

## North York Moors National Park Authority

District/Borough: Scarborough Borough Council  
(North)  
Parish: Newholm-Cum-Dunsley

Application No. NYM/2018/0174/FL

**Proposal:** 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

**Location:** OS Field 3618 bounded by Guisborough Road  
A171, B1460 and Barkers Lane  
Whitby

**Decision Date:** 04 July 2018

### Consultations

**Borough/District** - Scarborough Borough Council (Planning) – No objection.

**Parish** – Newholm cum Dunsley Parish Council – No objection.

**Highways** – No objection.

**Environment Agency** – No comments.

**Natural England** – No objection.

**Environmental Health Officer** – No objection.

**Whitby Town Council** - No objection.

**Police Designing out Crime Officer** - No comments.


**Site Notice/Advertisement Expiry Date** – 01 May (site notice), 18 May 2018 (press notice).  
No representations have been received.

### Director of Planning's Recommendation

**Approval** subject to the following condition(s):

1.	TIME01	The development hereby permitted shall be commenced before 12 August 2018.
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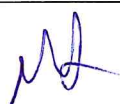

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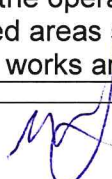
2.	PLAN01	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date received</th> </tr> </thead> <tbody> <tr> <td>Typical cross sections</td> <td>BDS/WP&amp;RE/2016/701A</td> <td>23 March 2018</td> </tr> <tr> <td>Top soiling, grass seeding, fencing, street furniture</td> <td>BDS/WP&amp;RE/2016/300A</td> <td>23 March 2018</td> </tr> <tr> <td>General Arrangement</td> <td>BDS/WP&amp;RE/2016/MISC001</td> <td>23 March 2018</td> </tr> <tr> <td>Proposed Floor Plan and Roof Plan</td> <td>NY/17008A/100.002 v. P1</td> <td>23 March 2018</td> </tr> <tr> <td>Proposed Elevations</td> <td>NY170008/A/140.002</td> <td>23 March 2018</td> </tr> <tr> <td>Illuminated Bollards</td> <td>BDS/WP&amp;RE/2016/1300C Rev C</td> <td>18 April 2018</td> </tr> <tr> <td>Location of Gap in Northern Hedge</td> <td>BDS/WP&amp;RE/2016/MISC-002</td> <td>01 May 2018</td> </tr> </tbody> </table> <p>Or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.</p>	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
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3.	RSUO00	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.																								
4.	LNDS00	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.	LNDS00	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.	MISC00	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.	MISC00	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.	WPDR09	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 Schedule 2, Part 2, Class A (or any order revoking or re-enacting that Order), no gates, walls, fences or other means of																								

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		enclosure shall be erected without a further grant or permission being obtained from the Local Planning Authority.
9.	GACS00	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.	GACS00	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.
11.	RSUO00	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.	RSUO00	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.	HWAY00	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.	HWAY00	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

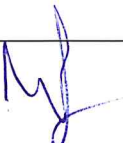
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		construction works shall be parked on the public highway or outside the application site.
15.	DRGE00	No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principle and an assessment of 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 722m <sup>3</sup> attenuation storage will be provided. Details of how the scheme shall be maintained and managed after completion.
16.	DRGE00	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.
17.	DRGE00	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.	GACS00	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.

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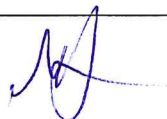
**Informative**

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, 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 at <a href="http://www.groundstability.com">www.groundstability.com</a>
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**Reason for Condition(s)**

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	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.	RSUO00	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.	LNDS00	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.	LNDS00	To ensure that the proposed planting is sustainable in the long term to provide screening for the duration for the development.
6.	MISC00	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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8.	WPDR09	In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the development in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
9.	GACS00	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.	GACS00	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.	RSUO00	For the avoidance of doubt and to restrict the more intensive use of the site to

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		the 187 parking spaces for York Potash Ltd and their contractors as shown on the approved plans.
12.	RSUO00	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.	HWAY00	In accordance with NYM Development Policy 23 and in the interests of the safety and convenience of highway users.
14.	HWAY00	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.	DRGE00	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.
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18.	GACS00	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.

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**Background**

Planning permission for construction of a public Park and Ride facility for Whitby, on land within but immediately adjacent to the National Park boundary, was granted in 2012 and the site has been operational for a number of years.

In August 2015, following a resolution by the National Park Authority to grant permission for development of a new polyhalite mine (Woodsmith Mine) near Sneatonthorpe, a related application for a variation of conditions 2, 4, 8 and 9 of the 2012 permission for the Park and Ride facility was granted. The purpose of those variations was to enable provision of a private park and ride facility for employees of York Potash Ltd working at the Mine. The specific approved variations authorise alterations to the layout and landscaping of the site, the construction and use of 180 additional private parking spaces, revisions to site opening times to allow 24 hour use of the private spaces, and siting; of permanent lighting in the private parking area.

The 2015 permission was implemented in April 2018 and initial construction work is underway. A further application has now been submitted for a variation of conditions attached to the 2015 permission, to authorise:

- 1) the provision of seven additional private parking spaces. This has been enabled by the decision to re-locate a number of private spaces for disabled persons, originally to be provided at the private Park and Ride facility, to the mine site itself;
- 2) the erection of a small (12m<sup>2</sup>) single storey extension to the front elevation of the existing Park and Ride amenity building, to provide specific operational accommodation for site security personnel overseeing operation of the private parking facility. The extension would be to a consistent design, and with consistent materials, as the existing amenity building;
- 3) the erection of a new 12m by 5m bus shelter, separate but in close proximity to the rear of the existing amenity building. This is intended to provide shelter for mine site employees using the Park and Ride site during hours when the public amenity building is not available. The shelter would be constructed of timber and glass;
- 4) installation of a new rise and fall security gate inside the main site entrance gate, to prevent access by the public during hours when the main gate is open for access to the private parking area but the site is not open to the public;
- 5) provision of a new 2m high weld-mesh security fence along the northern and parts of the western and eastern boundary of the private parking facility;
- 6) the introduction of additional low level lighting bollards with the private parking facility, and provision of lighting bollards along the walkway between the amenity building and private parking facility. The 2015 permission provides for 35 lighting bollards, 1 metre in height,

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within the parking area itself with no provision along the walkway. The proposed scheme seeks approval for 54 1 metre bollards within the Parking area (representing a 10 metre spacing) with a further 10 bollards located along the pedestrian walkway. This provision is consistent with the recommendations of a lighting study commissioned by the Authority in 2016 in response to earlier draft proposals for a lighting scheme involving approximately 230 larger lighting bollards. The units are designed to significantly reduce the potential for upward emission of light. The applicant has confirmed that, as there will be a 24 hour security presence on site to oversee operation of the private facility, these lighting units will also be switched off when not required (ie outside night time shift change-over periods).

7) variation of a condition limiting use of the private facility to employees of York Potash Ltd only, to enable use of the facility by York Potash and their contractors (this is intended to allow additional flexibility recognising the significant role of contractors during the construction stage of the Mine).

## Main Issues


Provision of a private Park and Ride facility for the Mine is intended to reduce the overall need for light vehicle movements in the vicinity of the Woodsmith Mine site, and hence on roads within the National Park, as well as the need for extensive car parking provision at the Mine surface site. In general terms it is therefore considered to be of benefit in helping to minimise the overall adverse impact of the mine development, during both construction and operational stages. The principle of developing a private Park and Ride facility at the Whitby Park and Ride site is already established through the 2015 permission, which has now been implemented. The scheme as now proposed to be amended is not considered to be substantially different from that which was originally approved and is therefore considered to fall within the scope of Section 73 of the Town and Country Planning Act 1990, relating to material minor amendments to a planning permission.

The main issue to be considered is whether the scheme, as proposed to be modified, would lead to any significant conflict with current planning policy, or other harm, compared with that originally approved. In this respect it is not considered that there have been any significant changes to the development plan, or to relevant elements of national policy, since the previous decision. The following adopted planning policies in the Core Strategy and Development Policies (2008) are considered to be of particular relevance.

*Core Policy A (Delivering National Park Purposes and Sustainable Development)* gives priority to enabling access to services, facilities, jobs and technology whilst minimising the environmental impacts of transport.

The proposed modifications to the private Park and Ride facility are intended to enable efficient operation of the facility during both the construction and operational stages of the Woodsmith Mine development, thereby helping to reduce the overall environmental impacts of demand for travel generated by the Mine. They are therefore considered to be generally consistent with this Policy.

*Core Policy M (Accessibility and Inclusion)* seeks to improve accessibility within the National Park through the use and development of alternative modes of transport to the private car and through reducing the need for travel.

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Efficient operation of the private Park and Ride facility will support a reduction in the use of private cars by employees and contractors involved in construction and operation of the Mine and therefore reduce the overall need for travel within the National Park. The proposals are therefore considered to be generally consistent with this Policy.

*Development Policy 1 (Environmental Protection)* requires that development only be permitted where it will not generate unacceptable levels of noise, vibration, activity or light pollution.


The modifications to the Park and Ride scheme now proposed would not lead to any significant change to the footprint of land used for parking, or in the overall operational principles of the site. Significant changes to levels of noise, vibration, or overall activity are not anticipated, compared with the approved scheme. Whilst the proposals seek approval for installation of additional lighting bollards, the lighting provision now proposed is consistent with proposals developed by consultants to the National Park Authority in 2016, in order to help minimise the potential for light pollution associated with the site, whilst providing adequate levels of lighting for site safety and security purposes. The applicant has indicated that they would accept a further condition requiring that lights are switched off when not required (ie outside night-time shift change-over periods) and achievement of this control will be enabled by the provision of a 24 hour security presence on site. It is recommended that such a condition be imposed should permission be granted. It is also noted that the existing (2015) permission contains a condition which requires provision of a scheme of off-site compensation/off-setting/amelioration for additional light pollution to be generated by the development, and that this can be satisfied through the offsetting arrangements for the substantive mine head development (ie Woodsmith Mine) as an alternative to a standalone arrangement. Whilst a range of Section 106 measures for mitigation and compensation of residual adverse impacts from the wider Mine development are now being implemented, this will be a continuing process throughout development and operation of the Mine. It is therefore considered that such a condition should be carried forward if permission is granted.

*Development Policy 3 (Design)* requires that the design of development takes account of safety, security and access needs for all potential users of the development and that parking provision is provided in line with standards adopted by the Authority.

The modifications to the scheme now proposed are intended to provide an improved level of security and safety for users of the private Park and a Ride facility, though provision of on-site security accommodation, additional entry/exit barriers, enhanced site lighting and an additional security fence. They are therefore considered to be consistent with this Policy.

*Development Policy 24 (Transport Infrastructure)* requires that, for transport infrastructure schemes including Park and Ride facilities, the siting, scale and design does not have an adverse impact on the landscape character and amenity of adjacent occupiers.

The proposed extension to the amenity building would be constructed of materials matching the existing structure (ie stone brickwork, aluminium windows, sedum roof and timber weatherboard and to a design matching the existing building and is considered to represent a suitable solution for provision of the required security accommodation. The proposed bus shelter is considered to be to an appropriate standard of design and materials, consistent with its proposed location. The 2 metre high security fence, principally to the northern

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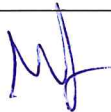
boundary of the site (ie the frontage to Barkers Lane) would be constructed between a soil screening mound located along the northern margin of the private parking area and the established hedgerow along the site boundary to Barkers Lane. The presence of the hedgerow, and the sunken nature of parts of the Lane relative to ground levels within the site, would reduce the visual impact of the fence, as perceived by users of the Lane, and the fence would be largely screened from users of the Park and Ride site by the screen mound. However, it is noted that there is a substantial gap (approximately 25 metres in length) in the hedge in one location along the site boundary to Barkers Lane. The applicant has therefore indicated that they would accept an additional planning condition requiring implementation of a scheme of planting to close this gap.

Taking into account the nature of the development and its' location relative to potential receptors, it is not considered that the development would give rise to significant adverse impact on landscape or on the amenity of adjacent occupiers, including the Victoria Farm Garden Centre and café and Cross Butts Farm hotel and restaurant, which lie just to the east of the site, within the Whitby enclave. It is therefore considered that the proposals are consistent with Development Policy 24.

In terms of potential for cumulative impact, although this proposal on its own would not be likely to lead to any significant conflict with the Authority's planning policies, it does represent one of several developments within, or on the edge of, the National Park, associated with the potash mine project. Cumulatively, these have the potential to impact adversely on the special qualities of the North York Moors, the public enjoyment of these and the longer term public perception of the National Park. However, it is not considered that the specific modifications to the Park and Ride scheme now proposed would, in themselves, lead to any significant additional impact, including cumulative impact, compared with that associated with the scheme permitted in 2015. Significant mitigation and compensation measures to help address residual adverse impacts on the National Park are provided for through Section 106 obligations associated with the permission for the substantive mine development and would continue to be implemented for the duration of the project. It is not considered that the proposals subject of this application give rise to the requirement for additional mitigation or compensation measures, other than those required via conditions recommended to be imposed if permission is granted. The justification for any such requirements will need to be considered on a case by case basis as any relevant proposals come forward.

In conclusion, it is considered that there have not been any significant changes in adopted national or local planning policy, or to other material considerations, since the previous determination for the Park and Ride private parking scheme, that would indicate a different decision to that reached previously.

On this basis, it is recommended that planning permission be granted, subject to the conditions on the accompanying schedule, which include undischarged conditions carried forward from the previous permission, as well as additional conditions relating to site lighting and hedgerow planting. It is noted that a separate but parallel application (NYM/2018/0262/cvc) has been submitted for discharge of the remaining undischarged conditions attached to the 2015 permission, which is expected to be determined in the near future.

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**Contribution to Management Plan Objectives**

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List Number DOP

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**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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