

FAO Mark Hill
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

3rd Floor
15 St Paul's Street
Leeds LS1 2JG

nlpplanning.com

Date 13 January 2017
Our ref 50303/04/HS/AK/13080519v2
Your ref NYM/2014/0676/MEIA

Dear Mark

North York Moors: Dove's Nest Farm – Application to Partially Discharge Planning Conditions 18, 34, 46, 47, 57, 68, 70, 92, 93 and 94, and to fully discharge Condition 73 of Planning Permission NYM/2014/0676/MEIA

On behalf of our client, Sirius Minerals plc (Sirius Minerals), Nathaniel Lichfield & Partners (NLP) is pleased to submit an application for:

- 1 Limited and partial approval of Conditions 18, 34, 46, 47, 57, 68, 70, 92, 93, and 94 of Planning Permission NYM/2014/0676/MEIA, and
- 2 The full discharge of planning condition 73, of Planning Permission NYM/2014/0676/MEIA.

The North Yorkshire Polyhalite Project (The Project) will be delivered in a series of Phases. This application relates solely to Phase 2 Works at Dove's Nest Farm.

Background

On 19 October 2015, the NYMNPA 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).



NYM/2014/0676/MEIA was approved subject to 95 planning conditions and a Section 106 Agreement.

Proposals

1. Limited and Partial Approval of Conditions 18, 34, 46, 47, 57, 68, 70, 92, 93 and 94

As noted above, Sirius Minerals is seeking limited and partial approval of Conditions 18, 34, 46, 47, 57, 68, 70, 92, 93, and 94 of Planning Permission NYM/2014/0676/MEIA, via the submission of the information listed in Table 1 below.

Table 1: Application Submission for Phase 2 Works

Condition No	Information Required	Document Name/ Number	To be read in conjunction with
Condition 18	Noise & Vibration Management Plan	Phase 2 Dove's Nest Farm Noise and Vibration Management Plan (RHDHV007 Rev 1)	Dove's Nest Farm Phase 2: Construction Environmental Management Plan (CEMP) (RHDHV001 Rev 1) Contractor's Project Management Plan (Appendix 2 of CEMP) (44394-PH2-PMP-01 Rev 4)
Condition 34	Construction Traffic Management Plan	Phase 2 – Construction Traffic Management Plan (RHDHV008 Rev 0)	Dove's Nest Farm Phase 2: Construction Environmental Management Plan (CEMP) (RHDHV001 Rev 1)
Condition 46	Hydrogeological Risk Assessment, Monitoring Scheme & Remedial Action Plan	Hydrogeological Risk Assessment (1433DevOR27 Rev 3) Ground & Surface Water Monitoring Scheme (1433DevOR29 Rev 2) Remedial Action Plan 1433DevOR30 Rev 2)	Dove's Nest Farm Phase 2: Construction Environmental Management Plan (CEMP) (RHDHV001 Rev 1) Groundwater Management Scheme (1433DevOR31 Rev 4)
Condition 47	Groundwater Management Scheme	Groundwater Management Scheme (1433DevOR31 Rev 4)	Hydrogeological Risk Assessment (1433DevOR27 Rev 3) Ground & Surface Water Monitoring Scheme (1433DevOR29 Rev 2)



Condition No	Information Required	Document Name/ Number	To be read in conjunction with
			Remedial Action Plan 1433DevOR30 Rev 2)
Condition 57	Landscape & Ecological Management Plan	Dove's Nest Farm Phase 2 Landscape and Ecological Management Plan (2345 Version 2)	Arboricultural Method Statement: Phase Two Works: Dove's Nest Farm (2556.Ph2.DNF.YPL.AMS Rev 3a) Tree Protection Plan (2556.Ph2.DNF.YPL.TPP Rev 2) Haxby Plantation Belt Plantations and Whinny Wood Management Scheme (1000-ENV-EXE-REP-001 Rev 0)
Condition 68	Detail of Temporary Structures	Partial discharge of this condition is requested via the detail presented in the CEMP and appended Contractor's Project Management Plan, which provide details of the site compound and all associated temporary structures that will be present in Phase 2.	Dove's Nest Farm Phase 2: Construction Environmental Management Plan (CEMP) (RHDHV001 Rev 1) Contractor's Project Management Plan (Appendix 2 of CEMP) (44394-PH2-PMP-01 Rev 4)
Condition 70	Vegetation Management, including Arboricultural Method Statement	Arboricultural Method Statement: Phase Two Works: Dove's Nest Farm (2556.Ph2.DNF.YPL.AMS Rev 3a) Tree Protection Plan (2556.Ph2.DNF.YPL.TPP Rev 2)	N/A
Condition 92	Construction Vehicle and Plant Management Plan	Dove's Nest Farm Phase 2: Construction Vehicle and Plant Management Plan (RHDHV006 Rev 1)	Dove's Nest Farm Phase 2: Construction Environmental Management Plan (CEMP) (RHDHV001 Rev 1) Phase 2 – Construction Traffic Management Plan (RHDHV008 Rev 0)



Condition No	Information Required	Document Name/ Number	To be read in conjunction with
Condition 93	Construction Environmental Management Plan	Dove's Nest Farm Phase 2: Construction Environmental Management Plan (CEMP) (RHDHV001 Rev 1)	<p>Phase 2 Dove's Nest Farm Noise and Vibration Management Plan (RHDHV007 Rev 1)</p> <p>Protected Species Management Plans (Reptiles:RHDHV002 Rev2; Badgers:RHDHV003 Rev2; Birds:RHDHV004 Rev 2); and Bats:RHDHV005 Rev 2) (Submitted to the NPA on 23/12/2016)</p> <p>Phase 2 – Site Preparation, Dove's Nest Farm: NYMNPA 94 –Construction Method Statement (REP-P10-XXX-PLN-003 Rev 0)</p> <p>Phase 2 Site Preparation Works: NYMNPA 60 and 79 Surface Water Drainage Scheme (REP-P10-DNF-CD-001, Rev 1) (Submitted to the NPA on 23/12/2016)</p> <p>Discharge of Planning Condition NYMNPA 64 – Temporary Boundary Treatment (REP-P10-DNF-PLN-001 (Submitted to the NPA on 23/12/2016)</p> <p>Arboricultural Method Statement: Phase Two Works: Dove's Nest Farm (2556.Ph2.DNF.YPL.AMS Rev 3a)</p> <p>Tree Protection Plan (2556.Ph2.DNF.YPL.TPP Rev 2)</p> <p>Doves Nest Farm Construction Phase 2 Vegetation Clearance (YP-P10-DNF-CX-009 Rev 1)</p> <p>Soil Management Plan (1433DevOR162 Rev 5)</p>



Condition No	Information Required	Document Name/ Number	To be read in conjunction with
			<p>submitted to the NPA on 23/12/2016)</p> <p>Dove's Nest Farm Phase 2: Construction Vehicle and Plant Management Plan (RHDHV006 Rev 1)</p> <p>Written Scheme of Investigation for a Programme of Archaeological Works (Document: 660829/D Rev 0 submitted to the NPA on 23/12/2016)</p>
Condition 94	Construction Method Statement	Phase 2 – Site Preparation, Dove's Nest Farm: NYMNPA 94 –Construction Method Statement (REP-P10-XXX-PLN-003 Rev 0)	<p>Dove's Nest Farm Phase 2: Construction Environmental Management Plan (CEMP) (RHDHV001 Rev 1)</p> <p>Soil Management Plan (1433DevOR162 Rev 5 submitted to the NPA on 23/12/2016)</p> <p>Arboricultural Method Statement: Phase Two Works: Dove's Nest Farm (2556.Ph2.DNF.YPL.AMS Rev 3a)</p> <p>Written Scheme of Investigation for a Programme of Archaeological Works (Document: 660829/D Rev 0 submitted to the NPA on 23/12/2016)</p> <p>Protected Species Management Plans (Reptiles:RHDHV002 Rev2; Badgers:RHDHV003 Rev2; Birds:RHDHV004 Rev 2); and Bats:RHDHV005 Rev 2) (Submitted to the NPA on 23/12/2016)</p>



Lighting Conditions

Details of 'External' and 'Operational phase' lighting are required under Conditions 59, 62 and 63 of the Planning Permission. Sirius Minerals understands, from discussion with the Authority, that these conditions relate to operational phase lighting only and not the temporary, mobile task lighting that will be used in the construction phase; hence, discharge of these conditions is not required prior to Commencement of Development. Details of the temporary construction lighting arrangements for Phase 2 have been provided within the CEMP, in accordance with the requirements of Condition 93. We trust this approach is acceptable to the Authority.

Full Discharge of Planning Condition 73

This application also seeks the full discharge of planning condition 73 which requires that prior to the commencement of development, the applicant submits a scheme to maintain and manage the Haxby and Belt Plantations.

Full details of the scheme are set out in the attached 'Haxby Plantation Belt Plantations and Whinny Wood Management Scheme' (1000-ENV-EXE-REP-001 - Rev 0), including details of existing vegetation, the measures to be introduced to protect/ remove existing vegetation on site, how the woodland will be restored/ managed in the long-term and the planting strategies that will be put in place.

Phase 2 Works

Phase 2 covers the initial preparation of the minehead site at Dove's Nest Farm, specifically:

- General site clearance including tree clearance for the welfare road and scrub clearance, as shown on drawing YP-P10-DNF-CX-009;
- Construction of an acoustic fence/environmental barrier and installation of fencing, gates and security, as shown on drawing YP-P10-DNF-CX-004;
- Excavation and construction of the two tiered working platform with a western upper level at around 204m Above Ordnance Data (AOD) and an eastern lower level at around 200m AOD, as shown in drawing YP-P10-DNF-CX-004;
- Excavation and construction of site roads, as shown on drawing YP-P10-DNF-CX-004;
- Construction of temporary and permanent soil mounds, including the environmental screening bund (Bund A) along the western boundary, as shown on drawing YP-P10-DNF-CX-010;
- Construction of surface water drainage, silt removal facility and an attenuation pond with outfalls to an existing drain, as shown on Arup drawing YP-P10-DNF-CD-001; and
- Construction of a site compound to the east of the welfare access road.

The above drawings have been previously submitted to the Authority (23/12/2016) and are included again with this submission, for completeness.

Sirius Minerals acknowledges that the Phase 2 Works, as described, would constitute 'Commencement of Development', as defined in planning permission NYM/2014/0676/MEIA, and 'Commencement of Construction, as defined in the Section 106 Agreement.



Sirius Minerals acknowledges that limited and partial approval of Condition 18, 34, 46, 47, 57, 68, 70, 92, 93, and 94 of Planning Permission NYM/2014/0676/MEIA when given, does not constitute permission to undertake works other than those described, and that such works remain subject to the approval of other conditions that are required to be satisfied 'prior to the commencement of development'.

This approach has been discussed and agreed with your Planning Team and is consistent with the approach taken to date.

Application Submission

This application was submitted online via the planning portal on 13 January 2017 under reference PP-05736821 and comprises the following documents:

- This covering letter;
- Completed application form;
- The documents listed in Table 1 above; and
- Haxby Plantation Belt Plantations and Whinny Wood Management Scheme (1000-ENV-EXE-REP-001 Rev 0),

The requisite planning application fee of £97 was paid online by credit card.

We trust that you now have all necessary information to partially discharge planning conditions 18, 34, 46, 47, 57, 68, 70, 92, 93 and 94 and to fully discharge planning condition 73. However, should you have any queries or wish to discuss the matter further, please do not hesitate to contact me on the telephone number above.

Yours sincerely

Aisling Kelly
Senior Planner

Copy Simon Carter, Sirius Minerals
William Woods, Sirius Minerals
Robert Staniland, Sirius Minerals

Encl The documents listed in Table 1 above.

Haxby Plantation Belt Plantations and Whinny Wood Management Scheme (1000-ENV-EXE-REP-001 Rev 0).