

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Sneaton	App Num. NYM/2012/0828/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 (part retrospective) (extended site area to that approved under NYM/2012/0601/FL to provide for additional storage of spoil from additional excavations, new construction access road and larger compound area)

Location: Doves Nest Farm, Sneatonthorpe

Applicant: York Potash, fao: Mr Adam Jackson, 7-10 Manor Court, Manor Garth, Scarborough, North Yorkshire, YO11 3TU

Date for Decision: 11 March 2013

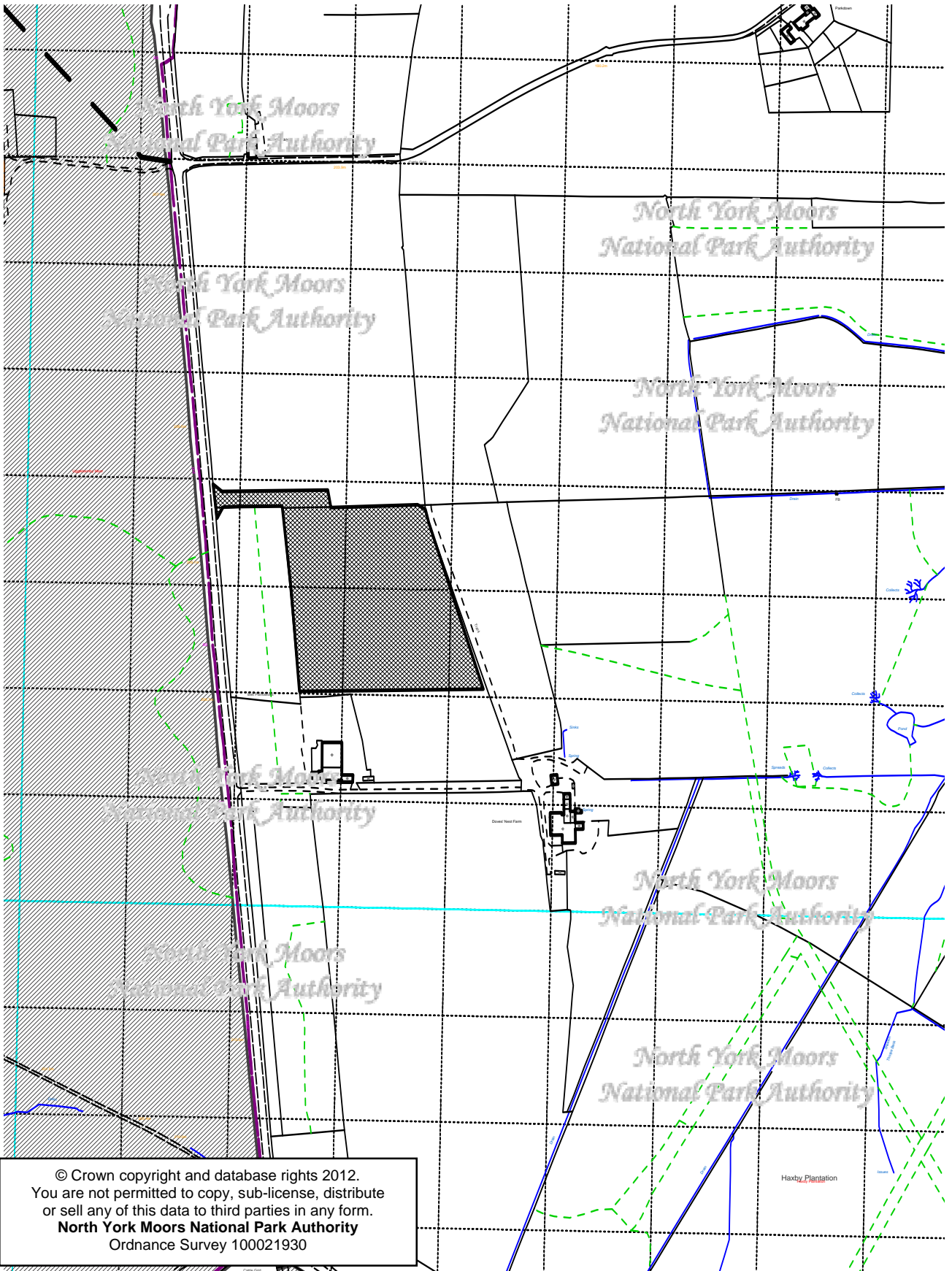
Grid Ref: NZ 489309 505288

Director of Planning's Recommendation

Approval subject to the following conditions:

1. TIME00 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. PLAN00 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.	07 December 2012
Ecological Survey and Assessment	10 December 2012
Flood Risk Assessment	12 December 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 L _{Amax} daytime	07 December 2012
Landscape and Visual Impact Assessment Report	10 December 2012
3. RSUO00 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. MISC00 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.




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Application No:
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Scale: 1:5000 



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Reasons for Conditions

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.
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.

Consultations

Borough - No objections.

Parish - No objections, but would like it noted that the National Park needs to keep a close eye on what is going on at this site.

Highways -

Environmental Health Officer -

Environment Agency - No objections.

Ministry of Defence - No objections.

Natural England -

Campaign to Protect Rural England -

North Yorkshire Moors Association - Object to the development. The current application is referred to as an exploratory potash borehole in the same way as previous sites. This development is different as it relates directly to the future sinking of a shaft in this location. This is a shaft test site and not an exploratory borehole and as such should be explicitly described as such.

NATS - The proposed development does not conflict with safeguarding criteria.

Advertisement Expiry Date - 18 January 2013.

Others - Ms Susan Willmington, Red Barn, Littlebeck Lane, Sneaton - Objects to the proposed development as the scheme implemented to date does not comply with approvals and they should reinstate the damage done.

Dr David Cunion, Low Farm, The Cliff, Ugglebarnby - Objects to the development. The access road is extremely obtrusive and has much greater impact than the original borehole sites. Retrospective permission, if granted devalues the planning process.

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Background

This application is for an extension to a previously approved Potash borehole site at Doves Nest Farm, Sneaton as part of the ongoing geological investigations by York Potash in advance of submitting a substantive application for a Potash mine on this site.

This application has come about through a need to extend an existing site beyond the parameters outlined in a previous consent for a borehole in this location (NYM/2012/0601/FL) which was approved under delegated powers. Following commencement of site preparation, the decision was taken by York Potash to excavate to a deeper level than originally intended in order to reach a stable platform for the drilling rig to be placed on. This meant that more spoil was excavated which had to be placed adjacent to the excavation, outside the original red line boundary. This spoil has been banded to a height of approximately 7 metres.

The original application (NYM/2012/0601/FL) has already been amended to reflect a change in the amount of hardcore needed to stabilise the rig, which increased from 1500 tonnes to 11500 tonnes.

It is proposed to establish a compound 165m by 150m (increased from 60 metres by 90 metres) by; scraping off the soils, creating a fenced, banded working area, laying down a hardcore working base on a geo-textile layer, establishing various tanks, staff cabins, generators and most notably a 33 metre drilling rig which would be lit with fluorescent strip lights and topped with a red night time warning light. It is envisaged that the site will exist for up to nine months, that being the time between soil stripping and soil restoration. The applicants are seeking to operate two sizes of drilling rig at any one site. Actual drilling is likely to take place for approx six months and will operate for 24 hours a day and over seven days a week.

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.

In brief the reports indicate; there are no known buried historical artifacts or heritage assets on the site and as such no likely impact on heritage assets. The Visual Assessment notes that the rig would be in an agricultural field location and states that the visual impact of the development will be moderate/substantial and adverse but that the impact is temporary and following restoration of the site will be entirely returned to its former condition. The Planning Statement indicates that the operation will last approximately nine months 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 proposed mine head should future permission be granted for such development. The Flood Risk Assessment shows that flood risk on site or down-stream from the site is limited and can be readily mitigated.

The site would have the soils moved to the outer edge and banded for reuse, site preparation would involve about 575 vehicle movements by 20 tonne load wagons over 19 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 reuse. 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.

Main Issues

The National Planning Policy Framework states that minerals are essential to support sustainable economic growth and quality of life. Minerals Planning Authorities are required to facilitate the sustainable use of minerals and plan for a steady and adequate supply of industrial minerals such as potash. When determining planning applications, they should give great weight to the benefits of the mineral extraction.

The National Planning Policy Framework also recognises that great weight should be given to conserving landscape and scenic beauty in National Parks and other nationally protected areas.

Planning permission for major developments (which would include major mineral extractions) should be refused in these areas except in exceptional circumstances and where it can be demonstrated that they are in the public interest – this is what is known as the ‘major development test’ and is a statement of government policy now set out as paragraph 116 in the National Planning Policy Framework.

The National Planning Policy Framework is silent on the treatment of applications for exploratory minerals development but it is implicit in the requirements for Planning Authorities to develop and maintain an understanding of the extent and location of mineral resources in their areas and plan for the sustainable use of minerals that exploratory drillings should be supported in appropriate locations.

Although the National Planning Policy Framework confirms the Government has indicated its intention to abolish Regional Spatial Strategies the Yorkshire and Humber plan is 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 test’.

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.

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

The National Planning Policy Framework states that Mineral Planning Authorities should plan for a steady and adequate supply of industry minerals and that great weight should be given to conserving the landscape and scenic beauty in National Parks.

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’ and other relevant policies.

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. These reports have assessed the likely impacts on ecology, water resources, noise and archaeology from the temporary development as low. The Landscape Assessment accepts that the operation of a 33 metre high illuminated (at night) drilling rig will be seen and that its visual impacts are high and adverse but that any impact will be temporary.

The Ecological Assessment found that the site is a poor habitat of negligible ecological value. The site will be quickly restored to its previous arable use on completion of operations.

In terms of noise impact the Noise Report concludes that the nearest residential property is Doves Nest Farm. This is the farm that owns the proposed drill site. The second nearest noise receptors are Thorn Hill, Moor House Farm, Park Down and Knaggy House Farm. The Assessment suggests that the noise levels generated by the development are below maximum noise levels acceptable within sensitive properties. As such the proposed development is not considered to have a detrimental impact on residential amenity in terms of noise. Due to the temporary nature of the development the noise impact in terms of the tranquillity of the National Park is considered to be acceptable in this instance.

At the time of writing no reply has been received from the Highways Authority. It is understood that the applicant has previously undertaken consultation with this authority.

An objection has been received from a neighbouring resident who is concerned that the development of Doves Nest appears to be going on with little control or adherence to planning approvals.

The applicant has submitted information and revised applications as required due to changes to on site circumstances.

Officers consider there is little evidence to conclude that the development would be so harmful to warrant refusal and the impacts of the development have already been considered and the principle has been approved under the original application.

The North Yorkshire Moors Association has also raised an objection to the development on the basis that the objective of the drilling is to provide information in relation to the possible sinking of a mine shaft rather than to ascertain geological information on the Potash resource itself. This is actually the case; the drilling of this particular borehole is an information gathering exercise that will determine the techniques that will be employed at various stages of the shaft sinking in relation to the local geology. Nevertheless, this is still within the definition of mineral exploration rather than extraction and the development therefore falls within the same planning policy context as all the previous exploratory drilling consents. It does not, in any way imply that a future application for mineral extraction at this site will be approved as the planning policy framework for this is significantly different.

Due to the temporary nature of the proposed development and its location in a field, the impacts of the proposed development are not sufficiently harmful to warrant refusal.

Approval is recommended.

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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.