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North York Moors National Park Authority
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Date: 6 April 2018
Our ref: 50303/04/HS/AK/15711794v2
Your ref: NYM/2017/0505/MEIA

Dear Rob

North York Moors: Woodsmith Mine - Application to Partially Discharge Conditions 4, 18, 34, 45, 46, 47, 52, 57, 60, 68, 70, 73, 76, 79, 81, 87, 91, 92, 93, 94, 95 & 97 of Planning Permission NYM/2017/0505/MEIA

As part of the approved 'Phase 4 Works' of Sirius Minerals' North Yorkshire Polyhalite Project, groundwater control was to be established within the first 120m of the Mineral Transport System shaft using diaphragm walling, as described in the Phase 4 Construction Method Statement (CMS) (40-ARI-WS-71-PA-MS-1051). Sirius Minerals has subsequently identified an opportunity to expedite this process, using a Vertical Shaft Sinking Machine (VSM). Use of the VSM offers significant construction programme benefits while not exceeding the environmental parameters that were established at Phase 4.

It is recognised that use of the VSM represents a change in construction methodology from diaphragm walling and, as such, on behalf of Sirius Minerals, Lichfields is pleased submit this application for the partial discharge of Planning Conditions 4, 18, 34, 45, 46, 47, 52, 57, 60, 68, 70, 73, 76, 79, 81, 87, 91, 92, 93, 94, 95 & 97 of Planning Permission NYM/2017/0505/MEIA, as they relate to Phase 4a.

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.

On 6 February 2017, the NYMNPA granted planning permission for the *"Variation of Condition 5 of planning permission NYM/2014/0676/MEIA to allow minor material amendments relating to that part of*

the development at the Woodsmith Mine site (formerly known as Doves Nest Farm and Haxby Plantation), including; re-design of foreshafts and shaft construction methodology, changes to building layout and shaft access arrangements, revisions to construction and operational shaft platform levels, revisions to location and layout of surface water attenuation ponds, revisions to groundwater management arrangements and amendments to internal access arrangements” (Council Reference NYM/2017/0505/MEIA).

The amended scheme (NYM/2017/0505/MEIA) was approved subject to 98 planning conditions and a deed of variation to the originally approved Section 106 Agreement.

Proposals

As noted above, Sirius Minerals is seeking limited and partial approval of Planning Conditions 4, 18, 34, 45, 46, 47, 52, 57, 60, 68, 70, 73, 76, 79, 81, 87, 91, 92, 93, 94, 95 & 97 of Planning Permission NYM/2017/0505/MEIA via submission of the information listed in **Appendix 1**.

Whilst many of the above conditions have already been partially discharged as part of Phase 4, this application seeks to re-discharge them in order to reflect the proposed change in construction methodology from diaphragm walling on the MTS shaft.

Planning Conditions 52, 57, 70, 73 and 95

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

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;

Whilst Sirius Minerals is not intending to re-submit the documentation for the above conditions (as they have already been approved and implemented in full for the duration of Phases 3, Phase 4 and will continue to be implemented as part of Phase 4a), the CEMP that has been submitted in relation to Condition 93 provides the latest position with regard to these matters.

Planning Condition 64

No additional temporary boundary treatment is necessary as a result of the Phase 4a Works.

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 & 4 of the Project.

Application Submission

The application was submitted via the planning portal on 05 April 2018 (reference PP-06840751) 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 £116 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 the above conditions to cover Phase 4a works at Woodsmith Mine. However, should you require any further information, please do not hesitate to contact me.

Yours sincerely

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
N/A	N/A	Listed Plans	40-ARI-WS-71-CI-DR-1090 - Woodsmith Mine Construction Phase 4a Masterplan 40-ARI-WS-71-CI-DR-1091 - Woodsmith Mine Construction Phase 4a Drainage General Arrangement 40-ARI-WS-71-CI-DR-1092 - Woodsmith Mine Construction Phase 4a Planning 40-ARI-WS-71-CI-DR-1094 - Dewatering Infrastructure
4	Phasing Plan	40-ARI-WS-71-CI-DR-1090 - Woodsmith Mine Construction Phase 4a Masterplan	40-ARI-WS-71-CI-DR-1092 - Woodsmith Mine Construction Phase 4a Planning
18	Noise & Vibration	Phase 4a Woodsmith Mine Noise and Vibration Management Plan - 40-RHD-WS-70-EN-PL-0025	Phase 4 Woodsmith Mine Noise and Vibration Management Plan - 40-RHD-WS-70-EN-PL-0017 Phase 4a Construction Methodology Statement (reference 40-SMP-WS-7100-PA-MS-00001)
34	Construction Traffic Management Plan	Phase 4a - Woodsmith Mine Construction Traffic Management Plan 40-RHD-WS-70-CI-PL-0006 REV 1	Phase 4 Woodsmith Mine Construction Traffic Management Plan (reference 40-RHD-WS-70-CI-PL-0004)
45	Programme for Implementation of Recharge Trench and Provision of Groundwater Drainage Areas	Refer to CEMP (Condition 93)	N/A
46	GW / SW Monitoring Scheme	Phase 4a Works at Woodsmith Mine, North Yorkshire	Phase 4 Works at Woodsmith Mine, North Yorkshire Construction and Operation

		Construction and Operation Phase Ground and Surface Water Monitoring Scheme – 40-FWS-WS-70-CI-PL-0005	Phase Ground and Surface Water Monitoring Scheme – 40-FWS-WS-70-WM-PL-0008 40-ARI-WS-71-CI-DR-1092 - Woodsmith Mine Construction Phase 4a Planning
46	Hydrogeological Risk Assessment	Phase 4a Works at Woodsmith Mine, North Yorkshire Hydrogeological Risk Assessment – 40-FWS-WS-70-WM-RA-0005	Phase 4 Works at Woodsmith Mine, North Yorkshire Hydrogeological Risk Assessment (reference 40-FWS-WS-70-WM-RA-0004) Phase 4 Construction Method Statement (reference 40-ARI-WS-71-MS-1051) Phase 4a Construction Method Statement (reference 40-SMP-WS-7100-PA-MS-00001)
46	Remedial Action Plan	Phase 4a Works at Woodsmith Mine, North Yorkshire Remedial Action Plan – 40-FWS-WS-70-PL-0013	Phase 4 Remedial Action Plan (reference 40-FWS-70-PL-009) 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 4a Works at Woodsmith Mine, North Yorkshire Construction and Operation Phase Ground and Surface Water Monitoring Scheme – 40-FWS-WS-70-CI-PL-0005
47	Groundwater Management Scheme	Phase 4a Works at Woodsmith Mine, North Yorkshire Groundwater Management Scheme – 40-FWS-WS-70-WM-PL-0012	Phase 4 Works at Woodsmith Mine, North Yorkshire Groundwater Management Scheme (reference 40-FWS-WS-70-PL-0010) Phase 4a Construction Methodology Statement (reference 40-SMP-WS-7100-PA-MS-00001) Phase 4a Works at Woodsmith Mine, North Yorkshire Remedial Action Plan – 40-FWS-WS-70-PL-0013 Phase 4a Works at Woodsmith Mine, North Yorkshire Construction and Operation Phase Ground and Surface Water

			Monitoring Scheme (reference 40-FWS-WS-70-CI) Phase 4a Works at Woodsmith Mine, North Yorkshire Hydrogeological Risk Assessment (reference 40-FWS-WS-70-WM-RA-0005)
52	Protected Species Management Plan	Refer to CEMP (Condition 93)	N/A
57	Landscape & Ecological Management Plan	Refer to CEMP (Condition 93)	N/A
60	Surface Water Drainage	Woodsmith Mine – Phase 4a Works - NYMNPAs 60 and 79 Surface Water Drainage Scheme : 40-ARI-WS-71-PA-RP-1054	40-ARI-WS-71-CI-DR-1091 - Woodsmith Mine Construction Phase 4a Drainage General Arrangement
68	Temporary Structures	Please refer to CEMP (Condition 93)	N/A
70	Aboriginal Method Statement	Refer to CEMP (Condition 93)	N/A
73	Woodland Management Plan	Refer to CEMP (Condition 93)	N/A
76	Soil Management Plan	Refer to CEMP (Condition 93)	N/A
79	Surface Water Drainage	Woodsmith Mine – Phase 4a Works - NYMNPAs 60 and 79 Surface Water Drainage Scheme : 40-ARI-WS-71-PA-RP-1054	40-ARI-WS-71-CI-DR-1091 - Woodsmith Mine Construction Phase 4a Drainage General Arrangement
81	Wastewater Management Scheme	Refer to Construction Method Statement (Condition 94)	N/A
87	Programme for the Deep	Refer to Construction	N/A

	Reinjection Borehole	Method Statement (Condition 94)	
91	Emissions	Phase 4a – Woodsmith Mine Emissions to Atmosphere – NYMNPA - 91	Phase 4 Emissions to Atmosphere Assessment (reference 40-RHD-WS-70-EN-RP-0002)
92	CVPMP	Phase 4a- Woodsmith Mine : Construction Vehicle and Plant Management Plan: 40-RHD-WS-70-CI-PL-0007 REV 0	Phase 4 CVPMP (reference 40-RHD-WS-70-CI-PL-0005)
93	CEMP	40-RHD-WS-70-EN-PL-0026	<p>Phase 4 CEMP (reference 40-RHD-WS-70-EN-RP-0026)</p> <p>Section 3.2, 3.3, Section 3.6 and Section 11.2 of Phase 4a Construction Method Statement (reference 40-SMP-WS-1000-CN-MS-00001)</p> <p>Phase 3 Surface Water Management Plan (reference 40-FWS-WS-70-EN-PL-0002)</p> <p>Phase 3 CEMP (reference 40-RHD-WS-70-EN-PL-0014)</p> <p>Protected Species Management Plans:</p> <p>40-RHD-WS-70-EN-PL-0010 Ph3 PSMP for Reptiles; 40-RHD-WS-70-EN-PL-0011 Ph3 PSMP for Badgers; 40-RHD-WS-70-EN-PL-0012 Ph3 PSMP for Birds; and 40-RHD-WS-70-EN-PL-0013 Ph3 PSMP for Bats.</p> <p>Phase 3 Landscape and Ecological Management Plan (LEMP) (40-RHD-WS-70-EN-PL-0008)</p> <p>Tree Protection and Clearance (40-RHD-WS-70-ENMS-0002 (Phase 3)</p> <p>40-ARI-WS-71-CI-DR-1090 - Woodsmith Mine Construction Phase 4a Masterplan</p>

94	Phase 4a Construction Method Statement	40-SMP-WS-7100-PA-MS-00001	Phase 4 Construction Method Statement (reference 40-ARI-WS-71-MS-1051) Phase 3 Construction Method Statement (reference 40-ARI-WS-71-MS-1050) 40-ARI-WS-71-CI-DR-1090 - Woodsmith Mine Construction Phase 4a Masterplan
95	Written Scheme of Investigation	Refer to CEMP (Condition 93)	N/A
97	Details of Final Expected Internal Diameters	Refer to Construction Method Statement (Condition 94)	N/A

*** As agreed, Phase 3 and 4 documents (where they remain unchanged in relation to the Phase 4a) have not been resubmitted with this application**