



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

Customer Services: 0303 444 5000
e-mail: yorkpotashharbour@infrastructure.gsi.gov.uk

To all interested parties

Your Ref:

Our Ref: TR030002

Date: 19 June 2015

Dear Sir/Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning
(Examination Procedure) Rules 2010 (as amended)**

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

Notice of Preliminary Meeting and availability of relevant representations

I write to you following my appointment by the Secretary of State as the Examining Authority for this application for a Development Consent Order (DCO).

This letter is an invitation to the Preliminary Meeting to discuss the examination procedure and contains a number of supporting annexes. I would like to thank those of you who submitted relevant representations. These representations have assisted me when preparing my proposals for how to examine this application.

Date of meeting:	Tuesday 21 July 2015
Seating available from:	9.30am
Meeting begins:	10.00am
Venue:	Redcar Leisure & Community Heart Ridley Street Redcar Cleveland TS10 1TD

The purpose of the Preliminary Meeting is to enable views to be put to me about the way in which the application is to be examined. It is important to appreciate that this meeting deals only with procedure, and not the merits of the application. The merits of the application will only be considered once the examination starts after the

Preliminary Meeting has closed. Further information is given in Advice Note 8.4, which is available on the National Infrastructure pages of the Planning Portal website at:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/advice-notes/>

I wish to run a fair, efficient and effective meeting so that all relevant views can be heard. As such, I strongly encourage groups of individuals who have similar views on the procedure to choose one representative to speak for the group.

The agenda for the meeting is in Annex B. This has been set following my initial assessment of the principal issues arising on the application. That assessment is set out in Annex C. As a result of this assessment I wish to hear at the meeting from the applicant, interested parties, statutory parties and local authorities where they consider changes may be needed from the proposals set out in Annex D.

Attending the Preliminary Meeting

If you wish to attend the Preliminary Meeting please write, email or telephone the Planning Inspectorate, using the address and contact details set out at the front of this letter marking correspondence for the attention of Robert Ranger, the Case Manager. We need to receive your confirmation **by 14 July 2015**. Please also refer to Annex A for administrative arrangements for this meeting.

It will help the management of the meeting and benefit everyone if you also:

- Tell us whether you wish to speak at the meeting and on which agenda items, listing points you wish to make; and
- Bring this letter with you as proof of your identity and unique reference number

Please note that you are **not** required to attend the Preliminary Meeting in order to participate in the examination. If you are an interested party you will still be able to make written representations and participate in any hearings that are arranged. Should you no longer wish to be an interested party and do not wish to be involved in the examination process, you can notify us of this in writing.

After the Preliminary Meeting

Shortly after the end of the Preliminary Meeting you will be sent a letter setting out the timetable for the examination. The audio recording of the meeting will also be published on our website.

The examination of the application will primarily be a consideration of written representations about the application, along with any oral representations made at the hearings. All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

Award of costs

I also draw your attention to the possibility of the award of costs against interested parties who behave unreasonably. You should be aware of the relevant cost guidance

that applies to National Infrastructure projects. The “Awards of costs; examinations of applications for development consent orders” is available on the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/legislation-and-advice/guidance/>

I look forward to working with all parties in the examination of this application.

Yours faithfully

Peter Robottom

Peter Robottom
Examining Authority

Annexes

- A** Administrative arrangements for the Preliminary Meeting
- B** Agenda for the Preliminary Meeting
- C** Initial assessment of principal issues
- D** Draft timetable for examination of the application
- E** Availability of relevant representations and application documents
- F** Notice of appointment of Examining Authority

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.

Administrative arrangements for the Preliminary Meeting

On arrival at the venue you will be asked to register your name and any unique reference number with staff of the Planning Inspectorate. Priority will be given to the applicant and those registered as interested parties, statutory parties, local authorities and invited persons before seating is allocated to other members of the public. The Examining Authority may exercise its discretion to permit any person, in addition to those who are entitled to take part, to participate in the meeting.

If you wish to make any submissions on matters not set out in the agenda, please write to Robert Ranger, the Case Manager, setting out the submissions that you wish to make **by 14 July 2015**. I will attempt to accommodate reasonable requests and will alter the agenda on opening the Preliminary Meeting if I consider this will assist the discussion of the procedure for the examination.

A note will be taken of the Preliminary Meeting. This will be published on our website and made available at the locations listed in Annex E as soon as practicable after the meeting. Please note that an audio recording of the meeting will also be taken and made available on the website as soon as practicable after the meeting.

The Planning Inspectorate will send you a copy of the procedural decision as to how the application is to be examined as soon as practicable after the meeting.

Agenda for the Preliminary Meeting

Date of meeting: Tuesday 21 July 2015

Seating available from: 9.30am
Meeting begins: 10.00am

Venue: Redcar Leisure & Community Heart Ridley Street
 Redcar
 Cleveland
 TS10 1TD

1	Welcome and Introductions
2	Examining Authority's remarks about the examination process
3	Draft timetable for the examination – see Annex D
4	The initial assessment of principle issues
5	Deadlines for submission of: <ul style="list-style-type: none"> · All written representations · Local Impact Reports · Responses to ExA's written questions · Statements of Common Ground · Notifications relating to hearings
6	Hearings and accompanied site visit: <ul style="list-style-type: none"> · Date of accompanied site visit to application site and surrounding area · Date of issue specific hearing on draft Development Consent Order · Date reserved for open floor hearing(s) · Time period reserved for issue specific hearings · Time period reserved for compulsory acquisition hearings
7	Submissions received before the beginning of the examination
8	Any other matters
9	Close of the Preliminary Meeting

Please note: The ExA will conclude the meeting as soon as all relevant contributions have been made. If there are any additional matters to be dealt with or submissions take a considerable amount of time, the meeting may run for longer and the order of items may change.

Initial assessment of principal issues

This is the initial assessment of the principal issues arising from consideration by the Examining Authority of the application documents and relevant representations received. It is not a comprehensive or exclusive list of all relevant matters. The Examining Authority will have regard to all important and relevant matters when it writes its recommendation to the Secretary of State after the examination.

Visual issues

- The visual impact of the proposed conveyor bridge over A1085 – whether there are any realistic alternatives to provision of such a bridge and, if not, the appropriateness of the proposed design.
- Any other visual issues including in relation to Dormanstown or cumulative landscape effects with the wider Yorkshire Potash Project.

Biodiversity, Ecology and Natural Environment – including Habitats

Regulation assessment

- Adequacy of baseline assessments and adequacy of proposed monitoring of effects including in relation to the intent for a phased development.
- Ensuring that all necessary mitigation measures including on-going requirements are secured through the wording of the DCO/DML, as appropriate.
- Ensuring that there will be no adverse effects on the integrity of European Sites after taking account of the intended mitigation measures, in view of the sites' conservation objectives.

Noise and Air Quality

- Construction, maintenance, operational and decommissioning noise effects.
- Construction, maintenance, operational and decommissioning air quality effects

Transportation and Traffic

- Means and effects of transporting construction materials and personnel to site
- Whether the proposed conveyor bridge from the proposed MHF precludes or prejudices use of other means of transport of Polyhalite or other bulk materials to the proposed wharves, including use of rail.

Compulsory Acquisition

- The need for the rights proposed to be subject to compulsory acquisition.
- Whether there are sufficient protective provisions to safeguard the interests of statutory undertakers or other enterprises whose activities might be affected.

The Wording of the DCO including the Deemed Marine Licence, Protective Provisions and Requirements

- Whether the wide limits of deviation can be justified in relation to all aspects of the proposed works, in particular the standard application in respects of all boundaries between works.
- Whether wording throughout sufficiently safeguards the interests of statutory undertakers, the bodies responsible for navigation in the Tees Estuary and those of other enterprises whose activities may be affected.

Relationship to permitting or other licencing requirements

- Ensuring that there is no harm to human health or to ecology through works on or adjacent to the Bran Sands waste disposal site or in the disposal of contaminated silt from capital dredging.

Draft timetable for examination of the application

The Examining Authority's (ExA) examination of the application takes the form of consideration of written representations about the application. The ExA will also consider any oral representations made at the hearings.

The ExA will make any agendas for hearings available approximately 5 working days before the hearing to which they relate. Reference to issue of a document in the timetable below means the document will be made available on the on the National Infrastructure pages of the Planning Portal website and as described at annex E.

The ExA is under a duty to **complete** the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.

Item	Matters	Due Dates
1	Preliminary Meeting	Tuesday 21 July 2015
2	Issue by ExA of: <ul style="list-style-type: none"> · Examination timetable · ExA first written questions 	As soon as practicable following the Preliminary Meeting
3	Deadline 1 Deadline for receipt of: <ul style="list-style-type: none"> · Comments on relevant representations (RRs) · Summaries of all RR's exceeding 1500 words · Written representations (WRs) by all interested parties · Summaries of all WRs exceeding 1500 words · Local Impact Report from any local authorities · Any statements of Common Ground requested by ExA · Responses to ExA's first written questions · Notification of wish to speak at a Compulsory Acquisition hearing · Notification of wish to make oral representations at the issue specific hearing on the draft Development Consent Order (DCO) 	Friday 21 August 2015

	<ul style="list-style-type: none"> Notification of wish to attend an accompanied site visit, or submission on the itinerary of such a visit. 	
4	<p>Deadline 2</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> Comments on WRs and responses to comments on RRs Comments on Local Impact Reports Comments on responses to ExA's first written questions Any revised draft DCO from applicant 	Monday 7 September 2015
5	Accompanied site visit	pm Tuesday 22 September 2015
6	Date reserved for open floor hearing(s)	Wednesday 23 September 2015
7	Date reserved for possible compulsory acquisition hearing (including, if required, s127 of the Planning Act 2008 issues) and any issue specific hearing(s) arising from discussion at the Preliminary Meeting	Wednesday 23 September 2015 and Thursday 24 September 2015
8	Date for Issue specific hearing on draft DCO	Friday 25 September 2015
9	<p>Deadline 3</p> <p>Submissions following hearings in the week of commencing 21 September 2015:</p> <ul style="list-style-type: none"> Written submissions to the hearings Summaries of oral submissions to the hearings Written responses to any questions put to the parties orally by the ExA at the hearings Any revised draft DCO from applicant 	Friday 2 October 2015
10	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> Second written questions if required 	Friday 16 October 2015

11	<p>Deadline 4</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> · Responses to ExA's second written questions · Comments on written submissions from hearings · Any revised draft DCO from applicant 	<p>Friday 6 November 2015</p>
12	<p>Deadline 5</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> · Comments on responses to ExA's second written questions 	<p>Friday 20 November 2015</p>
13	<p>Issue by ExA of:</p> <ul style="list-style-type: none"> · Report on the Implications for European Sites (RIES) 	<p>Wednesday 25 November 2015</p>
14	<p>Deadline 6</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> · Comments on the RIES · Any outstanding comments on submissions to the examination before this date 	<p>Wednesday 16 December 2015</p>
15	<p>Issue by ExA of draft DCO</p>	<p>Friday 18 December 2015</p>
16	<p>Deadline 7</p> <p>Deadline for receipt of:</p> <ul style="list-style-type: none"> · Comments on draft DCO · Comments on responses to the RIES 	<p>Friday 8 January 2016</p>
17	<p>Dates reserved for further CA Hearings or ISH Hearing on wording of DCO if required</p>	<p>Thursday 14 and Friday 15 January 2016</p>
18	<p>The ExA is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the close of the Preliminary Meeting.</p>	<p>Friday 22 January 2016</p>

Availability of relevant representations and application documents

On the National Infrastructure pages of the Planning Portal website:

<http://infrastructure.planningportal.gov.uk/projects/north-east/york-potash-harbour-facilities-order/>

For inspection and copying:

Redcar Library,

Kirkleatham Street, Redcar, Cleveland, TS10 1RT

Opening times:

Sunday:	closed		
Monday:	09:00	to	18:00
Tuesday:	09:00	to	18:00
Wednesday:	09:00	to	18:00
Thursday:	09:00	to	17:00
Friday:	09:00	to	18:00
Saturday:	09:30	to	12:30

Librarian: Dawn Oglesby

Phone: 01642 444141

Email: redcar_library@redcar-cleveland.gov.uk

Copying charges:

B&W A4	30p
B&W A3	50p
Colour A4	50p
Colour A3	£1

Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 4

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

Notice of appointment of Examining Authority

On 11 June 2015 a single examining inspector was appointed to hold the examination of the above application under Section 79 of the Planning Act 2008 (as amended).

The single examining inspector is:

- Peter Robottom MA(Oxon) DipTP MRTPI MCMI

Pauleen Lane

**Dr Pauleen Lane CBE FICE MBA
Group Manager, National Infrastructure
On behalf of the Secretary of State**