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Date 01 December 2016  
Our ref 50303/04/HS/AK/12860078v2  
Your ref NYM/20014/0676/MEIA



Dear Mark

### North York Moors: Dove's Nest Farm – Application for Non Material Amendments to Planning Permission NYM/2014/0676/MEIA

On behalf of our client, Sirius Minerals, Nathaniel Lichfield & Partners (NLP) is pleased to submit an application for non material amendments (NMA) to planning permission NYM/2014/0676/MEIA. The proposed non material amendments relate to design changes to the approved internal access road and drill pad datum level at the Dove's Nest Farm minehead site. The submission of this NMA follows our recent discussions relating to these minor scheme changes and the appropriate procedural mechanism to secure them.

### Application Submission

This non material amendment application was submitted online via the planning portal on 01 December 2016 under reference PP-05665718. This application comprises the following documents:

- This covering letter;
- Completed application form; and
- Application Drawings YP-P10-DNF-CX-007 Rev B and YP-P10-DNF-CX-008 Rev A

### Background

On 19 October 2015, the NYMNPAA granted planning permission for the *"Winning and working of polyhalite by underground methods including the construction of a minehead at Dove's Nest Farm involving access, maintenance and ventilation shafts, the landforming of associated spoil, the*



*construction of buildings, access roads, car parking and helicopter landing site, attenuation ponds, landscaping, restoration and aftercare and associated works. In addition, the construction of an underground tunnel between Doves Nest Farm and land at Wilton that links to the mine below ground, comprising 1 no. shaft at Doves Nest Farm, 3 no. intermediate access shaft sites, each with associated landforming of associated spoil, the construction of buildings, access roads and car parking, landscaping, restoration and aftercare, and the construction of a tunnel portal at Wilton comprising buildings, landforming of spoil and associated works" (Council Reference NYM/2014/0676/MEIA).*

As part of Sirius Minerals' detailed design evaluation, it is necessary to request minor changes to the approved scheme. These changes involve:

1. The realignment of the internal access road:
2. Minor amendment to drill pad level above AoD

### **1 Realignment of the internal access road**

Sirius Minerals is proposing to realign the internal access road. (YP-P10-DNF-CX-007 Rev B). This change is intended to come forward as part of the phase 2 construction works to allow ease of access to the drill platform and to create a number of important highway efficiencies within the overall construction programme.

This change will create a more robust landscaping screen between the B1416 to the south and east and the platform area.

The sections of the road to be realigned remain some distance from the B1416 to the south/west of the site perimeter and will be largely screened from view as a result of the profile of the site. The re-aligned internal access road will not be more visible than the road previously approved, plus it will allow for the retention of more trees, further enhancing the outlook of the site.

We can confirm that the proposed change to the access road will not impact on Sirius' ability to meet the requirements of the planning conditions, including those relating to noise (18, 19, 20, 21, 24 & 25).

### **2 Minor Amendment to Drill Pad Level above AoD**

Under the approved scheme, a single platform area is to be introduced approximately 3 metres below existing AoD. Extensive excavation is required to create this single drill pad area. To reduce the extent of excavation required, Sirius Minerals is proposing to create a two-tiered drill platform, thereby removing the need for excavation at the lower level.

The northern section of the drill pad will be introduced as part of Phase 2 construction works, as shown in YP-P10-DNF-CX-007 Rev B and YP-P10-DNF-CX-008 Rev A. Under the approved scheme, the drill pad will be introduced at between + 199.64 and + 201.18 AoD. Under the revised design, the northern section of the lower tier will be introduced at between +199.5 and 201.0 AoD (at the TBM shaft) and the northern section of the upper tier will be introduced at + 202.5 AoD (at the service shaft) and + 204 AoD (at the production shaft), allowing the tiers to reflect the existing ground levels. The design of the remainder of the drill pads (shown dotted in P10-DNF-CX-007 Rev B) will come forward as part of Phase 3 works. The levels will be similar to those shown as part of the phase 2 works. The exact design will be agreed with the Authority as part of the discharge of the Phase 3 conditions.



Nathaniel Lichfield  
& Partners  
Planning. Design. Economics.

These latest plans should be read alongside the approved 'Dove's Nest Farm Proposed Site Plan and Block Plan' (653-AP-0005 Rev 1) and 'Dove's Nest Farm- Proposed Site Section Sheet 02 (653-AP-0009 Rev 3)

Moving from a single drill pad design to a two-tiered drill pad design will reduce the amount of cut and fill required to create this structure. Whilst the finished floor level of the proposed drill platform will increase from that currently approved, the maximum height of the temporary and permanent structures will remain unchanged. The mine site buildings will be designed to ensure that they remain within the confinements of the approved building envelope, where maximum building heights are set by the approved drawings. Full details of both the temporary and permanent structures (including all buildings) will be agreed with the Authority prior to their erection, as required by conditions 68 and 74 of the planning permission.

We can confirm that the proposed change to the drill pad levels will not impact on Sirius' ability to meet the requirements of the related planning conditions, including those relating to noise (18, 19, 20, 21, 24 & 25).

#### **Conclusion**

Whilst there is no statutory definition of what constitutes a 'non-material' amendment, Section 96A, part 2 of the Town and Country Planning Act 1990 (as amended) states that "*In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted*". Within the context of the approved scheme, we consider that both design changes are minor in nature and non-material to the approved scheme.

It is for the above reasons that we are confident that the Authority will agree that both design changes can be considered under the non material amendment process and we look forward to receiving notice of your approval of these minor changes.

Yours sincerely

**Justin Gartland**  
Chairman

Copy William Woods, Sirius Minerals  
Simon Carter, Sirius Minerals

Encl YP-P10-DNF-CX-007 Rev B  
YP-P10-DNF-CX-008 Rev A