

# North York Moors National Park Authority

## Delegated decision report

**Application reference number:** NYM/2022/0316

**Development description:** permission for drilling to undertake remediation work on a previously drilled borehole and further exploratory drilling works with associated plant, equipment including drilling rig (max height 30 metres)

**Site address:** Woodsmith Mine, Sneaton

**Parish:** Sneaton

**Case officer:** Mr Rob Smith

**Applicant:** Anglo American Woodsmith Ltd

**fao:** Mr Robert Staniland, c/o Agent

**Agent:** Lichfields

**fao:** Mr James Cox, 15 St Paul's Street, Leeds, LS1 2JG

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text																								
1	TIME01	<p>Standard Three Year Commencement Date</p> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p>																								
2	TIME09	<p>Temporary Permission for Three Years - Operational Development</p> <p>The permission hereby granted is valid only for three years from the date of this permission and the development shall be removed from the site before this consent expires and the site restored in accordance with details to be submitted to and agreed by the Mineral Planning Authority before that date.</p>																								
3	PLAN01	<p>Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified</p> <p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="0"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>40-ARI-WS-7100-CI-22-01092</td> <td>01 April 2022</td> </tr> <tr> <td>General Arrangement</td> <td>40-ARI-WS-7100-CI-22-01091</td> <td>01 April 2022</td> </tr> <tr> <td>Construction Method Statement</td> <td>40-SMP-WS-8300-PA-MS-00001</td> <td></td> </tr> <tr> <td>Construction Environment Management Plan</td> <td>40-RHD-WS-70-EN-PL-0053</td> <td></td> </tr> <tr> <td>Construction Vehicle Management Plan</td> <td>40-RHD-WS-70-EN-PL-0053</td> <td></td> </tr> <tr> <td>Noise and Vibration Management Plan</td> <td>40-RHD-WS-70-EN-PL-0054</td> <td></td> </tr> <tr> <td>Hydrogeological Risk Assessment</td> <td>40-FWS-WS-70-WM-RA-</td> <td></td> </tr> </tbody> </table>	Document Description	Document No.	Date Received	Location Plan	40-ARI-WS-7100-CI-22-01092	01 April 2022	General Arrangement	40-ARI-WS-7100-CI-22-01091	01 April 2022	Construction Method Statement	40-SMP-WS-8300-PA-MS-00001		Construction Environment Management Plan	40-RHD-WS-70-EN-PL-0053		Construction Vehicle Management Plan	40-RHD-WS-70-EN-PL-0053		Noise and Vibration Management Plan	40-RHD-WS-70-EN-PL-0054		Hydrogeological Risk Assessment	40-FWS-WS-70-WM-RA-	
Document Description	Document No.	Date Received																								
Location Plan	40-ARI-WS-7100-CI-22-01092	01 April 2022																								
General Arrangement	40-ARI-WS-7100-CI-22-01091	01 April 2022																								
Construction Method Statement	40-SMP-WS-8300-PA-MS-00001																									
Construction Environment Management Plan	40-RHD-WS-70-EN-PL-0053																									
Construction Vehicle Management Plan	40-RHD-WS-70-EN-PL-0053																									
Noise and Vibration Management Plan	40-RHD-WS-70-EN-PL-0054																									
Hydrogeological Risk Assessment	40-FWS-WS-70-WM-RA-																									

		0018  or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
4	HWAY04	Use of Existing Access (insert)  There shall be no access or egress between the highway and the application site by any vehicles other than via the existing access with the public highway at the main Woodsmith Mine site entrance. The access shall be maintained in a safe manner which shall include the repair of any damage to the existing adopted highway occurring during construction.
5	GACS00	Noise and vibration levels generated by the development hereby permitted, in combination with other noise and vibration from the Woodsmith Mine development, shall not exceed the limits established in conditions 20, 21 and 26 of the related planning permission reference NYM/2017/0505/MEIA dated 06 February 2018.
6	MISC00	The development hereby permitted shall only take place in strict accordance with the limits and mitigation measures contained in the Hydrogeological Risk Assessment and Construction Environment Management Plan forming part of the approved application documents.
7	LNDS00	Notwithstanding the submitted application details the maximum height of the drilling rig hereby authorised shall not exceed 30 metres above adjacent ground level unless otherwise agreed in writing by the Mineral Planning Authority.
8	GACS00	No lighting shall be installed on, or used in association with, the development hereby permitted unless mitigation measures are applied in accordance with the details specified in paragraph 3.4.2 of the Construction Environment Management Plan reference 40-RHD-WS-70-EN-PL-0053 accompanying the application documents.
<b>Reason(s) for condition(s)</b>		
Reason number	Reason code	Reason text
1	TIME01	To ensure compliance with Sections 91 to 94 of the Town and

		Country Planning Act 1990 as amended.
2	TIME00	To minimise the impact of the development on the landscape and Special Qualities of the National Park in accordance with NYM Strategic Policy A and to ensure that the timeframe of the development is consistent with the associated construction works at Woodsmith Mine permitted under reference NYM/2017/0505/MEIA.
3	PLAN01	For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Strategic Policy A and Strategic Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
4	HWAY04	In accordance with NYM Policy CO2 and MWJP Policy D02 and in the interests of both vehicle and pedestrian safety and the visual amenity of the area.
5	GACS01	In order to comply with the provisions of NYM Strategic Policy C and MWJP Policy D02 which seek to ensure that new development does not detract from the quality of life of local residents.
6	MISC00	To protect the natural environment of the National Park in accordance with NYM Strategic Policy H and Policy ENV7 and MWJP Policy D07 and to ensure that the development is carried out in a way which is consistent with the outcome of the Habitats Regulations Screening Assessment for the development.
7	LNDS01	In order to comply with the provisions of NYM Strategic Policy C and MWJP Policies D02 and D06 which seek to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
8	GACS01	In order to comply with the provisions of NYM Strategic Policy C, NYM Policy ENV4 and MWJP Policy D02 which seek to ensure that new development does not detract from the quality of life of local residents or have an unacceptable impact on the landscape and Special Qualities of the National Park.

## Consultation responses

### Parish

Sneaton Parish Council – no objection

Eskdaleside cum Ugglebarnby Parish Council – has no comment

### Highways

Has not responded

### Yorkshire Water

Comment that whilst the development has the potential to cause pollution to groundwater, significant mitigation has been incorporated in the proposals to address this and therefore the risk to public water supplies is low.

**Environmental Health** – No response received

**North Yorkshire Fire and Rescue Service** - No comment

### Natural England

State that, based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites, protected landscape or soils and has no objection.

NE also advises that, whilst the proposal is not directly connected with or necessary for the management of the European site, based on the plans submitted the proposal is unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment. NE recommends that, when recording for HRA purposes, the NPA refer to the applicant's Hydrological Risk Assessment and appendices and the Construction Environment Management Plan to justify its conclusions regarding the likelihood of significant effects.

**Environment Agency** – No objection

**MoD Defence Infrastructure Organisation** – No objection

### Third party responses

None received

### Publicity expiry

26 May 2022

## Background

Prior to the initial grant of permission for the Woodsmith Mine development in 2015 a range of exploratory activity took place at the site, including the drilling of several exploration and investigation boreholes under separate planning permissions. These included permissions granted in 2012 and 2014 (both subsequently modified) for the drilling of boreholes in the intended location of the main Production shaft.

Since the commencement of substantive construction works for the new Mine in 2017 a large quantity of surface infrastructure, related to both temporary construction activity and permanent works, has been installed at the site. Work has commenced on sinking the Service shaft and is now underway to prepare for sinking of the Production shaft.

As part of a continuing process of evaluation of constructions issues and risks the developer is now seeking permission to drill further boreholes from a surface location approximately 125m to the north of the centre line of the Production shaft. These comprise two key elements:

- i) Drilling to undertake remediation work on a borehole previously drilled in 2013/14 (SM14 borehole) down the line of the Production shaft. As part of this, the works seek to seal a potential pathway for high pressure fluid inflow formed by an open section of borehole that was left following an accidental side-track during the earlier drilling works. The applicant states that the open ungrouted section of first pilot hole (SM14) presents a risk to the process of sinking the Production shaft, as it forms a migration pathway via which uncontrolled groundwater ingress could occur from the Sherwood Sandstone aquifer. The remediation works would use directional drilling to intercept the original borehole to allow grouting of the currently ungrouted section, in order to mitigate the risk of uncontrolled groundwater up flow into the shaft during construction. It is anticipated that these works would take approximately 7 months and upon completion, the new borehole would undergo a formal abandonment procedure.
- ii) Drilling to obtain additional Mineral Resource and mine planning information. These drilling works would make use of the same equipment needed as part of the borehole remediation works detailed above, to obtain further data on the sub-surface polyhalite resource in the vicinity of the Production shaft, to inform the future development and operation of the mine. This would involve drilling down to the Aislaby Group to a total depth of approximately 1,650 m bgl. A number of lateral boreholes would also be drilled from the initial hole, extending up to several hundred metres laterally, to gain information over a wider area. It is anticipated that these works would take approximately 24 months in total and would follow sequentially from completion of drilling associated with the borehole remediation works described in i) above.

Both of the above elements would involve utilisation of the same drill rig, with a maximum height of 30 metres, in the same location. To facilitate the works, a compound would be established at the northern end of the Mine site, within the existing shaft platform area, to include welfare facilities comprising a containerised canteen, a site office, changing facilities and stores. These would be located around the perimeter of the compound; would be single stacked and; either painted dark green/brown RAL6008 (or similar) or covered within similar coloured sheeting or netting. Some drilling activities would need to take place on a 24 hour basis. Upon completion of the works the drill rig and associated containers and equipment would be removed from site and the area reincorporated into the adjacent shaft platform area pending final landscaping works for the operational stage of the Mine.

Vehicular access to the site for the purposes of the drilling operations would be via the existing main Woodsmith Mine site entrance. The applicant has confirmed that movements associated with drilling operations would be accommodated alongside other Mine traffic within the established maximum limit on vehicle movements already established for the Mine.

A range of mitigation measures would be applied by the developer to control impacts from the development, including measures relating to noise, vibration, ground and surface water protection and lighting impact and control of emissions to air. These measures would be consistent with those already agreed via schemes approved through the discharge of conditions attached to the substantive Mine permission (NYM/2017/0505/MEIA) but tailored as necessary to reflect the specific nature of the drilling operations proposed.

## Main issues

### Local Plan and Minerals and Waste Joint Plan

As the development is directly connected with an ongoing minerals development the policies in the Minerals and Waste Joint Plan (MWJP) are of most direct relevance to this proposal, although policies in the Local Plan can also be applied where relevant, as part of the overall development plan.

MWJP Policy D02 (Local amenity and cumulative impact) requires that there will be no unacceptable impact on local communities, residents, local businesses and users of public rights of way and open space as a result of noise, dust, vibration, emissions to air, visual intrusion, opportunities for understanding and enjoyment of NP Special Qualities and cumulative impact.

MWJP Policy D06 (Landscape) requires that where development is proposed in the National Park a very high level of protection of the landscape is required, unless the need for, or benefits of, the development outweigh the harm caused. It also states that where proposals may have an adverse impact on landscape, tranquillity or dark night skies provision should be made for a high standard of design and mitigation.

MWJP Policy D06 (Biodiversity and Geodiversity) requires a very high level of protection for sites designated at international level and states that development which would have an unacceptable impact (on these designations) will not be permitted.

MWJP Policy D09 (Water environment) states that proposals will be permitted where it can be demonstrated there will be no unacceptable impacts taking into account proposed mitigation measures.

MWJP Policy D11 (Sustainable design, construction and operation of development) requires incorporation into development of sustainability measures proportionate to the scale and nature of the development being proposed.

NYM Local Plan Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Strategic Policy C (Quality and design of development), Strategic Policy E (The natural environment), Strategic Policy G (Landscape) and Strategic Policy H (Habitats, wildlife, biodiversity and geodiversity) are all consistent with the relevant MWJP policies summarised above, requiring a very high standard of protection to the environment of the National Park and its identified Special Qualities.

Local Plan Policies ENV2 (Tranquillity), ENV4 (Dark Night Skies and Policy ENV7 (Environmental Protection) are also of relevance in reinforcing equivalent policy content in the MWJP.

#### Main considerations

The proposed development, by contributing to 'de-risking' of the sinking of the Production shaft and improving the level of knowledge of the minerals resource within the immediate vicinity of the shaft site would, in general terms, be expected to facilitate the eventual evolution of the Mine development into its production phase. This is relevant within the context of the NPA's conclusion, when first granting permission for the overall Mine permission in 2015, that the development represented exceptional circumstances and is in the public interest under the 'major development test' policy.

However, it is also necessary to consider the range of specific main issues and impacts that might arise with the development now proposed, particularly the impacts of the development on the environment and local amenity, including cumulative impact alongside the existing Woodsmith Mine construction activities.

As a major construction site, there is already a wide range of activity taking place on site, at both surface and sub-surface levels. Although construction of the Mine is well advanced, there is a significant construction effort still required to bring the Mine into operation. It is therefore expected that, based on current information, construction work will still be in progress at the end of the 31 month period anticipated by the applicant as being required to undertake the additional remedial and exploratory drilling works being proposed. The surface location proposed for the siting of the drill rig and supporting plant and equipment falls wholly within the area already under development



for construction of the Mine and would therefore be perceived as part of that ongoing development activity, rather than a wholly separate element.

Nevertheless, the drill rig would be a relatively tall structure and would only be exceeded in height by the Mineral Transport System temporary winding tower (45m high) and the jib of any extended cranes during their temporary use in support of construction works. Although the location of the rig is effectively surrounded on all sides by existing buildings and structures, or by temporary or permanent screening and soil mounds, the upper part of the rig would nevertheless be visible from certain publicly accessible locations, including users of the adjacent B1416 road immediately to the west and, to a much more limited extent, from certain locations along the A171 approximately 3km to the East. The lower part of the rig and associated plant and equipment would either be effectively screened by the surrounding topography and other elements of mine construction activity, or in practice would be difficult to distinguish from other construction works in any long distance views available from the East. The applicant has indicated that, whilst the majority of lighting needed to support 24 hour drilling activity (where this is required), will also be located at a low level and would be sited and controlled to minimise it's visibility from locations external to the site, in line with existing site protocols and 'dark skies' objectives, there would be a need for a floodlight on the drill rig mast itself for health and safety reasons. This would be likely to lead to a small but perceptible increase in lighting impact compared with the existing situation.

In overall term it is considered that, whilst the development would lead to a limited degree of additional and temporary visual and landscape impact, during both daytime and night-time hours, taking into account proposed mitigation the extent of such impact would not be unacceptable within the context of the requirements of MWJP Policies D02 and D06 and NYM Local Plan Strategic Policies A and G and Policy ENV4.

The application is supported by a detailed noise and vibration assessment which considers impacts from the development in association with other noise generating sources on site (including noise expected to arise as further surface level works for permanent mound construction take place in the northern part of the Woodsmith Mine site). This assessment demonstrates that the drilling activity during both daytime and night-time hours should be capable of being undertaken in line with existing noise level and vibration limits established through the main Woodsmith Mine permission. Monitoring of noise and vibration would continue in line with existing arrangements.

Similarly, emissions to air have been subject of detailed assessment in combination with other predicted impacts from the Mine development and the assessment indicates that cumulative emissions would remain below levels considered acceptable at the point where the substantive permission for development of the Mine was granted.

On this basis it is not considered that the development would give rise to an unacceptable degree of impact on local amenity or on the tranquillity of the National Park, in line with MWJP Policies D02 and D06 and NYM Strategic Policy C and Policy ENV2.

The implications of the proposed development for surface and water resources and quality is an important factor. A hydrogeological risk assessment has been undertaken which concludes that the proposed remediation and resource drilling works present a negligible physical and chemical impact on groundwater levels and quality in the Ravenscar aquifers and a negligible physical and chemical impact on groundwater levels and quality contributing to Moorside Farm and Soulsgrave Farm springs. In this respect it is noted that the Environment Agency has confirmed that it has reviewed the hydrogeological risk assessment and that it has no objection to the development. Yorkshire Water has also confirmed that it has no objection.

The assessment also states that during the drilling works programme, construction ground and surface water monitoring will be undertaken in accordance with the procedures detailed in the Construction and Operation Groundwater and Surface Water Monitoring Scheme already approved and being implemented in conjunction with overall construction activities at the Woodsmith site. It is therefore concluded that the development would not give rise to any significant risk to ground or surface waters and would not be in conflict with the requirements of MWJP Policy D09 or NYM Policy ENV7.

In view of the proximity of the proposed development to the nearby North York Moors SAC/SPA (located approximately 150m to the west) Natural England advised that the development should be subject to screening under regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

In expressing this view NE also indicated that the proposal is not directly connected with or necessary for the management of the European site but that, based on the plans submitted, NE considers that the proposed development would be unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment. NE further recommends that, in recording its HRA, the NPA refer to the applicant's Hydrological Risk Assessment and appendices and the submitted Construction Environment Management Plan to justify such a conclusion.

The Authority's Senior Ecologist has also reviewed the information and shares the view that the proposed development would be unlikely to have a significant effect on any European site, either alone or in combination with other plans and projects, and can therefore be screened out from any requirement for further appropriate assessment.

On this basis it is considered that the development would not give rise to any unacceptable impacts on the natural environment and would be consistent with the requirements of MWJP Policy D06 and NYM Local Plan Strategic Policy H.

Other potential impacts of the development are considered to be either not significant within the context of the ongoing wider construction activity at the Woodsmith Mine site, or would be subject of adequate mitigation through the continued application of established schemes of monitoring and control applying to the overall Mine site.

### Conclusion

In conclusion therefore, it is considered that the development, which would be temporary and operate alongside other major construction activities at the Mine site, would be likely to contribute to the successful delivery of the overall Mine development and would not give rise to additional adverse impacts, either individually or cumulatively, such that any significant conflict with planning policy would arise. It is also noted that no objections have been received from consultees or third parties. It is therefore recommended that planning permission be granted subject to conditions.

### Contribution to Management Plan objectives

By enhancing prospects for the successful delivery of the Woodsmith Mine project approval is considered likely to help meet Objective 18 - Provide opportunities that attract, upskill and retain a local workforce working in high-value, knowledge-intensive jobs and the 'green' or 'landscape' economy.

### Explanation of how the Authority has worked positively with the applicant/agent

Pre-application discussion have been held with the applicant to ensure that the proposals minimise the impact of the development on the National Park and conform with the policies in the adopted development plan.