

By Recorded Delivery
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Date 28 August 2015
Our ref 50303/09/JG/SS1/9631956v350303/09/HS/9631956v1



Dear Sir / Madam,

Application for a temporary exploratory drilling site (borehole SM14 works), Land at Dove's Nest Farm, Sneaton (time extension to extant pp. NYM/2014/0454/FL)

On behalf of our client York Potash Ltd ("YPL"), please find enclosed an application for the proposed retention of drilling equipment and associated access at the Dove's Nest Farm ("DNF") site for a further 12 month period.

Overview

The North York Moors National Park Authority ("NYMNPA") has granted a series of temporary planning permissions for exploratory drilling at the DNF site, Sneaton¹. Most recently, planning permission NYM/2014/0454/FL (dated 13 October 2014) granted permission for the consolidation of the site boundary areas of previous permissions (required for spoil storage), and an extension of the timeframe for implementation of the drilling programme until 12 October 2015. These works are referred to herein as the 'SM14 borehole works'.

This application effectively seeks to extend the timeframe for the works approved by permission ref. NYM/2014/0454/FL for a further year.

¹ Reference numbers: NYM/2012.0601/FL, NYM/2012/0828/FL, NYM/2013/0040/FL, NYM/2013/0835/FL and NYM/2014/0454/FL.



Justification for Proposed Extension of Time

Wider York Potash Project

As you will be aware, there have been a number of key developments in respect of work to bring forward wider York Potash Project, since permission ref. NYM/2014/0454/FL was granted in October 2014.

Planning permissions for the materials handling facility at Wilton ("MHF") and the mine/mineral transport system ("MTS") have been granted by Redcar and Cleveland Borough Council ("RCBC"), and the decision notices issued.

Planning permission for the construction phase park & ride element has been granted and issued by Scarborough Borough Council ("SBC"), and the planning permission for the operational park & ride has been granted and issued by the NYMNPA.

An application for a Development Consent Order ("DCO") has been registered with the Planning Inspectorate ("PINS") for a harbour facility at Wilton (in the RCBC administrative area), with progress being made.

Of specific relevance to the DNF site, a resolution to grant planning permission for the mine/MTS element has been made by NYMNPA.

As a result of the key design decisions made, a detailed engineering design phase of the wider project has been triggered. The need for further empirical data and rock cores to inform the forthcoming engineering stages has generated the need for the proposed extension of time of the previous SM14 works, as set out below.

Drilling Programme at Dove's Nest Farm

As set out under the previous and extant planning permissions for these drilling works, the purpose of the SM14 works at DNF is effectively to inform YPL's engineering approach to the sub-surface elements of the mine.

The site area comprises approximately 4.6ha, while the currently approved maximum rig height is 33m. This maximum rig height will remain for as long as the works take to complete during the proposed additional 12 month period, after which the rig will once again be removed from the site. The location of the SM14 borehole works aligns directly with the location of one of the shafts which comprises part of the DNF minehead infrastructure.

As the operation is subject to an extant planning permission, and has been ongoing (pursuant to previous temporary planning permissions) since 2013, the site has been levelled and prepared previously, with the drilling platform and associated access road already in-situ.

Proposed Extension of Time

Notwithstanding the works that have already been undertaken pursuant to the extant planning permission and its predecessors, the significant progress with securing the relevant consents for the wider project (summarised above) has given rise to the requirement for an extension of timeframe to complete the coring at the SM14 site at DNF. The further detailed strata core data will feed directly into the detailed refinement of the scheme to be constructed at the DNF site.



The completion of the programme of exploratory drilling works has been dependant to a degree on the timing of the issuance of the various planning permissions for the wider York Potash Project, something that could not be accurately scheduled at the time of the last application for these works being made in July 2014. The completion of the required coring cannot be undertaken within the time constraint currently in place (i.e. before 12 October 2015).

In recognition of this, and with regard to the agreements reached during previous correspondence between NLP and NYMNPA in advance of previous applications / permissions for these works, it is proposed that condition 1 of extant planning permission ref: NYM/2014/0454/FL is reattached (albeit with reference to the new decision date, and with the addition of the underlined text):

"The permission hereby granted is valid only for 12 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, unless agreed in writing with the local authority".

Please note that the additional underlined text is proposed in recognition of the progress that has been made in securing planning permission for the minehead works at DNF since planning permission ref: NYM/2014/0454/FL was granted. Notwithstanding that the NYMNPA decision notice is outstanding at the current time, should the decision be issued as expected then works at DNF may reasonably be expected to commence at some stage during 2016. Given the location of the SM14 borehole works at the DNF minehead site (over a proposed shaft), this additional wording is proposed in order to facilitate the transition into these works, should this be required.

All aspects of the extant planning permission ref: NYM/2014/0454/FL, including details of the site and the nature of the drilling rig, will otherwise remain the same as previously granted.

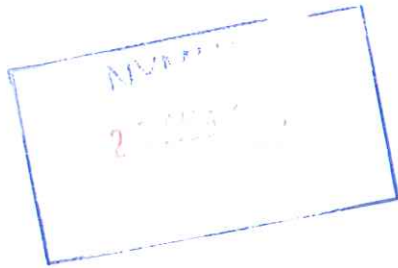
The Drilling Programme produced by YPL (March 2013) comprises a method statement for the drilling works, including geological data, on-site operational practices and health & safety procedures.

Environmental Assessments

The application site and the surrounds have been subject to extensive surveys and assessments, covering the topics of Ecology, Flood Risk, Noise, Landscape and Visual, Hydrology, Heritage, Archaeology and Traffic Management. These assessments have previously been submitted to the NYMNPA, to accompany the suite of previous planning applications that have granted permission for the SM14 works. They are listed on the decision notice for extant planning permission ref: NYM/2014/0454/FL, under Condition 2.

Furthermore, while not relating directly to this development, there exists a full suite of up to date technical survey and assessment data covering this site which is set out in the Environmental Statement and relevant appendices which accompanied planning application ref: NYM/2014/0676/MEIA (the mine/MTS application). Your attention is drawn to these for points of clarification on any technical matters.

In accordance with the approach agreed with NYMNPA regarding previous amendments to the SM14 works, these assessments have not been resubmitted with this application. However, a summary of the salient points is set out below.



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Ecology

The ecological survey and assessment undertaken by Paul Chester Associates (December 2012) concluded that the application site at Doves Nest Farm, including the spoil storage area, was a poor habitat of negligible ecological value. This report recommended that a series of breeding bird measures and a checking survey be undertaken prior to construction. However, as set out elsewhere in this letter, the construction phase (site levelling and preparation) has already been undertaken in accordance with these requirements. Given that the drill platform is already in-situ, requiring only the re-mobilisation of the rig onto the site, it is not considered that further checking survey work will be necessary.

Flood Risk

The Flood Risk Assessment undertaken by Egorum Consulting Engineers (December 2012) concludes that the flood risk at the subject site is low. It is recommended that some of a range of suggested mitigation measures are implemented to manage surface run-off and treat for solid and silts, which have been implemented as part of the previous site levelling and preparation works.

Noise

The noise assessment undertaken by WSP in December 2012 concluded that the noise levels generated by the drilling operations are acceptable, and meet the appropriate daytime, evening and night-time assessment criteria in accordance with a stringent interpretation of the relevant national guidance.

Landscape & Visual Impact

The Landscape & Visual Impact Assessment undertaken by DSA Environment & Design Ltd (December 2012) concludes that the landscape impacts of the drilling works will be '*substantial and adverse*'. Notwithstanding this, the report acknowledges that due to the temporary and reversible nature of the use, the negative effects of, in particular, the drilling rig will be removed completely.

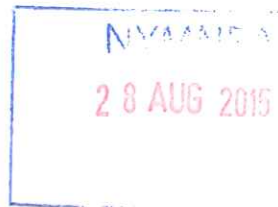
It is recognised that following removal of all site material and restoration, or (as the case may be) the incorporation of the spoil mound into earthworks associated with the proposed minehead scheme, the SM14 borehole works are acceptable from the perspective of landscape and visual impact. As such, the report concludes that the SM14 borehole works accord with guidance from the perspective of landscape and visual impact.

Hydrology

The hydrogeological risk assessment undertaken by FWS Consultants Ltd (January 2013) concluded that subject to mitigation (including the use of conductor pipes/cellars, casing of the well and non-hazardous drilling, all of which have been implemented) the risk to controlled waters is low.

Heritage

The Heritage Assessment undertaken by Cotswold Archaeology (December 2012) concludes that it is unlikely that the drilling operation would have any impact on heritage resource, and that there are no heritage constraints which may preclude development.



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Archaeological Watching Brief

An Archaeological Watching Brief was undertaken by Cotswold Archaeology during the construction of the drilling rig platform and during the site stripping works which previously took place in the spoil storage area. No features, finds or deposits of archaeological significance were identified during the works.

Traffic Management

The Traffic Management Plan produced by HY Consulting (December 2012) stipulates a range of measures that will ensure that the works will not result in detrimental highway impact. It must be noted also that now that the drilling platform has been constructed, there will be a significantly reduced number vehicle movements generated by the works. As such, there are no highways issues foreseen as a result of the proposed development.

The Application Submission

The submitted application comprises the following documents:

- Completed Planning Application Form, certificates / notices;
- Requisite planning application fee; and
- Site Plan / Location Plan.

Planning Fee

A cheque for the fee of £1,690 made payable to 'North York Moors National Park Authority' will be sent in the post separately and marked for your attention. This fee has been calculated in accordance with Part 2, category 10(2) of the The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended).

Conclusion

The temporary continuation of the exploratory drilling programme at the SM14 borehole works at DNF represents an important element of the York Potash Project, as it enters the detailed engineering stages.

Following the recent planning permissions relating to the wider project, and the positive resolution made by NYMNP A regarding the mine/MTS development, YPL can proceed with confidence on the detailed design stages of the minehead. The extension of the time period for the ongoing drilling / coring at the SM14 site at DNF is required to inform these ongoing works.

We trust that you have all the information required in order to fully consider this application. Should you have any queries, or require additional information, then please do not hesitate to contact me.

Yours faithfully,

Sebastian Stevens
Senior Planner

28 AUG 1954