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**Date:** 26 May 2017  
**Our ref:** 50303/04/HS/AK/14131522v1  
**Sirius ref:** 40-LCH-AUT-LE-0003  
**Your ref:** NYM/2014/0676/MEIA

Dear Mark

**North York Moors: Woodsmith Mine – Application to Partially Discharge Planning Conditions 4, 18, 34, 46, 47, 52, 57, 60, 68, 70, 73, 76, 79, 91, 92, 93, 94, 95 of Planning Permission NYM/2014/0676/MEIA**

On behalf of our client, Sirius Minerals plc (Sirius Minerals), Lichfields is pleased to submit this application for the partial discharge of Planning Conditions 4, 18, 34, 46, 47, 52, 57, 60, 68, 70, 73, 76, 79, 91, 92, 93, 94, 95 of Planning Permission NYM/2014/0676/MEIA to cover phase 4 works – construction of diaphragm walls to -60m.

A separate non-material amendment (NMA) is also being submitted alongside this application to cover the proposed construction methodology change. Please refer to PP-06105687.

## **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.

By the time that Phase 4 commences, the following works will have already been completed, or will be in progress on site, as part of the Phase 2 and 3 Works:

- General site clearance and construction of an acoustic fence/ environmental barrier, installation of fencing, gates and security demolition of all farm buildings and sheds, and localised tree and scrub clearance;
- Construction of the site road, a site compound and the Welfare Access Road;
- Construction of the tiered shaft platform area and platform for the construction welfare facility, parking area and concrete batching plant, as shown on Arup Drawing 40-ARI-WS-71-CI-DR-1082;
- Construction of temporary and permanent spoil mounds as shown on Arup Drawing 40-ARI-WS-71-CI-DR-1082;
- Construction of surface water drainage including; a temporary surface water attenuation pond and wetland in the southern area, and a silt removal facility, three permanent attenuation ponds and two wetland areas in the north-eastern area, as shown on Arup Drawing 40-ARI-WS-71-CI-DR-1082;
- Construction of the drilling platform and lagoon area for the groundwater reinjection well as shown in Arup Drawing 40-ARI-WS-71-CI-DR-1082;
- Installation of dewatering wells around the perimeter of the tiered shaft platform (Arup Drawing 40-ARI-WS-71-CI-DR-1081, including commencement of dewatering, where necessary, to maintain groundwater levels at 3m below shaft platform level.

## Phase 4 Works

The scope of the Phase 4 works can be summarised as follows:

- Operation of the concrete batch plant;
- Installation, commissioning and operation of the bentonite plant and associated temporary structures;
- Installation of concrete guide walls (excavate to -3.5m and concrete wall down to -1.5 to -1.75 m);
- Mobilisation to site of diaphragm walling equipment (cutters, cranes, workshops etc.);
- Diaphragm wall construction to -60m below ground level at the Production, Service and Mineral Transport System shafts;
- Limited continuation of earthworks to create an area for future storage of spoil.

## Proposals

As noted above, Sirius Minerals is seeking limited and partial approval of Planning Conditions 4, 18, 34, 46, 47, 52, 57, 60, 68, 70, 73, 76, 79, 91, 92, 93, 94, 95 of Planning Permission NYM/2014/0676/MEIA via the submission of the information listed in **Appendix 1**.

### Planning Conditions 52 , 57, 70, 73, 95

Sirius Minerals is committed to implementing the mitigation, monitoring and reporting measures developed for the Phase 3 Works, throughout Phase 4 for the following conditions:

- NYM-52 Protected Species Management Plans;
- NYM-57 Landscape and Ecological Management Plan;
- NYM-70 Arboricultural Method Statement;
- NYM-73 Woodland Management Plan; and
- NYM-95 Archaeological Written Scheme of Investigation;

Sirius Minerals is not intending to re-submit the documentation for the above conditions, as they have already been approved and will be implemented in full for the duration of both Phase 3 and Phase 4.

### **Condition 86 - Importation of Clay**

In accordance with the requirements of condition 86, which stipulates that *“There shall be no importation of clay to the LCP site or DNF site unless otherwise agreed in writing by the Mineral Planning Authority”*.

We understand that condition 86 was added to planning permission NYM/2014/0676/MEIA to protect the surface water environment from fine sediment pollution and to accord with the provisions of Development Policy 1. We also understand that this condition was introduced to control the bulk importation of clay for use as an engineered barrier/liner in the future extractive material storage bunds.

The Phase 4 Works rely on the use of bentonite, a naturally occurring and environmentally benign form of clay. As described throughout the attached Phase 4 documentation, bentonite is commonly used in construction. To this end, in requesting approval to undertake these Phase 4 Works as described in the attached documentation, Sirius Minerals is also seeking the approval of the Mineral Planning Authority for the transportation to and use of bentonite at the Woodsmith Mine site.

### **Partial Discharge**

Sirius Minerals acknowledges that limited and partial approval of the above-listed condition when given, does not constitute permission to undertake works other than those described, including any works at Lady Cross Plantation, and that such works remain subject to the approval of other conditions.

This approach has been discussed and agreed with your Planning Team and is consistent with the approach taken on Phases 1, 2 & 3 of the Project.

### **Application Submission**

The application was submitted via the planning portal on 26th May 2016 (reference PP-06100778) and comprises the following documentation:

- Completed application form;
- Application drawings – Please see Appendix 1;
- Supporting Documents – Please see Appendix 1.

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

### **Conclusion**

We trust that this application provides you with the necessary information to be able to partially discharge conditions 4, 18, 34, 46, 47, 52, 57, 60, 68, 70, 73, 76, 79, 91, 92, 93, 94, 95 of Planning Permission NYM/2014/0676/MEIA to cover Phase 4 works at Woodsmith Mine. However, should you require any further information, please do not hesitate to contact me.

Yours sincerely/faithfully

**Aisling Kelly**  
Associate Director



## **Appendix 1 : Supporting Documents**

**Table 1: List of Supporting Documents**

Condition No	Description	Document Name / Number	To be read in conjunction with	
			Document Name	Document Number
N/A	N/A	Listed Plans		40-ARI-WS-71-CI-DR-1050 40-ARI-WS-71-CI-DR-1051 40-ARI-WS-71-CI-DR-1053 40-ARI-WS-71-CI-DR-1054 40-ARI-WS-71-CI-DR-1055 40-ARI-WS-71-CI-DR-1057 40-ARI-WS-71-CI-DR-1058 40-ARI-WS-71-CI-DR-1060 40-ARI-WS-71-CI-DR-1080
4	Phasing Plan	Phase 4 – Diaphragm Wall Construction – Woodsmith Mine	Phase 4 Planning Phases Comparison General Arrangement	40-SMP-WS-70-PA-PL-0002
18	Noise & Vibration	Phase 3 Woodsmith Mine Noise and Vibration Management Plan - 40-RHD-WS-70-EN-PL-0016	Listed Plans  Phase 4 Construction Environmental Management Plan  Contractors Method Statements	40-RHD-WS-70-EN-PL-0023  40-AMC-WS-72-SW-RA-0002 40-AMC-WS-10-SW-RA-0004 40-AMC-WS-10-SW-RA-0006 40-NMC-WS-70-CI-RA-0001 40-AMC-WS-72-SW-RA-0001
34	Construction Traffic Management Plan	Phase 4-Woodsmith Mine Construction Traffic Management Plan - 40-RHD-WS-70-CL-PL-0004	N/A	N/A
46	GW / SW Monitoring Scheme	Phase 4 Works at Woodsmith Mine, North Yorkshire Construction and Operation Phase Ground and Surface Water Monitoring Scheme – 40-FWS-WS-70-WM-PL-0008	Phase 4 Masterplan  Phase 4 Earthworks Strategy  Phase 4 Drainage General Arrangement  Monitoring Programme Layout	40-ARI-WS-71-CI-DR-1081  40-ARI-WS-71-CI-DR-1082  40-ARI-WS-71-CI-DR-1084  40-AMC-WS-10-CI-DR-0001

			Details of Monitoring Wells	40-AMC-WS-10-CI-DR-0002
46	Hydrogeological Risk Assessment	Phase 4 Works at Woodsmith Mine, North Yorkshire Hydrogeological Risk Assessment – 40-FWS-WS-70-WM-RA-0004	<p>Phase 4 Masterplan</p> <p>Phase 4 Earthworks Strategy</p> <p>Phase 4 Earthworks Volumes</p> <p>Phase 4 Drainage General Arrangement</p> <p>Tie-in Details Sheet 1 of 2</p> <p>Tie-in Details Sheet 2 of 2</p> <p>Dewatering Infrastructure</p> <p>Production Headgear Chamber Cross Sections</p> <p>Service Headgear Chamber Cross Sections</p> <p>MTS D-Wall Cross Section</p> <p>Preliminary Guidewall Layout for the Headgear Chamber and for the MTS Shaft</p> <p>Preliminary Panel Layout for the Headgear Chamber and for the MTS Shaft</p>	<p>40-ARI-WS-71-CI-DR-1081</p> <p>40-ARI-WS-71-CI-DR-1082</p> <p>40-ARI-WS-71-CI-DR-1083</p> <p>40-ARI-WS-71-CI-DR-1084</p> <p>40-ARI-WS-71-CI-DR-1060</p> <p>40-ARI-WS-71-CI-DR-1061</p> <p>40-ARI-WS-71-CI-DR-1058</p> <p>40-AMC-WS-11-CI-DR-1901</p> <p>40-AMC-WS-12-CI-DR-1901</p> <p>40-AMC-WS-13-CI-DR-1901</p> <p>40-AMC-WS-71-CI-DR-0079</p> <p>40-AMC-WS-71-CI-DR-0080</p>

			Monitoring Programme Layout	40-AMC-WS-10-CI-DR-0001
			Details of Monitoring Wells	40-AMC-WS-10-CI-DR-0002
<b>46</b>	Remedial Action Plan	Phase 4 Works at Woodsmith Mine, North Yorkshire Remedial Action Plan – 40-FWS-WS-70-PL-0009	Phase 4 Masterplan	40-ARI-WS-71-CI-DR-1081
			Phase 4 Earthworks Strategy	40-ARI-WS-71-CI-DR-1082
			Phase 4 Drainage General Arrangement	40-ARI-WS-71-CI-DR-1084
			Monitoring Programme Layout	40-AMC-WS-10-CI-DR-0001
			Details of Monitoring Wells	40-AMC-WS-10-CI-DR-0002
<b>47</b>	Groundwater Management Scheme	Phase 4 Works at Woodsmith Mine, North Yorkshire Groundwater Management Scheme – 40-FWS-WS-70-PL-0010	Phase 4 Masterplan	40-ARI-WS-71-CI-DR-1081
			Production Headgear Chamber Cross Sections	40-AMC-WS-11-CI-DR-1901
			Service Headgear Chamber Cross Sections	40-AMC-WS-12-CI-DR-1901
			MTS D-Wall Cross Section	40-AMC-WS-13-CI-DR-1901
			Dewatering Infrastructure	40-ARI-WS-71-CI-DR-1058
			Mobilisation Demobilisation	40-AMC-WS-10-SW-RA-0001
			Slurry Management Plan (Bentonite)	40-AMC-WS-10-EN-PL-0002
			Project Management Plan (Construction Phase Plan)	40-AMC-WS-10-SW-PL-0003

			Installation of Diaphragm Walls	40-AMC-WS-10-SW-RA-0004
			Operation of Slurry Plant	40-AMC-WS-10-SW-RA-0005
			Installation of Guidewalls	40-AMC-WS-10-SW-RA-0006
			Environmental Management Plan	40-AMC-WS-71-EN-PL-0004
			Monitoring Programme for D-Wall Slurry Losses	40-AMC-WS-72-SW-MS-0001
			Tie-in Details Sheet 1 of 2	40-ARI-WS-71-CI-DR-1060
<b>52</b>	Protect Species Management Plan	Please refer to Phase 3 submission	N/A	N/A
<b>57</b>	Landscape & Ecological Management Plan	Please refer to Phase 3 submission	N/A	N/A
<b>60</b>	Surface Water Drainage	Woodsmith Mine – Phase 4 Works - NYMNPA 60 and 79 Surface Water Drainage Scheme : 40-ARI-WS-71-PA-RP-1053	Concrete Batch Rams	40-AMC-WS-72-SW-RA-002
<b>68</b>	Temporary Structures	Please refer to CEMP (Condition 93)	Please refer to CEMP (Condition 93)	Please refer to CEMP (Condition 93)
<b>70</b>	Aboricultural Method Statement	Aboricultural Method Statement: 40-RHD-WS-70-EN-MS-0002 *	N/A	N/A
<b>73</b>	Woodland Management Plan	Haxby Plantation Belt Plantations and Whinny Wood Management Scheme: 40-SMP-WS-83-EN-MS-0001 *	N/A	N/A
<b>76</b>	Soil Management Plan	Phase 4 Works at Woodsmith Mine, North Yorkshire Soil Management Plan –	Phase 4 Masterplan Phase 4 Earthworks Strategy	40-ARI-WS-71-CI-DR-1081 40-ARI-WS-71-CI-DR-1082



		40-FWS-WS-70-CI-PL-0003	Monitoring Programme Layout	40-AMC-WS-10-CI-DR-0001
<b>79</b>	Surface Water Drainage	Woodsmith Mine – Phase 4 Works - NYMNPA 60 and 79 Surface Water Drainage Scheme : 40-ARI-WS-71-PA-RP-1053	Concrete Batch Rams	40-AMC-WS-72-SW-RA-002
<b>91</b>	Emissions	Phase 4 – Woodsmith Mine Emissions to Atmosphere –NYMNPA 91: Woodsmith Mine Phase 4 – Generator Emissions	N/A	N/A
<b>92</b>	CVPMP	Phase 4 Works at Woodsmith Mine : Construction Vehicle and Plant Management Plan: 40-RHD-WS-70-CI-PL-0005 REV 0	N/A	N/A
<b>93</b>	CEMP	40-RHD-WS-70-EN-PL-0023	<p>Condition NYMNPA-18: Noise and Vibration Management Plan</p> <p>Condition NYMNPA-34: Construction Traffic Management Plan</p> <p>Condition NYMNPA-46: Hydrogeological Risk Assessment</p> <p>Condition NYMNPA-47: Groundwater Management Plan</p> <p>Condition NYMNPA-52: Protected Species Management Plans</p>	<p>40-RHD-WS-70-EN-PL-0017 (Phase 4)</p> <p>40-RHD-WS-70-CI-PL-0004 (Phase 4)</p> <p>40-FWS-WS-70-WM-RA-0004 (Phase 4)</p> <p>40-FWS-WS-70-WM-PL-0010 (Phase 4)</p> <p>400-RHD-WS-70-EN-PL-0010 Ph3 PSMP Reptiles *</p> <p>40-RHD-WS-70-EN-PL-0011 Ph3 PSMP Badger *</p>

			<p>Condition- NYMNPA-60: Surface Water Drainage Scheme</p>	<p>40-RHD-WS-70-EN-PL-0012 Ph3 PSMP Birds *</p> <p>40-RHD-WS-70-EN-PL-0013 Ph3 PSMP Bats *</p> <p>as these remain applicable for Phase 4</p> <p>40-ARI-WS-71-PA-RP-1050 (Phase 3) as this remains applicable for Phase 4 and is supplemented by Woodsmith * Mine - Phase 4 Works NYMNPA 60 and 79 Surface Water Drainage Scheme (40-ARI-WS- 71-PA-RP-1052)</p>
			<p>Condition NYMNPA-64: Temporary Boundary Treatments</p>	<p>40-ARI-WS-71-PA-RP-1052 (Phase 3) as this remains applicable for Phase 4 *</p>
			<p>Condition NYMNPA-70: Tree Protection and Clearance</p>	<p>40-RHD-WS-70-EN-MS-0002 (Phase 3) as this remains applicable for Phase 4 *</p>
			<p>Condition NYMNPA-76: Soil Management Plan</p>	<p>40-AMC-W-71-EN-PL-0006 (Phase 4)</p>
			<p>Condition NYMNPA-79: Surface Water Management Plan</p>	<p>40-ARI-WS-71-PA-RP-1050 * (Phase 3) as this remains applicable for Phase 4 and is supplemented by Woodsmith Mine - Phase 4 Works NYMNPA 60 and 79 Surface Water Drainage Scheme (40-ARI-WS- 71-PA-RP-1052)</p>
			<p>Condition NYMNPA-91: Emissions to Atmosphere</p>	<p>40-RHD-WS-70-EN-RP-0002 (Phase 4)</p>
			<p>Condition NYMNPA-92:</p>	<p>40-RHD-WS-70-CI-PL-0005 (Phase 4)</p>

			Construction Vehicle and Plant Management Plan  Condition NYMNPAs-95: Written Scheme of Investigation	40-COT-WS-70-EN-PL-0002 (Phase 3) as this remains applicable for Phase 4 *
94	Construction Method Statement	Woodsmith Mine, Phase 4 Works NYMNPAs 94 – Construction Method Statement – 40-ARI-WS-71-MS-1051	Phase 4 Masterplan  Phase 3 CMS  Condition 93 Phase 4 CEMP  Groundwater Management Scheme	40-ARI-WS-71-CI-DR-1081  40-ARI-WS-71-CI-DR-1087 *  40-ARI-WS-71-MS-1050  40-RHD-WS-70-EN-PL-0023  40-FWS-WS-70-WM-PL-0010
95	Written Scheme of Investigation	Written Scheme of Investigation for an Archaeological Watching Brief: 40-COT-WS-70-EN-PL-003 *	N/A	N/A

**\* As agreed, Phase 3 documents have not been resubmitted with this application**