

North York Moors National Park Authority

Scarborough Borough Council (South) Parish: Darncombe-Cum-Langdale End	App Num. NYM/2011/0757/FL
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Proposal: Permission for temporary exploratory potash borehole and associated plant, equipment including drilling rig (max height 33 metres) and access arrangements

Location: Langdale Rigg End, Langdale Forest, Near Harwood Dale

Applicant: York Potash Ltd, fao: Mr Richard Hunt, 2 Langley House, Wykeham Business Park, Wykeham, Nr Scarborough, North Yorkshire, YO13 9QP

Date for Decision: 03 January 2012

Grid Ref: SE 492874 495253

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TL00 The permission hereby granted is valid only for six 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. AP00 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:

Plan Description

Date Received

Planning Support Statement including soil handling and storage arrangements, disposal of any contaminated aggregate arrangements, soil restoration arrangements and hours of working.

8 Nov 2011

Ecological Impact Assessment including pre-commencement walk over by a suitably qualified Ecologist set out in.

8 Nov 2011

Heritage Desk Based Assessment including presence of a suitably qualified Archaeologist on day(s) when any soil stripping is to take place and any archaeological remains are suitably excavated and recorded in accordance with normal research practice.

8 Nov 2011

Hydrological Risk Assessment including adherence to submitted general drilling method statement and temporary/permanent casing of boreholes at interseeking with aquifers, composition of drilling muds, on-site storage of drilling muds, containment of drill hole discharges and borehole plugging.

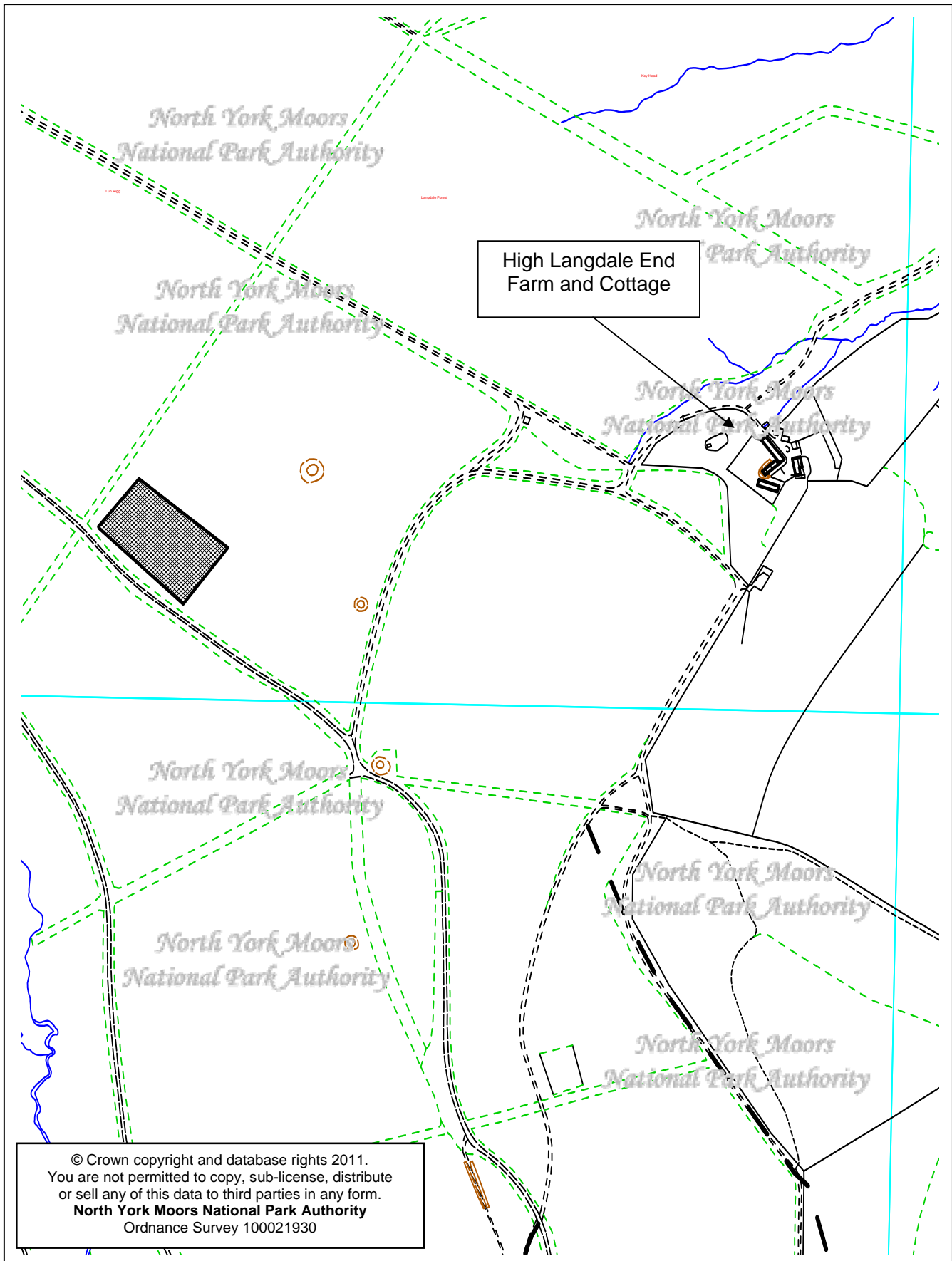
8 Nov 2011

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.

8 Nov 2011

Landscape and Visual Impact Assessment Report

8 Nov 2011



High Langdale End
Farm and Cottage

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Scale: 1:5001



The Government Standard

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Conditions (continued)

3. MIS0 No actual drilling associated with the development hereby permitted shall take place until a detailed Drilling Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall include details of drilling muds, implementation, supervision, monitoring, timing and phasing of the approved drilling.
4. MIS0 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. AR00 The mitigation measures set out in the archaeological strategy shall be carried out with a toothless bucket machine stripper.
6. HC21 Highway Condition Survey
7. HC25 Routing of Construction Traffic

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 Development Plan Policy 3.
- 3 & 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 order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to accord with the provisions of NYM Development Policy 7.
- 6 & 7. In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.

Consultations

Parish - No objections, would comment that the roads should be left in the same or better state as they are found. As much traffic as possible should access the site from the A169 including water delivery vehicles. Would prefer the Derwent Head site be carried out before Langdale Rigg site so as to minimise impact on local residents.

Highways - Subject that the application will be conditioned to restrict use of the routes to be used by HCV construction traffic to the approved route via RAF Fylingdales main access only, there are no highway objections, subject to conditions, to the application.

Environmental Health Officer -

Environment Agency -

Ministry of Defence - No objections.

Campaign for the Protection of Rural England -

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Advertisement Expiry Date - 24 December 2011.

Others - Tom Potter, High Langdale End Farm - Our biggest concern is possible damage to the access, currently we fill the potholes by material provided by NYCC. Would ask the road be left in the same state as before the work begins.

Background

In the north east corner of the National Park, north of the twin fishing port of Cowbar/Staithe there is a large potash mine known as Boulby Mine. It was established on a former ironstone mine site in the 1960's to exploit part of the only potash mineral resource which lies under mainland Britain. Potash is a generic term for potassium minerals which are soluble and therefore commercially viable for extraction, the majority of which goes into fertilizers to replenish soils but a small amount goes to the chemical industry. The deposits lie approximately 1 to 1.7 kilometres below the surface. The nearest other mine is in Germany. Two other potash mines in the Whitby area were approved in the 1960's on appeal however they were never implemented.

The price and demand for potash appears to be rising and attention is now being focussed on the other parts of the North Yorkshire coast potash reserves with a view to assessing whether the deposits are commercially viable. Minerals Policy Statement 1 (MPS1) sets out government policy in respect of minerals developments, amongst things it states that the mineral industry should be supported including the identification of mineral reserves, that exploration developments should be carefully considered to minimise adverse impacts on the environment and that major mineral developments should not be permitted in National Parks except in exceptional circumstances.

This application is the seventh such application and likely to be one of ten submitted by the applicants to help them assess the presence, quality and commercial viability of the potash and polyhalite reserves which are believed to lie beneath the coastal plain south of Whitby and possibly as far as south of Scarborough. The reserves information would be supplemented by carrying out vibration (non-explosion) seismic surveying between the various boreholes. The boreholes would bring core samples from the potash layer to the surface for examination and assessment off-site. The first borehole at Hawsker has had its polyhalite and potash reserves assessed and the results are understood to have been very good.

In brief it is proposed to establish a compound some 60 metres by 90 metres by; scraping off the soils, creating a fenced bunded working area, laying down a hardcore working base on a geogrid layer, establishing various tanks, staff cabins, generators and most notably a 33 metres drilling rig which would be lit with fluorescent strip lights and topped with a red night time warning light. The rigs are commercially hired and to reduce costs, it is envisaged that the site will only exist for eight weeks, that being the time between soil stripping and soil restoration. The applicants are seeking to operate two sizes of drilling rigs at any one site. Actual drilling is likely to take place for approx five weeks for 24 hours a day and over seven days a week.

This application site lies approximately four kilometres north west of Langdale End village, deep inside Langdale Forest adjacent to the 'moors to sea' cycle route. There is little to distinguish the site from the surrounding Conifer forest other than there is a very small clearing which needs to be increased in size. Access will be along the existing forestry logging roads entering the forest behind RAF Fylingdales off the A169 where there is a good access junction.

Lengthy and detailed reports have been submitted with the application in respect of; Supporting Planning Statement, Ecology Report, Archaeological Assessment, Hydrological Assessment, Landscape and Visual Report together with a Noise Report. The applicants have also confirmed they are applying for all other consents related to environmental permitting regulations.

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Background (continued)

In brief the reports indicate; there are no known ecological receptors present which would be affected by the development and in any case the development would take place out of the bird breeding season, whilst there are scheduled ancient monuments in the area none would be affected by the development, the overall risk to controlled surface and groundwater is low and predicted noise levels at the nearest noise receptor (High Langdale End 610 metres away) will comfortably meet normal day and evening acceptable levels.

In relation to the visual assessment, the report notes that the rig would be in a forest location and the main receptors would be walkers for a few minutes but having regard to the eight week temporary nature concludes the development would not conflict with National Park policy framework. In brief the Planning Statement states:

The operation will last approximately eight weeks from soil stripping to soil replacement. The site has been chosen to minimise surface impacts and ability to obtain access and away from geological faulting. The results will be used to understand the nature and extent of deposits and influence the position of any subsequently proposed mine head.

The site would have the soils moved to the outer edge and banded for re-use, site preparation would involve about 75 vehicle movements by 20 tonne load wagons over two/three days to lay the aggregate base. The plant and equipment would consist of 40 lorry loads of equipment including the drilling rig. Drilling muds are filtered for re-use. During the drilling period vehicle movements will be needed for staff, toilet emptying, food deliveries and drilling water deliveries. The borehole will be capped in accordance with normal mines safety methods and traffic management has been discussed with the Highway Authority. Can confirm that only four water tankers a week are required and we are happy to accept a condition that the delivery takes place out of peak hours, these would enter the forest from Langdale End.

Main Issues

Minerals Planning Policy Statement 1 (MPS1) states, amongst things, that minerals are essential to the nation's prosperity and quality of life and that mineral planning needs to balance the benefits minerals bring to society with the impacts arising from their extraction. That exploration development should be carefully considered to avoid or minimise adverse impacts on the environment and that major mineral developments should not be permitted in National Parks except in exceptional circumstances.

The Government has indicated its intention to abolish Regional Spatial Strategies although they are still extant. Policy ENV4 states, amongst things, that plans should safeguard mineral deposits including potash from sterilisation and provide for an adequate and steady supply.

The NYM Local Development Framework includes Core Policy E, which deals mainly with building stone minerals but also indicates all other minerals developments will be considered against the major development tests. It also supports the continued extraction of potash at Boulby provided any detrimental impact is not unacceptable in the context of any overriding need for the development. Core Policy A seeks to further National Park purposes by giving priority to, amongst things, conserving the landscape and natural environment and ensuring development is compatible with the scale and levels of activity of the locality together with strengthening the rural economy.

Members may recall that a report was considered at the 28 March 2011 meeting of the National Park Authority regarding potash exploration. At that time Members noted that the exploration and extraction phases are normally dealt with in a separate manner and under different policy regimes.

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Main Issues (continued)

The main issues are considered to be whether the approval of a temporary borehole conflicts with the major development test and implies acceptance of extraction at the site and the acceptability of the impacts from the temporary exploration activity including vehicle movements.

The Government's 'Planning and Minerals: Practise Guide' is a companion to MPS1. It clearly sets out that whilst much minerals exploration development will be permitted development and outwith the Planning system, where permission is required it acknowledges that particular care will be needed in designated landscapes.

It further goes on to clarify that "The process of exploration and appraisal does not carry any presumption that long term production or mineral extraction will take place at that location".

This Authority has a history of dealing with numerous gas and oil exploratory boreholes to similar depths as being proposed here and has generally approved them on the basis it is in the national interest to know what the nation's mineral reserves are and that extraction and any processing is a different balancing exercise involving the major development test. As such it is considered there are no objections in principle to exploratory boreholes for assessing potash and polyhalite reserves that are likely to lie beneath the National Park landscape.

Within the application, extensive and detailed reports have been provided by suitably qualified specialists which have assessed the likely impacts on ecology, water resources, noise, archaeology from the temporary development as low. The landscape assessment accepts the operation of a 33 metres high illuminated (at night) drilling rig will be seen but will be temporary. Officers consider there is little evidence to conclude that the development would be so harmful to warrant refusal and the benefits to knowing what the nation's potash reserves are in the locality justifies an approval in principal.

The most suitable route to the site is via the A169 and access past RAF Fylingdales and Officers are pleased this has been negotiated with the MOD. The four phases of heaviest traffic movements are considered to be the stone importation for the hardcore base, the delivery of plant and machinery and removal of the same but these should not affect the existing relatively high activity levels on this busy A road,.

This exploratory borehole site is located on the 'moors to sea' cycle route and will no doubt be a surprise to any walkers or cyclist who come across it in this remote part of this working timber extraction forest, but views will be for a few minute and should not adversely affect the overall enjoyment of the route. As such it is not considered the associated traffic movements would be harmful to warrant refusal.

Reason for Approval

The proposed exploratory borehole, by reason of its temporary nature, forest 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.