

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: North Yorkshire County Council
c/o Lichfields
fao: Mrs Aisling Kelly
3rd Floor
15 St Paul's Street
Leeds
LS12JG

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The above named Authority being the Planning Authority for the purposes of your application validated 04 April 2018, in respect of proposed development for the purposes of **variation of conditions 2 (material amendment) and 11 of planning approval NYM/2014/0864/FL to allow the introduction of additional low-level lighting, erection of bus shelter and extension to amenity building, provision of security fences and entrance gate, increase of the number of private spaces from 180 to 187 and to extend the use of these spaces to include Sirius Minerals and its contractors at OS Field 3618 bounded by Guisborough Road, A171, B1460 and Barkers Lane, Whitby**, has considered your application and has **granted** permission for the proposed development subject to the following conditions:

1. The development hereby permitted shall be commenced before the 12 August 2018
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date received
Typical cross sections	BDS/WP&RE/2016/701A	23 March 2018
Top soiling, grass seeding, fencing, street furniture	BDS/WP&RE/2016/300A	23 March 2018
General Arrangement	BDS/WP&RE/2016/MISC001	23 March 2018
Proposed Floor Plan and Roof Plan	NY/17008A/100.002 v. P1	23 March 2018
Proposed Elevations	NY170008/A/140.002	23 March 2018
Illuminated Bollards	BDS/WP&RE/2016/1300C Rev C	18 April 2018
Location of Gap in Northern Hedge	BDS/WP&RE/2016/MISC-002	01 May 2018

Or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3. The application site shall only be used for the operation of a Park and Ride scheme. In the event of the site not being used as a Park and Ride site for a period in excess of 18 months all signs, seats, roads, hardstandings and buildings on the site shall be removed and the site shall be restored as pasture land or native woodland within a period of a further six months.



Mr C M France
Director of Planning

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Continued overleaf/Conditions

Date **23 MAY 2018**

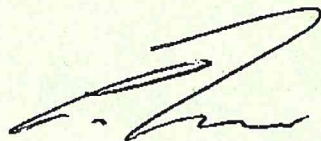
Town and Country Planning Act 1990

Continuation of Decision No. NYM/2018/0174/FL

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4. The landscaping scheme shown on the approved plans shall be implemented in every respect in accordance with the plans in the first planting season following commencement of construction of the access road and formal car parking area. Thereafter if any tree or shrub dies or is diseased or dying within a period of 10 years from the date of its first planting it shall be replaced with a tree or shrub of similar species. The approved planting scheme shall be retained on site in perpetuity unless the prior written consent of the Local Planning Authority is granted to an amendment to this scheme. Notwithstanding the generality of the foregoing, within the first available planting season following the date of this permission, hedgerow planting within the hedgerow boundary to Barkers Lane, in the locations shown on Drawing No. BDS/WP&RE/2016/MISC-02, shall be implemented in accordance with a detailed specification to be agreed in advance with the Local Planning Authority and the planting shall thereafter be maintained in accordance with the requirements of this condition.
5. Prior to implementation of the landscaping scheme, a concise maintenance plan to detail how the planted areas will be maintained from planting to establishment should be submitted to the Local Planning Authority.
6. Notwithstanding the submitted plans, prior to the first use of the site as a car park/bus interchange full details of all anti-crime measures to be installed on the site and included in the operation of the scheme shall be submitted to and approved by the Local Planning Authority.
7. Prior to the operation of the private York Potash Ltd part of the site, a scheme detailing the security arrangements, including number of security staff, and arrangements for the operation of the different opening hours of the two parts of the site shall be submitted to and approved by the Local Planning Authority.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 2, Class A (or any order revoking and re-enacting that Order), no gates, walls fences or other means of enclosure shall be erected without a further grant of planning permission being obtained from the Local Planning Authority.
9. The site shall only be open to the public for car parking and access to buses during the following times:
1 April until 30 April and 1 October until 30 October - 08.00 am until 06.00pm
1 May until 30 September - 07.00 am until 09.00 pm
1 November until 31 March - 08.30 am until 06.00 pm
Outside of these hours there shall be no parking of any kind of vehicle or siting of any temporary structure on the public element of the site which shall be secured and locked to prevent public access.
10. Except that permitted by this approval, no means of permanent external lighting or illumination shall be installed on the public or private part of the site without the prior written approval of the Local Planning Authority. Temporary lighting and associated structures can be installed for up to 28 days in any calendar year. Unless otherwise agreed in writing by the Local Planning Authority, and except in the event of an emergency, all external lighting associated with operation of the private parking facility shall be switched off when not required for operational purposes at shift change-over times.

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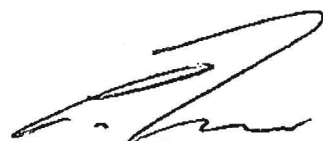
Date 23 MAY 2018

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11. The 187 car parking spaces provided under this approval shall be restricted to employees of York Potash Ltd (subsidiary trading name of Sirius Minerals Plc) and its contractors, and this part only shall be open for 24 hours a day, 365 days a year.
12. All waiting rooms hereby approved as part of the development shall make provision for display of tourism and interpretation information related to both Whitby and the National Park the details of which shall be submitted to the Local Planning Authority for written approval prior to and implemented before the first use of the Park and Ride scheme by the public and the facility shall thereafter be retained as approved.
13. 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 times as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.
14. Unless approved otherwise 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 proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:
 - i) On-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway;
 - ii) On-site materials storage area capable of accommodating all materials required for the operation of the site.The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.
15. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principle and an assessment of the hydrological and hydrogeological context of the development, has been submitted in writing and approved by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is brought into use. The scheme shall also include:

Surface water run-off will be restricted to a discharge rate of 1.4l/s/ha. A minimum of 722m³ attenuation storage will be provided. Details of how the scheme shall be maintained and managed after completion.
16. The development hereby approved shall not be commenced until such time as a scheme to dispose of foul water has been submitted in writing to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development being brought into use.

Continued overleaf/Conditions



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17. The development hereby approved shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted in writing to and approved by the Local Planning Authority. The development shall then be completed in accordance with the approved details prior to the development being brought into use.
18. Prior to the development hereby permitted being brought into use, a detailed written scheme of offsite compensation/off-setting/amelioration arrangements equivalent to the additional light pollution to be generated by the approved scheme shall be submitted to the Local Planning Authority for approval. The development shall not be operated until the offsetting scheme has been implemented. For the avoidance of doubt the implementation of the off-setting arrangements for the substantive Potash minehead development reference NYM/2017/0505/MEIA would be deemed to satisfy this requirement as an alternative to a standalone arrangement.

Informatives

1. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 08457626848 or at www.groundstability.com

Reasons for Conditions

1. To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2. 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.
3. The Local Planning Authority do not consider this site to be generally suitable for development but recognise the need for a Park and Ride facility in this location and to comply with the provisions of Development Policy 24 of the Local Development Plan.
4. To ensure a high quality, substantial planting scheme is included which gives a high level of screening and to comply with NYM Core Policy A and NYM Development Policy 24.
5. To ensure that the proposed planting is sustainable in the long term to provide screening for the duration for the development.
6. The Local Planning Authority recognises its duties under the 1998 Crime and Disorder Act and wishes to ensure inclusion of crime prevention measures that are commensurate with the character of the area.
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Continued overleaf/Reasons for Conditions



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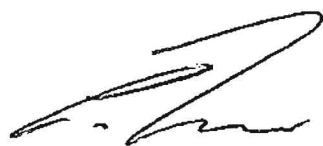
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8. In order to enable the Local Planning Authority to retain control over future buildings at the site in the interests of safeguarding the landscape character of the locality and in line with NYM Core Policy A and NYM Development Policy 16, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
9. The Local Planning Authority would wish to control the operational hours of the public element of the site and would not wish to see this part of the site used for permanent access and parking and to comply with NYM Core Policy A.
10. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.
11. For the avoidance of doubt and to restrict the more intensive use of the site to the 187 parking spaces for York Potash Ltd and their contractors as shown on the approved plans.
12. For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
13. In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
14. In accordance with NYM Development Policy 23 and to provide for appropriate on-site vehicle parking and storage facilities in the interests of highway safety and the general amenity of the area.
- 15 – To avoid pollution of watercourses and to comply with the provisions of NYM
17. Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
18. In the interests of the visual amenities of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

Officers have held pre-submission discussions with the applicant, including a site meeting, and have worked with the applicant on refinements to the proposed development during processing of the application.

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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 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 (12 weeks in the case of a minor commercial application). The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without 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 using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

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. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
5. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.