

**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

To: Cleveland Potash Ltd
c/o Wood
fao: Mr Neil Marlborough
Partnership House
Regent Farm Road
Gosforth
Newcastle Upon Tyne
NE3 3AF

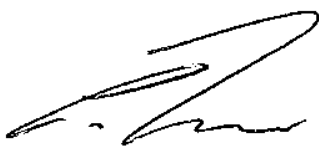
The above named Authority being the Planning Authority for the purposes of your application validated 31 October 2019, in respect of proposed development for the purposes of **the winning and working of polyhalite and salt over a 25 year period from 2023, temporary importation of muriate of potash (MOP) 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**, has considered your application, and;

PURSUANT TO THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 has taken the environmental information into consideration, and.

Has assessed the application in relation to the statutory development plan and other material considerations, including all representations received in response to public consultation, and.

HAVING REGARD TO:

- a) The outcome of consideration of the application under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, which concluded that the development would not have any Likely Significant Effects on the North York Moors Special Area of Conservation and Special Protection Area.
- b) Proposed mitigation and monitoring measures including:
 - The phased partial removal of surface buildings and infrastructure and the cessation of importation and processing of muriate of potash by 31 December 2027.
 - Enhanced on-site landscaping measures.
 - Ongoing monitoring and mitigation measures for noise and air quality impacts and other environmental and sensory impacts of the development, including pollution control and ecological measures.



Mr C M France
Director of Planning

Date 27 May 2022

Please Note your Rights of Appeal are attached to this Decision Notice

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- A Section 106 legal agreement to provide necessary and reasonable mitigation and compensation measures for residual off-site harmful impacts including in relation to landscape and visual harm and associated National Park Special Qualities, harm to the historic environment, offsetting of carbon emissions, HGV traffic controls, offshore effluent monitoring, and harm to the tourism economy.

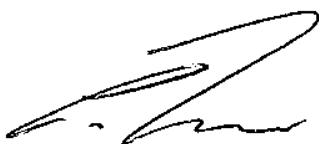
HAS GRANTED PLANNING PERMISSION FOR THE FOLLOWING REASON:

The important sub-national scale economic and socio-economic benefits of the development and the associated subordinate benefits from maintaining an indigenous supply of polyhalite and salt minerals are, taking into account the proposed mitigation measures, considered to outweigh the environmental and other harm caused by the development such that the development represents exceptional circumstances and is in the public interest and therefore satisfies the policy test for major development in the National Park, as required by Policy D04 of the adopted Minerals and Waste Joint Plan (2022) and Strategic Policy D of the adopted Local Plan (2020);

AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. The development hereby permitted shall be deemed to be commenced on the 1 June 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.
2. 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.
3. 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).
4. 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.
5. 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 5 May 2051.

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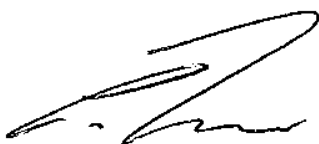
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6. No importation into the Boulby Minehead operational site of muriate of potash or any other minerals or mineral products, for onward sale in combination with polyhalite extracted at Boulby Mine or for any other purpose, shall take place after 31 December 2027.
7. 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.
8. 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.
9. 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.
10. 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 MPA. The Strategy shall include:
 - 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.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 MPA. The Subsidence Remediation Strategy shall include:

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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.

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:

- Once the remedial measures set out in the approved Subsidence Remediation Strategy have been implemented;
- 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.

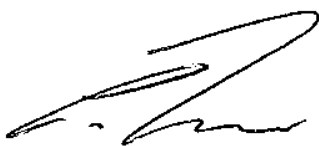
11. Within three months of the commencement of the development an updated scheme of Phased partial deconstruction works at the Boulby Minehead operational site shall be submitted for the written approval of the MPA, indicating the overall scope and timing of works within each phase of partial deconstruction. 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:

- 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.

All Phased partial deconstruction works shall be carried out in accordance with the details so approved.

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.

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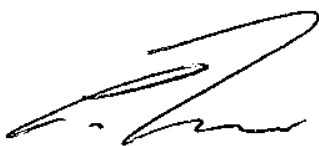
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12. Notwithstanding the requirements of condition 11 (fourth bullet point) above at least three months prior to the commencement of Phased partial deconstruction activities a deconstruction noise and vibration management plan shall be submitted for 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.
13. 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.
14. 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.
15. 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.
16. 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;

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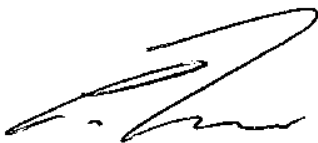
- the final landform to be created;
- the distribution of the approved restoration land uses across the restored area;
- the measures to be incorporated to ensure that the restored land uses incorporate appropriate measures for biodiversity and habitat creation;
- the cover materials, soil and soil forming 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.

Initial restoration works and aftercare shall be implemented in accordance with the details so approved unless otherwise agreed in writing by the MPA.

17. 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:

- 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;

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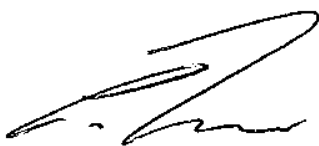
- Details of the noise and vibration monitoring system to be installed around the Boulby Minehead operational site to continuously log noise levels during operations. The NVMP shall recommend the number and location of noise monitors installed around the boundaries of the Boulby Minehead operational 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 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.

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.

Management of noise and vibration shall take place in accordance with such details as may be approved under the terms of this condition.

18. The development shall be carried out so as to ensure that the rating level L_{Ar,Tr} of noise emitted from the site shall not exceed the representative background sound level LA_{90,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_{Ar,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.

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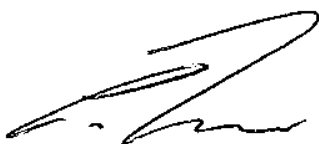
Within one month of approval of the Noise and Vibration Management Plan required by condition 17 of this permission noise monitoring and reporting shall commence and be carried out to demonstrate compliance with the above requirement. Should the monitoring indicate exceedance of the requirement, then 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.

19. Vibration from operations on site (excluding short-term demolition operations) shall not exceed 0.3mm/s (PPV) at any residential property at any time.

20. 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:

- 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:
 - 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;

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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;

- 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.

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.

Management of dust shall take place in accordance with such details as may be approved under the terms of this condition.

21. 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:

- Locations for air quality monitoring, which may be on and off-site;

- The air quality parameters to be monitored;

- Monitoring periods and frequency;

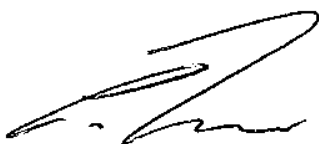
- Trigger levels for implementation of mitigation measures;

- 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;

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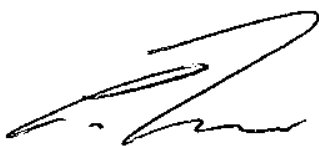
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- The procedures to be used to respond to and communicate with relevant interested parties including the MPA, RCBC and SBC EHOs and the local community with regard to air quality management matters.
An updated Air Quality Management Plan shall be submitted 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.
Management of air quality shall take place in accordance with such details as may be approved under the terms of this condition.
- 22. 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.
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.
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.
Management of odour shall take place in accordance with such details as may be approved under the terms of this condition.
- 23. 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:
 - 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;

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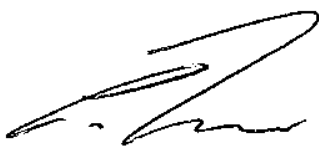
- The proposed timing for the completion of implementation of the measures set out in i) to v) above which shall in any event be completed within 12 months of the approval by the MPA of the LMP required under the terms of this condition;
- The management measures to be taken to ensure that the use of 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.

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.

Management of lighting shall take place in accordance with such details as may be approved under the terms of this condition.

24. 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.
25. 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.
26. 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.
27. 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:
- 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

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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.

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.

28. 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 shall enter the site before 6.45 am or after 7.00 pm each day and no Heavy Goods Vehicles shall leave the site before 7.30 am or after 7.00 pm each day.

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.

29. 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 Plan 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.

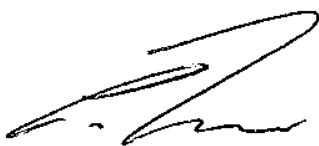
The Travel Plan shall be subject to a review every five years and such additional or revised sustainable travel measures as may be agreed with the MPA shall be incorporated into an updated Travel Plan for written approval by the MPA.

Actions identified in the approved Travel Plan shall be implemented in accordance with agreed timescales to be identified in the Travel Plan.

30. 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 routing, 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.

Actions identified in the approved Deliveries Management Plan shall be implemented in accordance with agreed timescales to be identified in the Plan.

Continued/Condition(s)



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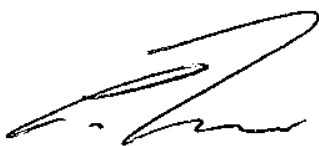
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31. Within twelve months of the commencement of the development a scheme of refurbishment and maintenance of the external appearance of such buildings and clad structures within the Boulby Minehead operational site as are to remain following completion 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:
- 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.
- Refurbishment and maintenance works shall take place in accordance with such details as may be approved under the terms of this condition.
32. 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.
- The approved tree planting and soft landscaping works shall be maintained for the life of the development unless otherwise agreed by the MPA.
- 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.
33. 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.

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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.

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.

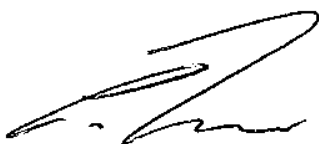
34. Within twelve months of the commencement of the development a Landscape and Ecological Management Plan for the long term management of established areas of woodland within the Boulby Minehead overall site, comprising woodland at Lowhouse Wood, Park Wood, Boulby Gill and Twissie Gill shall be submitted 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.

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.

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.

35. 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.
36. 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.
37. There shall be no importation of any controlled wastes to the mine.
38. 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.

Continued/Condition(s)



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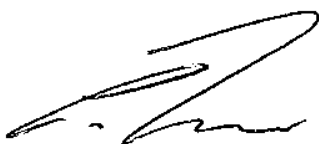
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39. Within 12 months of the commencement of the development a Surface Water Monitoring Scheme for monitoring of the quality of surface water discharged from the site to surface watercourses shall be submitted for the written approval of the MPA. Such scheme shall include, but is not limited to:
- 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.
- 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.
40. No materials shall be discharged via the sea outfall other than 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.
41. 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. 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.

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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.

42. 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.

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.

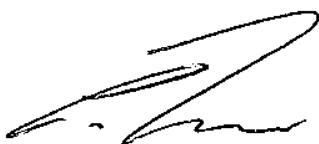
43. A Protected Species Management Plan shall be submitted for the written approval of the MPA within 12 months of the commencement of the development, identifying the specific actions to be taken to ensure protection of any protected wildlife species present on site during the operational life of the Mine including but not necessarily limited to:
- Bats (all species);
 - Great Crested Newt

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.

44. 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.

45. 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.

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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.

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.

Upland peat restoration works shall thereafter be undertaken in accordance with the detailed implementation schemes so approved.

46. 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.

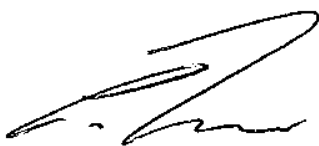
47. A detailed scheme of decommissioning and restoration of the Boulby Minehead operational site, including all surface buildings and infrastructure associated with science research, shall be submitted for the written approval of the MPA by the earlier of:

- 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.

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;

- 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;

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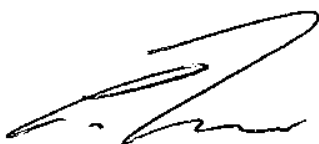
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- details of the final landform to be created;
 - replacement of soil and soil forming materials including the proposed depth of cover;
 - cultivation, seeding and planting specifications and measures to achieve the intended afteruses including maintenance 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;
 - 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.
- 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.
48. 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:
- 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.
- Aftercare of the site shall take place in accordance with the details so approved unless otherwise agreed in writing by the MPA.
49. This permission shall expire when all site aftercare requirements have been discharged to the satisfaction of the MPA.

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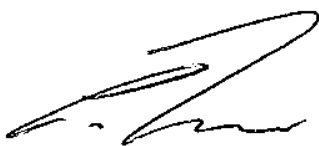
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1. This consent is issued subject to the terms of the Agreement (under Section 106 of the 1990 Town and Country Planning Act) dated 25 May 2022 between the North York Moors National Park Authority and Cleveland Potash Limited to provide offsite mitigation and compensation for the harmful impacts of the development.
2. 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.
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).
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. Your attention is drawn to the [Coal Authority Policy](#) in relation to new development and mine entries.
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.
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](#).
3. 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.
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.

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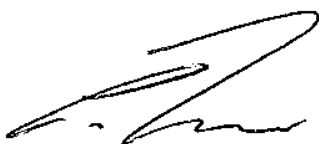
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5. All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 39(1) of the Conservation (Natural Habitats etc.) Regulations 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. 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](#). Further information on wildlife legislation relating to birds can be found on the [RSPB's website](#).
If advice is needed, please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk.
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 on [DEFRA's website](#).
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.

Reason(s) for Condition(s)

1. 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.
2. For the avoidance of doubt and to accord with the provisions of NYM Local Plan Strategic Policy A and MWJP Policy D04.
3. For the avoidance of doubt and to accord with the provisions of NYM Local Plan Strategic Policy A and MWJP Policy D04.

Continued/Reason(s) for Condition(s)



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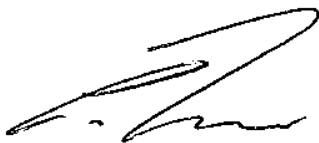
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4. To ensure the satisfactory implementation of mitigation measures identified in the Environmental Statement and to ensure compliance with NYM Strategic Policies A, C, D, E, F and G and MWJP Policy D04.
5. To ensure compliance with Sections 91 to 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.
6. For the avoidance of doubt and to accord with the provisions of NYM Local Plan Strategic Policies A and D and MWJP Policy D04.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policies D02, D04 and D06.
13. 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.
14. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D02.
15. To accord with the provisions on NYM Local Plan Policy ENV11 and MWJP D08.
16. 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.
17. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D02.
18. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D02.
19. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D02.
20. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D02.

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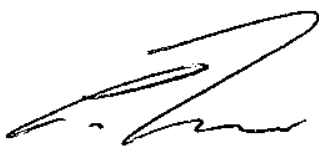
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21. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D02.
22. In the interests of amenity and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D02.
23. In the interests 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. In the interests of amenity and to accord with the provisions of NYM Development Policy 1 and MWJP Policies D04 and D06.
33. 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.
34. 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.
35. In the interests of amenity and to accord with the provisions of NYM Local Plan Strategic Policy C and MWJP Policy D09.
36. For the protection of the water environment and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D09.
37. For the avoidance of doubt and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D09.

Continued/Reason(s) for Condition(s)



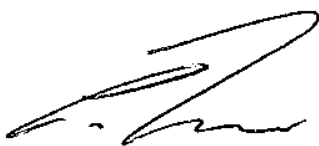
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38. To reduce the risk of pollution to the water environment and to accord with the provisions of NYM Local Plan Policy ENV7 and MWJP Policy D09.
39. To ensure protection of water quality and the natural environment in accordance with NYM Local Plan Strategic Policy H and Policy ENV7 and MWJP Policy D09.
40. 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.
41. For the protection of the water environment and to accord with the provisions of NYM Local Plan Policy ENV5 and MWJP Policy D09.
42. 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.
43. 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.
44. To protect the historic environment and to accord with NYM Local Plan Policies ENV9 and ENV10 and MWJP Policy D08.
45. 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.
46. To accord with the provisions on NYM Local Plan Policy ENV11 and MWJP Policy D08.
47. 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.
48. 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, H and I.
49. 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.



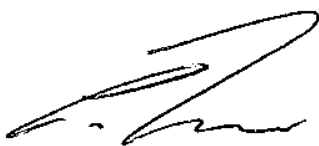
Mr C M France
Director of Planning

Date 27 May 2022

Town and Country Planning Act 1990
North York Moors National Park Authority

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

Glossary of Terms used in this decision notice	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.



Mr C M France
Director of Planning

Date 27 May 2022

Please Note your Rights of Appeal are attached to this Decision Notice

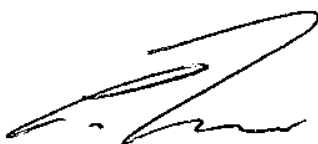
**Town and Country Planning Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Permission to Carry out Development**

Abbreviations used in this decision notice	Meaning
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

Explanation of how the Authority has Worked Positively with the Applicant/Agent

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.



Mr C M France
Director of Planning

Date 27 May 2022

Please Note your Rights of Appeal are attached to this Decision Notice

Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to:
 - a) refuse an application for planning permission or grant it subject to conditions;
 - b) refuse an application for any consent, agreement or approval required by a condition imposed on a grant of planning permission or grant it subject to conditions; or
 - c) refuse an application for any approval required under a development order

they may appeal to the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.