

Date: 05 July 2018  
Our ref: 248595  
Your ref: NYM/2018/0349/CVC



Mr Rob Smith  
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**BY EMAIL ONLY**

Dear Mr Rob Smith

**Planning consultation:** Application for verification check of conditions 4, 18, 34, 45, 46, 47, 52, 57, 59, 60, 68, 70, 71, 73, 76, 79, 81, 87, 91, 92, 93, 94, 95 & 97 of planning approval NYM/2017/0505/MEIA at Land at Woodsmith Mine (formerly Doves Nest Farm & Haxby Plantation), Sneatonthorpe (minehead); underneath 252 km<sup>2</sup> of the NYMNPA (winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton Complex (mineral transport system); Ladycross Plantation near Egton, Lockwood Beck Farm near Moorsholm, Tocketts Lythe, near Guisborough (intermediate shaft sites); site within the eastern limits of the Wilton Complex, Teeside (tunnel portal)

Thank you for your consultation on the above dated 31 May 2018 which was received by Natural England on the same date

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has considered the information provided with regards to the discharge of conditions for phase 5 of the project and has the following comments to make.

**Discharge planning conditions NYMNPA – 45, 46 and 87 with regards to hydrology, hydrogeology and water quality for Phase 4 works at Woodsmith Mine**

Natural England welcomes the Hydrological Risk Assessment report (ref 40-FWS-WS-70-WM-RA-0006 Rev 5) the report on Deep ReInjection Borehole, Recharge Trench and Groundwater Drainage Programmes (ref 40-ARI-WS-71-PA-RP-1060) provided in support of the application. We are satisfied, in the context of the mitigation and monitoring scheme in place, that the conditions can be discharged for this phase of the project.

**Discharge planning conditions NYMNPA-91 and 92 with regards to air quality management for Phase 3 works at Woodsmith Mine**

Natural England has previously raised concerns concerning the discharge of conditions in phase 4a of the project regarding the impacts of emissions from the project on the adjacent North York Moors SAC, SPA and SSSI in our letter dated 04 May 2018. However, having been provided with further clarifications regarding the assessment undertaken and reduction in generator sizes, we are satisfied with the discharge of both phase 4a and phase 5 conditions in relation to air quality and welcome the further details of the assessment provided.

With regards to the assessment of these condition discharges under the Habitats Regulations we advise that you consider the implications of the High Court judgment in *Wealden v SSCLG* [2017] EWHC 351 (Admin) (<http://www.bailii.org/ew/cases/EWHC/Admin/2017/351.html>). Natural England advises that competent authorities should ensure that in combination effects are properly

NYMNPA

06/07/2018

considered before plans or projects are screened out from further assessment. In some cases, thresholds could be applied to the combined effects from plans and projects to screen for in-combination effects.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

Yours sincerely

Merlin Ash  
Yorkshire and Northern Lincolnshire Team  
Natural England