

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  
fao: Adam Jackson  
2 Langley House  
Wykeham Business Centre  
Wykeham  
Scarborough  
North Yorkshire NE12 7JY

The above named Authority being the Planning Authority for the purposes of your application registered 28 August 2012, in respect of proposed development for the purposes of **permission for temporary exploratory potash borehole and associated plant, equipment including drilling rig (max height 33 metres) and access arrangements at land at Dove Nest Farm, Sneaton** has considered your said application and has granted permission for the proposed development subject to the following condition(s):

1. The permission hereby granted is valid only for twelve months from the date of this permission and the development shall be removed from the site before this consent expires and the site restored to its former condition before that date.
2. The development hereby permitted shall not be carried out other than in accordance with the application details as set out in the following reports and drawings:

<b>Plan Description</b>	<b>Date Received</b>
Planning Support Statement including soil handling and storage arrangements, disposal of any contaminated aggregate arrangements, soil restoration arrangements and hours of working.	24 August 2012
Ecological Survey and Assessment	24 August 2012
Hydrological Risk Assessment including adherence to submitted general drilling method statement and temporary/permanent casing of boreholes at intersection with aquifers, composition of drilling muds, on-site storage of drilling muds, containment of drill hole discharges and borehole plugging.	24 August 2012
Noise Assessment including acoustic enclosures of main prime movers, micro siting of plant and other structures of the site and earth bunds to meet a noise threshold within the nearest receptor dwelling of 30dB LAeq,T nighttime and 45dB LAmx daytime	24 August 2012
Landscape and Visual Impact Assessment Report	24 August 2012 Continued/Conditions

Mr C M France  
Director of Planning



Date: ..... **17 OCT 2012**

DecisionApprove

## Rights of Appeal

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, they may appeal to the office of the Secretary of State of Department of Communities and Local Government in accordance with Section 78 of the Town and Country Planning Act 1990, within six months of the date of this notice. The Secretary of State can allow a longer period for the giving of a notice of appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decision on a direction given by him.

- (2) If permission to develop land is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, the owner of the land may claim that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the council of the county/district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so on the appropriate planning/householder planning appeal form obtainable from:

The Planning Inspectorate  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol, BS1 6PN

Or online at: [www.planningportal.gov.uk/pds](http://www.planningportal.gov.uk/pds)

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### Notes

1. Please note, only the applicant possesses the right of appeal.
2. No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under the Building Regulations, of the District Council in whose area the site of the proposed Development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.
3. In your own interests your attention is particularly drawn to the conditions under which approval has been given to your proposals. Failure to comply fully with the conditions could lead to enforcement action resulting in work already done being demolished or prosecution in Magistrates' Court.
4. Where an enforcement notice has been served in the last two years the period in which the applicant can appeal against the decision reduces to 28 days.

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Continuation of Decision No. NYM/2012/0601/FL

Conditions (Continued)

- 3. Prior to the commencement of drilling the final drilling program shall be submitted to the Local Planning Authority in writing for approval. The agreed drilling program shall then be implemented in accordance with the approved details.
- 4. Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.
- 5. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
- 6. Unless otherwise approved in writing by the Local Planning Authority, there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until details of temporary warning signs to be erected in the vicinity of the site access have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter the approved signs shall be maintained until the completion of construction works on the site.

Informative(s)

Your attention is drawn to the content of a letter received from the Environment Agency on 26 September 2012 reference RA/2012/123101/01-L01.

Reason(s) for Condition(s)

- 1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
- 2 & 3. For the avoidance of doubt and to ensure that the details of the development comply with the provisions of NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.

Mr C M France  
Director of Planning

Continued/Reasons for Conditions

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Town and Country Planning Act 1990

Continuation of Decision No. NYM/2012/0601/FL

Reasons for Conditions (Continued)

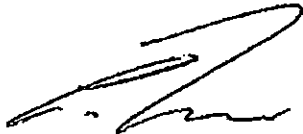
4. To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
5. In accordance with NYM Development Policy 23 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
6. In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.

Development Plan Policies Relevant to the Decision

Local Development Framework      CPA – Delivering National Park Purposes and Sustainable Development  
CPE – Minerals

Reason for Approval

The proposed exploratory borehole, by reason of its temporary nature, farm land location and sensitive mitigation measures set out in the application would be unlikely to have an adverse impact on the character and appearance of the National Park landscape nor an unacceptable impact on the amenities of occupiers in the vicinity and would help establish the nature and extent of potash reserves beneath the National Park. As such the proposal complies with Core Policies A and E of the NYM Local Development Framework.



Mr C M France  
Director of Planning

Date ..... 17 OCT 2012

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Mr Peter Jones  
 North York Moors National Park  
 Development Control  
 The Old Vicarage Bondgate  
 Helmsley  
 York  
 YO62 5BP

**Our ref:** RA/2012/123101/01-L01  
**Your ref:** NYM/2012/0601/FL  
**Date:** 25 September 2012

NYMNPA  
 26 SEP 2012  
 CB

Dear Mr Jones

**APPLICATION FOR PERMISSION FOR TEMPORARY EXPLORATORY POTASH BOREHOLE AND ASSOCIATED PLANT, EQUIPMENT INCLUDING DRILLING RIG (MAX HEIGHT 33 METRES) AND ACCESS ARRANGEMENT. LAND AT DOVE NEST FARM, SNEATON.**

We have **no objections** to this development and would recommend the following informatives are included on any decision notice.

**Advice to LPA/Applicant:**

The British Geological Survey Geology map, sheet 35&44, Whitby & Scalby shows the geology at the site to be Moor Grit Formation of the Ravenscar Group, which is classed as a secondary aquifer. At greater depth is the Sherwood Sandstone and the Magnesian Limestone, which are classed as principal aquifers. Principal aquifers are particularly vulnerable to any potentially polluting activity.

- 1) Details of a scheme to monitor the private drinking water supply at Moorside supply nearby must be agreed with the Environment Agency on submission of the drilling method statement and WR – 11 form.
- 2) There shall be an installation of an impermeable membrane in the site foundations.
- 3) The Ravenscar group shall be cased out into the Whitby Mudstone as described in the HRA.
- 4) Details of the drilling muds must be agreed with the Environment Agency on submission of the drilling method statement and WR – 11 form to ensure protection of the water environment.
- 5) If during development dewatering is found to be required, the Agency must be consulted prior to any dewatering taking place.

Environment Agency  
 Coverdale House Aviator Court, York, North Yorkshire, YO30 4GZ.  
 Customer services line: 03708 506 506  
[www.environment-agency.gov.uk](http://www.environment-agency.gov.uk)  
 Cont/d..

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6) Decommissioning of the borehole should be undertaken following Environment Agency guidelines in 'Decommissioning Redundant Boreholes and Wells'.

7) Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

8) Under Section 198 of the Water Resources Act 1991, British Geological Survey (Macleam Building, Crowmarsh Gifford, Wallingford, OX10 9BB) shall be informed of the intention to sink a well or borehole, and be sent a copy of all details of drilling logs.

9) Under The Borehole Sites and Operations Regulations 1995, HSE must be notified when drilling boreholes more than 30 metres deep into used or disused mining areas. The regulations define "mining area" as land within one kilometre in a horizontal or other direction of workings in a mine, or where a licence to mine for minerals has been granted.

If you have any further queries please do not hesitate to contact me.

Yours sincerely

**Miss Meryl Leung**  
**Planning Liaison Officer**

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**YORKPOTASH**  
A Sirius Minerals Project



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

York Potash Ltd  
7-10 Manor Court  
Manor Garth  
Scarborough  
North Yorkshire. YO11 3TU

**BY HAND**

Our ref: AJ/Doves Nest

Date: 01/11/12

For the attention of Mr P Jones

Dear Sirs,

**SECTION 73 – TOWN AND COUNTRY PLANNING ACT 1990**

**ADDITIONAL INFORMATION – VARIATION OF PLANNING CONDITION – NYM/2012/0601/FL –  
POTASH EXPLORATION DRILLING – CONDITION 2 – DOVES NEST**

An application is being made for the variation of condition 2 on the Decision Notice NYM/2012/0601/FL.

Condition 2 reads:

*'The development hereby permitted shall not be carried out other than in accordance with the application details as set out in the following reports and drawings:'*

The reports and drawings referred to in condition 2 include the Planning Supporting Statement (dated June 2012) and Hydrological Risk Assessment (dated May 2012), both received by the planning authority on 24<sup>th</sup> August 2012.

An updated Hydrological Risk Assessment ("HRA") (dated October 2012) is being submitted to replace the previous HRA submitted on 24<sup>th</sup> August 2012. This is to reflect the agreed working practice outlined in the Drilling Method Statement submitted to the planning authority on 29<sup>th</sup> October 2012 in order to discharge condition 3.

A new Planning Supporting Statement is also being submitted (dated November 2012) for two reasons. Firstly, the working hours have been amended to enable works to take place on a Sunday during the soil stripping stage between the hours of 07:00 – 18:00. The hours for HGV

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movements associated with site preparation and restoration have also been amended to allow HGV movements to take place between 07:00 and 13:00 on a Sunday.

Secondly, paragraph 2.6 has been modified to reflect an updated approach to the site preparation stage of the works for safety reasons. The previous Planning Supporting Statement allowed for 1,500 tonnes of imported material spread to a depth of 400mm, resulting in approximately 75 vehicle movements over a three day period. The paragraph now reads:

*'The levelled site will then have terram and a geogrid membrane placed on the levelled area prior to the importation of approximately 11,500 tonnes of single-size aggregate which will be spread to a depth of approximately 550mm. The importation would be carried out by 20 tonne loads resulting in approximately 575 vehicle movements in each direction over a nineteen day period.'*

North Yorkshire County Council Highways have been consulted on this proposed change.

I trust all of the above is acceptable, please feel free to contact me if you have any questions.

Yours sincerely

Adam Jackson  
Planning Assistant  
York Potash Limited

