

DATE: 25 May 2022

SECTION 106 AGREEMENT, LAND AT BOULBY POTASH MINE, LOFTUS

Between

NORTH YORK MOORS NATIONAL PARK AUTHORITY

and

CLEVELAND POTASH LIMITED

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THIS DEED is made the 25th day of May 2022

BETWEEN

- (1) **NORTH YORK MOORS NATIONAL PARK AUTHORITY** of the Old Vicarage, Bondgate, Helmsley, North Yorkshire YO62 5BP (the "Authority")
- (2) **CLEVELAND POTASH LIMITED** (company registration number 00915392) whose registered office is at Boulby Mine, Loftus, Saltburn, Cleveland, TS13 4UZ (the "Owner")

1. RECITALS

- 1.1 The Authority is the local planning authority for the purposes of the 1990 Act.
- 1.2 The Owner is the freehold owner of the Cleveland Potash Land.
- 1.3 The Owner has made the Planning Application for the Development.
- 1.4 The Authority has resolved to grant the Planning Permission subject to the execution of this deed without which planning permission for the Development would not be granted.
- 1.5 The Cleveland Potash Land is also bound by the 1998 S.106 Agreement and the 2014 S.106 Unilateral Undertaking and the Authority has agreed to release the obligations in the 1998 S.106 Agreement and the 2014 S.106 Unilateral Undertaking conditional upon the Owner entering into this deed and the preconditions in clause 4 having been satisfied.
- 1.6 The Authority and the Owner have entered into this deed so that in the event that the preconditions in clause 4 have been satisfied, the Development will be properly regulated.

2. DEFINITIONS:

- 2.1 In this deed the following words and phrases shall bear the meanings set out below unless the context otherwise requires:-
 - 2.1.1 "1990 Act" means the Town and Country Planning Act 1990;
 - 2.1.2 "1998 S.106 Agreement" means the s.106 agreement dated 8th April 1998 made pursuant to s.106 of the 1990 Act relating to Land at Boulby Potash Mine, Loftus and made between the Authority and the Owner;
 - 2.1.3 "2014 S.106 Unilateral Undertaking" means the unilateral undertaking dated 28th November 2014 made pursuant to s.106 of the 1990 Act relating to the proposed development of land at Boulby Mine and made by the Owner to the Authority;
 - 2.1.4 "Certified Transaction Reports" means a report qualified by CCAB qualified accountant providing details of the expenditure by the Authority of monies paid to the Authority pursuant to the obligations in this deed and certifying that the expenditure referred to in the report has been properly incurred by the Authority;
 - 2.1.5 "Cleveland Potash Land" means the freehold title which is owned by the Owner and registered under title number CE185395 and for the purpose of identification only is shown edged red on Plan No. 2;
 - 2.1.6 "Development" means the development of the Site pursuant to the Planning Permission;

- 2.1.7 “**Director of Planning**” means the North York Moors Director of Planning from time to time;
- 2.1.8 “**Index**” means All Items Retail Prices Index as published by the Office of National Statistics (or any successor thereof);
- 2.1.9 “**Index Linked**” means adjusted in accordance with clause 13;
- 2.1.10 “**Judicial Review**” means judicial review under Part 54 of the Civil Procedure Rules 1999;
- 2.1.11 “**Plan No. 1**” means the plan appended at Schedule 4 entitled 'Figure 1.1 Boulby Mine location' and marked 'Plan No. 1';
- 2.1.12 “**Plan No. 2**” means the Land Registry title plan appended at Schedule 4 for title number CE185395 and marked 'Plan No. 2';
- 2.1.13 “**Planning Application**” means the application for planning permission with reference number NYM/2019/0764/MEIA for the winning and working of polyhalite and salt over a 25 year period from 2023, temporary importation of muriate of potash 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;
- 2.1.14 “**Planning Permission**” means the planning permission substantially in the form set out in Schedule 1;
- 2.1.15 “**Planning Satisfaction Date**” means the twentieth working day following:
- the refusal of permission by the courts for the claim for Judicial Review to be brought and the expiry of any period to renew the application for permission or to appeal against the refusal of permission without such an application for renewal or such an appeal being lodged; or
 - the validity of the Planning Permission being upheld by the courts upon their determination of the claim for Judicial Review and the expiry of any period to appeal that decision without such an appeal being lodged; or
 - the validity of the Planning Permission being upheld by the courts on appeal and the expiry of any period for a further appeal to a higher court without such an appeal being lodged.
- 2.1.16 “**Settled Matter**” means any of the following:
- (a) The reasonableness, purpose and quantum of those contributions and payments the amount and purpose of which is identified by the time of entering into this deed and set out in this deed, and the mechanism for defining the levels of those contributions;
 - (b) The duration and timing of any payment or contribution the date for which is specifically set out in or governed by this deed;
 - (c) The requirement of any payment or contribution to be index linked,
- but for the avoidance of doubt shall not include any Carbon Off-Setting Incentives Payments;

2.1.17 "Site" means the area encompassed by the Planning Application and where the Development is to be carried out as shown on Plan No. 1 edged red;

2.1.18 "Trigger Date" means the 7 May 2022.

2.2 In this deed:

2.2.1 clause headings shall not affect the interpretation of this deed:

2.2.2 unless the context otherwise requires, a reference to one gender shall include a reference to the other genders:

2.2.3 references to any party to this deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Authority the successors to their respective functions:

2.2.4 any covenant by the Owner not to do any act or thing includes a covenant not to permit or allow or suffer the doing of that act or thing and words denoting an obligation on the Owner to do any reasonable act matter or thing to procure that it be done:

2.2.5 unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.

2.2.6 words importing persons shall include firms companies and corporations and vice versa and their successors in title and assigns.

2.2.7 obligations entered into by any party which comprises more than one person shall be deemed to be joint and several.

2.2.8 any reference to statute (whether specifically named or not) shall include any amendment or re-enactment of such statute for the time being in force and all instruments orders notices regulations directions by-laws permissions and plans for the time being made issued or given thereunder or deriving validity therefrom.

2.2.9 any reference to a Clause or Schedule shall mean a Clause or Schedule to this deed.

3. STATUTORY PROVISIONS

3.1 This deed constitutes a planning obligation for the purposes of s.106 of the 1990 Act.

3.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of s.106 of the 1990 Act and are entered into by the Owner with the intention that they bind the interests held by those persons in the Cleveland Potash Land and their respective successors in title.

3.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Authority in accordance with s.106 of the 1990 Act.

3.4 In order to satisfy the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 the Authority and all of the other parties are satisfied that the planning obligations contained in this deed are necessary to make the Development acceptable in planning terms, are directly related to the Development and fairly and reasonably relate in scale and kind to the Development.

4. PRECONDITIONS

4.1 Save for the provisions specified in clause 4.2, the terms obligations and covenants in this deed are conditional and shall not come into effect until:

- 4.1.1 The grant of the Planning Permission; and
- 4.1.2 The Trigger Date has occurred (whichever is later).

PROVIDED THAT should the Planning Permission be the subject of a Judicial Review, the preconditions at clauses 4.1.1-4.1.2 above shall not be satisfied until the Planning Satisfaction Date.

- 4.2 The provisions of clauses 5.3, 8.1, 9, 11, 12, 13, 14 and 15 shall come into effect immediately upon completion of this deed.

5. COVENANTS BY THE OWNER

- 5.1 The Owner for itself and its successors in title so as to bind the Cleveland Potash Land and every part thereof covenants with the Authority to observe and perform the covenants, restrictions and obligations contained in clause 5.3 and in schedule 2.
- 5.2 The terms obligations and covenants in this deed where they burden the Development burden only the Owner of the right to extract minerals by underground works at the Cleveland Potash Land and IT IS HEREBY AGREED THAT none of the terms obligations and covenants shall be enforceable against any owner occupier tenant or licensee of whatsoever nature.
- 5.3 The Owner shall pay to the Authority on or before the date of this deed the Authority's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.

6. COVENANTS BY THE AUTHORITY

- 6.1 The Authority covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in this clause 6.
- 6.2 Upon written request to do so the Authority shall as soon as reasonably practicable issue written confirmation of the fulfilment by the Owner of an obligation where such obligation has been fulfilled to the reasonable satisfaction of the Authority.
- 6.3 Where the approval, consent, expression of satisfaction, agreement, confirmation or certification of the Authority or any officer of the Authority is required for any purpose under or in connection with the terms of this deed such approval, consent, expression of satisfaction, agreement, confirmation, or certification shall not be unreasonably withheld or delayed.

7. RELEASE

- 7.1 No party or person shall be liable for a breach of any of the terms or obligations contained in this deed after it / they shall have parted with its / their interest in the Cleveland Potash Land in respect of which such breach occurs but without prejudice to any liability for any subsisting breach of this deed arising prior to parting with such interest.
- 7.2 The remaining obligations and covenants in the 1998 S.106 Agreement and the 2014 S.106 Unilateral Undertaking shall be released upon the satisfaction of the preconditions in clause 4 of this deed.

8. LOCAL LAND CHARGE

- 8.1 The Authority will register this deed as a Local Land Charge.

9. DISPUTES

9.1 Subject to clause 9.2 below, in the event of a dispute between the parties hereto concerning any matter, that matter may at the written option of any relevant party (notice of which shall be given to the other parties) be referred to such expert as they may agree or (in default of agreement within 20 working days of the date of giving of the notice) appointed by the Chairman for the time being of the Planning and Environment Bar Association whose appointment shall be conducted on the following terms:

9.1.1 The person to be appointed pursuant to Clause 9.1 shall be a person having fifteen years or more relevant post-qualification experience of the issue in dispute and projects comprising works of the scale and nature of the Development and the particular issue in dispute:

9.1.2 The reference to the expert shall be on terms that:

- (a) The expert shall afford the parties to the dispute an opportunity to make representations to him / her in writing and if he / she so directs to make submissions on one another's representation;
- (b) The expert shall be able to stipulate periods of time for the making of such submissions and representations;
- (c) The expert shall be bound to have regard to the said submissions and representations;
- (d) The expert shall have the power to award the costs of the determination in favour of either party at the expense of the other in the event that the expert shall consider that the said other party has acted unreasonably and the extent of the costs awarded shall reflect the extent and effect of said unreasonable behaviour;
- (e) The expert shall be limited in his findings to the proposals put by either party or a proposal falling between both of them; and
- (f) The findings of the expert shall save in the case of manifest material error be final and binding on the Owner and the Authority save that the parties retain the right to refer to the Courts on a matter of law.

9.2 No disputes may be referred to an expert pursuant to clause 9.1 where the relevant matter of that dispute was a Settled Matter.

10. FUTURE PERMISSIONS

10.1 Nothing in this deed shall be construed as prohibiting or restricting any right to develop any part of the Site in accordance with any planning permission granted by the Authority or other planning authority or by the Secretary of State on appeal or reference or call-in to him after the date of this deed.

11. NOTICES

11.1 Any notice to be given under this deed must be in writing and must be:

11.1.1 delivered by hand:

11.1.2 emailed: or

11.1.3 sent by pre-paid first class post or other next working day delivery service.

11.2 Any notice to be given under this deed must be sent to the relevant party as follows:

11.2.1 to the Authority at the address above marked for the attention of the Director of Planning or if by email it must be sent to both of the following email addresses: planning@northyorkmoors.org.uk and rob.smith@northyorkmoors.org.uk ;

11.2.2 to the Owner at Boulby Mine, Loftus, Saltburn, Cleveland, TS13 4UZ marked for the attention of Andrew Fulton, General Manager and David McLuckie, Head of Site Services & Business Communication (andrew.fulton@icl-group.com and david.mcluckie@icl-group.com);

or as otherwise specified by the relevant party by notice in writing to each other party.

12. SEVERABILITY

12.1 Insofar as any clause or clauses of this deed are found (for whatever reason) to be invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provision of this deed.

13. INDEXATION

13.1 Where payments are identified as being Index Linked in this deed then such sums shall be adjusted by applying the Index from the date of this deed to the date of payment.

14. INTEREST

14.1 Where any payment or part payment which the parties to this deed are obliged to pay or repay pursuant to the provisions of this deed is not paid on the date upon which the obligation to make such a payment falls due then interest at 4% above the base rate of HSBC Bank Plc from time to time calculated on a daily basis shall be added to the outstanding balance of the payment from the date on which the payment or part payment became due until the date of receipt of the payment or part payment.

15. THIRD PARTY RIGHTS

15.1 A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

16. MISCELLANEOUS PROVISIONS

16.1 The failure of either party hereto at any time to require performance by any other party or parties of any of the terms obligations and / or covenants of this deed shall not affect the right of such party or parties to require performance of those terms covenants and / or obligations.

16.2 Where the agreement or approval of any party to this deed is required such agreement shall be given in writing and shall not be unreasonably withheld or delayed unless the agreement of any party to this deed is stated to be at the sole and absolute discretion of such party.

16.3 Each party to this deed acknowledges that this deed has not been entered into in reliance wholly or partly on any statement or representations made by or on behalf of the other party except any such statement or representation that is expressly set out in this deed.

16.4 IT IS HEREBY AGREED AND DECLARED that nothing in this deed or implied therefrom shall prejudice or affect the Authority's discretions powers duties and / or obligations in the exercise

of its functions as a local planning or bylaw authority and the discretions powers duties and / or obligations of the Authority under all public and private statutes, bylaws and regulations may be as fully and effectively exercised in relation to the Site as if this deed had not been entered into.

17. GOVERNING LAW

- 17.1 This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England.
- 17.2 This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.
- 17.3 This deed shall be deemed not to have been delivered until it shall be dated.

**SCHEDULE 1
THE DRAFT PLANNING PERMISSION**

**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
MWJP	Minerals and Waste Joint Plan for York, North Yorkshire and the North York Moors National Park
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) of 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. until 6 May 2048 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 and MWJP Policy D04.</p>

-	Commencement of development and explanatory conditions
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, with one exception: the gatehouse and associated car park is not required to be removed with the deconstruction works shown on the Phase 1 Deconstruction Plan (Planning Statement Figure 3.2 – October 2019).</p> <p>Reason: For the avoidance of doubt and to accord with the provisions of NYM Local Plan Strategic Policy A and MWJP Policy D04.</p>
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 and MWJP Policy D04.</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 47 and 48 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 and MWJP Policy D04.</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 and MWJP Policy D04.</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 and MWJP Policy D11.</p>

-	Underground operations and surface subsidence
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 and MWJP Policy D11.</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 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 and MWJP Policy D11.</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 shall be submitted for the written approval of the Mineral Planning Authority. The Strategy shall include:</p> <ul style="list-style-type: none"> • Monitoring locations which shall include any affected watercourses, floodplains, flood defences, gauging stations, 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 for the written approval of 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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-	Underground operations and surface subsidence
	<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 and MWJP Policy D11.</p>

-	Phased partial deconstruction works
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 (fourth bullet point) 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 and MWJP Policies D02, Do4 and D06.</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 and MWJP Policies D04 and D06.</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 and MWJP Policy D02.</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.</p>

	<p>Phased partial deconstruction works</p>
	<p>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 and MWJP D08.</p>
<p>16.</p>	<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 and MWJP Policy D06.</p>

	Noise and vibration management
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 18 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; • Details of how the residents will be informed and consulted about the site operations and progress, particularly in regard to any especially noisy

-	<p>Noise and vibration management</p>
	<p>operations including details of complaints logging and management procedures and a 24-hour telephone incident hotline.</p> <ul style="list-style-type: none"> • 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 and MWJP Policy D02.</p>
18.	<p>The development shall be carried out so as to ensure that the rating level L_{A,r},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 L_{A,r},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 and MWJP Policy D02.</p>
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 and MWJP Policy D02.</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 residential properties which, when exceeded, would require further control measures to be implemented; b) the results of planned routine checks/inspections/surveys on site; 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; 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;

-	Dust management and air quality
	<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 if 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 and MWJP Policy D02.</p>

	Dust management and air quality
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 and SBC EHOs. 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 MPA, 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 and MWJP Policy D02.</p>

-	Dust management and air quality
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 and MWJP Policy D02 .</p>

	Lighting management
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 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 MPA 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. <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</p>

-	Lighting management
	<p>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 and MWJP Policies D02, D04 and D06.</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 and MWJP Policy D03.</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 and MWJP Policies D02 and D03.</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 and MWJP Policies D02 and D03.</p>

	<p>Access and transport</p>
27.	<p>A total of no more than 66 Heavy Goods Vehicles shall enter the site and no more than 66 Heavy Goods Vehicles shall leave the site each day for the purposes of transport of the following:</p> <ul style="list-style-type: none"> i) mineral products produced at the site, or; ii) waste materials arising at the site from the Phased partial deconstruction works, or; iii) muriate of potash imported into the site, or; iv) any combination of i) to iii) above <p>and in any event no more than 150,000 tonnes of mineral products shall be transported from the site, or 150,000 tonnes of muriate of potash enter the site by road, in any 12 months period.</p> <p>A written record of the number of HGV movements entering and leaving the site each day and of the cumulative quantity (in tonnes) of mineral products exported from the site by road and muriate of potash imported to the site by road 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 and MWJP Policies D02 and D03.</p>
28.	<p>No Heavy Goods Vehicles entering or leaving the site for the purposes of the transport of minerals or materials as identified in i) to iv) of condition 27 above shall enter the site before 6.45 am or after 7.00 pm each day and no such Heavy Goods Vehicles shall leave the site before 7.30 am or after 7.00 pm each day.</p> <p>A written record of the timing of such 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 and MWJP Policies D02 and D03.</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>

-	Access and transport
	<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:</p> <p>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 and MWJP Policies D02 and D03.</p>
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:</p> <p>To minimise the impact of HGV trips in the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policies D02 and D03.</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

	<p>Landscape and visual amenity</p>
	<p>external surfaces and maintenance of the integrity of cladding to reduce the potential for light pollution.</p> <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 and MWJP Policies D04 and D06.</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 and MWJP Policies D04 and D06.</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>

	Landscape and visual amenity
	<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 and MWJP Policies D04 and D06.</p>
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 and MWJP Policies D04 and D06.</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 and MWJP Policy D09.</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</p>

	Prevention of pollution
	<p>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 and MWJP Policy D09.</p>
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 and MWJP Policy D09.</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 and MWJP Policy D09.</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, hydrocarbons, 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 and MWJP Policy D09.</p>

-	Prevention of pollution
40.	<p>No materials shall be discharged via the sea outfall other <u>than</u>:-waters; extracted from underground pumping works; from the processing effluent stream; from treated surface and waste water collected through the Mine drainage system and; sea water collected to create a discharge medium.</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 and MWJP Policy D09.</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 and MWJP Policy D09.</p>

	Habitats and ecology
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 and MWJP Policy D07.</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 and MWJP Policy D07.</p>

-	Archaeology and historic environment
44.	<p>Prior to commencement of approved final site restoration works required by condition 47 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 and MWJP Policy D08.</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 and Policy D11 of the MWJP which seek to ensure that new development contributes to reduced carbon emissions.</p>

	Decommissioning, Restoration and aftercare
46.	<p>Prior to commencement of the final decommissioning of Boulby Mine 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 and MWJP Policy D08.</p>
47.	<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;

	<p>Decommissioning, Restoration and aftercare</p>
	<ul style="list-style-type: none"> • 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; • 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 and MWJP Policy D10.</p>

	Decommissioning, Restoration and aftercare
48.	<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>
49.	<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 and MWJP Policy D10.</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>