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**Date:** 05 April 2017  
**Our ref:** 50303/04/HS/AK/13724872v3  
**Your ref:** NYM/20014/0676/MEIA

Dear Mark

### **North York Moors: Woodsmith Mine – Application for a Non Material Amendment to Planning Permission NYM/2014/0676/MEIA**

On behalf of our client, Sirius Minerals Plc (Sirius Minerals), Lichfields is instructed to submit this application for a non material amendment (NMA) to planning permission NYM/2014/0676/MEIA.

This NMA seeks the use of the shaft entrance and the original Dove's Nest Farm entrance to Woodsmith Mine (formerly known as Dove's Nest Farm) as a means of vehicular access to the site for a temporary period from the commencement of construction.

This submission follows your discussion of 27 March 2017 with Justin Gartland regarding the appropriateness of the use of the original farm entrance, and the suitable procedural mechanism to secure it, and William Woods' discussion with Pam Johnson regarding the use of the shaft entrance.

### **Application Submission**

This NMA application was submitted online via the planning portal on 05 April 2017 under reference PP-05949620 and comprises the following documents:

- This covering letter;
- Completed application form; and
- Royal Haskoning DHV Note: Woodsmith Mine Access Proposals, dated 24 March 2017.

The requisite planning application fee of £195 was paid online by credit card.

### **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*

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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).

Condition 40 of planning permission NYM/2014/0676/MEIA requires that

*“Other than in the event of an emergency and until the completion of the access point at Grid Ref. NE896045 (Haxby Plantation – The Welfare Access) access to and egress from Doves Nest Farm for all plant and materials delivery vehicles during the construction period shall only be achieved via the improved access at Grid Ref, NE892054 (Ugglebarnby Moor – Shafts entrance). The original access to Doves Nest Farm shall not be used except to allow access for ecology or archaeology investigations or to carry out maintenance to farm buildings”.*

### **Proposal**

As noted above, Condition 40 of planning permission NYM/2014/0676/MEIA requires that other than in the event of an emergency and until the completion of the internal access road, access to and egress from the site for all plant and material deliveries shall be from the improved shaft entrance. It also requires that the original farm entrance shall only be used for ecological & archaeological investigations/ maintenance works of the farm buildings.

Notwithstanding the wording of condition 40, this NMA seeks two temporary amendments to condition 40 whilst the internal access road is being completed.

#### **1 Shaft Entrance**

The first amendment to this condition relates to the use of the shaft entrance without the provision of the right turn lane for a temporary period of up to 10 weeks from the commencement of construction. Once the internal access road is complete, this entrance will revert to being used for abnormal loads/ emergency use only.

Under the original planning permission, it was proposed that the improved shaft entrance would be used as a means of vehicular access to the site during construction until such a point as the internal access road linking the Welfare access was complete. It was agreed as part of recent discussions with Highway Officers at the North Yorkshire County Council (NYCC), that provided the number of HGVs using the entrance and the period of time it was being used remained lower than that required to create and remove the right turn lane, and appropriate temporary mitigation measures were provided, the right turn lane was not necessary. This letter seeks to formalise those post planning discussions.

#### **2. Original Farm Entrance**

The second amendment relates to the use of the existing farm entrance for a temporary period of 10 weeks from the commencement of construction. Once the internal access road is complete, the farm entrance will revert back to being an access point for maintenance purposes, ecological or archaeological investigation works and/or emergency purposes only.

During this 10 week period, the existing farm entrance will be used by employee/ light goods vehicles wishing to access the site. All HGV vehicles will access the site either via the shaft entrance or the newly constructed welfare entrance.

## Assessment

### 1 Shaft Entrance

The attached RHDHV note quantifies the potential traffic saving from not constructing and then removing the right turn lane at the shaft entrance. It also confirms the projected traffic demand (and associated mitigation measures) during this period.

In summary, there are a number of important benefits from not introducing the right turn lane and allowing use of the shaft entrance for a temporary period. These include:

- A net decrease in HGV movements: the total number of HGV movements required to introduce and remove the right turn lane (1200 HGVs) is greater than that which would be required to use the shaft entrance (1000 HGVs) during this temporary period.
- Construction Programme Efficiencies: Allowing simultaneous access from the shaft and welfare entrance will mean that work can commence on the platforms whilst the work is continuing on the internal access road.

The number of vehicles using the shaft entrance during this time is also expected to be low, with deliveries via the shaft entrance expected to peak at 33 HGV per day during week five.

During this period, temporary traffic management measures will be employed along the B1416 adjacent to the shaft entrance to ensure maximum highway safety. The existing 40mph speed limit currently in place along this section of the B1416 will be maintained, new temporary traffic lights will be installed and the road reduced to a single-lane adjacent to the entrance.

The approval of this NMA will also not impact on Sirius Minerals' ability to comply with other relevant planning conditions during this phase of development.

### 2. Farm Entrance

The temporary extension of the use of the original farm entrance for employee/ light goods vehicles is expected to have little to no impact from a traffic impact perspective given that the total number of vehicles using the Dove's Nest Farm entrance during this period will be low; existing road safety measures introduced as part of the off-site highways works will continue to be in place along the section of the B1416 adjoining the site; all HGV movements will continue to be via either the shaft entrance or the welfare entrance; and the existing layby/ holding area for exiting vehicles, introduced along the farm entrance road as part of the off-site highways works, will be retained in situ to ensure that vehicles can continue to enter and exit the site in a safe manner.

This change will result in a number of efficiencies during the early stages of the programme and have a beneficial impact on the construction programme. It will also allow HGV movements and light goods vehicles to be kept separate in the initial stages of construction as the more permanent access infrastructure becomes available.

The approval of this NMA will also not impact on Sirius Minerals' ability to comply with other relevant planning conditions during this phase of development.

## Conclusion

Whilst there is no statutory definition of what constitutes a NMA, 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 are confident that the Authority will agree that the use of the shaft entrance in its current form

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and the continuation of an existing access arrangement at the original farm entrance for a temporary period is non material to the approved scheme and one which is capable of being considered under the non-material amendment process.

We look forward to receiving notice of your approval of these minor amendments. In the meantime, should you wish to discuss this or any other matter relating to the North Yorkshire Polyhalite Project, please do not hesitate to contact me.

Yours sincerely

Aisling Kelly  
Associate Director

Copy Simon Carter, Sirius Minerals Plc  
William Woods, Sirius Minerals Plc  
Pam Johnson, North Yorkshire County Council