just over 4% after the reduction of activities at the Mine Site. Emissions from the Mine would be small in the context of emissions as a whole from Redcar and Cleveland.
- 18.5.12 The applicant acknowledges that it would be necessary to address the NYM Local Plan Policy ENV8 requirement that proposals for non-residential uses in excess of 200sq. m should generate energy on-site from renewable sources to displace at least 10% of predicted CO₂ emissions and that it would be willing to enter into a planning obligation to provide resources for delivery of off-site measures related to this.

18.6 Impact on climate change and energy considerations – officer discussion

- 18.6.1 Officers note that representations have been received to the effect that the applicant has failed to adequately consider the total greenhouse gas (GHG) arisings from the development, with the claimed reduction in on-site emissions being misleading as no consideration has been given to the GHG emissions associated with processing of the material at an off-site location in Teesside or in Europe, which could be significant. It is also commented that GHG 'savings' from the original scheme are otherwise based only on an updated national carbon factor for the UK grid supply, and do not reflect a more energy-efficient

development, and that the applicant's statements on this matter may therefore be misleading.

18.6.2 Notwithstanding the lack of up to date information on overall carbon emissions at a National Park level, and therefore the relative contribution from Boulby Mine, as a major industrial development it is inevitable that the Mine will be of significance as a single-source emitter of GHGs within a National Park context. Officers acknowledge that the proposed relocation of PotashpluS manufacture to an off-site location, potentially at Teesside, would lead to some relative reduction in emissions originating within the National Park, although at a wider spatial level GHG emissions from this processing activity will arise in any event. Officers do not therefore accept, as claimed by the applicant, that this relative reduction would represent a substantive benefit of the proposals.

18.6.3 Officers also consider that, whilst it would be preferable for the purposes of identifying overall emissions to have specific knowledge of the intended location and nature of processing plant required for the off-site manufacture of PotashpluS, such information is not available at the time of determination of the application and does not form part of the proposals on which a decision is required. As mentioned elsewhere in this report, the applicant has confirmed that removal of this processing activity to an alternative location outside the National Park by the end of 2027 is not dependent on delivery of a new facility on Teesside, as the applicant has access to other options including at its existing operational sites outside the UK. Furthermore, the applicant has not yet refined and confirmed its specific technical requirements for processing. It is therefore not practicable to assess the GHG implications of this element of the development at the current time.

18.6.4 Officers note the applicant's claim that the continuation of Boulby Mine as a UK source of fertiliser, able to supply UK markets, would help reduce emissions compared with imports, representing a positive effect of the development judged as Significant in EIA terms. However, in reality there is still substantial uncertainty about the exact role that Boulby Mine is likely to play in serving UK markets and the balance between supply to UK and export markets of Boulby fertiliser products. It is perhaps telling that although the extraction of polyhalite in place of sylvinite has been taking place since 2018 most fertiliser products used in the UK are still imported. In any event, the absence of specific data on how any given balance between supply of domestic and overseas markets might impact on overall GHG emissions related to the development as a whole, or how imports of fertiliser (or salt) from other sources would impact on overall 'embedded' emissions, means that no significant weight should be attributed to this claimed benefit.

18.6.5 Officers acknowledge that there is a wider debate about the impact of fertiliser use on climate change at a macro, global level which raises complex questions that go beyond the parameters of this individual planning application. The Authority is required to determine the application in accordance with current law

and policy, neither of which prohibits the production of fertiliser. Information relating to the climate change effects of a development proposal is within the scope of the “description of the development” which must be included in an environmental statement pursuant to Schedule 4, para. 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The environmental statement for this application must therefore include such information on climate change effects as the Authority considers is “reasonably required” to reach “a reasoned conclusion on the significant effects of *the development* on the environment” (reg. 18). This means that the focus of the enquiry for the NPA as local planning authority is on the significant effects of the individual proposal, not on the global impacts of a sector or industry as a whole. The Authority has a broad discretion in deciding whether the information provided with a planning application is sufficient to meet the standard of that which is “reasonably required”. Officers are satisfied that the environmental statement for this application contained sufficient information to enable the climate change considerations pertaining to this individual proposal to be assessed.

- 18.6.6 NYM Local Plan Strategic Policy F indicates that, amongst other matters, proposals should where appropriate use renewable energy, incorporate sustainable design and construction techniques and facilitate carbon sequestration and storage in upland areas. Draft MWJP Policy D11 also requires that proposals for minerals development incorporate appropriate and proportionate measures for generation and utilisation of renewable or low carbon energy where practicable and in a manner appropriate to the character and location of the development.
- 18.6.7 The applicant has indicated that, by way of mitigation, it could seek to deliver additional sources of renewable energy on site if that can be achieved in an acceptable way and could seek to obtain energy from renewable sources. Whilst officers note this position there are at this point in time no specific proposals or commitments from the applicant on these matters and therefore they cannot be relied on as assisting with compliance under that element of the Policy. As the proposals do not seek permission for new build elements, the policy requirement for consideration of sustainable design and construction techniques is not relevant in this instance.
- 18.6.8 The requirement, where appropriate, to facilitate carbon sequestration and storage in upland areas is however relevant in the context of the applicant’s proposals for addressing the requirement in Policy ENV8 to generate energy on-site from renewable sources to displace at least 10% of predicted CO₂ emissions.
- 18.6.9 Following discussion with officers the applicant has given consideration to opportunities for delivery of an on-site source of renewable energy to meet the 10% requirement. In practice, and for reasons of deliverability and likely environmental impact, the main focus of this was on the potential for a solar array on land within the applicants overall control and immediately adjacent to the main

surface site. On further review this option was not pursued in more detail due to the likely additional harmful landscape and visual impact associated with a solar array of c.7ha extent within the National Park.

- 18.6.10 Through discussion with the applicant, consideration was therefore given to whether an alternative approach could be acceptable, via delivery of measures within the National Park on a scale that would enable 10% of the carbon emissions from power generation at the Mine to be sequestered. Members may recall that a similar approach was followed in the case of the Woodsmith Mine development, where an off-site solution, in lieu of direct compliance with the on-site renewable energy requirement set out in the Policy, was agreed via S106 obligations to facilitate large scale tree planting within the National Park.
- 18.6.11 Discussions with the applicant have led to agreement in principle that a contribution would be made, via S106 obligations, to provide resources for restoration of a sufficient area of upland peat within the National Park to achieve the 10% off-set required. Further work is taking place with the applicant and the Yorkshire Peat Partnership (YPP) to refine the exact area required to achieve this. However, information available from YPP suggests that around 5,000 ha of peatland within the North York Moors National Park area has been identified for more detailed study, of which over 2,750 ha has been subject to initial survey work by YPP and indicated as potentially suitable for restoration works. As it is currently expected that ICL Boulby would need to make provision for restoration of around 865 ha of peat moorland, this gives good confidence that sufficient land can be identified for the purposes of delivering the necessary off-set.
- 18.6.12 Whilst a 'proxy' approach involving an indirect off-site solution cannot, in officers' opinion, be regarded as leading to direct compliance with Policy ENV8, it would nevertheless and in the circumstances represent an appropriate response, making a significant contribution to the overall aims of the Policy. Officers also note that peatland restoration on the significant scale envisaged would also be likely to lead to associated ecological benefits in terms of habitat creation and be compatible with National Park Management Plan objectives.

Overall officer conclusion on impact on climate change and energy considerations

The energy usage and Greenhouse Gas emissions associated with the development, when considered against a baseline of a decommissioned site, would be very substantial in the context of the National Park, and would be generally inconsistent with the overall direction of Local Plan Strategic Policy F and Policy ENV8, carrying significant weight against the proposal in the overall planning balance. However, the actual significance of the energy usage and emissions in a wider context is difficult to establish with any accuracy as a result of uncertainty over the eventual location chosen for PotashpluS manufacture, the actual balance of UK and export sales of fertiliser products over time and the extent to which the former may help displace imports.

Officers accept that an on-site solution to deliver the direct requirement of Policy ENV8, relating to renewable energy generation for large-scale development, would not be appropriate in this instance and that the approach proposed by the applicant, via contributions to enable off-site carbon sequestration via restoration of upland peat, is an acceptable alternative in the circumstances and would help offset the carbon impacts of the development.

19. Impact on local amenity and health

- 19.1 This section of the report considers the expected impact of the development on the amenity and health of local communities as a result of factors such as noise, dust and other emissions. National and local planning policies seek to protect local communities from unacceptable impacts arising from development proposals, including mineral workings and related activities, and such considerations are therefore important in the determination of this application.
- 19.2 NYM Local Plan Policy ENV7 states that development will only be permitted where it does not have an unacceptable impact on air quality; does not generate unacceptable levels of noise, vibration or odour; and there are no unacceptable adverse effects arising from sources of pollution which would impact on the health, safety and amenity of the public and users of the development. Draft Policy in the MWJP is also consistent with this approach. Specifically, draft Policy D02 indicates that: 'Proposals for minerals and waste development..... will be permitted where it can be demonstrated that there will be no unacceptable impacts on the amenity of local communities and residents, local businesses and users ...including as a result of [factors including] noise, dust, vibration, odour, emissions to air, public health and safety, the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park, cumulative effects arising from one or more of the above at a single site and/or as a result of a number of sites operating in the locality.'
- 19.3 The draft MWJP also includes a specific policy on air quality (Policy D14), which states that proposals for mineral and waste development will be permitted provided that there are no unacceptable impacts on the intrinsic quality of air; and, there are no unacceptable impacts on the management and protection of air quality, including any unacceptable impacts on Air Quality Management Areas.

19.4 Impact on local amenity and health – the applicant's position

19.4.1 a) noise

- 19.4.2 In general terms the applicant considers that the EIA has demonstrated that no significant effects would arise as a result of noise from the development, having regard to relevant guidance and standards, which would not be exceeded. Whilst the applicant accepts that some noise above existing background levels (i.e. without the contribution from the Mine operations) would be generated by the development, the predicted noise impacts would be within the same scale as existing ambient noise levels in the area, from sources such as road traffic,

agricultural workings and weather, and that the night-time noise assessment does not take into account the attenuation offered by local residents mainly being indoors during night-time periods. The applicant considers that the phased partial deconstruction (to be completed by the end of 2027) would lead to an overall reduction in noise when compared with existing operations, thus reducing the level of assessed impact beyond that date.

- 19.4.3 The applicant also points to a range of other mitigation measures that would be applied in order to help reduce impacts from noise, including the submission of a detailed scheme of noise management for approval and concludes that significant impacts from noise would not arise.
- 19.4.4 Additionally, ICL Boulby has provided a summary of further measures and actions undertaken on-site, since submission of the application, in order to help address concerns about existing noise impacts raised by local residents in representations and in complaints to the applicant and/or the NPA.
- 19.4.5 These have focussed mainly on an issue with a 'droning' sound from the Mine site, with the tone (or frequency) of this giving rise to some disturbance even though the volume of the noise is relatively low. The applicant has isolated the source of this noise, which has been identified as the 'System 7' fan within the main plant building. This is part of a system that filters dust out of the internal building space and therefore has to operate in order to maintain appropriate working conditions. In April 2021 additional works were undertaken to install an internal cowling to the System 7 fan housing, under guidance of a specialist noise and vibration control contractor. The applicant states that monitoring is ongoing to confirm the effectiveness of this mitigation, and that initial discussions with local residents suggest that this specific noise problem has reduced since it was implemented.
- 19.4.6 Other measures include provision of acoustic insulation to a static compensator, identified as one of the highest individual noise generating sources on the site, to create a noise barrier and reduce the volume of audible noise.

19.5 b) dust

- 19.5.1 With regard to dust, the applicant states that operational activities are expected to be similar to those currently undertaken at the Mine, which generally do not lead to significant effects from dust or other emissions to air. Relocation of some processing activities off-site would further reduce emissions from the Boulby Mine site. The applicant acknowledges that occasional, localised effects from dust can impact on the amenity of residents living closest to the Mine site but do not consider that these arise with a regularity or intensity to create significant effects on residential amenity. It states that dust monitoring undertaken on a permanent basis around the Mine Site shows that there have been no recordings of dust that exceed the national guidelines on dust deposition. In addition, the dust recordings that are taken have been so low that there are not sufficient dust samples collected to allow analysis to see if the dust is from the Mine or from other sources.

- 19.5.2 The EIA produced by the applicant notes that background concentrations of fine particles (PM₁₀ and PM_{2.5}) in the nearest background monitoring locations to the Mine are low and that any additional contribution from Boulby Mine would be unlikely to breach national Air Quality Objectives, based on relevant guidance and therefore further consideration of impact on human health from such sources can be scoped out of the EIA.
- 19.5.3 The applicant also refers to Institute of Air Quality Management (IAQM) Guidance on the Assessment of Mineral Dust Impacts for Planning (2016) which, whilst noting that receptors up to 1km away may experience dust impacts, indicates that detailed assessment may be screened out if sensitive receptors are greater than 250m from dust sources in the case of minerals sites working soft rock such as potash. The applicant notes that in this case the nearest receptor is at a distance of 415m although, as nearby weather data for Loftus indicates that the prevailing wind direction is south-westerly, the nearest downwind receptor is 480m from the site.
- 19.5.4 In further information and clarification the applicant nevertheless acknowledges that the working of polyhalite, and the need to ventilate certain areas of the Mine site, does create dust which can be visible in the air above the site from off-site locations. The applicant states that dust monitoring shows this dust falls within the site before it can be borne by winds off-site and onto surrounding properties. However, it also considers that the visibility of dust does give a perception that dust is a problem and has therefore implemented further measures on site during 2021 to reduce visible dust. This includes installation of video monitoring of the site to identify where dust is noticeable, to allow the main activities which generate dust to be identified and targeted; and monitoring of all known exhaust points to confirm the levels of dust emitted, so that the highest emitting sites can then be targeted for mitigation.
- 19.5.5 Improvements implemented recently by the applicant include: replacement of extraction ducting; installation of new doors on the west side of the PotashpluS plant; fitting of additional doors on the west face of the compaction plant; sheeting repair and replacement to the exterior of the PotashpluS plant; closure of gaps around ducting to the stack; recommissioning of the 'Donaldson' dust extraction system; cleaning of all accessible areas of extraction system ducting, and; commissioning of a fines screw conveyor to minimise the potential for escape of dust during transfer of mineral within the site. In addition, the applicant has confirmed that installation or repair of dust fencing around the main working areas is planned for 2021, to help contain low level dust and allow it to be collected, thus reducing its spread or the possibility it could re-distributed again following its deposition.
- 19.5.6 The applicant also indicates that a detailed scheme of dust mitigation would be submitted for approval if permission is granted.

19.6 c) other emissions to air

- 19.6.1 The EIA accompanying the application indicates that operations at the Mine have the potential to give rise to other emissions to air, in addition to dust. These include: combustion gasses and particulate matter from product driers (vented through the main stack); combustion gasses and particulate matter from the Combined Heat and Power plant (CHP) and boilers (vented through a separate, smaller, stack); and exhaust gasses from the extraction systems. The focus of the assessment is on particulate matter (PM₁₀ and PM_{2.5}) from the site. PM₁₀ and NO₂ is also considered in the context of emissions from transport. The applicant has provided available baseline data from air monitoring locations nearest to the site which suggest that national air quality standards and objectives are not currently being exceeded.
- 19.6.2 The applicant notes that a range of legislative requirements address air quality and that the assessment has had regard to guidance produced by the Institute of Air Quality Management and Environmental Protection UK, and that operations at the Mine take place under an environmental permit administered by Redcar and Cleveland Borough Council under the Environmental Protection Act 1990 and, in relation to the CHP plant, the Environment Agency. These require regular monitoring of emissions which, for the CHP plant, includes NO_x, CO and non-methane VOCs, with no known non-compliance issues arising. The applicant has also confirmed that it has increased the frequency of monitoring of potential grounding events for emissions from the stack, which could lead to odour concerns, and has improved its protocols for responding to any reported incidents.
- 19.6.3 The EIA considers available baseline data on the background concentration of pollutants including PM₁₀, PM_{2.5} and NO₂ and in relation to air quality objectives established by DEFRA.
- 19.6.4 With regard to pollutant emissions from the site, the applicant considers that as the relevant regulatory authorities (RCBC and the Environment Agency) have not sought to take any enforcement action as a result of monitoring activity, it can be assumed that stack emissions are within legal limits, and that the stack heights (87.5m and 50m respectively for the main stack and CHP stack) are such that it is likely that any pollutants will have dispersed before they reach ground level. There are therefore no human receptors which could be significantly affected. With reference to emissions from traffic, the EIA indicates that the volume of mine-related traffic relative to the baseline situation is such that detailed assessment of air quality-related impacts on human receptors can be scoped out of the assessment.

19.7 Impact on local amenity and health – officer discussion

- 19.7.1 Officers note the findings in the EIA, which in summary suggest that the impacts of the development on residential receptors from noise, dust and other emissions would be within relevant limits identified in national policy or guidelines. However,

officers also note that the methodology used in the EIA, particularly with regard to noise, along with the conclusions drawn on likely impact, has been disputed by some third parties. Officers have therefore sought further specialist advice on the noise assessment undertaken by the applicant. This has identified some concerns about the approach followed and, consequently, about the extent of impact which might arise during night time periods at some residential properties in closest proximity to the site.

19.7.2 The advice highlights that there is considerable uncertainty as to the night-time noise effects of the development, as the effectiveness of proposed mitigation to various items of plant is not yet demonstrated. Consequently, there is a lack of quantification of night-time noise effects and their likely significance. It also states that there is still an issue at night-time at one receptor even with the applicant's assumed noise mitigation corrections in place and that, whilst night-time noise levels are all below the 42 dB LAeq night-time limit from Minerals Planning Guidance, they are still well above background sound levels. This indicates to officers that, when compared with the baseline scenario of the Mine site in a restored state, there is the potential for harm to arise as a result of noise. The advice also recommends that, until the uncertainty over the effectiveness of proposed mitigation is resolved, the NPA assume that significant adverse effects are likely for night-time noise at some receptors.

19.7.3 Officers are also mindful that there is a degree of mismatch between the applicant's view on local amenity impacts generally, as set out in the planning application and in the conclusions of the EIA process, and the experience of some local residents as referred to in letters of representation and in complaints received on operational matters over the period since 2019. Specifically, a number of representations raise concerns about noise, dust and other emissions from the Mine, including odour and these matters have all been subject of complaints made to the NPA and/or RCBC, as well as directly to the developer. In response to these matters, officers note that the applicant has, over the period since the application was first submitted, taken steps to investigate complaints and concerns, implement revisions to plant and equipment at the site and implement changed working practices, with a view to addressing the matters raised.

19.7.4 It appears to officers that the specific issues giving rise to these complaints and concerns can, at least in part, be attributed to factors relating to the transition from sylvinitic mining to polyhalite and the associated new product development activity taking place at the site. This switch has required adaptation of existing processing plant and working practices at the site, in effect as a pilot operation to develop new polyhalite based products for the market, before an intended switch (post 2027) to a bespoke off-site processing facility. Officers also note that the physical properties of polyhalite are different to those of sylvinitic, being generally harder, more brittle and 'drier' (and therefore potentially more dust-prone on handling and processing). These different activities, combined with the different characteristics of the main mineral now being extracted, appear to have led to

operational difficulties with some aspects of noise and dust management at the site during the on-going transitional period.

- 19.7.5 Officers therefore consider that it is necessary to interpret the more theoretical assessments contained in the EIA in the light of the wider context and actual experience. This includes the fact that the Mine is located within a National Park, where there is an expectation that development will be of appropriate scale and nature, compatible with National Park statutory purposes and consistent with maintenance of National Park Special Qualities, including that of Tranquillity.
- 19.7.6 This context also includes officer's own direct observations of visible dust emissions over the site and audible noise in the vicinity of residential property, as well as the matters raised in complaints and letters of representation. Whilst the recent actions taken by the operator to address concerns are to be welcomed, and are part of an on-going process of review and refinement, it is difficult to conclude at this stage that a satisfactory resolution to the various operational matters has yet been achieved.
- 19.7.7 Officers also understand that, since receipt of a number of complaints about night-time tonal noise (attributed to the 'System 7' fan) the operator has taken the decision not to run this system at night whilst a resolution is achieved. Changes have been made which the operator considers has been effective in reducing this element of noise. Nevertheless, it is understood that the operator received further complaints about noise in late September 2021 which are undergoing investigation. It is understood that the applicant would need to run the System 7 fan equipment overnight in order to achieve the intended levels of production over the next few years. Taking into account all the available information, including this wider context, there is therefore still some doubt about whether this can be undertaken without giving rise to further complaint.
- 19.7.8 However, officers also note that there would be a significant change to the development after 2027, following the partial deconstruction of certain items of plant and equipment and the relocation of PotashpluS processing activities off-site. Although not quantifiable, the applicant expects that the site layout changes will lead to an overall noise level reduction, due to removal of noise generating equipment and processes. It is also considered likely that there would be lower potential for dust generation compared with the existing situation, as a result of the reduced overall scale of mineral processing activities taking place and note that the removal of the main chimney stack, as a source of emissions to air, would also take place at that time. In combination these changes would be expected to lead to some overall reduction in amenity impacts compared with the existing situation. However, members are reminded of the need to consider impacts against a baseline of a restored site and that adverse impacts above that baseline scenario would still be expected to arise.
- 19.7.9 In considering the impact of development on local amenity and health, a further consideration is the relationship between the planning regime and the role of

other regulators. This is particularly relevant in the context of air quality and potential health impacts from development.

- 19.7.10 Planning Practice Guidance (2019) states that: 'Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species).'
- 19.7.11 PPG also notes that: 'It is not necessary for air quality assessments that support planning applications to duplicate aspects of air quality assessments that will be done as part of non-planning control regimes, such as under Environmental Permitting Regulations. Air quality is a consideration in Environmental Impact Assessment, if one is required, and also in a Habitats Regulations Appropriate Assessment.'
- 19.7.12 Officers note that it is an established principle that the planning system should seek to complement rather than duplicate the role of other specialist regulators. The role of the planning system is to regulate the use and development of land in the wider public interest and should work on the basis that other regulatory regimes will work effectively. Matters such as impact on health can however be relevant to planning where they give rise to wider considerations of public interest.
- 19.7.13 In this particular case officers note that emissions from the main stack and CHP stack at Boulby Mine are subject of regulation via RCBC and the Environment Agency, neither of which has objected to the proposal. The environmental permit administered by RCBC requires that no visible emissions of particulate matter shall pass the site boundary. However, officers are also aware that finer fractions of dust (e.g. PM_{10}) can have potential health impacts.
- 19.7.14 Institute of Air Quality Management Guidance on the Assessment of Mineral Dust Impacts for Planning (2016) notes that a potential air quality impact from mineral working is the increase in ambient suspended particulate matter (PM) concentrations local to the site, and that the PM_{10} fraction is relevant to health outcomes. It states that: 'For quarries most of this suspended dust will be in the coarse sub-fraction ($PM_{2.5-10}$), rather than in the fine ($PM_{2.5}$) fraction. It should be noted that the national air quality objectives for these pollutants are rarely exceeded close to most mineral sites, as they are typically located in rural areas where there is generally a much smaller contribution from traffic pollution than in urban areas.'
- 19.7.15 The Guidance goes on to note that: 'From the experience of the Working Group, adverse dust impacts from sand and gravel sites are uncommon beyond 250 m and beyond 400 m from hard rock quarries measured from the nearest dust generating activities. In the absence of other information it is commonly accepted that the greatest impacts will be within 100m of a source and this can include

both large (>30 μ m) and small dust particles. The greatest potential for high rates of dust deposition and elevated PM₁₀ concentrations occurs within this distance. Intermediate-sized particles (10 to 30 μ m) may travel up to 400m, with occasional elevated levels of dust deposition and PM₁₀ possible. Particles less than 10 μ m have the potential to persist beyond 400m but with minimal significance due to dispersion.'

- 19.7.16 In the context of this Guidance officers' note that the nearest residential receptors are within 400-450m of the operational site boundary (although in most cases slightly more distant from the main on-site sources of dust and particulates generation). Overall this guidance suggests that any impacts from the development on air quality are more likely to relate to general amenity – i.e. visible dust in the air or on nearby surfaces, rather than a significant concern to health. In this regard also note a recent update from RCBC Environmental Health, which indicates that boundary and off-site dust monitoring results show very low levels of dust, indicating that although there may be at times some visible dust, this is falling out before it leaves the site boundary.
- 19.7.17 Officers are also mindful that other considerations relevant to health can arise, including as a result of disturbance from night-time noise, and this matter has been raised in representations received. In this context members will note the uncertainty about the extent of night time noise impact, discussed earlier in this section of the report.
- 19.7.18 Following discussion with officers in light of their view on the potential for unacceptable impact from night-time noise at some residential properties, the applicant has now confirmed that it would be willing to offer a Section 106 obligation to make reasonable resources available for additional direct night time noise mitigation measures at affected properties where necessary, following advice from RCBC EHO. In the view of officers such an approach would be consistent with the requirements of the CIL Regulations and with the approach followed in respect of the Woodsmith Mine development.

Overall officer conclusions on impact on local amenity and health

Taken as a whole, officers consider that the available information through the EIA, consultation responses, letters of representations and officer's own observations, suggest that the development in its current form gives rise to some adverse impact on local amenity. Detailed assessment of the likely significance of this matter, over the extended life of the Mine now sought, is made more difficult by the evolving nature of activities taking place at the Mine over the period since 2017; the further changes that would take place as a result of the partial deconstruction of plant and equipment and the relocation of PotashpluS processing activity off-site beyond 2027; and the identified uncertainty about the extent of night-time noise impact that may arise.

Officers also note that the applicant seeks permission to continue extraction until 2048 and therefore, for the majority of the remaining life of the Mine, the

exact nature of the development would differ from that present today. In general terms, officers consider that these changes would be likely to be beneficial in reducing the overall extent of impact on local amenity compared with the present situation but acknowledge that there is limited specific evidence available to confirm this. Certainly, when compared with a baseline scenario of the site in a restored condition, it is reasonable to expect that some degree of harm to local amenity from noise and dust would continue to arise over the whole life of the development, notwithstanding the proposed mitigation measures.

The local planning policy seeks to prevent an unacceptable level of harm from arising, rather than any harm. With regard to night-time noise and bearing in mind the advice available through the review commissioned by officers, it cannot be safely concluded at this stage that the development can take place without unacceptable impact at a small number of residential receptors, although officers acknowledge that, with further analysis and mitigation, it may be practicable to demonstrate management of night-time noise to appropriate levels. This represents a substantial disadvantage of the development which weighs against the proposal in the overall planning balance. If permission were to be granted, there would be a need for very robust planning controls to mitigate and monitor impacts on amenity from noise and to require implementation of any additional measures identified as necessary as the development proceeds and in response to evolving best practice. In this respect the applicant's offer to enter into a section 106 obligation to provide additional direct mitigation at affected properties, if necessary, is considered to be a useful and justified mitigation measure that could reduce the extent of any harm arising from night time noise.

With regard to dust and other emissions to air, and bearing in mind recent known issues and concerns around dust management, officers consider that it would also be necessary to impose very robust planning conditions.

Overall, officers conclude that the likely local amenity impacts represent a disadvantage of the proposal which carries some weight against the proposal in the overall planning balance.

20. Impact on delivery of National Park Statutory Purposes and on Special Qualities

- 20.1 The statutory purposes of National Parks are set out in the Environment Act 1995 and are to:
- a. Conserve and enhance the natural beauty, wildlife and cultural heritage of the area;
 - b. Promote opportunities for the understanding and enjoyment of the special qualities of the area by the public.

- 20.2 In pursuing these purposes a National Park Authority has a duty to seek to foster the economic and social well-being of local communities within the National Park.
- 20.3 The Special Qualities of the National Park are set out in the National Park Management Plan (as amended in 2016 and now under review) and capture those physical, natural and cultural attributes which, in combination, make it a unique place worthy of the strong protection it receives through national legislation and national and local planning policy.
- 20.4 Protection of National Park Special Qualities is inherent in delivering decisions on development proposals which are consistent with both of the National Park Statutory Purposes. It is also directly relevant to the delivery of sustainable development in line with the overall approach in NYM Local Plan Strategic Policy A and the assessment of proposals in relation to the Major Development Test, set out in Strategic Policy D. National Park Special Qualities are also protected through draft MWJP Policy D02, which states that proposals for minerals and waste development will be permitted where it can be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space including as a result of the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park.
- 20.5 Reference to particular Special Qualities has already been made elsewhere in the 'Main Considerations' part of this report, where relevant on a topic by topic basis. This section considers the impact of the development on Special Qualities as a whole.

20.6 Impact on delivery of National Park Statutory Purposes and on Special Qualities – the applicant's position

- 20.6.1 With regard to Statutory Purposes, the applicant considers that the EIA process has demonstrated that the development would see the existing levels of natural beauty and cultural heritage within the National Park maintained and then enhanced over time as the phased deconstruction takes place and certain operations moved off-site. It further considers that the wildlife of the National Park would be enhanced through environmental measures proposed to increase habitats and species around the site. The applicant also suggests that the development would have no detrimental effects on the ability of people to enjoy the National Park, as no additional road transport is proposed and no public rights of way or recreational routes are significantly affected.
- 20.6.2 In relation to the identified Special Qualities, the applicant has provided its assessment of any impacts arising from the development. This is summarised in the table below, together with the NPA officer view on the likely impact of the development on those Special Qualities.

Special qualities	Summary of applicant's assessment of impact	Summary of NPA officer assessment of relevance to development and likely impact
Great diversity of landscape	Significant adverse effects but limited to an area of the National park within 2km of the site and therefore not an inappropriate effect on this Special Quality when the National Park is considered as a whole.	Presence of the Mine adds to industrialisation of the National Park, accentuated by the intermittent plume arising from the stack and visible dust from the operational area. Development is visible at locations up to 18km from the site and also impacts harmfully on the appreciation of the landscape by residents or visitors to the National Park.
Sudden dramatic contrasts associated with this.	Significant adverse effects but limited to an area of the National park within 2km of the site and therefore not an inappropriate effect on this Special Quality when the National Park is considered as a whole.	Dramatic landforms accentuate the visual impact – the position of the development (including the stack and the intermittent plume) sits against the skyline in some views substantially beyond the 2.5km zone identified in the ES.
Wide sweeps of open heather moorland	No loss of heather moorland and the visual effect on these areas would be occasional and minor. No significant effects on this Special Quality.	The development is located within a designated landscape which includes the largest expanse of heather moorland in England and Wales. Whilst the development itself is not located within the moorland, it is visible from locations within this special landscape quality and the perception of industrialisation of the National Park is detrimental in that context
Distinctive dales, valley and inland headlands.	No loss of heather moorland and the visual effect on these areas would be occasional and minor. No significant effects on this Special Quality.	Industrialisation of the National Park impacts on the quality and character of the landscape, accentuated by the intermittent plume arising from the stack and visible dust from the operational area, and also impacts harmfully on the appreciation of the landscape by residents or visitors to the National Park.
An abundance of forest and woodland	The development would not result in loss of any forest, woodland or ancient trees and the restoration strategy provides an opportunity to enhance woodland, thus the development would make a positive contribution to this Special Quality in the longer term.	No identified harmful impact.
Ancient trees and woodland rich in wildlife.	The development would not result in loss of any forest, woodland or ancient trees and the restoration strategy provides an opportunity to enhance woodland, thus the development would make a positive contribution to this Special Quality in the longer term.	The presence of the development, including impacts of dust and noise, detracts from the tranquillity and the feeling of naturalness of the adjacent ancient woodland.

Special qualities	Summary of applicant's assessment of impact	Summary of NPA officer assessment of relevance to development and likely impact
Special landforms from the Ice Age	No identified geological features or sites designated for protection for geological reasons would be affected and no evidence of harmful effects of subsidence on coastal geology.	No identified harmful impact.
Exceptional coastal geology.	No identified geological features or sites designated for protection for geological reasons would be affected and no evidence of harmful effects of subsidence on coastal geology	No identified harmful impact.
Majestic coastal cliffs and sheltered harbours	The local topography means the development would not generally be visible from the coastal side of the cliff or form sheltered harbours. Visual impact of the Mine from coastal headlands and hill tops would be very localised and close to the mine site and not significant in EIA terms.	The visual intrusion of the development, which is in a prominent coastal location, as seen from onshore as well as in views available to receptors accessing the offshore area for tourism and recreation via locations such as Staithes, significantly and specifically detracts from this Special Quality. Industrialisation of the National Park impacts on the quality of the coastal landscape, accentuated by the intermittent plume arising from the stack and visible dust from the operational area, and detracts from the experience of the unique coastal cliffs of Boulby and the seaward approach to the sheltered harbour of Staithes. Coastal cliffs and harbours near to the development also lie within an area identified as Heritage Coast.
Distinctive coastal headlands.	The local topography means the development would not generally be visible from the coastal side of the cliff or form sheltered harbours. Visual impact of the Mine from coastal headlands and hill tops would be very localised and close to the mine site and not significant in EIA terms.	The visual intrusion of the development as seen from the offshore area in views available to those using the offshore area for tourism and recreation significantly and specifically detracts from this Special Quality, particularly the landmark headland at Boulby.
A special mix of upland, lowland and coastal habitats	No significant effects on protected species or habitats. Environmental enhancement measures would improve habitats around the Mine for use by species of interest, with further improvements on restoration of the site.	No identified harmful impact.

Special qualities	Summary of applicant's assessment of impact	Summary of NPA officer assessment of relevance to development and likely impact
A wide variety of wildlife dependent on these.	No significant effects on protected species or habitats. Environmental enhancement measures would improve habitats around the Mine for use by species of interest, with further improvements on restoration of the site.	No identified harmful impact.
Settlements which reflect their agricultural, fishing or mining past	No direct effects on any element of the built environment. The development has the potential to affect the setting of locally distinctive buildings and settlements but in terms of listed buildings and conservation areas there would be no significant adverse effects given the separation distance and the nature of the setting of the listed buildings.	Although mining is part of the cultural history of the National Park, and the Mine itself represents part of the evolution of this history, the impact of the contemporary Mine building cluster, as a result of its scale, form, condition and character, detracts from the historic value and appreciation of the nearby settlement of Staithes.
Locally distinctive buildings and building materials.	No direct effects on any element of the built environment. The development has the potential to affect the setting of locally distinctive buildings and settlements but in terms of listed buildings and conservation areas there would be no significant adverse effects given the separation distance and the nature of the setting of the listed buildings.	The industrial materials used for this development starkly contrast the local vernacular.
Long imprint of human activity	No disturbance of below ground archaeology is involved and no loss of any designated or undesignated archaeological features. The distance of the site from the nearest Scheduled Ancient Monuments means no significant effects on their setting would arise. In the longer term restoration opportunities will arise to increase interpretation of industrial heritage in the area.	Although mining is part of the cultural history of the National Park, the scale of the development is incongruous against the largely rural backdrop of its surroundings and lesser scale of former industrial activity.

Special qualities	Summary of applicant's assessment of impact	Summary of NPA officer assessment of relevance to development and likely impact
A wealth of archaeology from prehistory to the 20th Century.	No disturbance of below ground archaeology is involved and no loss of any designated or undesignated archaeological features. The distance of the site from the nearest Scheduled Ancient Monuments means no significant effects on their setting would arise. In the longer term restoration opportunities will arise to increase interpretation of industrial heritage in the area.	The development is expected to give rise to less than substantial harm to the setting of a number of heritage assets in the vicinity of the site.
A rich and diverse countryside for recreation	No public rights of way or other recreational routes would be directly affected. Restoration of the site would provide opportunities to increase public access through the site and with connections to the wider network.	The development detracts from the experience of those accessing this part of the National Park for recreational purposes, including users of important national trails including the Cleveland Way National Trail, England Coast Path and National Cycleway 1, as well as a number of local bridleways and footpaths and Staithes is an important location for tourism and recreation within the National Park.
An extensive network of public paths and tracks.	No public rights of way or other recreational routes would be directly affected. Restoration of the site would provide opportunities to increase public access through the site and with connections to the wider network.	The development is a significant detractor for users of important national trails including The Cleveland Way National Trail, England Coast Path and a number of local bridleways and footpaths.
Strong religious past and present	No identified harmful impact.	No identified harmful impact.
Ruined abbeys and ancient churches.	No identified harmful impact.	No identified harmful impact.

Special qualities	Summary of applicant's assessment of impact	Summary of NPA officer assessment of relevance to development and likely impact
Strong feeling of remoteness	Mine surface activities would take place on the fringe of the National Park adjacent to one of the main roads and the area is not considered to be particularly remote compared with other locations in the National Park.	Industrialisation of the National Park impacts on the quality of the landscape, accentuated by the intermittent plume arising from the stack and visible dust from the operational area, and acts as a reminder of the presence of intrusive development which detracts from the feeling of remoteness and detracts from the rural idyll. Although the development is not located in a Remote Area as identified in the Local Plan (i.e. areas at least 1 km from an address point or main road) it is visible from locations within such areas and in any event the Special Quality 'strong feeling of remoteness' applies more widely than the Remote Areas identified solely for the purposes of the development plan. The whole of the National Park is remote relative to more urbanised areas of the country.
A place for spiritual refreshment.	Mine surface activities would take place on the fringe of the National Park adjacent to one of the main roads and the area is not considered to be particularly remote compared with other locations in the National Park.	No identified harmful impact.

Special qualities	Summary of applicant's assessment of impact	Summary of NPA officer assessment of relevance to development and likely impact
Tranquillity	<p>The sense of tranquillity at the development site is not as strong as in more remote parts of the National Park. No increase in road traffic would arise and no intensification or use of additional processing activities that would increase noise or disturbance are involved.</p>	<p>Tranquillity is defined in the Local Plan as a state of peace and calm which is influenced by what people see, hear and experience around them. The Local Plan explains that it is important to recognise that the whole of the National Park is tranquil in comparison with towns and cities outside the National Park and that the Authority aims to conserve and enhance tranquillity throughout the whole of its area. Minerals development is identified in the Local Plan as a threat to tranquillity.</p> <p>The impact on residents or users (walkers, horse riders, drivers and cyclists) of the National Park who see the development or traffic related to it, or perceive the consequences of the development through other senses, from a fixed location or during a journey through the Park, potentially moving in and out of one or more ZTVs, or through viewing structures at the start or end of a wider route through the area, will experience a reduced sense of tranquillity as users of the landscape and as a result of the development.</p>
Dark skies at night and clear unpolluted air.	<p>No additional site lighting is proposed that would impact on dark skies and lighting associated with the Mine is on the fringe of the National Park, although it is acknowledged the development would result in the continued presence of a source of lighting for a further 25 year period and therefore a potential for diminution of the dark sky.</p> <p>Controls in place would ensure that emissions are within acceptable limits.</p>	<p>Lighting associated with the development impinges on the experience of dark skies and the related special quality of tranquillity. The intermittent plume arising from the stack and visible dust from the operational area acts as a reminder of the presence of intrusive development that is inconsistent with the Special Quality of 'clear unpolluted air'.</p>
Distinctive skills, dialects, songs and customs	<p>No effect on the cultural traditions of the National Park. A local business with a large, skilled workforce would provide a range of attractive jobs to local people which could help more people remain in local communities and help to retain local customs and culture.</p>	<p>No identified harmful impact.</p>

Special qualities	Summary of applicant's assessment of impact	Summary of NPA officer assessment of relevance to development and likely impact
A strong sense of community and friendly people.	No effect on the cultural traditions of the National Park. A local business with a large, skilled workforce would provide a range of attractive jobs to local people which could help more people remain in local communities and help to retain local customs and culture.	No identified harmful impact.
A place of artistic, scientific and literary inspiration	No effects on any natural or built environment features with artistic, scientific or literary associations. Continuation of mining would enable the Boulby underground laboratory to continue its research work, contributing positively to the scientific heritage of the National Park.	No identified harmful impact.
A heritage of authors, artists, scientists and explorers.	No effects on any natural or built environment features with artistic, scientific or literary associations. Continuation of mining would enable the Boulby underground laboratory to continue its research work, contributing positively to the scientific heritage of the National Park.	No identified harmful impact.

20.7 Impact on delivery of National Park Statutory Purposes and on Special Qualities – officer discussion

Whilst an officer summary assessment of likely impacts on the various National Park Special Qualities is provided in the table above, in overall terms officers consider that the impact of the development on certain Special Qualities is likely to be high. This includes in particular those related to appreciation of the National Park landscape and the related qualities of tranquillity, dark night skies and sense of remoteness, as well as on certain elements related to cultural heritage.

20.7.1 Although the applicant has proposed a range of on-site mitigation measures, in officers' opinion these will be of only limited beneficial effect in reducing the extent of impact likely to arise. The applicant has indicated that it is willing to enter into S106 obligations to provide resources for delivery of additional off-site mitigation and/or compensation measures, including those aimed at addressing landscape and visual impact, impact on historic assets and on the local tourism economy. In officers' opinion such contributions would be necessary and justified in order to moderate the extent of harm to relevant Special Qualities in the event that the development proceeds.

Overall officer conclusion on impact on delivery of National Park Statutory Purposes and on Special Qualities

Officers consider that, relative to a baseline of a decommissioned site, the development would lead to a high degree of impact on a number of identified National Park Special Qualities, albeit over a relatively small proportion of the area of the National Park. There would be corresponding harm to the delivery of National Park Statutory Purposes and conflict with related planning policies and it is considered that this carries substantial weight against the development.

The mitigation measures proposed by the applicant, including via section 106 obligations, would however be of material benefit in moderating the overall extent of harm that would arise and in the view of officers would be necessary and justified if the development were to proceed. They would lessen the weight against the development by reason of harm to the delivery of National Park statutory purposes and impact on Special Qualities.

21. Cumulative impacts and interaction impacts

21.1 The National Planning Policy Framework (para. 211) states that, in considering proposals for minerals extraction, minerals planning authorities should take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality. Consideration of cumulative impacts and the potential for interactions between different effects is also relevant within the context of the EIA process. They are therefore material considerations in the determination of the application.

21.2 Cumulative impacts and interaction impacts – the applicant’s position

21.2.1 With regard to cumulative effects, the focus in the EIA is on the potential for cumulative effects on the landscape, noting that cumulative landscape effects could arise where more than one existing, permitted or proposed development could be discerned from locations within landscape character areas or landscape designations and/or seen simultaneously from receptor locations, or sequentially from major road routes.

21.2.2 The EIA considers the development in the context of wind turbine developments at Highfields Farm (1.8km from the site) and Scaling Farm (4.2km) and in relation to the Carlin How Works (5km). It notes that many of the receptors considered will have no or very limited intervisibility with the proposed development. Nevertheless, some potential for cumulative landscape impact, in conjunction with the Highfields Farm turbine and the Carlin How Works, is identified, with effects noted for some receptors using the PROW network, including users of the Cleveland Way/England Coast Path and the A174. However, in EIA terms the degree of impact is assessed as ‘not significant’.

21.2.3 The applicant acknowledges, in Further Environmental Information submitted in 2021, that there is also the possibility that some impacts, across different EIA

subjects, could interact to create a separate significant effect. The following subjects have been identified where such an interaction is possible:

- Noise, air quality and/or light having effects on ecological receptors;
- Noise, dust and visual impact having effects on human amenity.

21.2.4 With regard to the former, the applicant notes that, in overall terms, a diverse range of species have been occupying the habitats available within the Mine Site and adjacent land, with the Mine having been operational since 1973, notwithstanding both individual and interacting effects from noise, air quality and light from the existing operations being present. It states that the proposed development would see the scale of the Mine site reduced, with processing activities reduced both in number and type, leaving only the simpler crushing and grinding activities. This would result in a decrease in the noise, air, dust and light arisings from operations both at an individual effect level and also while interacting. The applicant also states that no significant effects have been found for individual effects on ecology receptors, which has included a consideration of noise, air quality and light effects, and considers that, with regard to these topics, no significant interactions are expected.

21.2.5 With reference to interaction effects on human receptors, the applicant notes that these could impact on residential properties and users of recreational routes. Four receptor locations have been identified which the applicant considers are representative of the receptors assessed within the individual subject chapters. These are: Redhouse Farm, Ridge Farm (representative of properties on Ridge Lane), Ings Farm and Boulby Grange (representative of properties at the eastern end of Boulby Bank, as well as users of the coastal recreational routes).

21.2.6 Following consideration of the topic-specific assessed levels of impact (both day and night time) at each receptor location, as well as the mitigation proposed to be applied, the applicant concludes that there would not be any significant interaction effects above any assessed significant individual effects (acknowledging that for some receptors day and night time effects alone are assessed as Significant adverse in EIA terms).

21.3 Cumulative impacts and interaction impacts – officer discussion

21.3.1 It is considered that assessment of cumulative and interaction impacts involves a need for additional judgements (above any required in relation to individual topic areas) about the nature and scale of effects that could arise and that this is in turn likely to limit the value of any conclusions drawn. Nevertheless, officers acknowledge that the applicant appears to have identified relevant issues for consideration.

21.3.2 Officers do, however, note that the judgements made by the applicant in relation to cumulative impact and interaction effects are dependent to a large degree of the related judgements made about impacts on an individual topic basis, and officers have noted elsewhere in this report a number of instances where they

take a different view about the degree of impact arising from the development on certain topics or receptors. In particular, the potential for significant harm from night-time noise at certain receptors, discussed in Section 19 of this report, would be relevant to consideration of the potential for cumulative impact on properties on Ridge Lane and at Redhouse Farm with, in officer's opinion, a greater likelihood of a potential for cumulative impact arising at these locations than is acknowledged in the applicant's assessment.

21.3.3 Officers are also mindful that, as stated elsewhere in this report, all harm caused to the National Park is of relevance when considering the overall planning balance. In particular, the EIA does not specifically address the potential for cumulative or interaction effects on one or more National Park Special Qualities, or combinations of Special Qualities, as opposed to individual receptors. In officer's opinion it is likely, for example, that some harm would arise as a result of multiple impacts including noise, dust, traffic and site lighting, on the appreciation of some Special Qualities, particularly that of Tranquillity and, to a lesser degree, Strong feeling of remoteness.

21.3.4 Therefore, whilst officers do not consider that there is any clearly identified conflict with planning policy expressly addressing cumulative impacts, it is nevertheless considered likely that some harm will arise as a result of such impacts that should be considered in the overall planning balance.

Overall officer conclusion on cumulative impacts and interaction impacts

Officers conclude that, notwithstanding the range of on-site mitigation measures proposed by the applicant, a limited degree of harm would be likely to be caused as a result of cumulative impacts and interaction impacts and that these might reasonably be expected to impact on a small number of residential receptors and on visitors to the National Park. This represents harm from the development which should carry some limited weight against the proposal in the overall planning balance.

Officers also note that the proposed section 106 obligations, put forward by the applicant in order to deliver off-site mitigation and/or compensation measures relating to the landscape, would be likely to assist in addressing some elements of cumulative and interaction impacts on the National Park, for example through compensatory measures that would contribute to enhancing tranquillity elsewhere in the National Park and via measures to enhance the experience of users of key PROWs in the vicinity of the Mine. This would lessen the weight against the development by reason of cumulative and interaction impacts in the overall planning balance.

21.4 Site decommissioning, restoration and aftercare

21.4.1 Achieving a high standard of site restoration and aftercare, on completion of minerals extraction, is an important objective of minerals planning and is a requirement of local planning policy via draft Policy D12 of the Minerals and

Waste Joint Plan. The National Planning Policy Framework (para. 211) states that provision should be made for ‘...restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.’

21.4.2 As in this instance planning permission is sought for a temporary period, it is necessary to consider the approach to final site decommissioning, restoration and aftercare. Whilst Planning Practice Guidance for minerals confirms that proposals for restoration and aftercare should be included within planning applications, guidance also clarifies that ‘..the level of detail required on restoration and aftercare will depend on the circumstances of each specific site including the expected duration of operations on the site. It must be sufficient to clearly demonstrate that the overall objectives of the scheme are practically achievable, and it would normally include:

- an overall restoration strategy, identifying the proposed afteruse of the site;
- information about soil resources and hydrology, and how the topsoil/subsoil/overburden/soil making materials are to be handled whilst extraction is taking place;
- where the land is agricultural land, an assessment of the agricultural land classification grade; and
- landscape strategy.’

21.4.3 This approach is also consistent with draft Policy D12 of the MWJP, in respect of which the supporting text clarifies that ‘...proposals for reclamation should be included as part of the initial planning application. For longer term but temporary development, it may be appropriate for full details to be reserved for later approval, although the overall concept will need to be established at the outset.’

21.5 Site decommissioning, restoration and aftercare – the applicant’s position

21.5.1 Following cessation of minerals extraction, processing plant and above ground structures would be decommissioned and demolished in accordance with best practice. The applicant states that all surface structures would be removed ‘with the possible exception of the concrete winding towers where there may be an option to retain these features as historic features.’ Foundations and hardstandings would be removed or left in situ where regrading proposals would enable a minimum cover depth of 1m to be maintained. The shafts would be filled and capped and culverts currently running under the site would be uncovered and retained as open channels with other drainage infrastructure retained as necessary. Utilities and services would be disconnected at the site boundary and services infrastructure within the Mine site removed. The applicant states that all reasonable attempts would be made to reuse and recycle demolition materials.

21.5.2 Restoration of the Mine site would involve re-grading the existing Mine platform area to a landform in keeping with surrounding countryside, likely to involve creation of a series of undulating terraces, with drainage ultimately connecting to existing watercourses leading to Easington Beck. Available subsoil and topsoil material would be replaced. The applicant estimates that the process of decommissioning and initial restoration would take approximately three years.

21.5.3 In overall terms the Mine would be restored to a mix of semi-natural woodland and grassland habitats and pasture, with provision also made for public access and industrial/mining heritage interpretation. The applicant states that the general principles for this would be as already established via the Closure and Restoration Plan for the mine, originally produced in 1998 and subsequently updated in 2012 under the terms of the existing planning permission for the Mine. This contains a number of key objectives for restoration which, in addition to landscape re-establishment, includes aspects such as providing increased site security through choice of perimeter planting species; retention of heritage features and interpretation of mining history; exploration of potential for improving connections with the local public rights of way network and retention and management of wildlife habitats, as well as provision of new habitats.

21.5.4 Completion of initial restoration would be followed by a five year minimum aftercare period, with provision for annual monitoring and liaison with relevant stakeholders.

21.6 Site decommissioning, restoration and aftercare – officer discussion

21.6.1 Although the restoration and aftercare principles submitted with the application have not been updated since 2012, officers accept that the broad approach to these important activities has not changed in any substantial way since that time. Officers further note that, if permission were granted such that the extraction period at the Mine runs until 2048, a very significant period of time would elapse until a scheme were required to be implemented. Taking into account national guidance on this matter, and the approach set out in the draft MWJP, outlined earlier in this section, officers consider that there is adequate information available at this stage to demonstrate that satisfactory proposals for the principles of site decommissioning, restoration and aftercare would be in place if permission were granted. Officers also accept that the restoration concept submitted by the applicant is generally consistent with other elements of draft MWJP Policy D12, which indicates that restoration of mineral working sites in the National Park should contribute to enhancement of the Special Qualities of the designated area and/or provide opportunities for the enjoyment and understanding of those Special Qualities.

21.6.2 Officers therefore consider that, if permission is granted, it would be necessary to impose planning conditions to require submission of an updated and more detailed scheme of decommissioning, restoration and aftercare, based on the principles already agreed, at a sufficiently early stage to enable full consideration to be given to such details well in advance of the anticipated cessation of

extraction. Conditions should also require submission of full details for implementation at an earlier date should minerals extraction not proceed for the full duration intended by the applicant. Whilst officers note the applicant's statement to the effect that the concrete winding towers could be considered for retention as historic features, they do not accept that this would be appropriate given the long term harm to landscape and from visual impact that would arise. In officers' opinion therefore, any restoration planning condition should make clear that these features are required to be removed as part of the site decommissioning and restoration works.

- 21.6.3 A further consideration relevant to site restoration is whether, as raised in representations received from the developer of Woodsmith Mine, the applicant should be required to make provision for financial security for site restoration in the event of failure of the operator of Boulby Mine. Members will recall that such provision is subject of legal obligations via S106 applying to the Woodsmith Mine development.
- 21.6.4 As noted earlier in this section, the NPPF states that Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances. The applicant has not offered to provide such a guarantee and does not consider one to be necessary. In the 2015 officer report to Planning Committee for the Woodsmith Mine development, officers noted the advice on financial guarantees in the version of the NPPF extant at the time, which was phrased in exactly the same terms as that extant today, i.e. that 'Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances.'
- 21.6.5 Officers went on to note in 2015, and with reference to the Woodsmith Mine proposals, that 'in your officers' view there are three main reasons why a built or under-construction potash mine may fail, these are: resulting from potash mining overcapacity, volatility in world potash price and a major flow of groundwater. All three scenarios are potentially at play with the current project and when officers advised the applicants that we felt this was the case relevant to para 144 of the NPPF the applicants did not demur.'
- 21.6.6 With reference to the current proposals for Boulby Mine, officers note that there are material differences in circumstances, particularly the facts that there would be no need for a comparable construction phase, starting with a greenfield site, as is the case for Woodsmith Mine, and that Boulby Mine is currently operational and within the control of a long-established multi-national mining and fertiliser business operator. In officers' opinion these factors reduce the risk of a default situation arising where the developer/operator is unable to fulfil its restoration obligations. Nevertheless, officers also note the point raised in representations from Anglo American that the applicant has posted an operating loss in each of its last four financial statements and that financial security is necessary in order to ensure the Authority is not unduly exposed to risk, as well as for consistency with its approach to Woodsmith Mine.

21.6.7 Officers also note that although the other risks identified in 2015 (potash mining overcapacity, volatility in world potash price and a major inflow of groundwater) remain risks to which the operator of Boulby Mine could be exposed, as an established mining entity, operating an existing mine, the degree of risk is perhaps less than was the case for the developer of Woodsmith Mine at the time when permission was granted.

21.6.8 In response to a request for clarification of any financial provision made by ICL to ensure delivery of future site restoration obligations under planning requirements, the applicant has referred to information in ICL's latest published accounts (2019) which confirms that it holds a reclamation provision for the eventual reclamation of the Boulby site amounting to £9,821,000.

21.6.9 Whilst officers are not in a position to judge whether this amount would be adequate to fully meet all liabilities for site restoration, officers nevertheless accept that it provides some degree of assurance on this matter. Overall therefore, taking into account the requirement in the NPPF to seek financial guarantees only in exceptional circumstances, officers are not persuaded that it would be justified in this instance.

Overall officer conclusion on site decommissioning, restoration and aftercare

Officers consider that adequate information is available at this stage to indicate that the site can be decommissioned, restored and brought into a beneficial afteruse following cessation of minerals extraction. Further details of these matters would need to be provided at a later date and officers are satisfied that this can be addressed by planning conditions. This matter is considered neutral in the overall planning balance.

Officers are not convinced that adequate justification exists in this particular case to seek a financial guarantee for restoration of the site in the event of default by the operator.

22. Proposed Section 106 obligations

22.1 Introduction, policy and legal tests

22.1.1 In assessing the overall planning balance and in particular 'other material considerations', it is necessary to give consideration to proposed section 106 planning obligations put forward by the applicant. Section 106 obligations can, subject to satisfaction of very important legal tests, provide a means to address the residual impacts of a development, in circumstances where use of planning conditions would not be appropriate. This is confirmed in the NPPF (para. 55), which states that: 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

22.1.2 The North York Moors Local Plan (2020) contains a specific policy, Policy CO1 Developer Contributions and infrastructure, requiring consideration of potential requirements for section 106 obligations in relation to development proposals, including provision of environmental infrastructure. This Policy states:

‘Developer contributions will be required where they are considered necessary to:

- Ensure that development can be made acceptable in the context of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park and ensuring the continued understanding and enjoyment of its special qualities.’

22.1.3 This is reinforced by the inclusion of draft Policy D15 Planning Obligations in the draft MWJP. This draft Policy states:

- Developer contributions will be sought to eliminate or mitigate the potential adverse effects of new development on site or on the surrounding area, and to ensure the provision of any necessary and adequate improvements to infrastructure to support the functioning of the development.

22.1.4 Under that policy the level of contributions required will be negotiated as part of a section 106 agreement, or set out in any adopted Community Infrastructure Levy Charging Schedule or successor framework.

22.1.5 It also states that contributions will only be sought where they are necessary to make the development acceptable in planning terms and where they are fairly and reasonably related to the development in scale and kind.

22.1.6 The supporting text to draft Policy summarises the intended approach in the following way: ‘Section 106 of the Town and Country Planning Act 1990 provides a mechanism for planning obligations, in order to make development acceptable in planning terms which would otherwise not be acceptable. This can include the making of a financial contribution towards measures (which may be off-site in some circumstances) where needed to mitigate against or compensate for the impacts of the development. Such contributions should be proportionate to the scale and nature of the development and the matters which need to be dealt with. The minerals and waste planning authorities will seek such agreements where justified and where they would be in accordance with relevant legislation and guidance.’

22.1.7 The legal tests for section 106 obligations are set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regulations). These require that, for any such obligations to be taken into account as a reason for granting permission they must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

22.1.8 Previous legal advice to the NPA on the approach to consideration of proposed section 106 obligations has clarified that:

- If the planning obligation has some connection with the development which is not 'de minimis', then regard must be had to it, but the extent to which it should affect the decision is a matter of planning judgement;
- Similarly, it is very much a matter of planning judgement as to whether a particular obligation is reasonably related to the scale and nature of the development;
- In all cases, the issues covered by the obligation must be related to development plan policies and other land use planning matters. These can be linked to the development either thematically, functionally or spatially. Therefore off-site benefits which are addressing matters that are related or connected to the development are material and should be given regard in the planning judgement. Any matters which are included in the S106 which do not fall within the parameters of these tests should be given no weight in the determination process.

22.1.9 A judgement in relation to conformance with these tests can only be made having regard to the circumstances of this particular case and members are advised to focus their consideration on whether the obligations proposed in this particular case are consistent with those legal tests.

22.1.10 However, in considering the wider context to any potential requirement for offsite mitigation and compensation measures in this case, via obligations under section 106, it is also relevant to note how this matter was approached in the only two other generally comparable applications determined by the NPA. This is because planning case law indicates that consistency in decision making is important to both developers and development control authorities, and to ensure public confidence in the planning system. Nevertheless, case law also recognises that even where there are like cases, they do not have to be decided alike. A decision-maker is free upon consideration to disagree with a previous judgment provided the importance of consistency is recognised and reasons are given for a departure from the previous decision.

22.1.11 The current permissions for Boulby Mine are accompanied by two section 106 agreements, one relating to a permission granted in 1998 which now comprises the main permission controlling development at the Mine and one relating to a permission granted in 2014 for construction of a polyhalite processing plant on the minehead site.

22.1.12 The permission granted by the NPA in 1998 for retention of surface installations, buildings and plant and an extension of the underground working area at Boulby Mine is accompanied by a section 106 agreement containing a relatively limited range of obligations relating to subsidence monitoring, monitoring of off-shore disposal of effluent and restrictions on the volume and routing of lorries transporting potash and salt from the site. The agreement accompanying the

2014 permission required the payment of a financial contribution of £25k to support the tourism economy within the NPA (subsequently used for public realm works and visitor yacht moorings in Staithes) and the implementation of a programme of replacement of lighting columns with LED down-lighters to reduce light pollution and increase energy efficiency.

- 22.1.13 By contrast, the permission obtained by York Potash in 2015 for development of the Woodsmith Mine project is accompanied by very extensive requirements for off-site mitigation and compensation measures for residual adverse impacts, relating principally to landscape and ecology, carbon offsetting ('Core Policy D') and impact on the tourism economy, with the total value of required contributions relating to these matters in the region of £150 million over the estimated permitted 103 year life of the Project. There were also separate section 106 agreements with R&CBC & NYCC (approximately £13m).
- 22.1.14 This apparent difference in approach is not unexpected when considered in relation to the substantial passage of time between the two decisions; the evolving environmental and planning policy context during that time interval, and; the specific circumstances of the two cases. Whilst there has not been any major shift in the overall level of protection from major development afforded to National Parks through planning policy during that interval, it is widely accepted that the level of scrutiny given to proposals for major development has increased over time and that the level of detail of evidence available in relation to baseline conditions and predicted impacts has similarly increased, including as a result of the use of more sophisticated techniques for assessment of environmental impacts. It is inevitable that this will lead to a correspondingly increased focus on requirements for mitigation of, or compensation for, any related harmful impacts. Also significant in this context is the fact that impacts arising from the current development proposals for Boulby Mine need to be considered against the default baseline position of the site in a restored condition, with surface buildings and infrastructure removed and a restoration scheme implemented, in line with the existing conditions attached to the 1998 permission.
- 22.1.15 It should also be noted that the local planning policy context relevant to section 106 has evolved considerably since 1998. Determination of the planning application for Boulby Mine in 1998 was under the North York Moors Local Plan 1992 as well the North Yorkshire County Structure Plan (1995) and the Cleveland Structure Plan. None of these Plans contained specific policies relating to consideration of requirements for section 106 obligations.
- 22.1.16 At the time of determination of the York Potash application in 2015, the main local policy context was provided through the North York Moors Core Strategy and Development Policies document (2008). Whilst this did not contain specific policy content relating to section 106 contributions, it did set out a number of policies requiring careful scrutiny of impacts and consideration of the need to protect the National Park and its identified Special Qualities, as well as the need to address opportunities for enhancement of these. It also introduced a new

requirement (via the then Core Policy D Climate Change) for developers to address carbon offsetting by bringing forward proposals for the on-site generation of renewable energy to offset 10% of the predicted energy needs of the development. This Policy, which has been carried forward in similar form into the new North York Moors Local Plan 2020 via Policy ENV8 Renewable Energy, stemmed from an evolving national planning policy focus on climate change considerations including, particularly, the equivalent 'Merton rule' in 2003. Following introduction of new legislation in 2004, local planning authorities have been under a legal obligation to determine applications in accordance with relevant policies in the development plan, unless material considerations indicate otherwise.

22.1.17 Members will also note the recently adopted and draft development plan policies that are now in place to inform consideration of section 106 obligations, summarised earlier in this Section.

22.1.18 In combination, this evolving position around policy, regulation and practice has served to increase the focus on, and justification for, consideration of the use of section 106 obligations for mitigation and/or compensation for residual adverse impacts compared with the position at the time of determination of the Boulby Mine application in 1998.

22.2 The applicant's proposed Section 106 obligations

22.2.1 The application as originally submitted proposed a £2.3m section 106 mitigation and compensation package. When reviewed, officers considered the package was overly focused on the submitted LVIA and underestimated the impact of the development particularly on special qualities, historic environment and tourism and did not address requirements for carbon offsetting relevant to Policy ENV8 (on-site renewable energy provision). Assessing the applicant's revised section 106 obligations has required consideration by officers of the main elements of residual impact expected to arise from the development (taking into account any potential embedded mitigation and the ability of the Authority to impose planning conditions where appropriate). Consideration has also been given to the extent to which the various proposed obligations would address the residual harm expected to arise, as well as their relationship to relevant local planning policy and their deliverability.

22.2.2 Inevitably this requires application of planning judgement, in some cases in relation to more 'perceptual' matters, for example with regard to impacts of National Park Special Qualities such as Tranquillity. This exercise has been carried out in the form of a 'CIL Compliance' assessment, a summary of which forms **Appendix B** to this report.

22.2.3 The various matters proposed by the applicant to be subject of Section 106 obligations are set out in more detail below, along with related officer comments.

22.3 a) landscape contribution of £8,908,628.13 over 25 years

22.3.1 This is intended to provide for elements including new woodland creation, coniferous to broad leaved conversion, in field tree planting, hedgerows, traditional boundary restoration, creation and enhancement of natural habitats (e.g. grassland heathland, ponds, watercourses), public rights of way enhancement and dark skies compensatory actions. These would be focussed on a geographical area concentrated in the north east quarter of the National Park where the visual and landscape impact of the proposed development is the most harmful. This area encompasses the Zones of Theoretical Visibility for the development and is delineated by the National Park boundary to the north and west of the development extending to Guisborough Moor, along the coast from Boulby to Kettleness and across the Moorland from Goathland Moor to Ralph's Cross and Urra Moor, taking in the watersheds of Danby Moor and Westerdale. This covers around one-third of the area of the National Park. Use of resources would be prioritised in the following way: the Zones of Theoretical Visibility; areas that have high visitor numbers or are located on PROW and other access routes and access land; elsewhere in this broader area.

22.3.2 Officers note that this proposed contribution would enable delivery of measures which could provide both off-site mitigation for the harmful residual impacts of the Mine on the landscape, as well as compensatory landscape enhancement. Officers note that the scope of this would also embrace mitigation or compensation for impact on certain Special Qualities which have a basis in landscape-related considerations. In these respects, the proposed contribution would directly address elements of harm identified in the EIA and through officer's own assessment of the proposals. They would also contribute to the delivery of planning policy objectives contained in the NYM Local Plan 2020 and the draft MWJP. It is further noted that they would assist in delivery of the two National Park Statutory Purposes as well as landscape objectives for the National Park set out in the NYM Management Plan 2016. It is therefore considered that this would amount to a substantial benefit to the landscape, local communities and visitors to the National Park. Officers also note that landscape measures delivered would be likely to lead to related biodiversity benefits within the National Park.

22.3.3 In officer's judgement the scale of proposed contribution is commensurate with the extent of residual harm expected to arise, would be necessary in order to make the development acceptable in planning terms and would be directly related to the development in thematic and spatial terms.

22.4 b) heritage assets contribution of £460,026.06 over 25 years

22.4.1 This would be focussed on delivering compensatory enhancement to the setting of heritage assets, both designated and undesignated, in the vicinity of the Mine site, including the Staithes Conservation Area. It would also provide resources for the conservation and enhancement of the fabric of heritage assets in the vicinity of the Mine, as a further mechanism to compensate for the indirect harm caused

by the development to heritage assets. Resources would also be used to assist in the understanding and interpretation of the historic environment of the area, as a means of offsetting harm to National Park Special Qualities relevant to the historic environment and in the context of National Park statutory purposes relevant to cultural heritage.

22.4.2 Officers consider that the assessed level of harm to heritage assets set out in the EIA, underestimates the overall extent of harm that would arise and that, notwithstanding the proposed embedded mitigation and the ability to impose planning conditions, residual harm would arise. Officers also note that a number of National Park Special Qualities relate to the quality of the historic environment in a broad sense and that maintaining the quality of the historic environment is relevant to delivery of both National Park Statutory Purposes, as well as to delivery of policy requirements in the NYM Local Plan and draft MWJP.

22.4.3 It is therefore considered that the proposed contribution would be of substantial benefit in compensating for the residual harm caused to heritage assets and correspondingly benefit local communities and visitors to the National Park.

22.4.4 In officer's judgement the scale of proposed contribution is commensurate with the extent of residual harm expected to arise, would be necessary in order to make the development acceptable in planning terms and would be directly related to the development in thematic and spatial terms.

22.5 c) tourism contribution of £4,944,185 over 25 years

22.5.1 This would provide for actions to mitigate and compensate for the identified impact of the development on the local tourism economy, to help ensure that its full potential is realised. It is intended that compensatory activity would focus around:

- Generating positive perceptions – Encouraging new visitors through innovative marketing campaigns to showcase the variety and high quality of things to do in Staithes and the surrounding areas;
- Creating a cluster network for businesses in and around Staithes, and work with them to make Staithes and the surrounding areas' key selling points more apparent;
- Identifying new target markets;
- Developing and delivering marketing activity to appeal to those markets, focusing on building awareness of local activities;
- Supporting industry growth – helping develop business skills and support, building business resilience, delivering an exceptional visitor experience and warm Yorkshire welcome;
- Outreach activities to engage local tourism businesses and encourage them to be part of a local networking cluster;

- Creation of a programme of training and networking events to help businesses create collaborations, improve their marketing and develop the sense of welcome;
- Developing new products and distinctive experiences in Staithes and the surrounding areas that showcase the National Park's special qualities and contribute to sustainable growth, and working with businesses to better package up and sell existing experiences;
- Supporting businesses to develop and promote appropriate experiences and to create new collaborations, for example between accommodation and experience providers; and
- Supporting the development of inclusive tourism - create products and a destination where everyone feels welcome.

22.5.2 The applicant also indicates that there is potential for inclusion of an evidenced-based periodic review mechanism relating to this contribution (subject to agreement on details) which could lead to subsequent payments at a higher or lower rate.

22.5.3 Officers note that the applicant has accepted the findings of evidence, obtained by officers, which indicates an identified adverse impact on the local tourism economy as a result of the presence of the Mine. Protection and promotion of the tourism and visitor economy of the National Park is an aim of policy in both the NYM Local Plan and the National Park Management Plan. It is also relevant to delivery of the second National Park Statutory Purpose to promote opportunities for understanding and enjoyment of the special qualities of the National Park by the public.

22.5.4 The proposed contribution would enable delivery of measures aimed specifically at compensating for the harmful impact of the Mine on the local tourism economy and would also be of substantive benefit to local communities and visitors to the National Park. The scale of proposed contribution is consistent with available evidence on the expected extent of harm arising and would be spatially and thematically linked to it.

22.6 d) NYM Local Plan Policy ENV8 carbon offsetting contribution (amount to be agreed but currently expected to be in the vicinity of £1.5 to £2 million over 25 years)

22.6.1 It has not been possible to negotiate a scheme for delivery of the 10% on-site renewable energy policy requirement without adverse environmental impact. As an alternative, the applicant proposes to make a contribution to provide for delivery of an off-site CO₂ offsetting mechanism related to requirements under Local Plan Policy ENV8. This would provide for an agreed mechanism to offset carbon emissions equivalent to 10% of the amount generated by the operation of the site. It is expected that this would be delivered via physical works and related ongoing maintenance to achieve the improvement in condition of a sufficient area of peatland (currently estimated at 865ha) within the National park, in order to

enhance its ability to sequester carbon at a scale needed to provide the necessary offset. The applicant states that a reasonable and justifiable contribution would be made to provide for this.

22.6.2 Officers have already set out the rationale for the applicant's proposed approach to delivery of Policy ENV8 requirements, noting that this is considered to represent an appropriate solution to furthering the aims of the Policy in the absence of potential to deliver renewable energy provision on site in an environmentally acceptable way in order to achieve full compliance with relevant policy.

22.6.3 Securing an appropriate contribution to deliver the proposed approach would need to be subject of further discussion with the applicant, with the specific scale of contribution (which would need to be reasonable and justified) and an appropriate delivery mechanism agreed before planning permission could be granted. Subject to this, officers consider that a proposed contribution would represent a suitable means of addressing the carbon impact of this major development within the National Park, contributing to the delivery of the aims of NYM Policy ENV8 and noting that it would be consistent with other environmental policies and objectives which aim to improve the quality of peatlands for carbon sequestration purposes. It would also be expected to deliver substantial related biodiversity benefits, thus furthering other National Park Management Plan and policy objectives.

22.7 e) an NPA monitoring and delivery contribution of £431,043.60 over 25 years

22.7.1 This would provide resources to ensure that officer capacity is available to deliver the increased monitoring and regulatory oversight of the development through the planning system necessitated by a more modern and comprehensive planning permission; the allocation of resources available through the other S106 contributions, and S106 mitigation and compensation project identification and support.

22.7.2 Officers consider that the any new permission granted to retain the Mine for a further 25 years would need to contain a comprehensive and detailed schedule of planning conditions, including a substantial number of conditions which require submission of further detailed matters for approval, as well as ongoing monitoring requirements. Ensuring adequate planning resource to deliver the NPAs ongoing role in that process, as well as delivery of the identified and necessary off-site mitigation and compensation measures outlined above, would place a significant and exceptional burden on the Authority's resources.

22.7.3 Officers have assessed the scale of resource expected to be required to deliver these functions. The approach assumes an increase in work in years 1 to 5 as a result of:

- Additional planning work during early implementation of a new permission and expected more numerous and rigorous planning conditions in line with modern permission standards;
- Additional workload through anticipated need for conditions discharge work and material and non-material amendments to finalise development/monitoring details during early years of the development;
- Additional monitoring activity during phased deconstruction stage;
- Need for inception and ramp-up of offsite mitigation and compensation projects.

22.7.4 It is also assumed that a lesser but continuing increased workload would arise for years 6 to 25 as a result of ongoing compliance monitoring, processing of material and non-material amendments and section 106 mitigation and compensation project delivery.

22.7.5 Officers' judgement, based on experience of other major minerals development in the National Park, is that delivery of this activity would require an additional 2 days per week of senior officer time during years 1 to 5 and 1 day per week in years 6 to 25.

22.7.6 The applicant's proposed contribution for monitoring and delivery is consistent with officers' assessment of the scale of resources required to deliver adequate scrutiny and oversight of the delivery of this major development, which would take place in a highly sensitive environment. Correspondingly, it is considered that the proposed contribution would be directly related to the development as well as being necessary, reasonable and justified.

22.7.7 The applicant has agreed that all the above monetary contributions would be subject to annual uplift in line with the RPI.

22.8 f) other items proposed by the applicant for Section 106 Heads of Terms comprise:

- an obligation to ensure routing of Heavy Goods Vehicles and restrictions on the volume and timing of Heavy Goods Vehicle movements in general accordance with existing agreed restrictions;
- an obligation to require subsidence and effluent (offshore outfall) monitoring in accordance with monitoring schemes to be agreed between ICL Boulby and the National Park Authority; and
- an obligation to provide reasonable resources for additional night time noise mitigation measures at affected properties where justified following advice from RCBC and SBC EHO's.

22.8.1 Officers note that these matters are directly related to the proposed development and would ensure the continuation of existing elements of planning control, with respect to matters which are appropriately addressed via section 106 obligations. They are considered to be necessary in order to ensure that the

development can take place without undue harm to the environment and local communities, consistent with requirement of planning policies in the NYM Local Plan and the draft MWJP. They are therefore considered to be necessary, reasonable and justified.

22.9 Security for payments due under Section 106 obligations

22.9.1 A further consideration is whether the National Park Authority (NPA) should require the developer to provide a mechanism to secure availability of funds to pay contributions due under S106.

22.9.2 Context to this matter is provided by the permission granted in 2015 the Woodsmith Mine development. That permission is also accompanied by a section 106 agreement requiring payment of contributions for off-site mitigation and compensation measures over the permitted life of the development (103 years in that instance). The agreement includes a requirement for the developer to provide a payment security mechanism (such as an Escrow account) for the main contributions due, over a rolling period linked to the duration of the initial construction phase of the development. Payment of contributions due over the remaining operational life of the Woodsmith development would not be subject to such security.

22.9.3 Officers are mindful that, in the case of Woodsmith Mine, the requirement for payment security is linked to the duration of the construction phase. It is understood that the requirement for security reflected the higher level of harm expected to arise during the construction phase and the fact that the developer was in effect a startup business and not a well-established mining entity with established revenue streams, with corresponding increased risks of financial or technical failure resulting in the premature cessation of the development.

22.9.4 In the case of Boulby Mine, there is no comparable construction phase as the Mine is already built and no new construction works are proposed. It is also an operational site run by a globally significant mining business. Nevertheless, officers are aware that the Mine is currently in a transitional phase, having switched recently from a focus on sylvinite extraction to polyhalite; that there are uncertainties over the success with which the operator will achieve its future production aspirations, and; that the operator has reported a loss over the past few years. These and other factors could present some risks to the ongoing viability of the Mine.

22.9.5 It appears to officers that whilst there are some similarities with the Woodsmith Mine case, there are also some significant differences that significantly reduce the risk of payment failure, such that it would not be justified to require provision for payment security in this instance.

23. Conclusion - Assessment of consistency with development plan policy, including the Major Development Test and Planning Balance

23.1 Introduction

23.1.1 In assessing the application against local planning policy it is necessary to consider the development plan as a whole, and have regard to its overarching strategy and aims, as well as the relationship between the proposal and any relevant individual policies. Earlier sections of this report have set out the officer view, on a topic by topic basis, of the degree of compliance of the development with specific elements of the development plan. This section considers the overall relationship of the proposals with strategic policy in the development plan relating to sustainable development and, more specifically, in relationship to the policy for major development contained in Strategic Policy D.

23.2 Strategic policy context

23.2.1 The overall approach to delivery of sustainable development within the National Park is contained in Strategic Policy A of the NYM Local Plan, which links a positive approach to new development with a need to ensure compatibility with National Park purposes. It indicates that sustainable development for the National Park is development which:

- Is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment;
- Supports the function and vitality of communities by providing appropriate and accessible development to meet local need for housing or services, facilities, energy or employment opportunities;
- Protects or enhances natural capital and the ecosystem services they provide;
- Maintains and enhances geodiversity and biodiversity through the conservation and enhancement of habitats and species;
- Builds resilience to climate change through adaptation to and mitigation of its effects;
- Makes sustainable use of resources, including using previously developed land wherever possible;
- Does not reduce the quality of soil, air and water in and around the National Park.

23.2.2 The Local Plan explains that the North York Moors is a nationally significant, special place and part of the cultural and natural heritage of the nation. It states that proposals for new development will need to be carefully located and designed so that they respect the statutory purposes which underpin its status as a National Park, and that the Authority will continue to recognise that the

evolution of the National Park needs to be sensitively managed, through a philosophy of 'careful planning'.

23.2.3 Strategic Policy A sets the context for the specific approach to major development, contained in Strategic Policy D.

23.2.4 NYM Strategic Policy D sets out the presumption that proposals for major development shall be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest. Demonstration of exceptional circumstances and public interest will require justification of:

1. The need for the development which can include a national need and the contribution of the development to the national economy;
2. The impact of permitting it, or refusing it, upon the local economy which includes that of the National Park;
3. Whether in terms of cost and scope, the proposal can viably and technically be located elsewhere outside the National Park in a place that would avoid conflict with the National Park's statutory purposes; or that the need for it can be met in some other way;
4. The extent to which any detrimental effect on the environment, the landscape and recreational opportunities can be moderated.

23.2.5 Strategic Policy D states that 'Where there are exceptional circumstances and the proposal is considered to be in the public interest, every effort to avoid adverse effects will be required. Particular consideration will be given to the extent to which the proposal may affect the qualities which contributed to the designation of the landscape. Where adverse impacts (including in combination with other developments) cannot be avoided harm should be minimised through appropriate mitigation measures. Appropriate and practicable compensation will be required for any unavoidable adverse effects which cannot be mitigated.'

23.2.6 The supporting justification for Strategic Policy D explains that, in the case of demonstrating national need, 'this may be the need for the product of the development, for example the mineral in the case of a mining proposal which cannot be met elsewhere, the need for the wider national economic benefits which would flow from the development, or the need for a nationally significant piece of infrastructure or facility that cannot be accommodated elsewhere and which provides a long term benefit to the nation. Need generally will be considered by the Authority in assessing proposals but greater weight will be given to a national need for a particular product or function that requires a location in the National Park as the need cannot be met elsewhere.'

23.2.7 The justification also indicates that 'the Authority will require evidence that the circumstances of the application are genuinely exceptional and will consider whether the public benefits outweigh the nation's long term interest in conserving and enhancing its National Parks. Applicants should look to

demonstrate that their proposals share a commitment to helping pursue National Park statutory purposes over time.'

23.2.8 It also says that 'Proposals should be designed to avoid adverse impacts (including cumulative impacts) on aspects of the National Park relating to its statutory purposes, its natural assets and on its local communities. In the event that this cannot be guaranteed on and off site mitigation measures will be put in place to ensure that the planning obligations from the development help to contribute to meeting wider National Park purposes.'

23.2.9 Draft MWJP Policy D04 applies the MDT to minerals and waste development in substantially the same terms.

23.2.10 The supporting text to the draft Policy (as proposed to be modified) states:

- 'For major development in the National Park and AONBs, the four strands of the major development test need to be addressed in order to determine whether the proposal represents an exceptional circumstance and is in the 'public interest'. One of the main considerations in this assessment, where relating to proposals for minerals extraction, should be the need for the resource itself, including at a national level, and whether there are alternative sources available to meet any national need. The potential for a specific mineral to be extracted on a national basis only from within the National Park or AONB will be a relevant consideration when assessing need.....Applicants will be expected to supply sufficient information to demonstrate robustly that proposals fulfil the requirements of the major development test.'
- The supporting text goes on to say that: 'Proposals should be designed to avoid adverse impacts (including cumulative impacts) on the special qualities of the National Park, though because of the inherent nature and scale of major development it is unlikely that impacts can be moderated to a level where significant adverse effects can be completely avoided. A proposal that is likely to harm a National Park or AONB to the extent that it compromises the reason for its designation is unlikely to be regarded as being in the public interest. The North York Moors has an existing potash mine and a second mine is under construction which in terms of volume of production is stated to become the largest potash mine in the world. Other significant major developments have also been located in the National Park such as RAF Fylingdales and there is growing pressure on the southern part of the Park from the hydrocarbons industry. Cumulatively it is considered that the impact of these large scale developments of an industrial nature are starting to impact on the special qualities of the National Park, particularly in terms of far reaching open moorland views, remoteness and a sense of wildness and tranquillity which were important reasons for its designation.'

23.2.11 In essence the approach set out in the NYM Local Plan and, so far as it relates to major minerals development in the National Park, the draft MWJP, is to seek to ensure that proposals are consistent with National Park statutory purposes and

the reasons for the designation of the area for a very high level of protection, through both legislation and national and local planning policy. By implication, proposals that would not be consistent with statutory purposes and maintaining National Park special qualities would be unlikely to be considered to be sustainable.

23.2.12 The MDT, as applied through Local Plan Strategic Policy D and draft MWJP Policy D04, therefore sets out a presumption that proposals for major development should be refused (as these are more likely to lead to a high degree of conflict with the Statutory Purposes and lead to significant harm to National Park Special Qualities). However, the Policy also provides a specific mechanism for establishing whether there are any exceptional circumstances or public interest considerations, relevant to land use planning and based on the circumstances of the particular case, which would justify locating a major development in the National Park.

23.3 Consistency with Local Plan Strategic Policy A

23.3.1 Officers have already identified that, in their opinion, the proposed development would give rise to a very high degree of harm to the landscape and from visual intrusion, albeit that such harm could be moderated to an extent by the applicant's proposed mitigation, including via the use of planning obligations to deliver further off-site landscape mitigation and compensation measures. Officers also consider that other elements of harm would arise, including as a result of impact on the historic environment, tourism and recreation, traffic and transport and on local amenity. A high degree of harm would also be caused to some National Park Special Qualities and officers judge that there is also a likelihood of some harmful cumulative and interaction effects.

23.3.2 Taken together, these factors suggest that the development is not consistent with the overall direction of development plan policy, as set out in Local Plan Strategic Policy A. Specifically, in officer's opinion it cannot be concluded that the proposal reflects the first criterion for sustainable development in the National Park, which requires that development 'Is of a high quality design and scale which respects and reinforces the character of the local landscape and the built and historic environment'.

23.3.3 Officers do note the second criterion of Strategic Policy A; that sustainable development in the National Park 'Supports the function and vitality of communities by providing appropriate and accessible development to meet local need for housing or services, facilities, energy or employment opportunities'. Earlier sections of this report have set out the officer view on the economic and socio-economic benefits of the development and acknowledge the very important role that these would play in supporting communities by providing employment opportunities. However, as also stated earlier, it is considered that a substantial component of such benefits would arise in areas near to but outside the National Park, and the focus of Strategic Policy A is on the meeting of local needs within a National Park context and via 'appropriate' forms of development.

In this case officers do not consider it can be reasonably argued that the development is an appropriate means of meeting needs arising specifically within the National Park. Overall therefore, officers conclude that the proposal is not consistent with Strategic Policy A of the NYM Local Plan 2020.

23.4 Assessment of the proposals in relation to the Major Development Test

23.4.1 It is also necessary to form a conclusion on whether there are any exceptional circumstances and public interest considerations arising in this case that would override the presumption of refusal contained in the MDT. Reaching a view on this requires consideration of the specific criteria identified in the policy 'test' as well as any other material considerations that may be relevant. Bearing in mind the detailed discussion and views on related matters set out earlier in this report, the overall officer position can be summarised as follows.

23.4.2 MDT Criterion 1 - The need for the development which can include a national need and the contribution of the development to the national economy

23.4.3 Officers conclude that, specifically in terms of national minerals supply considerations, the potential role of Boulby Mine in maintaining a supply of polyhalite carries some weight in favour of the proposal. However this is limited by the lack of a well-established role for polyhalite and polyhalite-based products in the UK fertiliser market and the absence of compelling evidence on the extent of any future need, as well as the expectation that a further UK source of supply is likely to become available in the next few years. Officers also note the difficulties the applicant continues to experience in producing physically robust polyhalite products at this relatively early stage following the transition of the Mine from sylvinite production. Specifically in terms of polyhalite supply considerations, therefore, it is not considered that there is a public interest justification, or that exceptional circumstances have been demonstrated, such that the presumption of refusal should be overridden.

23.4.4 Officers consider that the role of Boulby Mine in maintaining more than one UK source of supply of salt is of some value in contributing to national and local resilience in the availability of this strategically important product. However, given the availability of alternative sources of supply, in locations outside the National Park, in isolation this is not considered to be sufficient to demonstrate exceptional circumstances or be in the public interest to such an extent that the presumption of refusal should be overridden.

23.4.5 Officers conclude that the science research activities taking place at Boulby Mine are important within a national and international science research context. The availability of the operational Boulby Mine beyond the current 2023 expiry date would enable the Mine to continue to host the Boulby Underground laboratory and related surface supporting facilities and be a benefit of the development to which some limited weight should be attached in the overall planning balance. However these incidental and opportunistic activities are not in themselves

considered to be sufficient to demonstrate 'exceptional circumstances' or be in the 'public interest' such that the presumption of refusal should be overridden.

23.4.6 With reference to national economic considerations, officers accept that the economic benefits of the Mine would accrue over a substantial period of time and would clearly make a positive contribution to GDP/GVA and to the balance of trade through increased exports and a reduction in imports of fertiliser, although the expected overall contribution would be relatively small when viewed against the national context.

23.4.7 In overall terms, therefore, officers consider that the national scale economic benefits of the proposed development at Boulby Mine, whilst clearly positive in nature and carrying some weight in favour of the development, do not in themselves or in isolation meet the 'exceptional circumstances' and 'public interest' requirement set out in the MDT.

23.4.8 MDT Criterion 2 - The impact of permitting it, or refusing it, upon the local economy which includes that of the National Park

23.4.9 Officers note that national policy gives great weight to the benefits of minerals extraction, including to the economy, although they also note that, within the National Park, this needs to be considered and judged within the wider context of statutory purposes and other elements of policy giving great weight to the protection of the landscape in such areas.

23.4.10 Available data and contextual information suggest that the main economic and socio-economic benefits of the development would be experienced in adjacent areas relatively near to but outside the National Park, particularly within Redcar and Cleveland and more widely within the Tees Valley sub-region and potentially in those parts of Scarborough District outside the National Park. Benefits would also be expected to extend more widely at a sub-regional and regional level through indirect and induced effects. The existing and likely future scale of these benefits is substantial within that context and a very important factor in the determination of this application.

23.4.11 Conversely, harmful impacts on economic factors are most likely to be experienced in close proximity to the development, within the National Park. This is mainly a result of the highly industrialised character of the development, combined with the sensitivity of its location on the National Park coastline, near the important tourism destination of Staithes and strategically important long distance recreational access routes. There is evidence of a significant impact on the likelihood of visitors returning to Staithes, due to the impact of the Mine on the landscape, with a corresponding adverse impact on the local tourism economy. In the absence of the mitigation and compensation proposed by the applicant via section 106 obligations, such impact could reasonably be expected to continue if the life of the Mine were extended.

- 23.4.12 Officers conclude that the sub-national economic and socio-economic benefits of the development would be very important and make a very substantial contribution towards an overall justification for the development based on considerations of exceptional circumstances and the public interest. An officer view on the overall merits of the proposal, incorporating this judgement within the context of all other main considerations, is addressed in the section on Planning Balance later in this report.
- 23.4.13 MDT Criterion 3 - Whether in terms of cost and scope, the proposal can viably and technically be located elsewhere outside the National Park in a place that would avoid conflict with the National Park's statutory purposes; or that the need for it can be met in some other way.
- 23.4.14 Officers conclude that, whilst it might be technically feasible to develop a minehead location outside the National Park to serve the Boulby underground workings, the existence of an established and operational minehead and related infrastructure in the present location means that such an option is not likely to be viable in any practical sense, including as a result of the costs of doing so, and accept that it would not be reasonable to seek this as part of the current proposals.
- 23.4.15 However, officers also conclude that this locational justification does not apply to that element of the development involving continued processing of imported materials including MOP, which is capable of being undertaken at a location outside the National Park. Officers consider that it would be necessary to achieve this at the earliest opportunity in order to minimise the harm caused by the development and secure compliance with the objective of this element of the MDT. Conversely officers consider that the extent of conflict with the MDT, and harm to the National Park landscape, that would arise in the absence this aspect of the proposal, is such that officers would recommend refusal of permission. The applicant acknowledges this position and proposes the phased removal of related plant and buildings and the cessation of related processing activity on-site by the end of 2027. It would be necessary to secure this matter through planning conditions in the event that planning permission is granted.
- 23.4.16 So far as the potential for meeting the claimed national need for polyhalite is concerned, the overall conclusion of officers is that, to the extent a national need for polyhalite (and the nutrients contained in polyhalite) arises, there is a reasonable expectation that such need could be met from a new source of supply expected to come on stream at Woodsmith Mine over the next few years.
- 23.4.17 With reference to the local and sub-regional economic and socio-economic benefits of the development, officers note the existence of other employment generating opportunities and initiatives within the relevant area. However, it is not considered that the very substantial economic and socio-economic benefits currently generated by Boulby Mine can readily and directly be replaced by similar new opportunities generated elsewhere. This is because the benefits accruing from Boulby Mine are already integrated into the surrounding area as a result of

the extensive operational life of that Mine to date. Removal of the source of the those benefits, through the effective closure of Boulby Mine if a further permission is not granted, would be likely to lead to harm to the economic and socio-economic well-being of existing communities in a way that would be at odds with the economic regeneration aspirations and objectives of local authorities and agencies outside the National Park. In the opinion of officers opinion, therefore, the need for the local and sub-regional economic and socio-economic benefits of the development cannot be met in some other way.

23.4.18 MDT Criterion 4 - The extent to which any detrimental effect on the environment, the landscape and recreational opportunities can be moderated.

23.4.19 The approach established in adopted development plan policy with regard to his criterion, as explained in the supporting justification, in effect applies a sequential approach, with consideration first given to avoidance of adverse effects. Where these cannot be avoided, there is a requirement to minimise harm through appropriate mitigation measures. Where unavoidable adverse effects cannot be mitigated, appropriate and practicable compensation measures will be required.

23.4.20 The supporting text to the equivalent policy in the draft MWJP further clarifies that, because of the inherent nature and scale of major (minerals and waste) development, it is unlikely that impacts can be moderated to a level where significant adverse effects can be completely avoided. A proposal that is likely to harm a National Park or AONB to the extent that it compromises the reason for its designation is unlikely to be regarded as being in the public interest. This approach is reinforced by the requirement in the NPPF to give great weight to protection of the landscape when considering development proposals in a National Park.

23.4.21 As set out earlier in this report, officers have identified elements of harm arising from the development which cannot, in officers view, be avoided given its proposed nature, location and duration.

23.4.22 In particular, as summarised briefly earlier in this section and set out in more detail in the Main Considerations section of this report, a very substantial harmful visual and landscape impact would arise in the immediate vicinity of the development. Officers also acknowledge that the total extent of the area affected would approach 3% of the National Park surface area for the period until the main chimney stack is removed, with this reducing to approaching 1% of the National Park for the remaining duration of the development. These are clearly significant figures when considered in the context of the fundamental importance of landscape to delivery of national park statutory purposes, the role that the landscape plays in defining and/or underpinning the Special Qualities of the National Park and the very high degree of protection afforded to the landscape in relevant planning policies. Nevertheless, the figures do also serve to demonstrate that the spatial extent of impact on landscape would be confined to a relatively localised area of the National Park.

- 23.4.23 As stated elsewhere in this report, officers have also identified other elements of harm, including harm to other aspects of the environment and to recreational opportunities.
- 23.4.24 The applicant's proposals for embedded mitigation measures, and acceptance of the need for planning conditions to require additional mitigation measures, would be of some assistance in moderating harm but would, in officer's opinion, still result in a level of harm for which further off-site mitigation and/or compensation measures would be required. The applicant's proposed section 106 obligations to provide significant resources for further off-site measures relating to the landscape, historic environment, the tourism economy and for carbon offsetting are therefore considered to be necessary and would, in officer's view, be of further assistance in moderating the extent of harm caused by the development.
- 23.4.25 Nevertheless, it is considered that significant residual harm would continue to arise which will need to be considered alongside any benefits of the development in forming an overall view on the planning balance.

Overall officer conclusion on conformity with the Major Development Test

In the opinion of officers some public benefit would arise from the availability of a supply of polyhalite from Boulby Mine, although there is an absence of a clearly demonstrable national need for the mineral. Officers also consider that the likely economic benefits arising from the development would be relatively limited when considered at a national scale. The presence of other supporting factors is also noted, including the public benefits of the supply of salt from the site and, to a very limited degree, the role the development would play in enabling the existing nationally and internationally important underground science uses to continue. Overall, these factors are considered to make only a small contribution towards demonstration of exceptional circumstances and the public interest.

Furthermore, there is an expectation that residual harm, particularly a high level of visual harm and harm to the landscape of the National Park and its public enjoyment, would arise notwithstanding the proposed mitigation and compensation measures proposed by the applicant in order to moderate this.

Officers are mindful of the explanatory text to NYM Strategic Policy D, which states that proposals for major development should be accompanied by evidence to demonstrate that they are genuinely exceptional and that the Authority will consider whether the public benefits of the development outweigh the nation's long term interest in conserving and enhancing its National Parks. This helps to emphasise that the 'exceptional circumstances' and 'public interest' thresholds that must be met in order to justify overriding the presumption of refusal set out in the MDT are very high.

Acceptance of an exceptional circumstances and public interest justification for this proposal would in this instance be very largely dependent on the view

taken on the significance of the sub-national economic and socio-economic benefits of the development that would arise, particularly within those areas relatively near to the development but outside the National Park.

Members may wish to accept that the key reason the application is, in the opinion of officers, capable of being judged to meet the MDT is the impact of refusing it upon the sub-national economy. The Mine is an established feature of the sub-national economy and although its impact on the environment of the National Park is such that it would not be considered acceptable in its current form on a Greenfield site, the loss of more than 500 existing highly paid jobs and associated economic and socio-economic benefits would be extremely harmful.

Officers are mindful that the important economic and socio-economic impacts of the Mine are closely integrated into a relatively local area and have been now for several decades. Correspondingly, this suggests that the harmful impacts of a cessation of mining, for example in terms of loss of jobs and loss of contribution to local supply chains, would also be experienced locally and proportionately in line with the former benefit. Although a range of economic development strategies and initiatives and other employment generating opportunities are over time likely to provide other means of delivering economic and socio-economic benefits within the area generally impacted, officers do not consider that these can be viewed as directly replacing the benefits brought by the existing Mine development.

These factors, together with the other supporting benefits referred to above and the substantial package of mitigation and compensation measures proposed in order to moderate harm, including and the relatively significant reduction in landscape and visual impact arising from the phased deconstruction programme, leads officers to reach a very finely balanced judgment that the development could reasonably be considered to represent exceptional circumstances and be in the public interest and therefore would be consistent with the requirements of the Major Development Test as set out in NYM Local Plan Strategic Policy D, draft Minerals and Waste Joint Plan Policy D04 and NPPF paragraph 177.

24. Consistency of the proposals with other main elements of development plan policy

- 24.1 The overall assessment of officers is that the development would give rise to varying degrees of conflict with a number of other development plan policies, in addition to conflict with Strategic Policy A as identified in the previous section.
- 24.2 Conflict is considered to arise in respect of the following main individual policies in the adopted NYM Local Plan 2020 and draft North Yorkshire Minerals and Waste Joint Plan:

24.2.1 NYM Strategic Policy C – Quality and Design of Development

Conflict would arise mainly as a result of what would, in effect and relative to the baseline scenario of the site in a restored condition, be the introduction of a very large scale, highly utilitarian industrial complex of a scale, height, massing and construction which is fundamentally at odds with its rural National Park setting and the local vernacular. It is considered that the mitigation proposed by the applicant, including via Section 106 obligations, would reduce but not eliminate the extent of conflict with this Policy, which would remain high in officer's judgement.

24.2.2 NYM Strategic Policy G – Landscape and Draft MWJP Policy D06 – Landscape

The location, scale and design of the development would not be consistent with maintenance of the high quality, diverse and distinctive landscapes of the National Park, or respect and enhance the local landscape character type. It is considered that the mitigation proposed by the applicant, including via Section 106 obligations, would reduce but not eliminate the extent of conflict with this Policy, which would remain high in officer's judgement.

24.2.3 NYM Strategic Policy I – The Historic Environment and Draft MWJP Policy D08 - Historic Environment

It is considered that the development would lead to less than substantial harm to heritage assets and would not make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and where appropriate enhancement of the historic environment. The applicant's proposed mitigation measures, including through section 106 obligations are however considered to be sufficient to ensure that any residual conflict with this Policy would be very limited.

24.2.4 NYM Policy ENV2 – Tranquillity, Draft MWJP Policy D06 – Landscape and Draft MWJP Policy D02 – Local Amenity and Cumulative Impacts

When considered against a baseline of the site in a restored condition, and notwithstanding the mitigation proposed, the development would have a substantial adverse impact on tranquillity within the National Park through a combination of visual intrusion, noise and additional traffic generation and other site-related activity levels, which would be at odds with the otherwise tranquil nature of the National Park. The NYM Local Plan describes tranquillity as a 'very strong special quality' of the National Park. It is considered that the mitigation proposed by the applicant, including via section 106 obligations, would reduce but not eliminate the extent of conflict with this Policy, which would remain high in officer's judgement.

24.2.5 NYM Policy ENV4 – Dark Night Skies, Draft MWJP Policy D06 – Landscape and Draft MWJP Policy D02 – Local Amenity and Cumulative Impacts

The need for site lighting for safety and security reasons to support 24 hour/day activities, within this open countryside location, would lead to additional light spillage that would be inconsistent with maintenance of the darkness of the night

sky within this area of the National Park. Dark night skies is an identified special quality of the National Park and the National Park has recently been awarded status as an International dark Skies Reserve. The mitigation proposed by the applicant, including via section 106 obligations, would assist in reducing, but would not eliminate, the degree of conflict with this Policy.

24.2.6 NYM Policy ENV7 - Environmental Protection and Draft MWJP Policy D02 – Local Amenity and Cumulative Impacts

Notwithstanding the mitigation measures proposed by the applicant, it is considered that the development would lead to some adverse impact from noise and dust which, when considered within the context of the National Park setting, would impact adversely on the amenity of local communities and, potentially, on visitors to the National Park. It is considered likely that the degree of such impact would be reduced but not eliminated by the mitigation measures proposed and completion of the phased partial deconstruction and relocation of PotshpluS processing activities off-site beyond 2027.

24.2.7 NYM Policy ENV11 – Historic Settlements and Built Heritage and Draft MWJP Policy D08 – Historic Environment

The location and large scale highly industrialised nature of the development are such that it is considered to have an adverse impact on the setting of the Staithes Conservation Area when seen from certain viewpoints on the approach to Staithes, including the Cleveland Way and England Coast Path. Therefore the development would not conserve, enhance or better reveal elements which contribute to the significance of this heritage asset or its setting including key views and approaches, as required by the Policy. The mitigation proposed by the applicant, including via section 106 obligations, would assist in reducing, but would not eliminate, the degree of conflict with this Policy.

24.2.8 NYM Policy C04 – Public Rights of Way and Linear Routes and Draft MWJP Policy D02 – Local Amenity and Cumulative Impacts

The continued presence of the Mine development, in close proximity to elements of the public rights of way network and strategically important long distance routes including the Cleveland Way, England Coast Path and National Cycle Route 1, would not further the aim of the Policy of protecting and enhancing existing networks of public rights of way, linear routes and other access routes used by pedestrians, horses and cyclists. The mitigation proposed by the applicant, including via section 106 obligations, would assist in reducing, but would not eliminate, the degree of conflict with this Policy.

24.3 Consideration of whether the proposal represents a departure from the development plan

National Planning Practice Guidance indicates that conflicts between development plan policies adopted, approved or published at the same time must

be considered in the light of all material considerations, including local priorities and needs, as guided by the National Planning Policy Framework.

The Guidance also states that the local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

In cases where the local planning authority intends to depart from development plan policy, article 15(3) of the Development Management Procedure Order sets out the publicity requirements which must be followed before the decision is taken. This requires publicity by site display in at least one place on or near the land to which the application relates for not less than 21 days; and publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

In this case officers have identified that the development would give rise to conflict with a number of recently adopted development plan policies, whilst at the same time concluding that it satisfies the 'exceptional circumstances' and 'public interest' considerations applicable to proposals for major development within the National Park. In these circumstances officers consider that it would be prudent to treat the application as a departure from the development plan and therefore require publicity as a departure in accordance with the relevant legislation. In the event that members are minded to grant permission for the development such publicity would need to take place before any permission could be issued.

24.4 Other material considerations

24.4.1 Planning legislation requires that, where there are relevant policies in an up to date development plan, applications should be determined in accordance with those policies unless material considerations indicate otherwise.

24.4.2 In this particular case there are a wide range of up to date and relevant policies in the NYM Local Plan 2020 and, in draft form, the Minerals and Waste Joint Plan. These policies, in the opinion of officers, form a comprehensive policy framework for consideration of issues relevant to the determination of this application.

24.4.3 The National Planning Policy Framework is an important material consideration. However, officers do not consider that there is a substantive difference between the local and national planning policy context, relevant to this application, such that the policies in the development plan should not be applied. It is also noted that the NYM Local Plan has recently undergone a process of Examination in Public, which has involved consideration of consistency with national policy and that Examination in Public of the draft MWJP is nearly complete. Furthermore, officers are not aware of any subsequent and significant changes in national

policy that would have a bearing on the approach to determination of this application.

24.4.4 Officers are not aware of any other material considerations, additional to those addressed within the scope of this report, that require consideration in the determination of this application.

24.5 Overall planning balance

24.5.1 Officers have identified a number of aspects of these proposals which give rise to conflict with one or more individual policies in the development plan. With regard to landscape and visual impact, the harm caused would be very high, notwithstanding the mitigation measures proposed.

24.5.2 This is, as members will be aware, a critical consideration as the quality of the landscape goes to the heart of the designation of the area as a National Park and to delivery of National Park statutory purposes. The landscape also provides a context and backdrop for many of the National Park's other Special Qualities.

24.5.3 The very high level of protection afforded to National Parks through legislation and in local and national planning policy reflects the significance of this matter and is encapsulated in the need to give great weight to protection of the landscape in planning decisions, as well as through the presumption of refusal of permission for major development, unless there are exceptional circumstances and the development would be in the public interest.

24.5.4 The Major Development Test contained in the development plan provides a policy mechanism for establishing whether such exceptional circumstances and public interest considerations exist in this instance. To a large degree the conclusion reached on the overall planning balance will reflect the view reached on whether the proposal is consistent with the Major Development Test.

24.5.5 In reaching the finely balanced conclusion that the proposal satisfies this important policy test incorporated within the development plan, notwithstanding the conflict with other elements of development plan policy identified in this report, and having regard to other material considerations, officers conclude that the overall planning balance lies in favour of the proposal.

24.5.6 If members are minded to resolve the clear tension arising in this instance between the harm caused by the development and the expected benefits by granting permission for the development, they are advised to be very mindful of the need to ensure that they are satisfied that the circumstances are genuinely exceptional and genuinely in the overall public interest.

24.5.7 Officers consider that, if permission is granted, there would be a need for comprehensive mitigation and compensation measures in order to moderate the environmental and other harm caused. This includes the need for robust planning conditions to help secure improved environmental and operational standards, as well as for completion of a section 106 agreement to secure delivery of the

proposed planning obligations. Of particular significance in this respect is the applicant's commitment to relocate PotashpluS manufacturing activity to an offsite location, with a corresponding partial deconstruction of plant and equipment, by the end of 2027. These are viewed by officers as items of mitigation the delivery of which is essential to the longer term acceptability of the development. Officer support for the development in the longer term would be contingent on the successful delivery of this aspect of the proposal within the stated timescale.

25 Recommendation

Taking into consideration the Environmental Statement as amended, responses to consultation and other relevant information including the Authority's commissioned independent reports, and subject first to:

1. Publicising the application as a departure from the development plan in accordance with the requirements of article 15 (2) and (3) of the Town and Country Planning (Development Management Procedure) (England) Order 2015;
2. Completion of a section 106 legal agreement between the applicant, the National Park Authority and any other relevant parties to provide legally binding planning obligations to address the matters identified in Section 22 of this report;

That, for the reasons summarised in Section 23.4 of this report, **Planning permission be granted** for the winning and working of polyhalite and salt over a 25 year period from 2023, temporary importation of muriate of potash (MOP) to allow the production of fertiliser products until 2027, retention and operation of all surface installations, buildings, plant etc. subject to a phased deconstruction plan within the 25 year period and a three year period for site decommissioning and restoration at the end of the 25 year period;

The permission to be subject to the schedule of definitions, conditions and informatives (including to require implementation of the mitigation measures identified in the amended Environmental Statement) as set out in **Appendix A** to this report.

26. Explanation of how the applicant has worked positively with the applicant

- 26.1 The Authority has worked extensively with the applicant and its advisers and offered detailed advice on policy and procedural matters throughout the course of this application. The Authority has entered into a Planning Performance Agreement in connection with the application and has attended regular meetings with the company and its various consultant advisers throughout the period leading up to determination. The Authority has also had extensive contact with other relevant stakeholders to obtain advice and views during the process.

27. Appendices

Appendix A - Schedule of definitions, conditions and informatives

Appendix B - Summary CIL compliance table

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Appendix A – Schedule of Definitions, Planning conditions and Informatives (NYM/2019/0764/MEIA)

Glossary of Terms and Abbreviations Term	Meaning
Boulby Minehead operational site	The area defined as Operational area on Figure 2.2 of the Cleveland Potash Planning Statement dated October 2019.
Boulby Minehead overall site	The area defined as Boulby Mine boundary on Figure 2.1 of the Cleveland Potash Planning Statement dated October 2019.
Boulby Mine onshore underground mining area	The area defined as the Proposed planning boundary on Figure 3.1 of the Cleveland Potash Planning Statement dated October 2019.
Boulby Mine coastal zone underground area	The part of the Boulby Mine onshore underground mining area extending 1.5km inland (measured on a horizontal plane) of the Mean Low Water Mark as shown on OS Mastermap Topography or as otherwise agreed between the NPA and the operator based on the results of monitoring in the Subsidence Monitoring Strategy.
Mineral Extraction	The below ground working of polyhalite and salt
Operator	Any party relying on this planning permission to undertake the development approved by this planning permission.
Phased partial deconstruction works	The phased partial deconstruction works relating to certain buildings, plant and machinery at the Boulby Minehead operational site, as generally set out in the Boulby Mine Planning Application Response to NYMNPA Queries document May 2020 and to be completed by 31 December 2027.
Underground roadway	Underground tunnel constructed for the purpose of access to underground mineral extraction areas or for other underground access purposes directly connected with mining operations.

Abbreviations

AOD	Above Ordnance Datum
DMP	Dust Management Plan
LMP	Lighting Management Plan
MPA	Mineral Planning Authority
NYM	North York Moors
NPA	National Park Authority
NVMP	Noise and Vibration Management Plan
PPV	Peak Particle Velocity
RCBC EHO	Redcar and Cleveland Borough Council Environmental Health Officer
SBC EHO	Scarborough Borough Council Environmental Health Officer

-	Commencement of development and explanatory conditions
1.	<p>The development hereby permitted shall be commenced prior to the 6 May 2022 and written notice of the date of commencement of development under the terms of this permission shall be provided to the Mineral Planning Authority in writing within no more than seven days of such commencement.</p> <p>Reason: To comply with the requirements of Section 91 (as amended) off the Town and Country Planning Act 1990 and to enable the MPA to monitor compliance with the conditions of the planning permission and to accord with the provisions of NYM Strategic Policy C.</p>
2.	<p>The permission hereby granted authorises the winning and working of polyhalite and salt until 6 May 2048; the temporary importation of muriate of potash and the temporary production of combined fertiliser products using muriate of potash or other imported minerals or mineral products only until 31 December 2027; retention and operation of all surface installations, buildings, plant etc. subject to implementation of the Phased partial deconstruction works to be completed no later than 31 December 2027, and; a three year period for site decommissioning and restoration at the end of the period of mineral extraction.</p> <p>Reason: To comply with the requirements of Schedule 5 to the Town and Country Planning Act 1990 and to accord with NYM Local Plan Strategic Policy A.</p>
3.	<p>The development hereby permitted shall be carried out in complete accordance with the approved plans set out in Schedule 1 attached to this permission.</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Local Plan Strategic Policy A.</p>

-	Commencement of development and explanatory conditions
4.	<p>Unless otherwise required by other conditions attached to this planning permission, or otherwise agreed in writing by the MPA, the Key Mitigation Measures described in the mitigation table presented in Table 8.1 of the Cleveland Potash Ltd Boulby Mine Environmental Statement Further Environmental Information April 2021 shall be implemented as part of the development hereby approved.</p> <p>Reason: To ensure the satisfactory implementation of mitigation measures identified in the Environmental Statement and to ensure compliance with NYM Strategic Policies A, C, D, E, F and G.</p>
5.	<p>No minerals extraction shall take place under the terms of this permission after the 5 May 2048 and the site shall be restored in accordance with the requirements of conditions 46 and 47 within three years of the permanent cessation of minerals extraction and in any event no later than 5th May 2051.</p> <p>Reason: To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended and to accord with the requirements of NYM Local Plan Strategic Policies A and D.</p>
6.	<p>No importation into the Boulby Minehead operational site of muriate of potash or any other minerals or mineral products, for onward sale in combination with polyhalite extracted at Boulby Mine or for any other purpose, shall take place after 31 December 2027.</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Local Plan Strategic Policies A and D.</p>

-	Underground operations and surface subsidence
7.	<p>No underground development shall take place within the Boulby Mine onshore underground mining area defined on Figure 3.1 of the Cleveland Potash Planning Statement dated October 2019 except for the purposes of Underground roadway construction or in direct association with underground maintenance works.</p> <p>Reason: For the avoidance of doubt and to prevent an increase in flood risk or the rate of coastal erosion and to accord with the provisions of NYM Local Plan Strategic Policies A and D and Policy ENV6.</p>

-	<p>Underground operations and surface subsidence</p>
8.	<p>No Underground roadway development shall take place within the Boulby Mine coastal zone underground area until details of the location, depth, dimensions, method of construction and subsidence control methods have been submitted to and agreed in writing by the MPA. Underground roadway development shall subsequently take place in accordance with the details so agreed.</p> <p>Reason: For the avoidance of doubt and to prevent an increase in flood risk or the rate of coastal erosion and to accord with the provisions of NYM Local Plan Strategic Policies A and D and Policy ENV6.</p>
9	<p>An annual Mine Development Plan for the forthcoming year, indicating any areas likely to be mined within the offshore area as may be agreed by the Marine Management Organisation and any planned Underground roadway development within the Boulby Mine onshore underground mining area, shall to be submitted to the MPA. The first shall be submitted within six months of the Commencement of the development.</p> <p>Reason: For the avoidance of doubt and to enable the MPA to monitor the progress of the development in accordance with the provisions of NYM Local Plan Strategic Policies A and D and Policy ENV6.</p>

10.	<p>Within six months of the commencement of the development a Subsidence Monitoring Strategy to identify residual subsidence as a result of previous minerals extraction within the Boulby Mine onshore underground mining area and any new subsidence caused by future underground operations and roadway development within the Boulby Mine onshore underground mining area has been submitted to and approved in writing by the MPA. The Strategy shall include:</p> <ul style="list-style-type: none"> • Monitoring locations which shall include any affected watercourses, floodplains, flood defences, gauging station, source protection zones, and the coastal zone; • A methodology for monitoring; • Details of any additional infrastructure needed to facilitate monitoring; • A timetable for implementing the monitoring strategy, including the construction of any monitoring infrastructure. <p>The approved Subsidence Monitoring Strategy shall thereafter be implemented, with the results and an explanatory report submitted to the Mineral Planning Authority no less frequently than once annually. If the subsidence monitoring detects that subsidence has occurred, the Mineral Planning Authority shall be notified. If the level of subsidence is such that it might cause such damage to buildings, infrastructure, drainage or flood defences that might compromise their function any underground operations within 1.5 km of the subsidence measured on a horizontal plane shall cease as soon as possible and within no more than one month of the monitoring taking place. No more than 8 weeks after such subsidence is detected a Subsidence Remediation Strategy shall be submitted to and approved in writing by the Mineral Planning Authority. The Subsidence Remediation Strategy shall include:</p> <ul style="list-style-type: none"> • A comprehensive investigation into the extent of subsidence which has occurred; • An assessment of the impacts the subsidence has caused; • Measures to mitigate the subsidence impacts identified; • Proposals to ensure no further subsidence occurs; • Proposals for more detailed subsidence monitoring in the area affected by subsidence. <p>Underground operations and development ceased further to this condition shall only recommence if it can be proven that subsidence was not caused by the mining operations here approved or:</p> <ul style="list-style-type: none"> • Once the remedial measures set out in the approved Subsidence Remediation Strategy have been implemented;
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-	<p>Underground operations and surface subsidence</p>
	<ul style="list-style-type: none"> • In accordance with the revised extraction methodology set out in the approved Subsidence Remediation Strategy; • Subject to the detailed subsidence monitoring set out in the approved Subsidence Remediation Strategy. <p>Reason: For the avoidance of doubt and for MPA to monitor the progress of the development in accordance with the provisions of NYM Local Plan Strategic Policies A and D and Policy ENV6.</p>

-	<p>Phased partial deconstruction works</p>
11.	<p>Within three months of the commencement of the development an updated scheme of Phased partial deconstruction works at the Boulby Minehead operational site shall be submitted for the written approval of the MPA, indicating the overall scope and timing of works within each phase of partial deconstruction. Prior to the commencement of each phase of works identified in the updated scheme of Phased partial deconstruction further details of the works proposed to be carried out within that phase shall be submitted for the written approval of the MPA and such details shall include:</p> <ul style="list-style-type: none"> • Full details of the buildings, plant and machinery to be removed; • The deconstruction methods to be utilised; • The expected timing and duration of works within that phase; • The measures to be employed to minimise the potential for generation of noise, vibration, dust and other emissions during the deconstruction works; • The measures to be employed to ensure that any waste materials generated during the deconstruction works are managed in accordance with the principles of the waste hierarchy; • How any potentially polluting materials encountered during the deconstruction works will be stored to minimise the risk of pollution; • An Incident Response Plan to deal with any pollution that may occur during the course of deconstruction; • A Precautionary Method of Working for the demolition of buildings and other structures to ensure the appropriate identification, protection and/or mitigation for any protected wildlife species present. <p>All Phased partial deconstruction works shall be carried out in accordance with the details so approved.</p>

-	Phased partial deconstruction works
	<p>For the avoidance of doubt all Phased partial deconstruction works required under the terms of this permission shall be completed no later than 31 December 2027.</p> <p>Reason: In the interests of amenity and protection of the landscape of the National Park in accordance the provisions of NYM Local Plan Strategic Policies A, C, D, E, F, G and H.</p>
12.	<p>Notwithstanding the requirements of condition 11 iv. above at least three months prior to the commencement of Phased partial deconstruction activities a deconstruction noise and vibration management plan shall be submitted for written approval by the MPA. Such plan shall provide predictions of noise and vibration effects at nearby residential properties, and include arrangements for monitoring. Monitoring and predictions shall be carried out in accordance with the versions current at the time of BS 5228-1 Code of practice for noise and vibration control on construction and open sites – Noise, and; BS 5228-2 Code of practice for noise and vibration control on construction and open sites – Vibration, and be carried out by a competent individual/s.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>
13.	<p>The Phased partial deconstruction works shall, so far as they apply to the building identified as ‘Treatment plant building’ on Figure 2.2 Existing Mine site plan accompanying the application documents, achieve an overall height reduction of that building of at least 50% relative to its height pre-dating commencement of the Phased partial deconstruction works. Before partial deconstruction of the Treatment plant building commences a survey drawing demonstrating the maximum height AOD of the building prior to partial deconstruction shall be submitted to the MPA and a further survey drawing, demonstrating the maximum height AOD of the Treatment plant building after completion of its partial deconstruction, shall be submitted to the MPA within 3 months of the completion of partial deconstruction.</p> <p>Reason: In the interests of amenity and protection of the landscape of the National Park in accordance the provisions of NYM Local Plan Strategic Policies A, C, D, E, F and G.</p>
14.	<p>Unless otherwise agreed in writing by the MPA the Phased partial deconstruction works required to be carried out under the requirements of this permission shall only be undertaken between the hours of 0700 to 1800 Monday to Friday and 0800 to 1300 on Saturday and no such works shall take place on Sundays or Bank Holidays.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	<p>Phased partial deconstruction works</p>
15.	<p>Prior to commencement of the Phased partial deconstruction works required by this permission provision shall be made for the recording, which may be via film, of the existing Boulby Minehead operational site in order to contribute to a record of the industrial and social heritage of the area. Such recording shall subsequently be made available for the public record and provided to the MPA.</p> <p>Reason: To accord with the provisions on NYM Local Plan Policy ENV11.</p>
16.	<p>Within three months of the completion of the Phased partial deconstruction works required by this permission or by 31 December 2027, whichever is the sooner, a scheme of initial restoration works to ensure the satisfactory initial restoration to pasture with tree and hedgerow planting of those areas of the Boulby Minehead operational site no longer required for operational purposes following completion of the Phased partial deconstruction works, shall be submitted for written approval by the MPA. Such scheme shall, amongst other matters, provide for the removal of all plant, equipment and above ground structures, infrastructure and roadways not already removed as part of the Phased deconstruction works and not required to serve continued operations at Boulby Mine and include details of;</p> <ul style="list-style-type: none"> • the final landform to be created; • the distribution of the approved restoration land uses across the restored area; • the measures to be incorporated to ensure that the restored land uses incorporate appropriate measures for biodiversity and habitat creation; • the cover materials, soil and soil forming materials to be provided including their proposed depths; • the drainage measures to be provided; • the cultivation, seeding and planting measures to be implemented; • the timescale for completion of the restoration works; including any phasing; • the aftercare measures to be implemented outlining the steps to be taken in bringing the land to the required standard for the approved afteruses, including an outline strategy for a five year aftercare period including annual review meetings with the MPA. <p>Initial restoration works and aftercare shall be implemented in accordance with the details so approved unless otherwise agreed in writing by the MPA.</p> <p>Reason: To ensure the satisfactory initial restoration of available areas of the site in the interests of the landscape and amenity and to accord with the provisions of NYM Local Plan Strategic Policies A, D, E and G.</p>

-	<p>Noise and vibration management</p>
17.	<p>Within three months of the commencement of the development a Noise and Vibration Management Plan (NVMP) for the control, mitigation and monitoring of noise and vibration from the Boulby Minehead operational site shall be submitted for approval in writing by the MPA in consultation with the RCBC and SBC EHOs. The scheme shall set out the following:</p> <ul style="list-style-type: none"> • Noise-sensitive receptors for which predictions shall be made and at which the noise and vibration limits shall apply and which shall include recreational receptors; • Predicted noise and vibration levels at the noise-sensitive receptors from noise and vibration generated at the Boulby Minehead operational site during the period until 31 December 2027; • The best practicable means which will be used to control noise and vibration levels on site including such measures proposed in the Cleveland Potash Ltd Environmental Statement (October 2019) as updated by the Noise and Vibration Assessment dated March 2021 and the Technical note: Boulby Mine: additional mitigation relating to operational impacts, received June 2021; • Such measures shall include, but are not limited to: the use of the quietest available plant, equipment and techniques; the regular maintenance and inspection of such plant and equipment; the use of cladding, attenuators and barriers to reduce noise levels from noisy plant and operations; and, the specification of appropriate reversing alarms to minimise annoyance; • Details of the noise and vibration monitoring system to be installed around the Boulby Minehead operational site to continuously log noise levels during operations. The NVMP shall recommend the number and location of noise monitors installed around the boundaries of the Boulby Minehead operational site and shall include at least four monitors at key residential and recreational receptors near the site. The precise number and location of noise monitors shall be set out in the NVMP. The developer shall use reasonable endeavours to obtain access to the residential receptor properties for the installation of noise monitors and only if access cannot be obtained the number or location of noise monitors may be reduced. The MPA and the RCBC and SBC EHOs and/or their advisers shall be granted access to inspect the noise and vibration data whenever required, records of the data should be kept for a reasonable period and these records should be accessible by the public; • Details of the procedure to be followed in the event that the noise predictions detailed in the NVMP or the noise limits detailed in condition 19 are exceeded. Such procedures shall require the investigation of the reasons for the breach of the limits and the cessation of the activity causing the breach until such a time as additional mitigation can be provided;

-	<p>Noise and vibration management</p>
	<ul style="list-style-type: none"> • Details of how the residents will be informed and consulted about the site operations and progress, particularly in regard to any especially noisy operations including details of complaints logging and management procedures and a 24-hour telephone incident hotline. • Details of the procedure for investigating complaints and informing complainants of the results of such investigations and of any actions resulting from them. <p>An updated NVMP shall be submitted for approval by 30 June 2028 to reflect changes to site conditions and operations following completion of the Phased partial deconstruction works and otherwise every two years to reflect other changes in site conditions, operations and activities taking place on site and evolving good practice in noise mitigation.</p> <p>Management of noise and vibration shall take place in accordance with such details as may be approved under the terms of this condition.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>
18.	<p>The development shall be carried out so as to ensure that the rating level LAr,Tr of noise emitted from the site shall not exceed the representative background sound level LA90,Tr at any residential receptor by more than 5 dB during the daytime period of 07:00 and 22:00 hrs or the night-time period between 22:00 and 07:00 hrs. The reference time period for the LAr,Tr is 1 hr during the day and 15 mins at night. Any measurements or assessments should be undertaken following guidance in the version of BS 4142 Methods for rating and assessing industrial and commercial sound current at the time and carried out by a competent individual/s.</p> <p>Within one month of approval of the Noise and Vibration Management Plan required by condition 17 of this permission noise monitoring and reporting shall commence and be carried out to demonstrate compliance with the above requirement. Should the monitoring indicate exceedance of the requirement, then the local planning authority shall be informed of proposals for mitigation within one month of the monitoring. The proposed mitigation shall be implemented within one month from the time the local planning authority approve the proposed mitigation and the developer will then demonstrate compliance within one month of the implementation of the mitigation.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	Noise and vibration management
19.	<p>Vibration from operations on site (excluding short-term demolition operations) shall not exceed 0.3mm/s (PPV) at any residential property at any time.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	Dust management and air quality
20.	<p>Within three months of the commencement of the development a Dust Management Plan (DMP) for the control, mitigation and monitoring of dust from the Boulby Minehead operational site shall be submitted for approval in writing by the MPA in consultation with the RCBC and SBC EHOs. The scheme shall set out the following:</p> <ul style="list-style-type: none"> • A process description, identifying dusty, or potentially dusty, materials and activities present or taking place within the site, • Identification of all significant dust release points for each of the activities or materials and their locations within the site; • Identification of the sensitive receptors that could be impacted by dust; • A description of the routine mitigation/control measures to be used under normal operating conditions in the absence of any unusual risk factors, together with information on how it will be ensured that any dust control equipment is designed, operated and maintained such that it operates effectively to control dust; • Proposals for the installation/repair of upgraded dust fencing on exposed boundaries of the site including the timing of completion of such works; • Procedures for on-site and off-site inspections at the agreed monitoring locations, as necessary, with results recorded in a log to be made available to the MPA on request, and more frequent monitoring during periods of high dust generation; • A description of the additional actions and control measures that will be applied to manage dust emissions should actual or forecast trigger levels be exceeded, or other risk factors occur, or should routine visual observations show high dust emissions; • A description of the circumstances that would trigger the further actions/additional measures, including such factors as: <ul style="list-style-type: none"> a) the high-risk weather conditions under which dust is most likely to lead to an adverse impact on amenity, including the particular trigger levels such as wind speed, wind direction, number of dry days and proximity to

-	<p>Dust management and air quality</p>
	<p>residential properties which, when exceeded, would require further control measures to be implemented;</p> <p>b) the results of planned routine checks/inspections/surveys on site;</p> <p>c) the results of dust monitoring on and/or off-site, including dust complaints monitoring together with any trigger action levels for measured ambient dust, and;</p> <p>d) any other relevant risk factors including equipment or control failures, abnormal or unintentional situations or spillages of materials with the potential to generate dust;</p> <ul style="list-style-type: none"> • The procedures to be used to check that dust controls are effective including, if necessary, the identification of additional control measures or the modification or temporary suspension of site operations to prevent a significant adverse impact on amenity; • The procedures to be used to investigate and take appropriate action to prevent recurrence of complaints of adverse impact from dust or any elevated dust levels, in excess of identified trigger levels, indicated via inspections or monitoring; • The Management procedures to be used to identify the roles and responsibilities of personnel on site with regard to dust management; • Details of how the residents will be informed and consulted about the site operations and progress, particularly in regard to any especially dusty operations including details of complaints logging and management procedures and a 24-hour telephone incident hotline. • Details of the procedure for investigating complaints and informing complainants of the results of such investigations and of any actions resulting from them. <p>An updated DMP shall be submitted for approval by 30 June 2028 to reflect changes to site conditions and operations following completion of the Phased partial deconstruction works and otherwise every two years to reflect other changes in site conditions, operations and activities taking place on site and evolving good practice in dust mitigation.</p> <p>Management of dust shall take place in accordance with such details as may be approved under the terms of this condition.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	<p>Dust management and air quality</p>
21.	<p>Within three months of the commencement of the development a scheme of ambient air quality monitoring and control for the Boulby Minehead operational site shall be submitted to the MPA for written approval in consultation with RCBC EHO. Such scheme shall provide details of the following:</p> <ul style="list-style-type: none"> • Locations for air quality monitoring, which may be on and off-site; • The air quality parameters to be monitored; • Monitoring periods and frequency; • Trigger levels for implementation of mitigation measures; • Reporting of results to the MPA; • The procedures to be used to check that air quality controls are effective including, if necessary, the identification of additional control measures or the modification or temporary suspension of site operations to prevent a significant adverse impact on amenity; • The Management procedures to be used to identify the roles and responsibilities of personnel on site with regard to air quality management; • The procedures to be used to respond to and communicate with relevant interested parties including the NPA, RCBC and SBC EHOs and the local community with regard to air quality management matters. <p>An updated Air Quality Management Plan shall be submitted for approval by 30 June 2028 to reflect changes to site conditions and operations following completion of the Phased partial deconstruction works and otherwise every two years to reflect other changes in site conditions, operations and activities taking place on site and evolving good practice in air quality mitigation.</p> <p>Management of air quality shall take place in accordance with such details as may be approved under the terms of this condition.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	<p>Dust management and air quality</p>
22.	<p>Within three months of the commencement of the development a scheme of odour monitoring and control shall be submitted to the MPA for written approval in consultation with RCBC and SBC EHOs.</p> <p>Such scheme shall identify the procedures to be adopted to monitor emission of odours from the Boulby Minehead operational site and the routine and contingency odour mitigation measures to be employed during site operations.</p> <p>An updated odour monitoring and control scheme shall be submitted for approval by 30 June 2028 to reflect changes to site conditions and operations following completion of the Phased partial deconstruction works and otherwise every two years to reflect other changes in site conditions, operations and activities taking place on site and evolving good practice in odour mitigation.</p> <p>Management of odour shall take place in accordance with such details as may be approved under the terms of this condition.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	<p>Lighting management</p>
23.	<p>Within three months of the commencement of the development a Lighting Management Plan (LMP) shall be submitted for approval in writing by the MPA. The LMP shall be informed by the undertaking of an updated lighting audit for the Boulby Minehead operational site and set out more details of the measures to be taken to minimise the impact of site lighting to the lowest practical level, including through implementation of the summary lighting mitigation measures identified in the Cleveland Potash Ltd Boulby Mine Night-time assessment dated July 2020 and in particular shall provide details of the following:</p> <ul style="list-style-type: none"> • The permanent removal of any redundant or unnecessary lighting units identified through the updated lighting audit; • The upgrading of all necessary fixed outdoor lighting units to LED units which are directional and where practicable shielded to provide a zero upward light ratio and with a colour temperature of 3000 °K or less; • The placement of all fixed and mobile lighting units at a low level consistent with functional, security and safety requirements and the need to minimise upward and horizontal light spill from the site; • The use of automated timing and/or proximity activated lighting units where practicable; • The closure of any unnecessary gaps in building cladding to remove the potential for internal lighting to be perceived externally; • The proposed timing for the completion of implementation of the measures set out in i) to v) above which shall in any event be completed within 12 months of the approval by the NPA of the LMP required under the terms of this condition; • The management measures to be taken to ensure that the use of any temporary and mobile lighting units required in conjunction with the development is limited so far as practicable and that any such units are located and directed with appropriate regard to minimisation of horizontal and upwards light spill; • The procedures to be used to check that lighting controls are effective including, if necessary, the identification of additional control measures or the modification or temporary suspension of site operations to prevent unnecessary adverse impact on amenity or the night-time landscape; • The procedures to be used to investigate and take appropriate action to prevent recurrence of complaints of adverse impact from site lighting if indicated via inspections or monitoring; • The Management procedures to be used to identify the roles and responsibilities of personnel on site with regard to lighting management.

-	Lighting management
	<p>An updated LMP shall be submitted for approval by 30 June 2028 to reflect changes to site conditions and operations following completion of the Phased partial deconstruction works and otherwise every two years to reflect to reflect other changes in site conditions, operations and activities taking place on site and evolving good practice in mitigation of lighting impacts.</p> <p>Management of lighting shall take place in accordance with such details as may be approved under the terms of this condition.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Strategic Policy G and NYM Local Plan Policy ENV 4 and ENV7.</p>

-	Access and transport
24.	<p>Vehicular access between the Boulby Minehead operational site and the public highway shall be via the existing access to the A174 and no other access shall be used.</p> <p>Reason: In the interests of highway safety and amenity and to accord with the provisions of NYM Local Plan Strategic Policy C.</p>
25.	<p>All vehicles involved in the transport of materials or finished products to or from the site shall be thoroughly cleaned as necessary before leaving the site so that no mud or waste materials are deposited on the public highway. Vehicle washing facilities shall be retained on site for the duration of the development and shall be kept in full working order at all times.</p> <p>Reason: In the interests of highway safety and amenity and to accord with the provisions of NYM Local Plan Strategic Policy C.</p>
26.	<p>All road vehicles and all rail wagons transporting mineral, mineral products or waste materials from the Boulby Minehead operational site shall be securely covered or sheeted to ensure the effective containment of dust or other debris.</p> <p>Reason: In the interests of highway safety and amenity and to accord with the provisions of NYM Local Plan Strategic Policy C.</p>

-	<p>Access and transport</p>
27.	<p>No more than 66 Heavy Goods Vehicles loaded with mineral product shall leave the site each day and no more than 150,000 tonnes of mineral product shall be transported from the site by road in any 12 months period. A written record of the number of HGV movements leaving the site each day and of the cumulative quantity of mineral products transported shall be maintained, with a copy provided to the Mineral Planning Authority on a monthly basis.</p> <p>Reason: To minimise the number of HGV trips associated with the Boulby Minehead operational site and in the interests of highway safety and to accord with the provisions of NYM Local Plan Policies A and C.</p>
28.	<p>No Heavy Goods Vehicles used for the importation of muriate of potash, dispatching of mineral products from the site or for the transport of waste materials arising from the Phased partial deconstruction works shall enter the site before 6.45 am or leave the site before 7.30 am each day and no lorries to be used for the despatching of product or transport of waste materials shall leave the site after 7.00 pm each day.</p> <p>A written record of the timing of HGV movements entering and leaving the site each day shall be maintained, with a copy provided to the Mineral Planning Authority on a monthly basis.</p> <p>Reason: In the interests of highway safety and amenity and to accord with the provisions of NYM Local Plan Strategic Policy C.</p>
29.	<p>Within six months of the commencement of the development an updated Travel Plan, based upon the Cleveland Potash Ltd Boulby Mine Travel Plan dated February 2020, shall be submitted for written approval by the MPA in consultation with the Highway Authority. The submitted Travel Pan shall provide for, amongst other matters, enhanced sustainable travel measures and initiatives to encourage or facilitate modal shift for staff employed at the Boulby Minehead operational site, including through use of public transport, shared private transport, local collection services via private bus transport and consideration of the potential for a dedicated park and ride service/s.</p> <p>The Travel Plan shall be subject to a review every five years and such additional or revised sustainable travel measures as may be agreed with the MPA shall be incorporated into an updated Travel Plan for written approval by the MPA.</p> <p>Actions identified in the approved Travel Plan shall be implemented in accordance with agreed timescales to be identified in the Travel Plan.</p> <p>Reason: To minimise the number of car based vehicle trips associated with the Boulby Minehead operational site and in the interests of highway safety and to accord with the provisions of NYM Local Plan Policies A and C.</p>

-	Access and transport
30.	<p>Within six months of the commencement of the development a road vehicle Deliveries Management Plan shall be submitted for written approval by the MPA in consultation with the appropriate Highways Authorities. The approved Delivery Management Plan shall set out details of the site and management control measures to be employed to manage the routeing, volume and timing of road vehicle delivery trips within the limits and restrictions authorised under the terms of this permission and accompanying Section 106 agreement and the measures to be applied to minimise the impact of site-related HGV movements on local amenity and highway safety.</p> <p>Actions identified in the approved Deliveries Management Plan shall be implemented in accordance with agreed timescales to be identified in the Plan.</p> <p>Reason: To minimise the impact of HGV trips in the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	Landscape and visual amenity
31.	<p>Within twelve months of the commencement of the development a scheme of refurbishment and maintenance of the external appearance of such buildings and clad structures within the Boulby Minehead operational site as are to remain following completion of the Phased partial deconstruction works shall be submitted for the written approval of the MPA. The submitted scheme shall provide details of the following:</p> <ul style="list-style-type: none"> • The application of a uniform, recessive finish and colour scheme for external cladding, to be implemented in accordance with details and a timetable for implementation to be set out in the scheme; • A regular maintenance programme to ensure that buildings and other structures are kept in a satisfactory condition with regard to their colour and cleanliness, including prevention of significant accumulation of dust on external surfaces and maintenance of the integrity of cladding to reduce the potential for light pollution. <p>Refurbishment and maintenance works shall take place in accordance with such details as may be approved under the terms of this condition.</p> <p>Reason: In the interests of amenity and protection of the landscape of the National Park in accordance the provisions of NYM Local Plan Strategic Policies A, C, D, E, F and G.</p>

-	<p>Landscape and visual amenity</p>
32.	<p>Within six months of the commencement of the development a scheme of tree planting and soft landscaping works for the Boulby Minehead overall site shall be submitted for written approval by the MPA. Such scheme shall provide for the planting of additional areas of screen planting in the locations identified in the Boulby Mine Environmental Statement, Volume 2 para. 5.7.2 dated October 2019 and shall include details of plant species, sizes, planting densities, measures for protection for any new areas of planting and a timetable for implementation. Tree planting and soft landscaping works shall be carried out in accordance with the programme agreed with the MPA.</p> <p>The approved tree planting and soft landscaping works shall be maintained for the life of the development unless otherwise agreed by the MPA.</p> <p>Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed or die or become severely damaged or diseased within 10 years of planting shall be replaced to the satisfaction of the MPA within the next planting season.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Development Policy 1.</p>
33.	<p>Within six months of the commencement of the development a scheme to maintain and manage existing areas of screen planting and soft landscaping works at the Boulby Minehead overall site shall be submitted for the written approval of the MPA. Such scheme shall identify those areas of existing trees, hedges and other vegetation to be retained, together with measures for their protection, management and if necessary reinforcement or replacement in order to enhance their screening benefit and shall include a timetable for implementation.</p> <p>Maintenance and management of existing screen planting and soft landscaping works shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the MPA and areas of existing screen planting and soft landscaping works shall be retained for the life of the development unless otherwise agreed in writing by the MPA.</p> <p>Any replacement trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed or die or become severely damaged or diseased within 10 years of planting shall be replaced to the satisfaction of the MPA within the next planting season.</p> <p>Reason: In the interests of amenity and protection of the landscape of the National Park in accordance the provisions of NYM Local Plan Strategic Policies A, C, D and G.</p>

-	Landscape and visual amenity
34.	<p>Within twelve months of the commencement of the development a Landscape and Ecological Management Plan for the long term management of established areas of woodland within the Boulby Minehead overall site, comprising woodland at Lowhouse Wood, Park Wood, Boulby Gill and Twissie Gill shall be submitted for the written approval of the MPA. Such Plan shall provide for the maintenance and management of the woodland in accordance with good arboricultural and ecological practice, including provision for replanting as necessary, to ensure that the landscape and biodiversity value of the woodland is maintained and where practicable enhanced over the life of the development and shall include a timetable for implementation and review.</p> <p>Maintenance and management of established woodland shall thereafter be carried out in accordance with the approved details unless otherwise agreed in writing with the MPA and such areas of woodland shall be retained for the life of the development unless otherwise agreed in writing by the MPA.</p> <p>Any replacement trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed or die or become severely damaged or diseased within 10 years of planting shall be replaced to the satisfaction of the MPA within the next planting season.</p> <p>Reason: In the interests of amenity and protection of the landscape of the National Park in accordance the provisions of NYM Local Plan Strategic Policies A, C, D and G.</p>

-	Prevention of pollution
35.	<p>No open storage or stockpiling of materials, including waste materials, or machinery shall take place other than in designated storage or stockpile areas which shall be identified on a plan to be submitted for the written approval of the MPA within six months of the commencement of development.</p> <p>Reason: In the interests of amenity and to accord with the provisions of NYM Local Plan Strategic Policy C.</p>
36.	<p>All facilities for the storage of oils and fuels shall be placed on impervious bases with impervious bunds placed around them and with all vents, filling points and hoses contained within the bunds. All tanks shall be double-skinned and the bunded areas shall have a capacity of 110% of the cumulative capacity of the tanks. The bunded areas shall be kept free of precipitation which, if removed, shall be disposed of to a licensed facility.</p> <p>Reason: For the protection of the water environment and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	Prevention of pollution
37.	<p>There shall be no importation of any controlled wastes to the mine.</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Local Plan Policy ENV7.</p>
38.	<p>Surface water draining from areas of permanent hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, pond or soakaway. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained and shall thereafter be retained and maintained throughout the lifetime of the development.</p> <p>Reason: To reduce the risk of pollution to the water environment and to accord with the provisions of NYM Local Plan Policy ENV7.</p>

-	<p>Prevention of pollution</p>
39.	<p>Within 12 months of the commencement of the development a Surface Water Monitoring Scheme for monitoring of the quality of surface water discharged from the site to surface watercourses shall be submitted for the written approval of the MPA. Such scheme shall include, but is not limited to:</p> <ul style="list-style-type: none"> • Details of the number, type and location of monitoring points; • Details of the frequency of monitoring; • A list of the surface water determinants to be tested for; • Monitoring of surface water quality including sediment, BOD, ammonia, pH; • Surface water quality triggers; • Surface water geomorphology triggers; • A scheme for periodic review and refinement of the monitoring regime to take account of any approved changes to site layout/design and monitoring data; • A protocol for notifying the MPA of any breach of the trigger levels, including the timing of any such notification; and • Details of the method and frequency with which monitoring results will be shared with the MPA and the Environment Agency; • A Remedial Action Plan, setting out the remedial actions to be taken in the event that any monitoring triggers of the approved Surface Water Monitoring Scheme are exceeded, including the timetable for implementation of remedial measures which shall be as soon as possible and in any event within one month of the relevant monitoring trigger having been exceeded. Following remedial action, monitoring in accordance with the Surface Water Monitoring Scheme will be undertaken in accordance with a timescale to be submitted to and approved by the MPA in consultation with the Environment Agency, the results of which shall be reported to the MPA within four weeks of the monitoring date. <p>The approved Surface Water Monitoring Scheme for the mine shall thereafter be implemented in full, with monitoring continuing in accordance with the approved scheme until such time that it is agreed in writing by the MPA in consultation with the Environment Agency that monitoring may cease.</p> <p>Reason:</p> <p>To ensure protection of water quality and the natural environment in accordance with NYM Local Plan Strategic Policy H and Policy ENV7.</p>

-	Prevention of pollution
40.	<p>No materials shall be discharged via the sea outfall other than mine water extracted from underground pumping works and treated surface and waste water collected through the Mine drainage system.</p> <p>Reason: To ensure protection of water quality and the natural environment in accordance with NYM Local Plan Strategic Policy H and Policy ENV7.</p>

-	Flood risk
41.	<p>The development hereby permitted shall be carried out in accordance with the Cleveland Potash Ltd Boulby Mine Flood Risk Assessment November 2017 accompanying the application documents.</p> <p>Within 12 months of the commencement of development proposals shall be submitted for the written approval of the MPA setting out details of additional flood control and mitigation measures within the Boulby Mine operational site and Boulby Mine overall site as appropriate and as referenced in Section 6 of the Flood Risk Assessment November 2017. Such measures as may be agreed shall thereafter be implemented in accordance with a timetable to be agreed in writing and thereafter maintained for the duration of operations at the Mine.</p> <p>Reason: For the protection of the water environment and to accord with the provisions of NYM Local Plan Policy ENV5.</p>

-	<p>Habitats and ecology</p>
42.	<p>Within 12 months of the commencement of the development an Ecological Management Plan for the Boulby Mine overall area shall be submitted for the written approval of the MPA. Such Plan shall set out the specific actions which will be taken to manage the site for ecology and biodiversity throughout the operation of the Mine and during the decommissioning, restoration and aftercare period and should cover the matters referred to in the Cleveland Potash Ltd Environmental Statement dated October 2019, indicating how the ecological mitigation and enhancement actions set out in that document shall be achieved. The Ecological Management Plan shall include provision for reporting to the MPA and contain provision for remedial measures should the Plan not be fulfilling its objectives. The Ecological Management Plan shall be reviewed on a regular basis, at least every two years.</p> <p>Such measures as may be agreed shall thereafter be implemented in accordance with a timetable to be agreed in writing and thereafter maintained for the duration of operations at the Mine.</p> <p>Reason: To ensure management of ecology and biodiversity at the Boulby Mine overall site in accordance with NYM Local Plan Strategic Policies E and H and the first statutory purpose of the National Park.</p>
43.	<p>A Protected Species Management Plan shall be submitted for the written approval of the MPA within 12 months of the commencement of the development, identifying the specific actions to be taken to ensure protection of any protected wildlife species present on site during the operational life of the Mine including but not necessarily limited to:</p> <ul style="list-style-type: none"> • Bats (all species); • Great Crested Newt <p>Such Plan shall identify the minimum requirements for mitigating or compensating for effects on protected species, shall require all licences that may be required in respect of effects on or re-location of protected species and their habitat to be obtained and complied with. The approved Protected Species Management Plan shall be implemented for the duration of operations at the Mine.</p> <p>Reason: To ensure management of ecology and biodiversity at the Boulby Mine overall site in accordance with NYM Local Plan Strategic Policies E and H and the first statutory purpose of the National Park.</p>

-	Archaeology and historic environment
44.	<p>Prior to commencement of approved final site restoration works required by condition 46 an updated appraisal of the potential direct and indirect effects of such restoration works on heritage assets within the Boulby Minehead overall site shall be submitted for the written approval of the MPA. If required by the MPA as a result of the findings of such further assessment, revised restoration proposals shall be submitted for written approval by the MPA to ensure that unacceptable impact on heritage assets within the site does not arise.</p> <p>Reason: To protect the historic environment and to accord with NYM Local Plan Policies ENV9 and ENV10.</p>

-	Carbon offsetting
45.	<p>Within 12 months of the commencement of the development an initial delivery scheme for the undertaking of upland peat restoration works within the North York Moors National Park, at a scale sufficient to offset 2,410 tonnes of carbon per year over the life of the development, shall be submitted for written approval by the Local Planning Authority. Such scheme shall include such information as is available on the intended location, extent and timing of upland peat restoration works, the estimated carbon offset to be achieved and the measures to be employed to maintain and manage the restored peat for a period of 10 years.</p> <p>Detailed implementation schemes, setting out full details of the measures to be undertaken and timetable to be followed to ensure delivery of the required upland peat restoration works, shall thereafter be submitted to the NPA for approval every twelve months on the anniversary of approval of the initial delivery scheme unless otherwise agreed in writing by the MPA.</p> <p>Upland peat restoration works shall thereafter be undertaken in accordance with the detailed implementation schemes so approved.</p> <p>Reason: In order to comply with the provisions of Policy ENV8 of the North York Moors Local Plan which seeks to ensure that new development contributes to reduced carbon emissions.</p>

-	<p style="text-align: center;">Decommissioning, Restoration and aftercare</p>
46.	<p>A detailed scheme of decommissioning and restoration of the Boulby Minehead operational site, including all surface buildings and infrastructure associated with science research, shall be submitted for the written approval of the MPA by the earlier of:</p> <ul style="list-style-type: none"> • 3 months from the end of a continuous period of twelve months throughout which the winning and working of mineral has ceased; or • The 5 May 2045. <p>The detailed decommissioning and restoration scheme shall be based on the Cleveland Potash Ltd Restoration Concept proposals dated 17 December 2012 contained in the application documents and may be modified only with the written approval of the MPA and such detailed scheme shall provide for the restoration of the site to agriculture, woodland and for informal public access, incorporating provision as may be agreed for habitat and biodiversity enhancement and the conservation, enhancement and interpretation of significant heritage assets within the Boulby Minehead overall site. The detailed scheme of restoration shall include, but need not be restricted to;</p> <ul style="list-style-type: none"> • the removal from the site of all buildings including, for the avoidance of doubt, the main shaft tower and rock shaft tower identified as structures 20 and 22 on Figure 2.2 Existing Mine site plan accompanying the application documents and all buildings and infrastructure associated with underground science and research uses; • removal from the site of all plant, equipment and above ground concrete structures and roadways; • treatment/capping of mine shafts including details of any imported materials required for this purpose; • closure of unnecessary accesses to the highway and the reduction in size of any retained access; • details of the final landform to be created; • replacement of soil and soil forming materials including the proposed depth of cover; • cultivation, seeding and planting specifications and measures to achieve the intended afteruses including maintenance and replacement of failures; • boundary treatments to the site perimeter, field boundaries, woodland areas and public access areas; • the measures to be implemented to incorporate provision for habitat and biodiversity enhancement within the restored areas;

-	<p>Decommissioning, Restoration and aftercare</p>
	<ul style="list-style-type: none"> • the measures to be implemented to incorporate provision for the conservation, enhancement and interpretation of heritage assets within the site; • the location and nature of any public access areas and routes including details of any linkages to the existing public rights of way network; • the management of the restored site to ensure the satisfactory establishment and retention of the restored uses; • the timescales for the completion of decommissioning and restoration works. <p>Decommissioning and restoration of the site shall take place in accordance with the details and timescales so approved unless otherwise agreed in writing by the MPA.</p> <p>Reason: To ensure the satisfactory restoration and subsequent use of the site in the interests of the environment and amenity and to accord with NYM Local Plan Strategic Policies A, D, E, G,H and I.</p>

-	Decommissioning, Restoration and aftercare
47.	<p>Within 12 months of the permanent cessation of minerals extraction or by 5 May 2049, whichever is the sooner, a detailed Aftercare Scheme outlining the steps to be taken in bringing the land to the required standard for use for agriculture, woodland and amenity (including biodiversity) shall be submitted for the written approval of the MPA and such scheme shall provide for a five year aftercare and include full details of the:</p> <ul style="list-style-type: none"> • timing and pattern of vegetation establishment; • cultivation practices; • secondary treatments; • drainage arrangements; • management of soil fertility and weed control; • irrigation and watering if necessary; • establishment of field boundaries; • a drawing identifying clearly all areas subject to aftercare management, with separate demarcation of areas according to differences in the year of aftercare and proposed management; • provision for annual aftercare review meetings with the MPA. <p>Aftercare of the site shall take place in accordance with the details so approved unless otherwise agreed in writing by the MPA.</p> <p>Reason: To ensure the satisfactory restoration and subsequent use of the site in the interests of the environment and amenity and to accord with NYM Local Plan Strategic Policies A, D, E, G,H and I.</p>
48.	<p>This permission shall expire when all site aftercare requirements have been discharged to the satisfaction of the MPA.</p> <p>Reason: To reserve the rights of control by the MPA and to ensure the satisfactory restoration and subsequent use of the site in the interests of the environment and amenity and to accord with NYM Local Plan Strategic Policies A, D, E, G,H and I.</p>
-	Informatives
1.	<p>This consent is issued subject to the terms of the Agreement (under Section 106 of the 1990 Town and Country Planning Act) dated (insert) between the North York Moors National Park Authority and (insert) to (insert).</p>

-	<p>Informatives</p>
2.	<p>The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity at the surface or shallow depth. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of new development taking place.</p> <p>It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water.</p> <p>Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencingdistance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
3.	<p>Please note that all public rights of way within the Boulby Minehead overall site must be kept free from obstruction and open for use at all times before, during and after any works authorised or required by this planning permission.</p>

-	Informatives
4.	Works affecting protected species can require special permission or licences to be issued by Natural England. It is recommended that Natural England be consulted in respect of any such licences that may be required
5.	All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 1994. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted on 0300 060 3900 for further advice. This is a legal requirement under the Wildlife and Countryside Act 1981 (as amended) and applies to whoever carries out the work. All contractors on site should be made aware of this requirement and given information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.
6.	<p>Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England</p> <p>http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx.</p> <p>Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf.</p> <p>If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.</p>
7.	The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations. The developer must apply the waste hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England can be found here - http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf .
8.	If any controlled waste is to be removed off site, then the site Operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility.

Appendix B - Boulby Mine application ref: NYM/2019/0764/MEIA – CIL compliance summary table

The following table summarises the assessment by officers of the acceptability of the applicant’s proposed section 106 obligations, having regard to the requirements of the tests for such obligations set out in regulation 122(2) of the Community Infrastructure Levy Regulations 2010. These require that, for any such obligations to be taken into account as a reason for granting permission they must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Nature of residual adverse impact	Extent/Scale/Character of Impact	Nature, spatial extent and overall quantum of mitigation or compensation measures required	Applicant’s proposed Section 106 offer	Efficacy of mitigation or compensation measures proposed and Officer opinion on consistency with the CIL tests for Section 106 obligations	Contribution of mitigation or compensation measures to delivery of development plan and Management Plan policies and objectives
Visual impact, landscape Impact and impact on special qualities relevant to the landscape and understanding and enjoyment of the landscape Includes impact of man-made structures of	Applicant’s EIA identifies significant landscape impact within 1.5km and significant visual impact within 2.5km. However, additional visual and wider landscape impact extends beyond that identified in the EIA, totalling 2.86% of the Park area (years 1 to 5) but reducing	Landscaping measures to enhance screening from viewpoints from the A174 and other roads in the vicinity of the Mine. Screening for views from the Cleveland Way/English Coastal Path and other public rights of way and access areas.	A landscape mitigation and compensation contribution of £8,908,628.13 over 25 years This is intended to provide for elements including new woodland creation, coniferous to broad leaved conversion, in field tree planting,	Landscape/visual impact reduction through off-site screening measures will help to directly reduce the degree of perceived harmful impact from the development. Compensatory enhancement of the visual and landscape impact of other aspects of the Park, within the area of visual and wider	These measures are considered to be consistent with, and contribute to the delivery of: NYM Local Plan Policy CO1 – Developer Contributions and Infrastructure and draft MWJP Policy D15, in that they would ensure the development can be made acceptable in

<p>large scale and industrial character with associated aspects such as the intermittent plume from the stack, visible dust emissions and the impact of the movement of site traffic on the highway network within the National Park. Includes impacts on a range of related Special Qualities including tranquillity and dark night skies.</p>	<p>to 0.82% (years 6 to 25). Impact would be most significant within the immediate area of the development but extends across the area of visual and wider landscape impact and along routes used by Mine traffic. There is also potential for impact of light pollution to extend into areas outside the Zone of Theoretical Visibility as a result of 'sky glow' effects. Although not accounted for in the 2.86% figure, the Authority also notes that the development is also prominent in views available to persons using the area offshore from Staithes for tourism and recreation purposes.</p>	<p>A range of compensatory enhancements to landscape features and habitats, including aspects such as stone walls, historical and other landscape features, natural habitats and access routes. Compensatory measures for dark skies enhancement activity and reduction in light pollution elsewhere within the National Park. No direct mitigation identified to address noise and other direct disturbance to tranquillity but other mitigation or compensation related to landscape and visual impact expected to be beneficial. Significant mitigation and compensation measures required across the area of</p>	<p>hedgerows, traditional boundary restoration, creation and enhancement of natural habitats (e.g. grassland heathland, ponds, watercourses), public rights of way enhancement and dark skies compensatory actions.</p> <p>These would be focussed on a geographical area concentrated in the north east quarter of the National Park where the visual and landscape impact of the proposed development is the most harmful.</p> <p>This area encompasses the Zones of Theoretical Visibility for the development and is delineated by the National Park boundary to the north and west of the development</p>	<p>landscape impact, would help to compensate for the residual harm of the development on the landscape and visual amenity. These measures would also help provide compensation for adverse impact on Tranquillity and other National Park Special Qualities relevant to the landscape. Reduction of light pollution through agreements with property owners and agencies in the area would provide compensatory protection and enhancement of the dark skies special quality and help to enhance tranquillity and sense of remoteness within the National Park. The applicant's proposed contribution is in line with the requirements identified by officers as necessary to deliver effective mitigation and/or</p>	<p>the context of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National park and the continued understanding and enjoyment of its Special Qualities. They would also contribute to delivery of the objectives of NYM Local Plan Strategic Policy G – Landscape, Policy ENV 3 – Tranquillity and Policy ENV4 – Dark Night Skies by providing mitigation and/or compensatory enhancement to offset the assessed impact of the development.</p> <p>Similarly, they would contribute to delivery of related requirements in Draft MWJP Policies D02 and D06, which seek to minimise the harm caused to the landscape and from visual impact from</p>
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		<p>visual and wider landscape impact, commensurate with the scale of harm caused.</p> <p>This would need substantial resources for delivery of necessary mitigation and compensation over the full period of the development. The total assessed requirement for resources for mitigation and compensation over the period of the development, based on analysis by officers, is £8,908,628.</p>	<p>extending to Guisborough Moor, along the coast from Boulby to Kettlethorpe and across the Moorland from Goathland Moor to Ralph's Cross and Urra Moor, taking in the watersheds of Danby Moor and Westerdale. This covers around 54,000ha or 37% of the National Park.</p> <p>Use of resources would be prioritised in the following way: the Zones of Theoretical Visibility; areas that have high visitor numbers or are located on PROW and other access routes and access land; elsewhere in this broader area.</p>	<p>compensation for landscape and visual harm.</p> <p>The proposed contribution is considered to be necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development.</p> <p>It is therefore consistent with the CIL tests.</p>	<p>minerals and waste developments.</p> <p>Furthermore, the measures would contribute to delivery of the following Policies of the NYM Management Plan:</p> <p>Policy E1 - The landscape character of the National Park will be maintained and enhanced;</p> <p>Policy E2 - Traditional farmed landscape features will be conserved, enhanced and reinstated where possible</p> <p>Policy E3 - New development will not have a detrimental impact on the landscape of the National Park;</p> <p>Policy E19 - Existing tranquil areas will be protected, and expanded where possible;</p> <p>Policy E20 - Dark skies will be protected and improved. New</p>
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					development in the National Park will not cause unacceptable light or noise pollution; Policy E45 - The wildlife, seascape, tranquillity and historic environment of the coast and marine area will be protected and enhanced; Policy U2. The public will be able to enjoy the National Park using the rights of way network and open access areas.
Impact on cultural heritage Includes impact on the setting and appreciation of the Staithes Conservation Area, which also contains a dense concentration of listed buildings. Harm to the setting and appreciation of	Applicant's EIA concludes that the development would not have a significant adverse impact on heritage assets including the setting of Staithes or nearby listed buildings Scheduled Monuments. However, the scale and massing of the Mine structures along with the urban and industrial materials is at odds with its setting and	Offsetting harm to the setting of heritage assets through supporting measures to enhance other aspects of their settings, investment in conserving and enhancing heritage assets within Staithes including the Staithes Conservation Area and elsewhere in the vicinity of the Mine to compensate for residual harm	A heritage assets contribution of £460,026.06 over 25 years is proposed. This would be focussed on delivering compensatory enhancement to the setting of heritage assets, both designated and undesignated, in the vicinity of the Mine site, including the Staithes Conservation Area.	Offsetting harm to the setting and appreciation of heritage assets including the Staithes Conservation Area, listed buildings, scheduled monuments and undesignated assets, through supporting investment in their conservation and or enhancement, would compensate for the harm caused by the development to setting. Historic buildings enhancement works, through agreement with	These measures are considered to be consistent with, and contribute to the delivery of: NYM Local Plan Policy CO1 – Developer Contributions and Infrastructure and draft MWJP Policy D15 in that they would ensure the development can be made acceptable in the context of conserving and enhancing the natural beauty, wildlife and

<p>other designated and undesignated heritage assets in the vicinity of the Mine site is also anticipated. Includes harm to National Park special qualities related to the historic environment and cultural heritage.</p>	<p>causes harm to the aesthetic and historical qualities of the area, such that the development negatively impacts on the historical significance of the area and nearby Staithes and impacts on the setting of designated and undesignated heritage assets within the area affected. The presence of the development is likely a contributing factor as to why Staithes has not generated the levels of income, preservation and habitation that would in normal circumstances facilitate the preservation and enhancement of the numerous listed buildings and the Conservation Area. Section 66 of the Planning (Listed Buildings and</p>	<p>caused to setting and support investment in the Conservation Area as a whole. Promoting understanding of the heritage of Staithes and vicinity to compensate for harm to special qualities relevant to the historic environment and the understanding and enjoyment of those special qualities by the public. Offsetting harm to the setting and appreciation of scheduled monuments through supporting investment in their conservation and or enhancement. Mitigation and compensation would need to be focused on Staithes, including the Conservation Area and on designated and undesignated</p>	<p>It would also provide resources for the conservation and enhancement of the fabric of heritage assets in the vicinity of the Mine, as a further mechanism to compensate for the indirect harm caused by the development to heritage assets.</p> <p>Resources would also be used to assist in the understanding and interpretation of the historic environment of the area, as a means of offsetting harm to National Park Special Qualities relevant to the historic environment and in the context of National Park statutory purposes relevant to cultural heritage.</p>	<p>owners and agencies via grant schemes would provide related compensatory benefit to heritage assets in conjunction with works to enhance setting, focussed on Staithes and the surrounding area. Support for undertaking of an updated Conservation Area appraisal for Staithes and provision of support for the Staithes Heritage Centre would provide for enhancement of understanding and enjoyment of special qualities of the National park related to the historic environment and cultural heritage and the furtherance of National Park statutory purposes. The applicant's proposed contribution is in line with the requirements identified by officers as necessary to deliver effective mitigation and/or compensation for</p>	<p>cultural heritage of the National park and the continued understanding and enjoyment of its Special Qualities.</p> <p>They are also considered to be consistent with Strategic Policy I of the NYM Local Plan, which requires that all developments affecting the historic environment make a positive contribution to the cultural heritage and local distinctiveness of the National Park through the conservation and, where appropriate, enhancement of the historic environment.</p> <p>They would also contribute to delivery of the requirements of NYM Policy ENV9 - Historic Landscape Assets, ENV11 - Historic Settlements and Built Heritage) and draft MWJP Policy D08</p>
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	<p>Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the Act requires that the local planning authority shall pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Less than substantial harm to other heritage assets is also anticipated, particularly during years 1 to 5 of the development. Relevant heritage assets include scheduled monuments at</p>	<p>heritage assets in the vicinity of Staithes and the Mine site. The total assessed requirement for resources for mitigation and compensation over the period of the development, based on analysis by officers, is £460,026.</p>		<p>impact on cultural heritage. The proposed contribution is considered to be necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development. It is therefore consistent with the CIL tests.</p>	<p>– Historic Environment in that they would help conserve, enhance and reinforce the distinctiveness of heritage assets and their settings impacted by the development.</p> <p>The measures would support delivery of: NYM Management Plan Policy E5 - The archaeological and built heritage will be conserved or restored where appropriate; Policy E7 – New development in the National Park will seek to conserve and enhance heritage assets and their settings; Policy E8 – Knowledge, awareness and understanding of the archaeological and built heritage will be increased; Policy C4 - Support to local communities to maintain and celebrate local heritage, customs, traditions and skills.</p>
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	Boulby Cliffs, Boulby Alum Quarries and Works and a WW1 acoustic early warning mirror near Boulby Barns Farm.				
Economic Impact Impact on tourism industry, particularly related to Staithes, and local tourism assets including the Cleveland Way and England Coast Path National Trails and marine nature tourism off the Boulby coast.	The planning application states that the Mine does not adversely affect visitor perceptions of the National Park to a large degree. However, no quantitative information is provided in relation to any more localised impact. Bespoke survey work commissioned by the Authority indicates that the presence of the Mine, particularly its impact on the landscape, does impact on visitor satisfaction in Staithes and on the visitor return rate, leading to fewer annual visits, and lower visitor spend, than would	Activity to generate positive perceptions of Staithes and the surrounding area to encourage new visitors. Provision of support for tourism industry growth in Staithes and the surrounding area. Supporting development of new tourism products and experiences in Staithes and the surrounding area to showcase the National Park's Special Qualities. Mitigation and compensation measures would need to be focused on Staithes and the surrounding area. Total assessed requirement for resources for	A tourism economy contribution of £4,944,185 over 25 years is proposed. This would provide for actions to mitigate and compensate for the identified impact of the development on the local tourism economy, to help ensure that its full potential is realised. It is intended that compensatory activity would focus around: Generating positive perceptions through innovative marketing campaigns in Staithes and the surrounding areas; Creating a cluster network for businesses in and around Staithes, to	Provision of support would enable delivery of mitigation and compensatory activity for the local tourism economy, to offset the assessed loss. This would focus on offsetting the harm caused by the development to the tourism economy in the Staithes area through delivery of measures which serve to support and promote the local tourism economy. The geographical area for provision of support would be consistent with the area affected by the development. The applicant's proposed contribution is in line with the requirements identified by officers as necessary to deliver effective mitigation and/or	These measures are considered to be consistent with, and contribute to the delivery of: NYM Local Plan Policy CO1 – Developer Contributions and Infrastructure and draft MWJP Policy D15 in that they would ensure the development can be made acceptable in the context of ensuring that the ability to understand and enjoy the Special Qualities of the National park is maintained. They would also be consistent with Draft MWJP Policy D02, which contains a criterion stating that minerals and waste development will be permitted where it can

	<p>otherwise be expected.</p>	<p>mitigation and compensation should be in line with the officer assessed impact, based on evidence contained in the report for the National Park Authority by Emotional Logic (2020) over the period of the development and equating to a contribution of £4,944,185 over the proposed life of the development.</p>	<p>make Staithes and the surrounding areas' key selling points more apparent;</p> <p>Identifying new target markets and developing and delivering marketing activity to appeal to those markets;</p> <p>Supporting industry growth by helping develop business skills and support, building business resilience, delivering an exceptional visitor experience and warm Yorkshire welcome;</p> <p>Outreach activities to engage local tourism businesses and encourage them to be part of a local networking cluster;</p> <p>Creation of a programme of training and networking events to help businesses create collaborations,</p>	<p>compensation for impact on the local tourism economy. The proposed contribution is considered to be necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development. It is therefore consistent with the CIL tests.</p>	<p>be demonstrated that there will be no unacceptable impacts on local amenity, local businesses and users of the public rights of way network and public open space, including as a result of the effect of the development on opportunities for enjoyment and understanding of the special qualities of the National Park.</p> <p>The measures would support delivery of: NYM Management Plan Policy C4 - Support to local communities to maintain and celebrate local heritage, customs, traditions and skills; Policy B1 - Visitor spend will be increased; Policy B2- Opportunities for visiting the National Park outside of traditional peak seasons will be promoted;</p>
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			<p>improve their marketing and develop the sense of welcome;</p> <p>Developing new products and distinctive experiences in Staithes and the surrounding areas that showcase the National Park's special qualities and contribute to sustainable growth, and working with businesses to better package up and sell existing experiences;</p> <p>Supporting businesses to develop and promote appropriate experiences and to create new collaborations, for example between accommodation and experience providers;</p> <p>Supporting the development of inclusive tourism by</p>		<p>Policy B3 - Overnight tourism in and around the National Park will be specifically promoted.</p>
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			creating products and a destination where everyone feels welcome.		
<p>NYM Local Plan Policy ENV8 carbon offsetting</p> <p>Requirement to address overall objective of Policy ENV8 in the absence of an environmentally acceptable and technically feasible solution to provide 10% of power requirements through on-site renewable energy sources.</p>	<p>The estimated CO₂ equivalent emissions from all power sources, expressed as an annual average over the proposed life of the development, would be 24,101 tonnes, leading to a requirement for an off-site solution within the National Park to deliver emissions offsetting equivalent to 2,410 tonnes of carbon per year.</p>	<p>An offsetting solution is required within the National Park in order to sequester sufficient carbon to deliver the identified annual 10% offsetting requirement. The identified solution would need to be compatible with National Park statutory purposes and with Management Plan objectives.</p> <p>Carbon offsetting through restoration of upland peat has been identified as an appropriate mechanism for this.</p> <p>It is assessed that there would be a need to improve the condition of approximately</p>	<p>A reasonable contribution to provide for delivery of an off-site CO₂ offsetting mechanism related to requirements under Local Plan Policy ENV8.</p> <p>This would provide for an agreed mechanism to offset carbon emissions equivalent to 10% of the amount generated by the operation of the site. It is expected that this would be delivered via physical works and related ongoing maintenance to achieve the improvement in condition of a sufficient area of peatland (currently estimated at 865ha) within the National park, in order to</p>	<p>Peatland restoration provides an indirect means of offsetting emissions arising from power utilisation at the Mine but is a solution consistent with other National Park purposes and objectives and would also be likely to give rise to associated biodiversity benefits.</p> <p>Substantial areas of upland peat within the National Park have been identified through survey work as requiring restoration in order to improve their carbon sequestration potential.</p> <p>Subject to further detailed assessment and final agreement, the applicant's proposed contribution is in line with the requirements identified by officers as necessary to deliver</p>	<p>These measures are considered to be consistent with, and contribute to the delivery of:</p> <p>NYM Local Plan Policy CO1 – Developer Contributions and Infrastructure and draft MWJP Policy D15 in that they would ensure the development can be made acceptable in the context of requirements for delivery of carbon reduction measures for major development, as set out more specifically in NYM Local Plan Policy ENV8.</p> <p>They would also contribute to the delivery of the requirements of NYM Local Plan Strategic Policy F which indicates that, where</p>

		<p>865ha of peatland in order to deliver the required offset. Funding would be required for further survey of existing peatland condition and constraints checking, physical restoration works, maintenance and administration.</p> <p>It is currently estimated by officers that this will require financial resources of up to approximately £2,000,000.</p>	<p>enhance its ability to sequester carbon at a scale needed to provide the necessary offset.</p> <p>The applicant states that a reasonable and justifiable contribution would be made to provide for this.</p>	<p>carbon offsetting within the National Park as a means of fulfilling the overall objective of Policy ENV8 (7) (b).</p> <p>Subject to further consideration based on the final sum agreed, the proposed contribution is considered to be necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development.</p> <p>Further consideration of the final amount agreed will be required in order to ensure consistency with the CIL tests.</p>	<p>appropriate, proposals use renewable energy, incorporate sustainable design and construction techniques and facilitate carbon sequestration and storage in upland areas, as well as NYM Management Plan Policy E30 - Blanket peat bog will be managed appropriately to ensure its retention.</p>
<p>Monitoring and delivery</p> <p>Adequate resources are required to ensure that capacity is available to deliver</p>	<p>Additional resources expected to be required during years 1 to 5 of the development as a result of:</p> <p>Additional planning work during early implementation of a</p>	<p>Officers' judgement, based on experience of other major minerals development in the National Park, is that delivery of this activity would require an additional 2 days per week of</p>	<p>An NPA monitoring and delivery contribution of £431,043.60 over 25 years is proposed.</p>	<p>The applicant's proposed contribution for monitoring and delivery is consistent with officers' assessment of the scale of resources required to deliver adequate scrutiny and oversight of the delivery of this major</p>	<p>These measures are considered to be necessary in the context of ensuring the delivery of National Park statutory purposes, delivery of planning policy objectives in the development plan and</p>

<p>increased monitoring and regulatory oversight of the development through the planning system, necessitated by a more modern and comprehensive planning permission; the allocation of resources available through the other S106 contributions, and S106 mitigation and compensation project identification and support.</p>	<p>new permission and expected more numerous and rigorous planning conditions in line with modern permission standards;</p> <p>Additional workload through anticipated need for conditions discharge work and material and non-material amendments to finalise development and monitoring details during early years of the development;</p> <p>Additional monitoring activity during phased deconstruction stage; The need for inception and ramp-up of offsite mitigation and compensation projects.</p>	<p>senior officer time during years 1 to 5 of the development and 1 day per week in years 6 to 25.</p> <p>The total assessed requirement for resources for mitigation and compensation over the period of the development, based on analysis by officers, is £431,043.60.</p>		<p>development, which would take place in a highly sensitive environment. Correspondingly, it is considered that the proposed contribution would be directly related to the development as well as being necessary, reasonable and justified.</p> <p>The proposed contribution is considered to be necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development.</p> <p>It is therefore consistent with the CIL tests.</p>	<p>the aims and objectives of the National Park Management Plan.</p>
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	A lesser but continuing increased workload would arise for years 6 to 25 as a result of ongoing compliance monitoring, processing of material and non-material amendments and S106 mitigation and compensation project support delivery.				
Other S106 Heads of Terms – HGV traffic restrictions Restrictions on the routing, volume and timing of Heavy Goods Vehicles using the site are required in order to ensure that impacts from road vehicle movements remain within	A mechanism is required in order to ensure that the impacts of the development on the National Park, local communities and other road users from HGV traffic movements is controlled in line with commitments made by the applicant following assessment of the environmental impacts of the development.	Planning obligations are required to ensure: 1) HGV, routing to require use of the A174 north and southbound unless for specific local delivery purposes; 2) that no lorries used for the dispatching of product shall enter the site before 6.45 am or leave before 7.30 am each day and no lorries to be used for the	The applicant has offered to enter into a legal obligation to limit HGV routing, volume and timing in accordance with the identified requirements.	The restrictions proposed would ensure that HGV movements remain within assessed and acceptable limits The proposed obligation is considered to be necessary to make the development acceptable in planning terms; is directly related to the development; and is fairly and reasonably related in scale and kind to the development. It is therefore consistent with the CIL tests.	These measures are considered to be consistent with, and contribute to the delivery of: NYM Local Plan Policy CO2 and Draft MWJP Policy DO3, which require that new development will only be permitted where the adjacent road network has the capacity to serve the development without detriment to highway safety.

<p>acceptable limits.</p>		<p>despatching of product shall leave the site after 7.00 pm each day;</p> <p>3) that exports by road are limited to a maximum of 150,000 tonnes in any 12 month period, and to a maximum of 66 loads of product leaving the site per day;</p> <p>4) that imports of muriate of potash or any other minerals or mineral products for processing on site are, for the duration such imports are authorised by the permission, are accommodated within the same limits and restrictions as other HGV movements;</p> <p>5) That information on HGV movements is provided to the NPA on a regular basis.</p>			<p>However, Local Plan Policy ENV7 also requires that development does not generate unacceptable levels of noise, vibration or odour, and officers consider that this is applicable to noise and vibration from traffic as well as any fixed elements of development. Draft policies in the Minerals and Waste Joint Plan also seek to ensure that the traffic and transport implications of development are acceptable in terms of any impact on local amenity as well as highway capacity and safety considerations.</p> <p>It is also consistent with Local Plan Policy ENV2 - Tranquillity, which indicates that, in considering tranquillity, proposals will be considered in relation to a range of factors including traffic generation and</p>
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					requires that development will only be permitted where there is no unacceptable impact on the surrounding area.
<p>Other S106 Heads of Terms – Subsidence and marine outfall monitoring</p> <p>Monitoring and remediation of mining subsidence and effluent discharge (offshore outfall) monitoring is needed in order to ensure that any impacts remain within acceptable limits.</p>	<p>A mechanism is required in order to ensure that the impacts of the development on the National Park, local communities, infrastructure and the coastal and offshore environment can be monitored and verified in line with commitments made by the applicant following assessment of the environmental impacts of the development.</p> <p>This would require detailed monitoring schemes to be agreed between the applicant and the</p>	<p>Planning obligations are required to ensure:</p> <p>1) That mining subsidence within the onshore area is subject to ongoing monitoring, with reporting of results to the NPA and provision for remedial measures if identified as necessary through monitoring;</p> <p>2) Monitoring of effluent discharge through the offshore outfall, with reporting of results to the NPA and provision for remedial measures if identified as</p>	<p>The applicant has offered to enter into legal obligations regarding subsidence and outfall monitoring, in accordance with the identified requirements.</p>	<p>The proposed obligations are considered to be necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development.</p> <p>They are therefore consistent with the CIL tests.</p>	<p>These measures are considered to be consistent with, and contribute to the delivery of:</p> <p>Draft Policy D11 of the MWJP, which requires that proposals incorporate provision for mitigation of the impacts on the development arising from any predicted mining subsidence or land instability. The National Planning Policy Framework also requires that consideration be given to the potential for impacts from subsidence and land instability.</p> <p>Monitoring of effluent discharge is consistent</p>

	National Park Authority.	necessary through monitoring.			with the requirements of NYM Management Plan Policy E45, which states that 'The wildlife, seascape, tranquillity and historic environment of the coast and marine area will be protected and enhanced'.
Other S106 Heads of Terms – Additional noise mitigation measures Potential for noise impact above guideline levels on certain residential receptors requires contingency provision for additional offsite mitigation measures.	Applicant's EIA concludes that, taking into account context and proposed mitigation, the development would not have significant adverse impact on residential receptors. However, advice to the NPA indicates that there is uncertainty about the efficacy of proposed mitigation measures and the resulting night time noise impact at certain residential properties in proximity to the site, which could exceed	Planning obligations are required to ensure that the developer will make available reasonable resources for implementation of additional night time noise mitigation measures at affected properties, if necessary based on advice from the Environmental Health Authority.	The applicant has offered to enter into a legal obligation to provide reasonable resources for additional night time noise mitigation measures at affected properties where justified following advice from RCBC EHO.	The proposed obligation is considered to be necessary to make the development acceptable in planning terms; are directly related to the development; and are fairly and reasonably related in scale and kind to the development. It is therefore consistent with the CIL tests.	These measures are considered to be consistent with, and contribute to the delivery of, NYM Local Plan Policy ENV7 Environmental Protection, which requires that development will only be permitted where it does not generate unacceptable levels of noise.

	recommended levels set out in relevant guidance. Properties affected are on Ridge Lane and at Boulby Grange.				
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