

North York Moors National Park Authority

**District/Borough: Scarborough Borough Council
(North)
Parish: Sneaton**

Application No. NYM/2016/0518/FL

Proposal: variation of condition 1 of planning approval NYM/2015/0625/FL to allow an extended temporary timeframe

**Location: Doves Nest Farm
Sneaton**

Decision Date: 14 October 2016

Consultations

Parish – No objections.

Highways –

Environment Agency – no objections.

MOD –

NATS- No safeguarding objection.

Site Notice/Advertisement Expiry Date – 23 September 2016

Director of Planning's Recommendation

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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	<p>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:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;">Plan Description</th> <th style="width: 30%;">Date Received</th> </tr> </thead> <tbody> <tr> <td>Exploratory Borehole Site Boundary</td> <td style="text-align: right;">10 July 2014</td> </tr> <tr> <td>Planning Support Statement.</td> <td style="text-align: right;">04 December 2013</td> </tr> <tr> <td>Ecological Survey and Assessment</td> <td style="text-align: right;">04 December 2013</td> </tr> <tr> <td>Flood Risk Assessment</td> <td style="text-align: right;">04 December 2013</td> </tr> <tr> <td>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 night-time and 45dB LAm_{ax} day time</td> <td style="text-align: right; vertical-align: bottom;">04 December 2013</td> </tr> </tbody> </table>	Plan Description	Date Received	Exploratory Borehole Site Boundary	10 July 2014	Planning Support Statement.	04 December 2013	Ecological Survey and Assessment	04 December 2013	Flood Risk Assessment	04 December 2013	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 night-time and 45dB LAm _{ax} day time	04 December 2013
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✓/San
 26/19/16

		Landscape and Visual Impact Assessment Report	04 December 2013
		Hydrological Risk Assessment	04 December 2013
		Heritage Based Assessment	17 December 2013
		Archaeological watching brief	17 December 2013
		Drilling Program	04 December 2013
3.	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.	
4	HWAY18a	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 remediation commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.	
5.	HWAY 00	The site remediation traffic route approved under NYM/2013/0040/FL shall be used by all vehicular traffic connected with any works on the site or any other route submitted in writing and approved by the Local Planning Authority.	

J. Sam
26/19/16

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Background

York Potash has submitted a second application in order to allow them to retain the exploratory well pads, soil mounds and access arrangements of their planned new Polyhalite mine. This is due to the need to raise approx. £1.4b finance to complete the remaining pre-commencement environmental studies required and actual construction funding.

Lengthy and detailed reports were submitted with the original 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 were intending to apply for all other consents related to environmental permitting regulations.

In brief the reports indicated that; there were no known buried historical artifacts or heritage assets on the site and as such no likely impact on heritage assets. The Visual Assessment noted 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 indicated that the operation would last approximately nine months from soil stripping to soil replacement. The site was chosen to minimise surface impacts and ability to obtain access and away from geological faulting. The results would be used to understand the nature and extent of deposits and influence the final design of the man and ore shafts. The Flood Risk Assessment showed that flood risk on site or down-stream from the site is limited and can be readily mitigated.

Since the original approval for the two exploratory boreholes in the exact vicinity ^{of} or the planned two mine shafts, the substantive mine project has received planning permission. In the 18 months since the planning permission was granted by the Committee, officers have met with the company and they are currently focussing on arranging finance and resolving the various planning condition requirements relating to site entrance and off-site highway improvements. This application seeks a further one year grace from having to restore the well pads, mounds and access improvements so as to allow time for the mine finance to be negotiated.

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.

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'.

M. Sams
26/19/16

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Reasons for Conditions

1.	RSN TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN 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	RSN DRG00	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.
4.	RSN HWAY18A	In accordance with NYM Development Policy 23 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
5	RSN HWAY21	In accordance with NYM Development Policy 23 and in the interests of highway safety and the general amenity of the area.

A. Samson
26/9/16

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.

Planning permission has now been granted for the wider York Potash project, so previous considerations that the approval of an ongoing temporary borehole might conflict with Government policy or imply acceptance of extraction at the site are no longer an issue. The permission of the Authority's view that the project can proceed.

As such it is considered there are no objections in principle to a further reasonable period of time to allow the company to secure funding, the substantive mine permission runs until the 18th October 2018. Whilst there is some ongoing visual harm from the state of the site and there will be some uncertainty regarding investment in the locality from the failure to know whether the mine will go ahead, the public interest is considered to lie with retaining the site in its current 'dormant' state and available for the mine to go ahead until a finance decision can be reached well before October 2018

Contribution to Management Plan Objectives

Approval is considered likely to help meet the general thrust of the Management plan which seeks sustainable development based on retaining and enhancing the appearance and character of the Park Environment whilst bolstering the local rural economy and enhancing the national economy.

A. Samuels
26/9/16

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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.