

That York Potash Ltd application NYM/2014/0676/MEIA (York Potash Ltd) approval be delegated to the Director of Planning to issue the decision notice subject to:

- i. Refining the language of the draft Planning Conditions set out in draft V24 in consultation with relevant statutory authorities and, for the avoidance of doubt, the final version must secure all the mitigation measures relied upon in the accepted Habitats Regulations Assessment report for the North York Moors Special Area of Conservation and the North York Moors Special Protection Area;
- ii. Completion and signing of S106 Agreements between the applicant and NYMNPA/Scarborough Borough Council, North Yorkshire County Council and Redcar and Cleveland Borough Council to secure the agreed planning obligations, with the applicants meeting the full NYM officer and legal costs of drafting;
- iii. In relation to the potential for fault activation in connection with the proposed water discharge borehole at Dove's Nest Farm:
 - a. provision of an assessment of residual effects (standalone and cumulative) which demonstrates that receptors will not be subject to significant effects and
 - b. sufficient funds to cover the reasonable costs of the NPA's consultants in connection with advising on this matter;
- iv. For the entirety of the Construction Period and Post Construction Period York Potash Ltd will deposit sufficient funds in an Escrow account to cover at all times ten years' worth of the S106 Management Plan Contribution, Core Policy D Contribution and Tourism Contribution;
- v. Submission and approval of an improved design of the proposed mine buildings with particular reference to the materials submitted within application NYM/2013/0062/MEIA;
- vi. Provision of revised details for the proposed welfare facilities building which demonstrate a BREEAM rating of 'Very Good';
- vii. Officers negotiating an Extension of Time Agreement (ETA) with the applicant with a view to concluding the above matters before the end of September 2015;

This decision is based on Members concluding:

- (a) that the potential economic benefits from the proposal represents a transformational opportunity for the local and regional economy;
- (b) that the likelihood of establishing a global market for polyhalite fertiliser is such that Phase 2 production levels will be achievable, resulting in economic benefits that are significant at a national level;
- (c) that the innovative nature of the mine design and associated landscaping result in an acceptable reduction in the long term environmental impacts of the development;
- (d) that there was no realistic scope for locating the development elsewhere outside the designated area.

(e) Members attach greater weight to these benefits than the environmental impacts during the construction period and the long term harm to the Special Qualities of the National Park at the minehead site and consider that:

- (i) the proposal represents exceptional economic circumstances which outweighs the extent of the conflict with the Development Plan;
- (ii) therefore the public interest lies in approving the application.

In reaching this decision Members have taken into account the applicant's S106 proposals as set out in the Director of Planning's report and oral discussion together with officers' advice regarding those proposals which are considered to be directly related to the development, fairly and reasonably related in scale and kind to the development and necessary to address the identified residual harmful impacts and make the development acceptable in planning terms.

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