



3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: YorkPotashHarbour@pins.gsi.gov.uk

Morag Thompson
Marrons Shakespeares
1 Meridian South
Meridian Business Park
Leicester
LE19 1WY

Your Ref:

Our Ref: TR030002

Date: 21 April 2015

Dear Ms Thompson

Planning Act 2008 (as amended) Section 51

Application by York Potash Limited for an Order Granting Development Consent for the York Potash Harbour Facilities

Advice on making an application for development consent

I write following the acceptance of your application on 21 April 2015, to provide advice on making your application.

Notifying persons of an accepted application

The application has potential offshore impacts, including those discussed in paragraphs 7.27 to 7.43 of the Planning Statement accompanying the application.

Your view that the scheme is not offshore development is noted. The view of the Planning Inspectorate is that the scheme could reasonably be described as offshore development.

However, the duty upon the applicant to publicise the acceptance of the application in section 56(7) provides an opportunity to publish corresponding notices in the Lloyds List and an appropriate fishing trade journal, giving those who may wish to participate in the examination the opportunity to do so. We advise that you publish those notices.

Section 42(1)(a) persons prescribed

As the published section 55 checklist sets out, it appears on the basis of the information provided by the applicant that two potentially relevant bodies have not been consulted at the pre-application stage (Scotland Gas Networks Plc and Southern Gas Networks Plc). Unless there is a good reason in each case why the applicant considers that these bodies are not relevant to the proposed development, the applicant is advised to include these bodies or their appropriate successors in the

notification process of the accepted application. This should highlight the opportunities to become involved in the examination of the application. In particular it should explain the process by which they may make relevant representations during the advertised period.

Flexibility on the detail of the proposal

DCLG Pre-Application Guidance, particularly paragraph 111, explains that where an application is described in terms of parameters, these should be no greater than the minimum range required to deliver the project effectively; and that applicants will have to justify these parameters to the Secretary of State.

This guidance is brought to your attention, particularly with regard to the extent of flexibility sought in the description of the works, and the uniform and significant horizontal limit of deviation. We advise that you prepare to explain and expand upon the justification supplied in your application during the examination.

Yours sincerely

Robert Ranger

Robert Ranger
Case Manager

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.