

North York Moors National Park Authority

Internal Memorandum

To: Mr Chris France (Director of Planning)

From: Mr Rob Smith

Mr Rob Smith (Senior Minerals Planner)

File Ref: NYM/2019/0764/MEIA

Applicant: Cleveland Potash Ltd

Application for 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 at Boulby Mine, Loftus

I enclose for your attention the file relating to the above planning application which was **approved** by the Planning Committee on 02 December 2021, subject to Advertisement as a departure from the development plan and completion of a Section 106 legal agreement.

Following the resolution by planning Committee on 2 December 2022 the application has been advertised as a Departure to the development plan, in line with relevant legislation and the Secretary of State has also been notified. The period for receipt of representations has expired and no representations have been received.

In accordance with member debate during the Planning Committee meeting, the wording of recommended planning conditions, relating to HGV transport, has been refined and clarified (to ensure a maximum of 150,000 tonnes per annum and 66 HGV loads/day import export limits). Minor revisions to the detailed wording of conditions, including conditions 1, 3 and 46, have also been made to reflect the passage of time between the Committee resolution and the issuing of the decision notice and to clarify the scope and purpose of the conditions. These changes are not considered to have any material impact on the terms of the decision to be issued, relative to the resolution made by Committee.

As also requested by members, an additional planning obligation has also been included in the draft S106 agreement to require best endeavours by the applicant to make the mineral railway track bed available for public use following restoration of the site.

A further consideration is that, since the resolution made by Committee on 2 December 2021, the Minerals and Waste Joint Plan (MWJP) has been adopted and now forms part of the statutory development plan for the area. The officer report to Planning Committee on the application noted that the draft MWJP was at a very advanced stage of preparation and that the Committee was entitled to give some weight to relevant policies, referred to in the officer report, as they were not subject of significant unresolved objections through the Examination in Public.

The draft policies referred to in the officer report to Committee were in the form as proposed to be modified by draft main modifications already discussed and agreed in principle through the Examination in Public. The Inspector's final report of the EiP was received on 8 February 2022, including a final schedule of the Inspector's recommended Main Modifications. These recommended Main Modifications have not changed since those available in draft form at the date of determination of the planning application.

The MWJP was adopted by the Authority on 21 March 2022 and will now carry full weight as part of the development plan. As the wording of the relevant policies (incorporating the main modifications) has not changed, the relevant issue in this instance is that full rather than partial weight can be attached to them. It is considered that this increase in weight applicable to relevant policies does not have any material impact on the approach to determination of the application and does not lead to any need to review the previous officer recommendation to Committee. Nor would it be expected to have any material impact on the nature of the resolution made by the Planning Committee on 2 December 2021. Correspondingly, it is not considered that there is any need to refer the application back to Planning Committee for redetermination.

The terms of the Section 106 agreement have now been agreed in principle between the NPA and the applicant and, subject to confirmation from the Authority's legal adviser that the agreement has been duly completed, it is considered that the planning decision notice can now be issued.

I should be pleased if you would approve the issue of the decision notice.

Signed: Mr Chris France

Date: 26/05/2022

A handwritten signature in black ink, appearing to be 'C. France', written in a cursive style.