



## Meeting note

<b>File reference</b>	TR030002
<b>Status</b>	Final
<b>Author</b>	Hannah Nelson
<b>Date</b>	21 November 2014
<b>Meeting with</b>	Environment Agency
<b>Venue</b>	Teleconference
<b>Attendees</b>	<p><b>The Planning Inspectorate</b> Mark Wilson– Infrastructure Planning Lead Sheila Twidle – Head of Environmental Services Laura Allen – Senior EIA and Land Rights Advisor Hannah Nelson – EIA and Land Rights Advisor</p> <p><b>Consents Services Unit</b> Melanie Bischer – Consents Service Officer</p> <p><b>The Environment Agency (EA)</b> Cameron Sked – Planning Specialist</p>
<b>Meeting objectives</b>	Update on the EA's pre-application engagement with the applicant regarding the proposed York Potash Harbour Facilities application
<b>Circulation</b>	All attendees

Following introductions, the Planning Inspectorate (the Inspectorate) advised on its openness policy that any advice given would be recorded and placed on the National Infrastructure Planning Portal website under section 51 of the Planning Act 2008 as amended (PA2008). Any advice given under section 51 does not constitute legal advice upon which applicants (or others) can rely.

The Inspectorate explained that the purpose of the meeting was to gain an understanding from the EA on their involvement with the project to date.

### **Brief overview of involvement to date**

The EA explained that they have a contractual agreement with the applicant to provide pre-application advice on the proposed development and 2/3 meetings have been held to date. Their last meeting with the applicant was held two weeks prior to the teleconference to follow up on the EA's comments provided on the Preliminary Environmental Information Report (PEIR) as part of the s42 consultation. A further meeting is programmed for 27 November 2014 to discuss progress since this time.

This meeting is also being attended by the Marine Management Organisation (MMO), Natural England (NE) and the Inspectorate.

### **Involvement in the wider York Potash Scheme**

The EA confirmed that they have been involved in the other elements of the wider York Potash scheme. The Inspectorate explained that their understanding is that the TCPA applications for the mine and mineral transport facility (submitted to North York Moors NPA and Redcar and Cleveland BC) and the materials handling facility (submitted to Redcar and Cleveland BC) were submitted on 30 September 2014 and the decisions on these applications are due by the end of January 2015. The Inspectorate explained that they are not involved in these applications but have been kept informed by the applicant and NE about progress on these applications.

### **Update on discussions with the applicant in relation to the proposed Harbour Facilities development**

The EA provided an update on the key areas of discussion with the applicant.

A key area of concern raised by the EA was the applicant's consideration of the loss of intertidal mudflat due to the harbour frontage and the means of mitigating and compensating for this loss. The EA commented that they have yet to see any meaningful mitigation and compensation proposals to address the proposed loss and were concerned that due to the short timescale prior to the anticipated submission date of 15 December 2014, that this would not be sufficient time to adequately address the outstanding issues.

The Inspectorate commented that if the applicant intends to rely on a s106 agreement as a delivery mechanism for the compensation there would be an expectation that as a minimum, draft Heads of Terms should be provided as part of the submission documents, and that any Planning Agreement or Unilateral Undertaking would need to be finalised / signed during the examination stage. The examining authority may set a deadline in the examination timetable to that effect in order to allow the interested parties to have an opportunity to comment on any planning obligation before the end of the examination.

The EA explained that they had also raised concern about the impact of the development on the landfill, which includes the Bran Sands lagoon. The applicant has confirmed to the EA that they no longer intend to locate the temporary construction facilities on the landfill site, but the EA have not seen any proposals for the alternative location in order to comment on its suitability. The EA are aware there have been discussions with the operator of the landfill in relation to a possible transfer of the permit to the developer.

The Inspectorate advised that it had recently reviewed the draft HRA provided by the applicant for the proposed Harbour Facility, which had been used to inform the TCPA applications, and provided comments to the applicant which would be available on the website shortly as s.51 advice. The Inspectorate explained that it had raised concerns with the applicant about the description of the project in the draft HRA, the level of detail provided about the potential impacts arising from the Harbour Facility and the mitigation proposed, including how it would be delivered through the draft DCO.

### **Statement of Common Ground (SoCG)**

The EA have had discussions with the applicant regarding agreeing a SoCG in advance of the submission of the application. Taking into account the outstanding queries under discussion and the short timescale prior to the anticipated date of submission (15 December 2014) in order to review any further information provided by the applicant, the EA thought it would be unlikely that a SoCG would be agreed prior to submission.