

City of York, North York Moors National Park, and North Yorkshire County Council Minerals and Waste Joint Plan Examination

Our ref 50303/04/HS/SSt
Date February 2018
From Lichfields (on behalf of Sirius Minerals Plc)

Subject Examination Matters Statement

1.0 Matter 1: Minerals

Issue: Whether the vision, objectives and strategic minerals policies seek to provide a sufficient supply of locally and nationally important minerals in an efficient and sustainable manner and whether the proposed allocations are the most appropriate.

66) Should there be more support for Potash extraction, given its national importance and national scarcity?

1.1 The level of support is sufficient.

1.2 Potash is listed in the National Planning Policy Framework (“NPPF”) as a mineral of local and national importance (see Glossary), and the M&W Joint Plan acknowledges this national level of support at paragraph 5.172. However, it is important that this in-principle policy recognition does not predetermine the consideration of ‘need’, where this is required as part of the ‘Major Development Test’ (“MDT”) (i.e. in the North York Moors National Park). The ‘benchmark’ set by the MDT, in accordance with paragraph 116 of the NPPF, is exceptionally high and requires evidence and justification specific to each proposal. The in-principle support for potash extraction in the MWJP must not dilute the requirement to demonstrate ‘need’, where required, to the extent demanded by the MDT.

67) Policy M22 ((Potash, polyhalite and salt supply) requires at i) that proposals do not detract from the special qualities of the National Park. As some detraction is likely, should this policy be more flexible by requiring instead (for example) that proposals do not cause unacceptable impacts?

1.3 The wording should be altered to the following:

1.4 *“recognising the need to conserve the landscape, wildlife and cultural heritage of the National Park, any impacts on the special qualities of the National Park must be satisfactorily moderated”.*

1.5 This wording more accurately reflects that used in paragraphs 115 and 116 of the NPPF.

68) For reasons of effectiveness, should the justification text explain briefly what the North Yorkshire Polyhalite Project is and its benefits to the local and national economy?

- 1.6 Yes. For clarity, the following text should be included:
- 1.7 *“Woodsmith Mine, at Dove’s Nest Farm, Sneatonthorpe, was granted planning permission in October 2015 by the North York Moors National Park Authority. Construction began in May 2017. Collectively referred to as ‘The North Yorkshire Polyhalite Project’, the approved infrastructure includes the minehead and associated buildings at Dove’s Nest Farm, a Material Transport System (“MTS”) consisting primarily of a 36.5km tunnel from the minehead site to a portal at Wilton in Redcar, and intermediate tunnel access and maintenance/ventilation sites along the route of the MTS.*
- 1.8 *The approved mine will deliver significant national and local economic benefits, including an estimated contribution to GDP of over £1bn per annum, an increase of up to 10% on the economic output of North Yorkshire, and an increase in the economy of the ‘York, North Yorkshire and East Riding Local Enterprise Partnership’ by up to 5%. Over a thousand high-value direct jobs are expected to be created, while the scale of the investment itself, approximately £1.7bn, will have further substantial national and local economic benefits”.*

69) On the understanding that Polyhalite and Sylvinite are the two main forms of potash mined, to be effective should Policy M22 specifically provide for the extraction of both types or does the generic reference to potash suffice? Should Policy M22 refer to Polyhalite, Sylvinite and other forms of potash?

- 1.9 Potash is the collective term used for any mined and manufactured salts that contain potassium in a water-soluble form. On this basis, the use of ‘potash’ as a generic term is acceptable. This is on the basis however that clarification is provided, in supporting text, that the MWJP uses ‘potash’ as a generic term for all potassium bearing minerals including polyhalite.

70) Should the MWJP seek to provide reserves of both main types of potash?

- 1.10 On the basis that potash refers to both ‘main’ types there is no requirement to differentiate. However, the provision of potash reserves should not predetermine the outcome of any forthcoming planning application necessary to secure the extraction of the resources, particularly where the MDT must be satisfied.
- 1.11 For clarity, the area of interest to the North Yorkshire Polyhalite Project benefits from a polyhalite resource of 2.66 billion metric tonnes, as defined according to the internationally recognised JORC code. Within the resource area, there is a JORC compliant Probable Mineral Reserve of 280 million tonnes of polyhalite.

71) Whilst great weight should be given to conserving landscape and scenic beauty in National Parks and planning permission for major development should only be granted in exceptional circumstances (NPPF paragraphs 115 and 116) is this sufficient justification for not allocating potash sites of national importance bearing in mind that great weight should also be given to the benefits of mineral extraction (NPPF paragraph 144 1st bullet)? Taking account of the PPG (ID: 27-008-20140306) has the right balance been reached in not allocating specific potash sites of national importance? Should there be allocations to give certainty to when and where development may take place (PPG ID: 27-009-20140306)?

- 1.12 Given that potash is recognised in the NPPF as mineral of local and national importance, and given the rarity of the mineral, it is considered appropriate to allocate Specific Sites within the National Park that benefit from planning permission for potash extraction. Accordingly, Woodsmith Mine and Boulby Mine should be identified on the proposals map and cross-reference made to the applicability of Policy M22 as drafted.
- 1.13 Notwithstanding this, the requirements of NPPF paragraphs 115 and 116, including the MDT, are fully recognised and supported. It is also recognised that there should be no policy in the MWJP that departs from the requirements of the MDT as set out in NPPF paragraph 116. Accordingly, any allocations should not predetermine the consideration of the MDT where this is applicable.
- 1.14 Circumstances where the MDT is applicable (and should be applicable irrespective of any allocations) includes applications for potash extraction at new sites, and applications for existing sites (at Woodsmith Mine and Boulby) to operate beyond the time periods of current planning permissions. However, applications for increased volumes of potash extraction, the extraction of other forms of potash, and lateral sub-surface extensions from existing mine sites should be acceptable without application of the MDT in accordance with the approach set out in draft Policy M22. Policy M22 is supported, although the wording of criteria i) should require that ‘no unacceptable harm’ is caused to the special qualities.

72) In relying on criteria based policies rather than allocations, and taking account of development management policy D04: (Development affecting the North York Moors National Park and the AONBs) does the MWJP provide adequate opportunities to ensure there are reasonable prospects of producing sufficient supplies of Polyhalite, Sylvinite and potash generally to provide the goods that the country needs as per NPPF paragraph 142?

- 1.15 It is considered that potash extraction sites that benefit from planning permission should be allocated, to reflect the national importance and rarity of the mineral. Notwithstanding this, it remains important that the requirements of the MDT (set out in NPPF paragraph 116 and largely reflected in draft MWJP Policy D04) are accurately reflected.