

**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: York Potash Ltd
c/o Nathaniel Lichfield & Partners
fao: Justin Gartland
5th Floor
15 St Pauls Street
Leeds
LS1 2JG

The above named Authority being the Planning Authority for the purposes of your application validated 30 September 2014, in respect of proposed development for the purposes of **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 at Dove's Nest Farm & Haxby Plantation, Sneatonthorpe(proposed minehead); underneath 252 sq km of the NYMNPA(winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton International Complex(mineral transport system); Lady Cross Plantation near Egton, Lockwood Beck Farm near Moorsholm, Tocketts Lythe, near Guisborough(intermediate shaft sites); site within the eastern limits of the Wilton International Complex, Teesside(tunnel portal)** has considered your said application and has **granted** permission for the proposed development subject to the following condition(s):

Management of Construction

93.	<p>A Construction Environment Management Plan (CEMP) shall be submitted to and agreed in writing by the MPA prior to site Preparatory Works. Prior to the commencement of each phase of the development in accordance with the approved Phasing Plan at either Doves Nest Farm or Lady Cross Plantation, an updated CEMP shall be based on the approved Construction Method Statement (CMS) and shall be submitted to and approved in writing by the MPA in consultation with the Environment Agency in respect of the area concerned. The CEMP shall include details of:</p> <ul style="list-style-type: none"> • the size, location and design of any site compounds, including how any potentially polluting materials 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 construction;
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	<ul style="list-style-type: none"> • a protocol to deal with contaminated ground, should this be encountered, to ensure protection of water resources; • details of how surface water run off shall be passed through a settlement facility or settlement facilities prior to being discharged into any watercourse or soakaway;
	<ul style="list-style-type: none"> • plant and wheel washing including that it shall only be carried out in a designated area of hard standing at least 10 metres from any watercourse or surface water drain and that washings shall be collected in a sump, with settled solids removed regularly and water recycled and reused where possible; • a scheme for the recycling/disposing of waste resulting from demolition and construction works; • Storage of waste not covered by the Mine Waste Directive; • measures to control the glare from on-site lighting; • measures to manage deliveries by HGV including routing and timing for deliveries and details of the penalty system for breaches of the agreed controls; • temporary traffic management; • The provision of a Dust Management Plan relating to phase 1 of the construction period (earthworks and bund formation) and Polyhalite handling and stockpiling to include dust generation modelling so as to identify sensitive receptors; likely dust generation and its disposition during the construction phases and operation over time and under different weather conditions; the avoidance and mitigation measures required to ensure dust deposition levels at the sensitive receptors are maintained at the residual levels identified in the approved EIA, and monitoring arrangements. The Dust Management Plan must comply with the criteria set out in the 'Dust and Air Emission Mitigation Measures' best practice guidance for control of dust on construction sites from the Institute of Air Quality Management 2012. The monitoring arrangements will include dust deposition or dust flux or real-time PM₁₀ continuous monitoring locations; baseline dust monitoring at least three months before construction commences; daily on-site and off-site inspections at monitoring locations 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;

Continued/Management of Construction (Condition 93)

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Continuation of Decision No. NYM/2014/0676/MEIA

Condition 93 (Continued)

	<ul style="list-style-type: none">• In the event that there is insufficient clay within the Lady Cross Plantation site to form the 1m deep basal layer beneath the spoil storage area, a contingency plan to address the importation of clay, including the source, quantity and quality of such material, and how adverse effects on the water environment would be avoided;• how the requirements of the approved CEMP will be disseminated to all relevant staff/contractors throughout the construction period;• the location of the site notice board;• a scheme for parking, loading, unloading during construction;• a scheme for security and lighting during construction;• a protocol for the replenishment of tanks and containers including that all refuelling of vehicles, generators, plant and equipment shall be supervised and shall take place within a suitable bunded, impervious hardstanding;• contingency proposals for if fuel cannot be delivered for the generators, e.g. due to adverse weather; and• how those artificial or historically straightened ephemeral surface water channels referenced in sections 15.7.22-15.7.24 of chapter 15 of part 2 of the ES are to be retained wherever possible, and enhanced to increase their capacity (e.g. through the introduction of meanders) and to increase their ability to capture sediment (e.g. through suitable planting).• Proposals / contingency plans for waste not managed as part of the Mine Waste Permit comprising the storage and management of temporary mining waste stored on-site for less than three years (e.g. Pyritic Mudstone); non-inert and non-hazardous materials stored for less than one year, and unexpected hazardous waste stored for less than six months, including measures to prevent the dispersal of dust, leachate and surface water runoff.
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Continued/Management of Construction (Condition 93)



Mr C M France
Director of Planning

Date

Town and Country Planning Act 1990

Continuation of Decision No. NYM/2014/0676/MEIA

Condition 93 (Continued)

	<ul style="list-style-type: none">• A Precautionary Method of Working for Site Clearance (PMWSP) which shall be submitted to and agreed in writing by the MPA prior to commencement of Preparatory Works and shall be adhered to thereafter. The PMSWP shall set out proposals for tree clearance and the demolition of structures and shall include that between March and September each year surveys of areas to be cleared should occur no less than 48 hours before clearance occurs so that occupied wild bird nests can be identified and prevented from being destroyed. • Alarms fitted to mobile plant and vehicles for the purposes of warning pedestrians of their movements. <p>Development shall only proceed in strict accordance with the measures set out in the CEMP, unless otherwise agreed in writing with the MPA. The site construction teams at DNF and LCP should each include a named individual who will be responsible for ensuring compliance with the CEMP and planning conditions.</p> <p>Reason: In the interest of public amenity, highway safety, to reduce the risk of pollution to ground and surface water, to protect the environment of the North York Moors SAC/SPA, and to accord with the provisions of NYM Development Policies 1 and 23.</p>
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