

YORK POTASH LTD WOODSMITH MINE S73 APPLICATION

July 2017

Planning Statement
Lichfields



Woodsmith Mine Section 73 Application Planning Statement

Sirius Minerals Plc

July 2017

LICHTFIELDS

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1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of the applicant, Sirius Minerals Plc (Sirius Minerals) and accompanies an application seeking approval for a minor material amendment to planning permission reference number NYM/2014/0676/MEIA.
- 1.2 Sirius Minerals, under the subsidiary trading name of York Potash Ltd, is bringing forward the North Yorkshire Polyhalite Project. It is seeking amendments to the above permission to allow for changes to the approved scheme at the Woodsmith Mine site (formerly referred to as Dove's Nest Farm¹). The application is submitted under Section 73 of the Town and Country Planning Act 1990 (the s73 application).
- 1.3 Following the grant of planning permission, and the appointment of Contractors, more efficient construction techniques and other improvements have been identified that have resulted in the evolution of the approved scheme at Woodsmith Mine. These include:-
- 1 The redesign of the foreshafts within the Men & Material, and Mineral Shafts, adopting an alternative approach to their construction (diaphragm walling) and associated changes to the building layouts to enable access and ventilation to be incorporated, removing the need for the Drift Portal, and the -45m level road network;
 - 2 The early use of the permanent winders at the site to remove the need for temporary winders/temporary headframes at the Men & Material, and Mineral Shafts during the construction period;
 - 3 Revised Construction and Operational Platform levels and groundwater management, which removes the need for the previously approved grout curtain around the Platform;
 - 4 The reliance on a limited range of internal Shaft diameters to provide a greater level of flexibility during the construction phase;
 - 5 The use of diaphragm wall construction for all shafts (i.e. below foreshafts), to 120 metres below-ground (approximately 80 metres AOD);
 - 6 Reconsideration of the location and layout of the water attenuation ponds within the site; and
 - 7 Amendments to the internal road link.
- 1.4 This s73 application seeks the necessary amendment to the existing permission to allow for the implementation of these changes.

The Application Submission

- 1.5 This application comprises the following documentation:
- 1 Completed planning application forms and certificates relevant for a s73 submission;
 - 2 This Planning Statement, that assesses the proposed changes to the approved scheme, against prevailing planning policy;
 - 3 A Supplementary Environmental Statement (SES) that provides an assessment of the potential environmental effects related to the proposed amendments to the scheme. The SES is provided in two volumes (a Non-Technical Summary, and Technical Studies/ Appendices);

¹ In February 2017, the applicant held a naming ceremony at the site, the outcome of which has been to rename the Minehead site as 'Woodsmith Mine'. Therefore, for the purposes of this Planning Statement and all future documentation, Woodsmith Mine or Minehead refers to the site previously known as Dove's Nest Farm or ('DNF')

- 4 A covering letter and appropriate planning application fee;
- 5 A draft s106 Supplementary Deed that ensures existing s106 obligations are 'carried over' to any new consent issued as a result of this application; and
- 6 Amended planning application drawings.

1.6 Whilst the proposed changes to the scheme are limited in nature, due to the high number of approved drawings that included details of the minehead layout, it has been necessary to replace a large number of previously approved planning application drawings. A full list of the approved and replacement drawings is included in Appendix 1 to this document.

Structure

1.7 The remainder of this Planning Statement is structured as follows:-

- | | |
|-------------|---|
| Section 2.0 | Explains the background to the application, including a description of the approved development and its importance, and an explanation of the need for minor amendments to the approved scheme; |
| Section 3.0 | Provides a description of the application site and surroundings; |
| Section 4.0 | Details the nature of the proposed amendments; |
| Section 5.0 | Details the planning policy context for the S73 application, focussing on those policy matters that have changed since the original decision was made; |
| Section 6.0 | Assesses the proposed amendments against the current policy context, with due regard to the nature of the minor changes to the scheme and the limited policy amendments to the prevailing policy context; |
| Section 7.0 | Sets out other matters, including planning conditions and planning obligations relevant to this s73 application; and |
| Section 8.0 | Provides overall conclusions on the s73 application for minor material changes to the approved scheme. |

2.0 **Background to the Application**

The Applicant

- 2.1 Sirius Minerals Plc is a listed company on the Alternative Investment Market ('AIM') of the London Stock Exchange. The Company is focused on the development of its North Yorkshire Polyhalite Project in the UK and aims to be a world leading producer of multi-nutrient fertilizer. This involves the construction of a new state-of-the-art mine and associated mineral processing and port infrastructure to produce bulk volumes of POLY4 – the trademark name of the Company's polyhalite product.
- 2.2 Polyhalite is a naturally occurring mineral containing major plant nutrients - potassium, sulphur, magnesium and calcium. It is a valuable fertiliser and its application by the farming industry, both within the UK and overseas, will assist in maintaining and improving crop yields and harvests.
- 2.3 The original planning application for the North Yorkshire Polyhalite Project (as detailed below) was submitted under the Company's subsidiary trading name of York Potash Ltd.

The Approved Development

- 2.4 On 19 October 2015, the North York Moors National Park Authority (NYMNPA) granted planning permission for:

“The winning and working of polyhalite by underground methods including the construction of a minehead at Dove's Nest Farm involving access, maintenance and ventilation shafts, the landforming of associated spoil, the construction of buildings, access roads, car parking and helicopter landing site, attenuation ponds, landscaping, restoration and aftercare and associated works. In addition, the construction of an underground tunnel between Doves Nest Farm and land at Wilton that links to the mine below ground, comprising 1 no. shaft at Doves Nest Farm, 3 no. intermediate access shaft sites, each with associated landforming of associated spoil, the construction of buildings, access roads and car parking, landscaping, restoration and aftercare, and the construction of a tunnel portal at Wilton comprising buildings, landforming of spoil and associated works at Dove's Nest Farm & Haxby Plantation, Sneatonthorpe (proposed minehead); underneath 252 sq km of the NYMNPA (winning & working of minerals); a corridor extending underground from the edge of the NP boundary to Wilton International Complex (mineral transport system); Lady Cross Plantation near Egton, Lockwood Beck Farm near Moorsholm, Tocketts Lythe, near Guisborough (intermediate shaft sites); site within the eastern limits of the Wilton International Complex, Teesside (tunnel portal).” (Ref: NYM/2014/0676/MEIA).

- 2.5 Since this date, two non-material amendments to this scheme have been approved by the NYMNPA (under Section 96A of the Town and Country Planning Act 1990):

- 1 Ref: NYM/2016/0845/NM (December 2016): for the realignment of the main internal access road linking the approved Welfare Building complex and the mine-site and minor amendments to the Platform levels (Above Ordnance Datum ('AOD'));
- 2 NYM/2017/0255/NM (May 2017) to allow the temporary use of a) the shaft entrance without the right-turn lane and b) the farm entrance for a period of 10 weeks, or until the completion of the haul/welfare road, whichever is sooner.

- 2.6 It is this scheme (i.e. the originally approved scheme incorporating the two agreed s96A non material amendments) that forms the approved development that this application seeks to amend.
- 2.7 A third non-material amendment to the approved scheme is currently before NYMNPA and is awaiting determination. This proposed amendment NYM/2017/0399/NM (June 2017) seeks agreement to replace the previously approved grouting and cast concrete wall scheme for Woodsmith Mine with more localised diaphragm walls for the Men & Material, and Mineral Shaft and Mineral Transport System (MTS) Shaft to 60m below the platform level. The changes proposed in this submission are also incorporated in this s73 application to ensure consistency.

The Importance of the Development

- 2.8 As outlined within the original planning application, the approved development is of strategic importance, delivering national, regional and local economic benefits, as well as contributing towards satisfying a growing agronomic need. The material submitted with the original application set out the exceptional circumstances associated with the project, necessary for a scheme of this nature to be positively considered within a National Park.
- 2.9 Whilst the detailed assessments undertaken to support this assessment are not repeated here, in summary, the application material demonstrated that:
- 1 The development had the potential to be developed as a highly efficient new mine with high quality access to the most significant Polyhalite resource in the world;
 - 2 The production of Polyhalite would help to provide a solution to the challenge of UK and global food security as Woodsmith Mine would become one of the most significant large scale suppliers of multi-nutrient fertilisers;
 - 3 At full production, the development would supply approximately 4% of the world potassium-based fertilizer market which is forecast to grow by 60% by 2050, to address world nutrient deficiencies and a growing global population;
 - 4 The characteristics of Polyhalite make it well suited to a wide range (approximately 85%) of world food crops and markets;
 - 5 Sirius Minerals Plc had already secured commitments from international buyers for the large scale supply of Polyhalite, demonstrating a defined need for the product;
 - 6 Market and pricing studies demonstrate that it is realistic to expect the approved development to reach and sustain its full planned level of output for well over 100 years, generating a long and lasting contribution to the local, regional and national economies;
 - 7 The development would have significant and positive economic benefits, including: an increase in GDP; a nationally significant reduction in the trade deficit; over 1,000 high value direct jobs and many more in the supply chain; corporate and income tax receipts and royalty payments, helping to rebalance the national economy and substantially strengthen the regional and local economies;
 - 8 At full production, the development would generate approximately £1.2bn of exports each year, which would reduce the UK's trade deficit by just under 4%;
 - 9 The environmental impacts of the approved development were, in general, limited and mostly temporary in nature; and
 - 10 There were no alternative sites for the proposals, either within or outside of the National Park.

- 2.10 Whilst the details of the scheme were the subject of assessment and scrutiny, these key characteristics of the North Yorkshire Polyhalite Project were central to the planning justification for the application. Combined, these characteristics were acknowledged as exceptional circumstances sufficient to justify major development in the National Park. The requirements of the Major Development Test, as defined at paragraph 116 of the National Planning Policy Framework (2012), the pre-eminent planning policy relevant for the scheme, were considered, on-balance, to be satisfied.

Need for the Amendments to the Approved Scheme

- 2.11 Following the grant of planning permission and the subsequent appointment of a contractor taking forward the construction of the approved development, certain amendments to the approved scheme are required. This is typical of such large-scale projects, where contractor input and detailed designing allows for improvements in the project, either through enhanced approaches to construction or amendments to certain aspects of the proposed built form. At Woodsmith Mine, positive contractor input has contributed towards the need for the following scheme amendments:
- 1 The redesign of the foreshafts within the Men & Material, and Mineral Shafts and the adoption of an alternative approach to their construction (diaphragm walling), along with associated changes to the building layouts to enable access and ventilation to be incorporated, removing the need for the Drift Portal and the -45m level road network;
 - 2 The removal of the temporary winders/temporary headframes at the Men & Material, and Mineral Shafts during the construction period reflecting the proposed earlier installation of the permanent winders;
 - 3 Revised Construction/Operational Platform levels and groundwater management, which removes the need for the previously approved grout curtain around the Platform;
 - 4 A reliance on a range of internal Shaft diameters to provide a greater level of flexibility during the construction phase;
 - 5 The use of diaphragm wall construction for all shafts (i.e. below foreshafts), to 120 metres below-ground (approximately 80 metres AOD);
 - 6 Reconsideration of the location and layout of the water attenuation ponds within the site; and,
 - 7 Amendments to the internal road link (partly secured via a s96A consent identified at paragraph 2.6 above) to facilitate movement around the site.
- 2.12 Full details of the proposed amendments are provided in Section 4.0 of this document.

Consultation in respect of the Amendments to the Development

- 2.13 The proposed amendments to the development have been the subject of consultation with NYMNPA, the Environment Agency and Natural England. Feedback from consultation has fed into the form of the amendments proposed at the Minehead site.
- 2.14 In addition, Sirius Minerals Plc has been liaising with the NYMNPA on a regular monthly basis. This process has enabled the Applicants to ensure this application submission satisfies the determining authority's information requirements, whilst providing clarity on the amendments and early review of draft design proposals.
- 2.15 Following on from these discussions, a request for a Scoping Opinion was made to NYMNPA on 15 May 2017 to establish and confirm those environmental matters that should be considered by the Supplementary Environmental Statement (SES) that accompanies this s73 application. The

SES provides further environmental information on the proposed amendments to the original scheme, reporting on any additional or different environmental effects that were not previously identified as part of the original EIA process.

2.16 The NYMNPA's Scoping Opinion was subsequently issued on 30 June 2017 and this has directed the content of the SES. Focussing on the environmental effects of the proposed amendments to the scheme, with due regard to any change in prevailing environmental conditions, the SES includes consideration of the following matters:

- 1 Landscape and Visual Impact;
- 2 Geology and Hydrogeology;
- 3 Hydrology and Flood Risk;
- 4 Noise and Vibration; and,
- 5 Ecology.

2.17 Each of the above subjects are fully assessed in the SES and the findings of this work are referenced in the Planning Statement in Section 6.0, which provides an appraisal of the acceptability of the proposed changes against prevailing policy.

Redcar and Cleveland

2.18 The full extent of the North Yorkshire Polyhalite Project extends beyond the boundary of the North York Moors National Park, to Redcar and Cleveland Borough. To reflect the cross-boundary nature of the scheme, planning applications for the mine and MTS aspects of the Project were originally submitted to both authorities as appropriate, and both were subsequently approved.

2.19 However, given the limited nature of the proposed amendments to the scheme that are restricted to the Woodsmith Mine site, changes are only required to the NYMNPA's planning permission. This approach has been agreed with officers at RCBC. Hence, the s73 application is submitted to the National Park only, although a full electronic copy of the submission has been made available to Redcar and Cleveland for its information.

3.0 Site Description

The Site and Surroundings

- 3.1 The proposed amendments to the North Yorkshire Polyhalite Project are limited to works taking place at the Woodsmith Mine site.
- 3.2 The site is situated approximately 4km south of the outskirts of Whitby and wholly within the boundary of the North York Moors National Park. The small hamlets of Littlebeck and Sneatonthorpe are located approximately 1km to the west and 1km to the north east respectively, from the site.
- 3.3 The site is bound as follows:
- To the north by areas of farmland;
 - To the east by the Haxby Planation woodland; and
 - To the south and west by the route of the B1416 (which runs from Whitby to the north to a junction with the A171 Robin Hood's Bay Road approximately 2km to the south east of Woodsmith). Beyond the B1416 are areas of moorland (Ugglebarnby Moor and Sneaton Low Moor) both of which are designated as Special Areas of Conservation/Special Protection Areas.
- 3.4 Whilst proposed changes to the scheme are focused at the minehead, to encompass both the MTS route and potential below-ground works, the planning application boundary for application reference NYM/2014/0676/MEIA, i.e. the subject application for this s73 submission, extends significantly beyond the Woodsmith Mine site, linking to Teesside to the north, as illustrated in Figure 3.1 below.

Figure 3.1 planning application boundary for application reference NYM/2014/0676/MEIA



Source: Arup

- 3.5 Following the approval of the consented scheme (NYM/2014/0676/MEIA), the S96A amendments as outlined in Section 2.0 and the discharge of various pre-commencement planning conditions, initial preparatory works have commenced at Woodsmith Mine, with the first site preparation works starting on 4 May 2017.
- 3.6 Works undertaken to date include initial highways and drainage works; general site clearance; excavation around the platform; the initial phase of construction of the platform; and the erection of the temporary construction welfare compound with associated car parking and haulage route, as Sirius Minerals begins the process of bringing forward the Project.

4.0 **Proposed Amendments**

4.1 Since the North Yorkshire Polyhalite Project was originally proposed, Sirius Minerals has consistently sought to deliver a world-leading mine, in terms of both its operating efficiencies and its reduced impact on its sensitive environmental setting. The approved design was a product of this process and this was recognised in a positive decision taken by the NYMNPA at Planning Committee. These objectives have continued to direct Sirius Minerals since the time of the decision, and the proposed changes to the scheme that are the subject of this s73 submission reflect a continued desire to create an improved mine, delivering betterment both in terms of efficiencies and potential environmental impacts.

4.2 This section describes the nature of the proposed minor amendments to the approved scheme that are the subject to this s73 application. To assist with interpretation, the changes to the scheme are categorised as follows:-

- 1 Amendments to Minehead Layout;
- 2 The use of alternative Construction Methods and creation of amended Sub-Surface Structures;
- 3 Changes to Shaft Diameters and Landscape Bunding;
- 4 Water Attenuation amendments;
- 5 Works to create an extension to the Platform; and
- 6 Realignment of the approved Internal Access Road.

1: Minehead Layout

4.3 The s73 application seeks permission for the relocation, reorientation and amendment in size of the approved buildings at the Woodsmith Mine site to accommodate changes to below-ground foreshaft arrangements. By way of comparison, and as an overview, the approved scheme includes a total floorspace of 12,276sq.m whilst the s73 scheme proposes a total floorspace of 12,967 sq.m, representing an overall net increase of 691 sq.m (i.e. less than 6%).

4.4 The changes, as set out in Table 4.1 below involve:-

- the Men & Materials Shaft Winder building will be re-orientated and amended in shape to match the foreshaft requirements, removing the need for the 45m temporary headframe and reducing the building size;
- the Mineral Shaft Winder building will be re-orientated and will increase in size to accommodate the selected permanent winders and redesigned foreshaft, removing the need for the 45m temporary headframe;
- the Intake Ventilation Equipment building will be relocated closer to the Men & Materials Shaft Winder Building (to reduce power draw from the ventilation fans) and reduced in size, with Ventilation provided through the Men & Materials shaft;
- the MTS Shaft Building is increased in size to house an emergency winder; and
- the Backup Generator building will be reduced in size.

4.5 There are no proposed changes to the Substation Building or the Welfare Building.

Table 4.1 Approved and revised building size

Building	Approved size (sq.m)	Proposed size (sq.m)	Difference (sq.m)
Men and Materials Shaft Winder Building	4,419	3,738	-681
Minerals Shaft Winder Building	1,642	4,231	2,589
Intake Ventilation Equipment Building	1,442	717	-725
MTS Shaft Building	449	640	191
Back-up Generator Building	1,024	341	-683
Substation Building	491	491	No change
Welfare Buildings	2,809	2,809	No change
Total	12,276	12,967	691

- 4.6 The maximum ridge heights for the revised buildings will be unchanged from the approved heights as follows:-

Table 4.2 Building heights as shown on the planning drawings and maximum ridge heights

Building	Approved Drawing Number	Revised Drawing Number	Max Ridge Height/m
Men and Materials Shaft Winder Building	653-AP-0054 Rev3	653-AP-0054 Rev5	+212.8
Minerals Shaft Winder Building	653-AP-0055 Rev3	653-AP-0055 Rev6	+212.8
Intake Ventilation Equipment Building	653-AP-0052 Rev3	653-AP-0052 Rev5	+208.7
MTS Shaft Building	653-AP-0056 Rev4	653-AP-0056 Rev6	+208.7
Back-up Generator Building	653-AP-0051 Rev3	653-AP-0051 Rev5	+208.7

- 4.7 The assumed completion date of each of the buildings to allow permanent operations is as follows:-

Table 4.3 Assumed Timescales for Completion of Building/Availability for Operational Use

Name	Item	Date
Men and Materials Shaft Winder Building	Whole building	Spring 2019
Minerals Shaft Winder Building*	North and Central	Summer 2018
	South	Spring 2019
Intake Ventilation Equipment Building	Whole building	Spring 2021
MTS Shaft Building	Whole building	Spring 2021
Back-up Generator Building	Whole building	Spring 2021

Note: The North and Central parts of the Minerals Shaft Winder are 3,080 m² of the 4,231 m² building

- 4.8 In addition to the above, and for reasons described below, the approved Drift Tunnel and Portal structures are no longer required and hence are to be removed. Staff will be transported to the Minehead via the realigned above ground road (realignment approved by an earlier s96a consent detailed in Section 2.0) and access the mine via the Men & Materials Shaft building. This amendment also removes the requirement for the -45m level road network with all its associated grouting and below-ground structures.

2: Construction Methods and Sub-Surface Structures

- 4.9 Following input from contractors, it has been possible to amend the approach to constructing the shafts at Woodsmith Mine, and deliver a more efficient and less environmentally prominent

construction phase of development. The following changes to the construction methods and sub-surface structures are proposed:-

- 1 the early utilisation of permanent winders and headframes for the Mineral Shaft Winder and Men & Materials Shaft Winder thereby replacing the need for temporary headframes at these locations. Under the approved scheme, these temporary winders had an above-ground height of 45m. Two of the three temporary headframes which had an identified adverse visual impact will not be needed although it is noted that the third temporary winding tower at the MTS access shaft will be retained as per the approved scheme;
- 2 during the early part of construction, it will be necessary to use mobile D-wall rigs across the construction platform. The D-wall rigs are up to 26.2m high, although it is noted they are relatively slender and transparent in nature, particularly when compared to the previously proposed 2 No. 45m solid winding tower structures. The D-wall rigs will be used to construct the diaphragm wall for the foreshafts (see 3, below) and shafts. The shafts which extend below the foreshafts will have diaphragm walls to a depth of 120 metres below-ground, approximately 80 metres AOD.
- 3 the use of the permanent headframes requires an alternative means of access to the shafts as well as to allow for spoil removal (all of which will need to occur below ground level during the entirety of the construction and operational phases). The new proposals, therefore, include the development of foreshafts above the Men & Materials Shaft (approximately 35m in diameter) and Mineral Shaft (approximately 32m in diameter). Spoil will be brought to the surface via lifting systems installed within the foreshafts. The approved Drift road will not be constructed; and
- 4 the revised Construction/Operational Platform levels (See no. 5 below) and the use of D-walling techniques will localise the de-watering activities required around the Shaft areas. Given this amended approach to construction, with limited dewatering proposed, there is no longer a need for the grout curtain, around the Construction/Operational Platform. This feature has been removed from the s73 scheme.

3: Shaft Diameters and Bunding

- 4.10 It is proposed to introduce a range of Shaft diameters for the Men and Material, Mineral and MTS Shafts. The approved internal diameters are 9.5m in width and the revised scheme proposes an internal diameter range of between 6.5m – 9.5m. This acknowledges the potential for precise below-ground design changes, once this stage of construction is progressed, allowing a degree of flexibility.
- 4.11 A consequence of adopting a range of shaft diameters is changes to the resulting volumes of spoil arising at Woodsmith Mine. It is estimated that adopting the diameters above, along with the wider s73 below-ground scheme changes (i.e. these associated with the platform changes, the loss of the drift access, the creation of foreshafts etc) will result in an overall decrease of spoil volumes of between approximately 263,000-377,000m³ in comparison to the approved scheme. A detailed breakdown of estimated spoil arising is as shown in Table 4.4 below.

Table 4.4 Total spoil to be retained on-site (excluding Hailite, Product/Non Product Grade Polyhalite and Non-hazardous low/high pollution material)

Area	SEI Rev 8	s73 scheme: Maximum (9.5m Shafts)	s73 scheme Minimum (6.5m Shafts)
Basement and surface excavations for Shafts	66,816	12,000	12,000
Headframe Chambers / Foreshafts	21,058	101,400	101,400
Surface Preparation	249,556	95,600	95,600

Area	SEI Rev 8	s73 scheme: Maximum (9.5m Shafts)	s73 scheme Minimum (6.5m Shafts)
Welfare Buildings and Associated Ponds	35,800	35,800	35,800
Ventilation Shafts	16,991	0	0
Minerals Shaft	105,978	86,370	44,565
Men & Materials Shaft	102,206	86,200	44,450
MTS Shaft	46,587	33,500	17,510
Pump and Cable Cubbies	6,790	3,400	3,400
45m level	24,201	0	0
360 Level	119,830	121,360	121,360
MTS Tunnel	233,516	265,900	265,900
Drift Portal and Tunnel	40,651	0	0
Total unbulked	1,069,980	841,530	741,985
Bulking factor	1.15	1.15	1.15
Total	1,230,477	967,760	853,285

Source: Arup

- 4.12 The updated spoil quantities have been incorporated into the s73 landscape bunding scheme. Also note this incorporates the revised road layout approved as part of a s96A application (NYM/2016/0845/NN, December 2016) (See no. 6, below). This generates no material change in the layout and quantities of spoil in the approved screening bunds (namely Bunds A, B, F and G) which surround the Construction/Operational Platform. Changes are proposed to Bund C. This was always designed as a 'balancing area' to accommodate a potential range of spoil quantities that could arise from the mine workings, and it performs no screening function. Bund C proposed '*dimensions*' are provided as a range, to reflect the maximum and minimum spoil volumes that are expected as a result of the s73 scheme (See application drawings YP-P2-CX-508(10) for maximum volumes and 40-ARI-WS-71-CI-DR-1035(1) for minimum).
- 4.13 As with the approved scheme, the 'Bund C' area will also initially accommodate temporary storage of spoil during the construction phase, that will subsequently be relocated adjacent to the MTS shaft building, to complete the final bunding scheme in this area.

4: Water Attenuation (Drainage Ponds)

- 4.14 The approved scheme shows two surface water attenuation ponds and a surface water wetland area located in Whinny Wood. The majority of Whinny Wood was felled to accommodate these features. The s73 application seeks approval for the relocation of the ponds to the northern fields to avoid the need to fell trees in Whinny Wood. This also has the benefit of avoiding re-routing a power line in this area. The specification of the ponds is also slightly altered, with the s73 scheme providing three surface water ponds and a surface water wetland area, along with the addition of a narrow silt trap in the northern field. In order to accommodate the revised pond layout, the approved bridleway has also been re-routed around the ponds, as appropriate.

5: Construction/Operational Platform Extension

- 4.15 The approved scheme includes a single Platform level at between +199.64m and +201.18m AOD and the construction of a grout wall curtain along the west side of the Construction/Operational platform. Under a Section 96A application (NYM/2016/0845/NM, December 2016), a two tiered platform was approved with the northern extent of the Construction/Operational Platform at between +199.5m and +204m AOD. This removed the need for significant excavation and raised the elevation above the mean groundwater table, reducing the physical

impact on the Moor Grit aquifer and Central Wet Heath/Mire area of the Ugglebarnby Moor SAC.

- 4.16 The levels of the southern extent of the Platform have now been finalised and are included as part of the s73 submission with a maximum platform level of 203.7m AOD. The s73 submission also reduces the width of the Operational Platform area, although the requirement for a wider Construction Platform remains during the construction phase, as per the approved s96A plans.
- 4.17 As confirmed above, the increase in height of the platform has no effect on either the maximum AOD ridge height of the mine buildings or the MTS temporary winding tower that will both remain within the confinements of the approved building envelope.

6: Internal Access Road

- 4.18 Under a s96A application, a revised road layout was approved to retain ease of access to the Construction/Operational Platform. The s73 application extends this road to connect to the Construction/Operational Platform via a new ramp. The location of the Security Gatehouse has also been amended to reflect the revised position of the road.

Phasing

- 4.19 Condition 4 of the approved scheme (NYM/2014/0676/MEIA) enables the discharge of conditions for development at Woodsmith Mine to be considered on a phase by phase basis in accordance with the approved phasing plans (Ref. YP-P2-CX-500 - 206). However, taking into account the difficulties in accurately predicting the progress of the project, it was agreed with the NYMNPA that the phasing approach could be broken down into key packages of work to better reflect on-site progress and priorities. To date, works proposed as part of the phasing submissions have included:-
- **Phase 1:** including off-site highways works;
 - **Phase 2:** including general site clearance and preparation; construction of site roads and drainage works; the erection of the temporary construction welfare compound, car parking and perimeter fencing; and construction of the working platform and spoil mounds;
 - **Phase 3:** including general site clearance, localised tree and scrub clearance, erection of the Concrete Batching Plant; completion of the working platform and platforms for the Construction Welfare Facility, Parking Area and Concrete Batching Plant; construction of temporary and permanent soil mounds, demolition of farm buildings; development of surface water drainage infrastructure, construction of a drainage layer and temporary saline lagoon area, installation and commissioning of temporary dewatering; and installation and commissioning of concrete batching plant, of construction welfare and security facilities; and
 - **Phase 4:** includes the operation of the concrete batch plant, installation, commissioning and operation of the bentonite/polymer plant and associated temporary structures, installation of concrete guide walls, mobilisation to site of Diaphragm walling equipment, and Diaphragm wall construction, and limited continuation of earthworks.
- 4.20 Each revised phasing submission has been accompanied by a phasing plan, detailing the specific elements to be included as part of the proposed package of works. This approach is expected to continue as future work packages are identified.
- 4.21 To reflect this on-going approach, it is proposed that the approved phasing plans are to be replaced with annual progress plans that both reflect submissions already made, thereby

updating the original plans but also providing an enhanced understanding of future key packages of work, and how they interact.

- 4.22 It is also proposed that these annual progress plans become illustrative drawings rather than approved documents, to avoid the procedural need to formally amend drawings when amendments are made to the precise nature of construction activities planned for the site. The requirement remains to discharge the relevant phasing details, pursuant to retained planning conditions and hence the NYMNPA retains control of on-site activities as appropriate, but the requirement for formal applications to adjust phasing plan detail would be removed.
- 4.23 It is the case that the illustrative annual progress plans submitted with this s73 represent the anticipated programme of work at Woodsmith Mine going forward, and as such, this SES adopts the phasing as shown on these plans for assessment purposes.

5.0 Planning Policy Context

- 5.1 Government Planning Practice Guidance (PPG) on Flexible Options for Planning Permissions issued in March 2014 provides clarity on those issues relevant to the consideration of s73 applications that seek to secure minor material amendments to approved schemes. Annex A to the PPG requires that any such applications should be assessed against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004, and conditions attached to the existing permission. Authorities are advised to focus attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Updated Policy

- 5.2 The original permission (Ref: NYM/2014/0676/MEIA) was granted on the 19th October 2015. Since this date, no new national or local development plan policies have been adopted.
- 5.3 The NYMNPA National Park Management Plan was subject to minor revisions in December 2016, but does not include any material changes to the principles and policies set out in the 2012 Management Plan assessed as part of the original application.
- 5.4 The York, North Yorkshire and the East Riding Local Enterprise Partnership's Strategic Economic Plan (2016) was also updated in July 2016. However, the overall ambitions of the Plan, including delivering 21,900 new jobs and £1.4bn GVA growth within the LEP area by 2021, remain the same as those set out within the previously assessed 2014 Plan.

Emerging Policy

- 5.5 In accordance with paragraph 216 of the NPPF, decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation, number of outstanding objections and consistency with the NPPF.
- 5.6 Since the grant of permission, the NYMNPA Local Plan has reached an early stage of the plan preparation process (First Steps, September 2016), and as such, does not include any draft/emerging policies of direct relevance to this application.
- 5.7 The North Yorkshire, York and North York Moors Joint Minerals and Waste Plan (JMWP) is also under development and will be subject to a Public Examination later in 2017. As such, the Emerging Draft Plan currently holds limited weight in decision making. Nevertheless, key emerging policies of relevance to this application include:
- **Policy M22:** requires new proposals for the extraction of potash, salt or polyhalite/ renewed applications for the existing sites at Boulby Mine and Doves Nest Farm beyond their current planning permissions to be assessed against the criteria for major development set out in Policy D04. Proposals for new surface development and infrastructure/surface expansion within the existing sites which are not considered to be major development are to be permitted provided they meet the requirements of Policy D11 and Policy IO2 and that no unacceptable impact would be caused to the special qualities of the National Park, its environment or residential or visitor amenity.
 - **Policy D04:** requires proposals for major development in the National Park to be refused except in exceptional circumstances and where it can be demonstrated it is in the public interest. The demonstration of exceptional circumstances and public interest will require justification based upon: the need for the development, the impact of permitting/refusing it upon the local economy, whether the development could be located elsewhere and whether

any detrimental effects can be moderated to a level which does not significantly compromise the reason for the designation. Where there are exceptional circumstances and the proposal is considered to be in the public interest, every effort to avoid/mitigate adverse effects should be taken.

- **Policy D11:** states that proposals for minerals and waste development will be permitted where it has been demonstrated that measures appropriate and proportionate to the scale and nature of the development have been incorporated in its design, construction and operation in relation to: minimising greenhouse gas emissions, waste, water consumption and flood risk; generating/utilising renewable or low carbon energy where practicable; ensuring built or civil engineering elements meet a minimum 'Very Good' BREEAM or CEEQUAL standard as appropriate; implementing landscape planting comprising native species; mitigating the impacts arising from mining subsidence/land instability and dewatering activity.
- **Policy I02:** states that development of ancillary minerals infrastructure at active minerals extraction sites will be permitted provided: the ancillary development produces a 'value added'/complementary product; the development would not have a significant additional adverse impact on local communities, businesses or the environment; and would not unacceptably increase the overall amount of road transport to or from the host site.

Policy Considerations

- 5.8 Changes to prevailing policy documentation from that which directed the positive consideration of the original application proposals in October 2015 are therefore limited, and given the early stage in preparation of JMWP, any weight given to this new document would need to be proportionate. In any event, whilst the JMWP recognises the consented scheme at Woodsmith Mine, creating a new positive policy context for small scale works at the mine site, it retains the requirement for major development to be considered against the Major Development Test (MDT) (Policy D04).
- 5.9 This same policy 'test' was applied to the original application proposals, as the pre-eminent planning policy consideration for assessing major development proposals in designated National Parks.
- 5.10 The MDT is definitively prescribed in paragraph 116 of the NPPF, and it is repeated in full, below:
- "Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:-*
- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
 - *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
 - *any detrimental effect on the environment, including the landscape and recreational opportunities, and the extent to which that could be moderated."*
- 5.11 It is considered therefore, that relevant policy against which this s73 should be assessed remains fundamentally unchanged from that which directed the previous decision of the NYMNPA. Given that a s73 application involves the issuing of a new planning permission for the scheme, it remains the case that the MDT is the pre-eminent policy consideration for the application. The key issue for this Statement, therefore, is to assess if the proposed minor amendments to the

scheme in any way impact upon the exceptional circumstances/public interest characteristics of the North Yorkshire Polyhalite Project. The findings of this appraisal will then inform the consideration of the proposed changes to the approved scheme against the wider development plan policy relevant to the site, as well as other material considerations, again acknowledging that this policy context remains unchanged from that which was in place at the time of the original decision. Key documents in this regard comprise the following:

National Planning Policy

- The National Planning Policy Framework ('NPPF') (CLG; March 2012);
- Planning Policy Guidance ('PPG') (CLG; March 2014);
- The English National Parks and the Broads : UK Government Visual Circular 20120 (Defra, March 2010); and
- The Environmental Act 1995 (UK Government; July 1995).

Local Guidance

- Core Strategy and Development Policies ('CSDP') (NYMNPA; Adopted in November 2008).
- The North York Moors National Park Management Plan ('NPMP') (as updated December 2016);
- Emerging North Yorkshire, York and North York Moors Joint Minerals and Waste Plan (JMWP); (Publication Draft November 2016);
- Strategic Economic Plan (York, North Yorkshire and East Riding Local Enterprise Partnership ('LEP')); (as updated in July 2016);
- Design Guide Supplementary Planning Document Part One: General Principles (NYMNPA; February 2013);
- Design Guide Supplementary Planning Document Part Five: New Agricultural Buildings (NYMNPA; February 2013); and
- Renewable Energy Supplementary Planning Document (NYMNPA; June 2008).

5.12 The following section of this report continues with an assessment of the proposed changes to the project, set against this policy context.

6.0 **Development Appraisal**

6.1 As referred to above, in appraising a scheme against the requirements of the MDT, the NPPF paragraph 116 advises that consideration should be given to:

- the need for the development;
- the cost of and scope for developing elsewhere outside the National Park, or meeting the need for it in some other way; and
- any detrimental effect on the environment, landscape and recreational opportunities and the extent to which such impacts could be moderated.

Need and Alternatives

6.2 Briefly reviewing the previous planning application, documentation submitted evidenced the need for polyhalite, highlighting the quality of the resource available at Woodsmith Mine; the agronomic case for polyhalite as a major plant nutrient; the potential role of the product in assisting global food scarcity; and the strong international market for polyhalite. Reference was also made to the need for the economic investment in the regional and the strategic positive economic benefits that the development would deliver.

6.3 With regard to the second MDT consideration, the original application was approved on the basis that polyhalite as a resource was centred within a geographically specific part of the National Park, in close proximity to Woodsmith Mine and specifically that it represented the most significant source in terms of scale and quality anywhere in the world.

6.4 An Alternative Sites Assessment (September 2014) submitted with the application additionally demonstrated that there are no alternative sites for the minehead proposals, either within or outside of the National Park with due regard to a series of robust criteria including prevailing geological conditions. Full details of both the need and the alternatives case associated with the original application are not repeated here, and reference should be made to both the Major Development Test and Alternative Site Assessment documents that accompanied the original application, for full details (see Conclusions of the MDT Planning Statement September 2014 Section 10, and Conclusions of the Alternative Site Assessment, September 2014 Section 9.0).

6.5 However, for the purposes of this s73 application it is clear that there have been no changes to the strong nature of either the need or the alternatives case since the original decision, to question the positive contribution these two matters make towards the justification for the development. The need for polyhalite remains, perhaps best evidenced by the continued investment in the North Yorkshire Polyhalite Project and the subsequent implementation of the scheme at Woodsmith Mine. Equally, no factors have in any way influenced the potential for alternatives to the project either beyond or within the National Park boundary.

6.6 It is also the case that the proposed minor material changes to the detailed form of development at Woodsmith Mine have no bearing on the need for the development, the scale of the production proposed or the subsequent benefits of the project, both agronomic and economic in nature.

6.7 The limited extent of the amendments proposed relate more to the efficient construction and operation of the minehead and will have no impact on the need for the scheme and its potential role in the global agronomic market. Similarly, the physical changes to the development form at Woodsmith Mine do not affect the findings of the previous alternative options assessments, and it remains the case that there are no viable alternatives to the scheme.

- 6.8 In terms of the MDT, therefore, and also within the context of other development planning policy, it is the third criterion - the potential environmental impacts of the project - that represents the main consideration for this s73 planning application. Specifically, it is relevant to have regard to the potential changes in the environmental effects of the project when compared to those originally identified, to understand if the amendments proposed affect the environmental impact of the project to the extent that it would influence the exceptional circumstances that justified the approval of the original scheme.

Environment, Landscape and Recreational effects

- 6.9 The s73 application is accompanied by a Supplementary Environmental Statement (SES) that includes an additional Environmental Impact Assessment (EIA). This Assessment assesses the amended scheme, identifying any additional or different environmental effects from those previously identified as part of the original EIA process.
- 6.10 As referred to in paragraph 2.15 of this Statement, the SES was the subject of a scoping submission by Sirius Minerals, followed by a Scoping Opinion issued by the NYMNP. This consultative process focussed attention on those matters where there was the potential for the proposed amendments to the scheme to result in different environmental impacts from those identified and acknowledged at the time of determination of the application.
- 6.11 The SES, therefore, includes detailed assessment of the following matters:
- 1 Landscape and Visual Impact;
 - 2 Geology and Hydrology;
 - 3 Hydrology and Flood Risk;
 - 4 Noise and Vibration;
 - 5 Ecology; and
 - 6 Cumulative Impacts.
- 6.12 The full findings of the SES are not repeated here, but it is appropriate to refer to the conclusions of the above assessments, to appreciate the implications for the performance of the project against the MDT and other prevailing development plan policies.

1. Landscape and Visual Impacts

- 6.13 As detailed above, the S73 scheme contains minor changes at the construction and operational stages of the project. These changes include amendment of the construction process, amendment of the construction layout and features, including early construction of some permanent buildings and amendment of the permanent site landform, the operational road and building layout and restoration measures.
- 6.14 The SES concludes that the S73 scheme would give rise to similar construction, operational and decommissioning degrees and extents of impact as identified for the approved scheme and would not exceed those impacts. The change from using three temporary winding towers to the use of a single MTS shaft temporary winding tower would result in a decrease in the number of visible tall structures, although cranes would still be present across the site for the full construction period.
- 6.15 At the operational stage, the SES concludes that the S73 scheme would result in the same levels of impact as identified for the approved scheme for most landscape and visual receptors, with initial adverse effects arising from visibility of new mounds and residual visibility of buildings. As mitigation planting develops these impacts would reduce and change to beneficial effects over the long term.

- 6.16 The SES concludes that the S73 scheme would affect the same range of special qualities of the National Park as identified for the approved scheme and would result in the same degree of impact at the construction and operational stages. Residual minor adverse impact on the Tranquillity; dark skies special quality would remain throughout the operational stage due to sky glow effects, as identified for the approved scheme.
- 6.17 Finally, the SES concludes that cumulative construction stage landscape and visual impacts arising from the S73 scheme would remain the same as for the approved scheme in both degree and extent.

Table 6.1 Landscape and Visual Impact Assessment – EIA References.

Environmental Impact Assessment September 2014	Supplementary Environmental Information February 2015	Supplementary Environmental Statement July 2017
Section 12.0	Section 12.0	Section 6.0

2. Geology and Hydrogeology

- 6.18 The SES identifies that the s73 scheme includes a number of amendments which offer the potential to impact upon geology and hydrogeology effects including design amendments to the Construction/ Operational Platform, substructures, shafts and the volume and plan area of the Non-Hazardous Non-Inert Waste Facilities. However, the supplementary qualitative hydrogeological risk assessment appended to the SES identifies that the amended mine development will present a negligible adverse physical and chemical impact on all of the key sensitive hydrogeological receptors, including the Ugglebarnby Moor SAC hydrogeologically supported ecological systems, the Moorside and Soulsgrave farm springs and the Secondary A Aquifers underlying and adjacent to the site.
- 6.19 The amendments to the Construction/ Operational Platform heights raises its formation level above the Moor Grit water table, removing the need for the grout wall and relief drain. The use of D-Walling and temporary dewatering will also reduce the magnitude of effect on the overall groundwater system, by marginally reducing the lowering of groundwater levels in the near surface aquifers on and adjacent to the site.
- 6.20 By adopting the mitigation measures included in the approved scheme, the SES concludes that the modified development design will present no significant additional adverse hydrogeological risks to the environment during its construction, operation or long term post decommissioned phases.

Table 6.2 Geology and Hydrogeology – EIA References.

Environmental Impact Assessment September 2014	Supplementary Environmental Information February 2015	Supplementary Environmental Statement July 2017
Section 14.0	Section 14.0	Section 7.0

3. Hydrology and Flood Risk

- 6.21 The SES confirms that the hydrogeology and flood risk impacts and mitigation measures applied to the s73 scheme remain unchanged from that approved, with the exception of treated sewage which is no longer applicable. The proposed relocation and amended layout of the surface water attenuation ponds and wetland in the northern field complies with accepted design criteria such that the ponds have more than the required capacity to store the critical duration 1 in 100 year plus climate change storm event and that the runoff rate is less than the greenfield runoff rate.

- 6.22 The calculations included within the SES demonstrate that the proposed layout does not increase flood risk at the site or elsewhere and the additional storage volume provides a greater level of protection from flood risk and from sediment entering the watercourse downstream. The overall residual impacts of the revised scheme therefore remain unchanged from the approved development.

Table 6.3 Hydrology and Flood Risk – EIA References.

Environmental Impact Assessment September 2014	Supplementary Environmental Information February 2015	Supplementary Environmental Statement July 2017
Section 15.0	Section 15.0	Section 8.0

4. Noise and Vibration

- 6.23 The SES concludes that there are no changes in the significance of impact from either noise and vibration sources, at any of the identified receptor locations. During construction, the operation of the D-wall rigs and associated plant is considered, as well as other on-site construction and earthworks activities. Potential changes to operational impacts are predicted, given the removal of the Drift Tunnel. However, the SES concludes that these changes to the approved scheme do not result in any materially different noise and vibration impacts.

Table 6.4 Noise and Vibration – EIA References.

Environmental Impact Assessment September 2014	Supplementary Environmental Information February 2015	Supplementary Environmental Statement July 2017
Section 8.0	Section 8.0	Section 5.0

5. Ecology

- 6.24 The changes to the scheme as reported in the SES will not result in any ecological impacts which are materially different to those covered in the original EIA and SEI documents. During construction, ground-water levels will be slightly reduced, but only in those areas where soils have been found to not be ground-water dependent. Monitoring to date has demonstrated that there is no impact on the spring flush habitat around Lousy Lane. As a consequence, no impacts on ground-water species are predicted.
- 6.25 During operation, the additional volumes provided in the attenuation ponds reduce the risk of sediment entering the watercourse, potentially improving conditions downstream.

Table 6.5 Ecology – EIA References.

Environmental Impact Assessment September 2014	Supplementary Environmental Information February 2015	Supplementary Environmental Statement July 2017
Section 11	Section 11	Section 9.0

6. Cumulative Impacts

- 6.26 With regard to predicted cumulative impacts, the SES notes a lack of change of the significance of impacts across the various environmental topics assessed, and therefore concludes that any additional or different synergistic impacts to those identified in the original ES are unlikely. Equally, no cumulative impacts arising from the combined effect of the proposed development, with other committed development schemes has been identified.

Table 6.6 Cumulative Impacts – EIA References.

Environmental Impact Assessment September 2014	Supplementary Environmental Information February 2015	Supplementary Environmental Statement July 2017
Section 19	Section 19	Section10.0

- 6.27 Consistent across all the key environmental matters, there is no material change predicted to environmental conditions as a result of the implementation of the s73 application proposals, when compared to those previously associated with the originally approved scheme.
- 6.28 Given this finding, the performance of the amended proposals at Woodsmith Mine against the third criterion of the MDT (i.e. potential impact of the development on the environment) remains unchanged from that achieved at the time of the original application decision. With reference to the conclusions in respect of need and alternatives (i.e. the first and second criteria of the MDT), it is considered that as with the originally approved scheme, the s73 development readily meets the requirements of the 'test' - the scale of the benefits associated with the project including the contribution towards meeting local, regional and national economic needs very substantially outweigh the limited residual adverse effects.
- 6.29 There are other important policy considerations relevant to this application, beyond the MDT, but the findings of the SES that demonstrates a lack of change in terms of the environmental impact of the project ensures that the consideration of the new scheme against this policy context should be consistent. In terms of key policy matters, the amended project continues to:
- protect the special quality and distinctiveness of the National Park;
 - promote high quality, safe and sustainable design;
 - deliver substantial economic benefits through higher employment, economic output, tax revenues and increased local spending, contributing significantly to the local, regional and national economy;
 - create traffic at an appropriate level consistent with the approved development, controlled through both planning conditions and Travel Plans. The quantity of material required to be transported on/off site remains as per the approved scheme;
 - minimise air quality emissions to levels that fully protect natural systems, human health and quality of life. Conditions will continue to require the submission of a Construction Environment Management Plan (CEMP), as appropriate; and
 - promote recreation and tourism opportunities and provide sustainable benefits to the local community and its economy through the inclusion of s106 funding for tourism activities. The s106, other than acknowledging the s73 application, remains unchanged in content, from the existing documents (see Section 7.0). Whilst it is acknowledged that the route of the bridleway around the ponds is altered, reflecting the new layout of drainage ponds in this area, this amendment will have no material impact on the users of the bridleway, that will retain an appropriate route across the site.
- 6.30 From the above overview, it is evident that the characteristics of the amended project remain as before, and hence policy considerations across a wide remit of topics are identical to that associated with the approved scheme.

7.0 **Planning Conditions and s106 Matters**

- 7.1 In addition to policy objectives and material considerations, the planning conditions applied to the existing permission must also be assessed against the context of the section 73 application. The approved development includes a total of 95 conditions stipulating the measures required to be implemented before or during the construction phases.
- 7.2 This Section 73 application seeks a minor material amendment to the project and this is proposed to be secured via a change to the drawing schedule, that is referenced in Condition 5. An amended schedule of plans, identifying both approved and replacement plans is provided at Appendix 1 to this Statement.
- 7.3 It is also noted that existing conditions make reference to “*Dove’s Nest Farm*”, and it may be appropriate for future clarity that these references are updated to “*Woodsmith Mine*”, in any new planning permissions.
- 7.4 Furthermore, to ‘tidy up’ the permission and in recognition of the changes to plans’ references promoted in this Section 73 application, the following amendments to conditions would be helpful:
- Drawing numbers to be amended to reflect the revised schedule set out in Appendix 1 in conditions: 61 and 73, as well as the Glossary of Terms definition of Permanent above ground structures;
 - Drawing number references to reflect the latest Basis of Design report in Condition 62;
 - Reference to be made to the revised SES within conditions: 6, 44, 47, 51, 57 and 79
 - Reference to the ‘ghost island’ at the Ugglebarnby Moor – Shafts Entrance to be removed as per a s96A application (May 2017) in conditions 39 and 41;
 - Removal of references to the grout wall from Condition 45 and replaced with reference to the revised groundwater management scheme as detailed within the SES; and
 - Replacement of reference to an approved phasing plan and replaced with annual progress plans in Conditions 4 and 94, as appropriate.

The inclusion of the above amendments to the approved conditions will ensure that the conditions applied to the approved scheme remain applicable to the s73 application, but updated to reflect the minor material amendments sought.

Section 106

- 7.5 Included with this application is a draft s106 Supplementary Deed, the purpose of which is to formalise the transition of all existing s106 obligations associated with the NYMNPA’s approval, to any new s73 consent.
- 7.6 There are two existing s106 agreements relevant in this regard; the first secured with North Yorkshire County Council and the second with the NYMNPA. The simple Supplementary Deed, relates to both existing agreements, ensuring obligations in both documents are carried over, unchanged.

8.0 Conclusions

- 8.1 As demonstrated in this planning statement, the minor material amendments proposed as part of the s73 application will involve only limited changes to the approved physical form of development at Woodsmith Mine. Changes are restricted to the minehead site only, and are predominantly associated with the use of alternative construction techniques that offer an efficient means of minehead development. The precise layout and scale of the buildings at the site are adjusted to allow for this new approach to construction, but the extent of physical changes will not materially affect the overall nature of the minehead built form at the site.
- 8.2 It is also the case that the policy context for consideration of the application remains largely unchanged since the original decision, and importantly the pre-eminent policy consideration (i.e. the MDT) is identical to that in 2015. The proposed amendments to the scheme do not influence the '*performance*' of the proposals against the requirements of the MDT, and hence the principles that supported a positive outcome for the original application remain - the amended scheme retains its status as a scheme of national importance, its contribution towards sustainable economic growth is substantial; and it continues to offer long-term positive economic benefits for the region. Similarly, as evidenced in the SES, the environmental effects of the amended proposals are as per the original proposals.
- 8.3 Given these conclusions, it is considered that in the context of the MDT, the exceptional circumstances that justified approval of the original application are unchanged. Equally, there are no other changes in policy or circumstances that suggest an alternative outcome for the application is appropriate. It is hoped, therefore, that this s73 application can be positively determined, to assist the continued progress of the North Yorkshire Polyhalite Project.

Appendix 1: Schedule of updated drawings

Table 8.1 Approved and revised plans

Approved Plan Name	Approved Plan reference/drawing number	Change?
Mine and MTS Planning Boundary	Y5154-0102M-CJD1 rev 2	No change
Site Location Plan	YP-P2-CX-550 rev 1	No change
Woodsmith Mine Site (was Doves Nest Farm Site)		
Doves Nest Farm Existing Site Plan	653-AP-0002 rev 2	No change
Doves Nest Farm Site Plan - Existing Utilities and Borehole Locations	YP-P2-CX-510 rev 0	No change
Doves Nest Farm Proposed Site Plan and Block Plan	653-AP-0005 rev 1	Updated, Ref: 653-AP-0005 rev 4
Proposed Welfare Buildings Site Plan	653-AP-0006 rev 1	Updated, Ref: 653-AP-0006 rev 3
Proposed Mine Buildings Site Plan	653-AP-0007 rev 1	Updated, Ref: 653-AP-0007 rev 11
Doves Nest Farm Proposed Hard Landscaping Plan	653-AP-0060 rev 1	Updated, Ref: 653-AP-0060 rev 4
Gatehouse – Proposed Plans, Sections and Elevations - Colour	653-AP-0032 rev 0	Updated, Ref: 653-AP-0032 rev 1
Miner's Welfare Facility - Proposed Floor and Roof Plans - Colour	653-AP-0033 rev 0	No change
Miner's Welfare Facility - Proposed Sections & Elevations - Colour	653-AP-0034 rev 0	No change
Miner's Welfare Facility - Elevation Study - Sheet 01	653-AP-0035 rev 0	No change
Miner's Welfare Facility - Elevation Study - Sheet 02	653-AP-0036 rev 0	No change
Mine Building 04 – Back-up Generator Plan, Section and Elevations - Colour	653-AP-0051 rev 3	Updated, Ref: 653-AP-0051 rev 5
Mine Building 05 – Intake Ventilation Shaft Plan, Section and Elevations - Colour	653-AP-0052 rev 3	Updated, Ref: 653-AP-0052 rev 5
Mine Building 06 – Substation Plan, Section and Elevations - Colour	653-AP-0053 rev 3	Updated, Ref: 653-AP-0053 rev 5
Mine Building 07 – Men and Material Shaft Winder Plan, Section and Elevations - Colour	653-AP-0054 rev 3	Updated, Ref: 653-AP-0054 rev 5
Mine Building 08 – Mineral Shaft Winder Plan, Section and Elevations - Colour	653-AP-0055 rev 3	Updated, Ref: 653-AP-0055 rev 6
Mine Building 09 – MTS Shaft Building Plan, Section and Elevations - Colour	653-AP-0056 rev 4	Updated, Ref: 653-AP-0056 rev 6
Mine Building - Elevation Study - Colour	653-AP-0058 rev 3	Updated, Ref: 653-AP-0058 rev 4
Doves Nest Farm - Existing Site Sections Sheet 01	653-AP-0003 rev 0	No change
Doves Nest Farm - Existing Site Sections Sheet 02	653-AP-0004 rev 0	No change

Approved Plan Name	Approved Plan reference/drawing number	Change?
Doves Nest Farm - Proposed Site Sections Sheet 01	653-AP-0008 rev 1	Updated, Ref:653-AP-0008 rev 3
Doves Nest Farm - Proposed Site Sections Sheet 02	653-AP-0009 rev 3	Updated, Ref: 653-AP-0009 rev 14
Proposed Minehead – Site General Arrangement MTS Scheme Construction Masterplan	YP-P2-CX-030 rev 11	Replaced with updated phasing masterplans to be submitted for each proposed phase of works in accordance with condition 4
Proposed Minehead – Site General Arrangement MTS Scheme Operation Masterplan	YP-P2-CX-031 rev 12	Updated, Ref: YP-P2-CX-031 rev 13
Proposed Minehead – Site General Arrangement MTS Scheme Earthworks Strategy Earthworks Bunds and Ponds	YP-P2-CX-032 rev 7	Updated, Ref: YP-P2-CX-032 rev 10
Proposed Minehead – Site General Arrangement MTS Scheme Earthworks Strategy Construction Platforms	YP-P2-CX-033 rev 7	Updated, Ref: YP-P2-CX-033 rev 8
Proposed Minehead – Pyritic Mudstone Facilities and Temporary NHNI Waste Storage Facility	YP-P2-CX-036 rev 3	Updated, Ref: YP-P2-CX-036 rev 5
Proposed Minehead – Dove’s Nest Farm, Hours of Working	YP-P2-CX-080 rev 1	Updated, Ref: YP-P2-CX-080 rev 2
Proposed Minehead – Surface Water Drainage, General Arrangement	YP-P2-CD-080 rev 9	Replaced with YP-P2-CX-509 rev 3(repetition)
Proposed Minehead – Earthworks Strategy Groundwater Drainage Design	YP-P2-CD-200 rev 6	Replaced with YP-P2-CX-509 rev 3 (repetition)
Proposed Phasing Strategy - Phase 1, Months 1-6.5	YP-P2-CX-500 rev 2	Replacement plans provided for illustrative purposes only showing annual progress at in Spring 2018, Spring 2019, Spring 2020, Spring 2021 and Final Landforms. Detail otherwise being agreed and determined via submission pursuant to planning condition on the York Potash planning permission.
Proposed Phasing Strategy - Phase 2, Months 6.5-16	YP-P2-CX-501 rev 2	
Proposed Phasing Strategy - Phase 3, Months 17-25	YP-P2-CX-502 rev 1	
Proposed Phasing Strategy - Phase 4, Months 26-32	YP-P2-CX-503 rev 1	
Proposed Phasing Strategy - Phase 5, Months 33-40	YP-P2-CX-504 rev 2	
Proposed Phasing Strategy - Phase 6, Month 41-51	YP-P2-CX-505 rev 1	
Proposed Phasing Strategy - Phase 7, Removal of all non-hazardous non inert material off site	YP-P2-CX-506 rev 1	
Minehead Site Working Plan - General Arrangement and Earthworks	YP-P2-CX-508 rev 3	Updated, Ref: YP-P2-CX-508 rev 10
Minehead Site Working Plan – General Arrangement and Minimum Earthworks	40-ARI-WS-71-CI-DR-1035	New Plan
Minehead Site Working Plan - Surface Water Drainage	YP-P2-CX-509 rev 1	Updated, Ref: YP-P2-CX-509 rev 3

Approved Plan Name	Approved Plan reference/drawing number	Change?
Minehead Site Working Plan - Lighting	YP-P2-CX-511 rev 1	Updated, Ref: YP-P2-CX-511 rev 2
Proposed Minehead - Existing Landscape Features	2309.MH01 rev 02	Updated, Ref: 2309.MH01 rev 04
Proposed Minehead - Removal of Existing Landscape Features	2309.MH02 rev 02	Updated, Ref: 2309.MH02 rev 04
Proposed Minehead - Restoration Proposals	2309.MH03 rev 05	Updated, Ref: 2309.MH03 rev 07
Proposed Minehead - Restoration Proposals – Cross Sections	2309.MH04 rev 04	Updated, Ref: 2309.MH04 rev 06
Proposed Minehead - Restoration Proposals – Cross Sections	2309.MH05 rev 04	Updated, Ref: 2309.MH05 rev 06
Proposed Minehead - Restoration Proposals – Cross Sections	2309.MH06 rev 04	Updated, Ref: 2309.MH06 rev 06
External Lighting Strategy Plans Construction Phase	YP-P2-EL-201-208	Removed, detail included within RHDHV lighting strategy
Tree protection measures for works in highways at A171/B1416 right turn	2556.473.AIA.Whitby.YPL	No change
Mine head Site Welfare Entrance General Arrangement (From ES Appendix 3.3)	YP-P2-CX-043 Issue 0	No change
Minehead Site Access Junction (From ES Appendix 3.3)	YP-P2-CX-042 Issue 0	Removed, right hand turn access no longer required as per s96A application
Proposed Mine and MTS Sub-Surface Structures	1000-ENV-DFS-DWG-005 Rev 2	Updated, Ref: 1000-ENV-DFS-DWG-005 Rev 4
Lady Cross Plantation Site		
Existing Site Plan	653-LC-AP-0201 rev 2	No change
Existing Site Sections	653-LC-AP-0202 rev 0	No change
Proposed Site Plan	653-LC-AP-0203 rev 2	No change
Proposed Compound Site Plan and Block Plan	653-LC-AP-0204 rev 2	No change
Proposed Site Sections	653-LC-AP-0205 rev 0	No change
MTS Building Proposed Plan, Section and Elevations	653-LC-AP-0207 rev 0	No change
Proposed Hard Landscaping Plan	653-LC-AP-0208 rev 3	No change
Proposed Site Earthworks – Ladycross Plantation, Spoil Phasing	YP-P2-CX-443 rev 7	No change
Drainage working plan	YP-P2-CX-528 rev 2	No change
Proposed Phasing Strategy: Phases 1 - 5	YP-P2-CX-542 rev 2	No change
Proposed Phasing Strategy: Phase 6	YP-P2-CX-543 rev 2	No change
Working Plan: General Arrangement and Earthworks	YP-P2-CX-525 rev 2	No change

Approved Plan Name	Approved Plan reference/drawing number	Change?
Ladycross Plantation Drainage - Construction	YP-P2-CX-445 rev 7	No change
Ladycross Plantation Drainage - Operation	YP-P2-CX-446 rev 7	No change
Ladycross Plantation – Proposed Earthworks	YP-P2-CX-447 rev 6	No change
Lady Cross Plantation Site Plan – Existing Utilities and Borehole Locations	YP-P2-CX-532 rev 0	No change
Working Plan: Lighting	YP-P2-EL-503 rev 2	No change
Ladycross Plantation - Existing Landscape Features	2322.LCP01 rev 3	No change
Ladycross Plantation - Removal of Existing Vegetation	2322.LCP02 rev 5	No change
Restoration Proposals	2322.LCP03 rev 4	No change
Restoration Proposals – Cross Sections	2322.LCP04 rev 1	No change
Ladycross Plantation – Construction Masterplan	YP-P2-CX-440 rev 8	No change
Ladycross Plantation – Operational Masterplan	YP-P2-CX-441 rev 8	No change