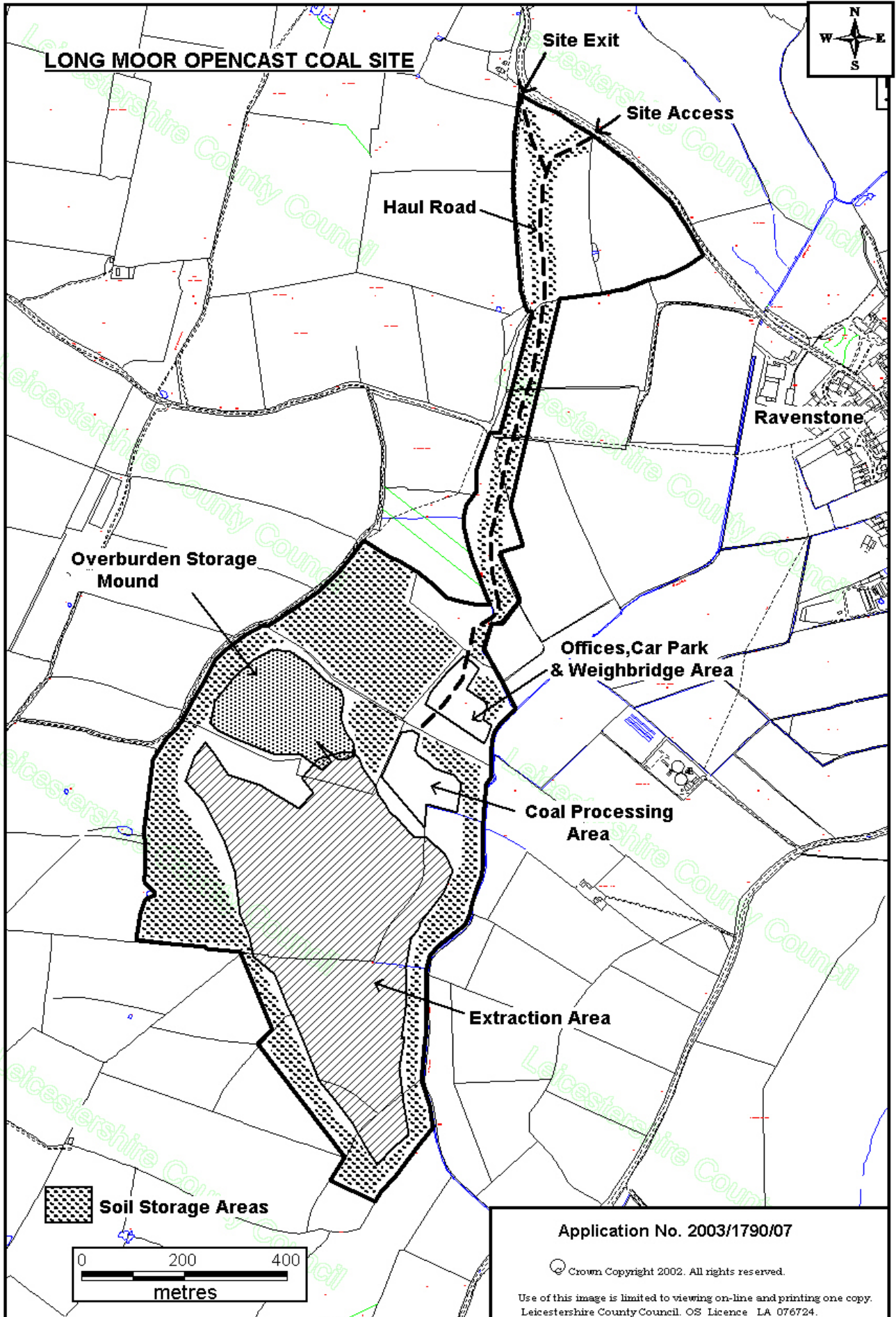


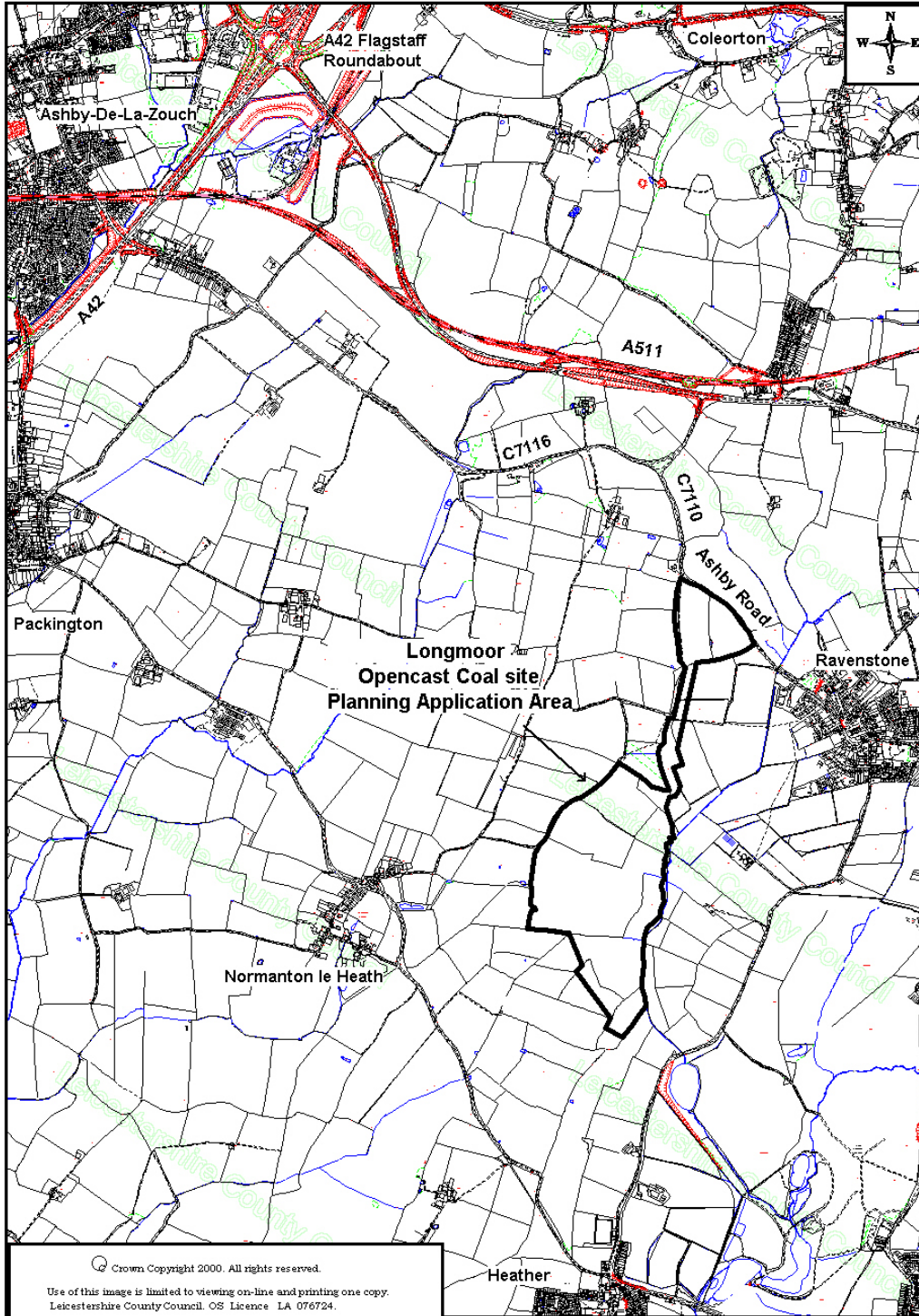
DEVELOPMENT CONTROL AND REGULATORY BOARD**28TH JULY 2004****REPORT OF THE DIRECTOR OF COMMUNITY SERVICES****COUNTY MATTER****UK COAL MINING LTD. – PROPOSED LONG MOOR SURFACE MINE SITE –
BETWEEN THE VILLAGES OF RAVENSTONE, HEATHER AND NORMANTON-
LE-HEATH (NORTH WEST LEICESTERSHIRE DISTRICT)****2003/1790/07 – 3rd NOVEMBER 2003****Background**

1. In March 2003, before UK Coal Mining Ltd. (UK Coal) submitted this planning application, it wrote to the County Council requesting a scoping opinion under Regulation 10 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. At that time UK Coal had decided to make a planning application for an opencast coal site at Long Moor and that it would need to submit an Environmental Statement with the planning application. In these circumstances the Environmental Impact Assessment Regulations allow the applicant to request the planning authority's formal opinion on the information that should be provided in the Environmental Statement. This opinion is known as a 'scoping opinion' and the County Council's Scoping Opinion for the Long Moor opencast coal proposal was provided to UK Coal by letter dated 22 May 2003, after the Council had carried out consultation with various bodies including statutory consultees and local Parish Councils.

Site Visit

2. Members of the Development Control and Regulatory Board and local members attended a site visit on 12 July 2004. A brief description of the development was provided by officers and a handout giving facts about the development was distributed to members. A tour by coach on the roads around the site was undertaken. The tour started at Beesleys Garden Centre in Ravenstone. A stop was then made at 23 Cresswell Drive, where the site was viewed from the rear garden, stops were next made at the site access and egress points on Ashby Road. The route coal lorries would take to the A511 was followed up to a point just short of the A42 Flagstaff Roundabout. The coach then took a route through Packington and Normanton, stopping at Livesey Brothers Mushroom Farm between Packington and Normanton, continuing through Heather and finally stopping at a point where Footpath 040 joins Heather Lane south of Ravenstone, where members were able to view the Sence Valley Park as an example of a restored opencast coal site.





Location of Proposed Development

3. The planning application area covers 70 hectares and is located in North West Leicestershire District approximately 3km. to the west of Coalville and is within the National Forest. The site lies between the villages of Ravenstone and Normanton-le-Heath, being approximately 750 metres and 700 metres respectively from these settlements. The village of Heather lies about 1km to the south of the site. The A 511 road linking Coalville to the A42 trunk road at the Flagstaff Roundabout, Ashby runs about 1km to the north of the site at its closest point. The application area abuts the Ashby Road, which is a C class road (C7110) which runs north west out of Ravenstone and links, via the C 7116, to the A 511. Site access is proposed onto the Ashby Road.
4. The site lies in the shallow valley of the Blowers Brook with low ridges to the east and west. The Blowers Brook flows in a southerly direction and forms the eastern boundary to part of the site. The existing land use is mainly arable farmland. Mature woodland lies close to the north east boundary of the site.

Description Of Proposal

5. **In summary** the application is for permission to extract 725,000 tonnes of coal by surface mining methods (also called opencast mining) from an area of 24 hectares within the southern part of the application area. The operational life of scheme would be just under 4 years including site preparation and restoration works with actual coal extraction expected to take place over a 126 week period.
6. **Initial site operations** would include: fencing the site; installation of the access road, access point and off site road works; construction of site drainage works; water treatment areas; and stripping of soils from the initial development areas, including the southern part of the extraction area and the office and coal preparation areas to the north east of the extraction area, prior to these facilities being installed. Stripped soils would be placed in peripheral mounds with a maximum height of 6 metres.
7. **The site access** would be from the C7110 Ashby Road onto a haul road running south to the extraction area. Originally it was proposed that the new access would be at a single new point on the Ashby Road about 130 metres to the east of the bend at Alton Cottages. The application has been amended so that the access into the site would be at the point originally proposed but the exit would be at the bend in the Ashby Road at Alton Cottages next to where the Byway Open to All Traffic (BOAT) 039 joins the Ashby Road. This amendment has been made to enable the minimum visibility splay distances required by the Highway Authority to be achieved for vehicles both entering and leaving the site. An average of 78 coal lorry movements (39 loads) per day would take place from the site which would average out to around 7 per hour. Each load would be between 27 and 30 tonnes of coal and the gross weight of the coal lorries being used would be up to 44 tonnes. All lorry traffic leaving the site would turn left onto the Ashby Road and travel to the junction with the C7116 at Alton Hill where it would turn right to go to the A511 and at the A511 turn left to the A42. Lorries going to the site would follow the above route in reverse but enter the site at the

entry point approximately 130 metres to the east of the exit point. In addition to the creation of the new access and egress points, Ashby Road would require some works to change road gradients in order to improve visibility. The access and exit points together with the haul road would be removed at the end of site operations. The haul road would be surfaced from the Ashby Road south as far as the office/wheelwash complex.

8. **Soil stripping and storage.** All soil resources overlying the intended excavation and overburden storage areas would be progressively stripped and stored separately (or replaced directly to newly regraded landform as part of final restoration) according to grade and type. Topsoils and upper and lower subsoils would be stored separately around the periphery of the site in mounds with a maximum height of 6 metres. Internal haul routes and water treatment areas would also be stripped of topsoil and subsoil. Areas designated for subsoil storage would be stripped of topsoil. Wherever possible soil mounds would be located on similar soil types. Not all soils would be stripped in the first year. Parts of the northern area would remain undisturbed until the second year of operations and, wherever possible soils would be progressively stripped and placed without the need for storage.
9. **Phasing of operations. - After 6 months** the site offices and coal processing areas would have been installed in the north east corner of the site and the site access and exit points onto Ashby Road, along with the access road south from Ashby Road to the excavation area would be constructed. All the operational areas on the site required in the first 12 months would have had soils stripped and placed in peripheral mounds which would be graded and grass seeded. Excavation of overburden in the south would be taking place and it would be being transported to the overburden mound in the north. The outer slopes of the overburden mound would have been constructed, graded and grass seeded.
10. **Phasing of operations. – 6 to 18 months.** Coal extraction would start 7 months after the start of operations. Excavations would progress in a northerly direction to a maximum depth of 29 metres. By the end of 18 months the excavation void would be at its maximum. Initially overburden would be placed in the above ground overburden storage mound which would be between 8 metres and 13 metres above existing ground level. Once the original cut had been formed in the south of the site overburden from subsequent excavations to the north would be used to progressively backfill preceding worked out areas to the south.
11. **Phasing of operations – after 36 months.** By the end of 36 months the coal extraction would almost be complete and most of the excavation would be backfilled. Soil replacement would be taking place to final restoration levels. During the following 6 months the remainder of the soils would be replaced and large-scale plant would be removed from site and remaining restoration works would be undertaken using small-scale excavators and agricultural machinery.
12. **Method of working.** After stripping of soils and removal of overburden to expose the coal seams, the coal would be cleaned of remaining overburden by small hydraulic excavators and finally by labourers before then being loaded into

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dump trucks and transported to the coal preparation area where it would be screened and crushed to a -50mm product. Coal would be transported to market in articulated lorries of between 27 tonne and 30 tonne capacity, i.e. up to 44 tonne gross weight.

13. **Hours of operation.** The proposed hours of operation are 0700 to 1900 hours Monday to Friday, 0700 to 1200 hours on Saturdays and no working on Sundays or public and Bank Holidays. It is proposed that, except in the case of emergency operations, working outside these times would be restricted to essential repairs, servicing and maintenance of plant and pumping. Broken down excavation plant would be repaired at the excavation face and normally repair work would continue until repairs were complete.
14. **Employment.** The applicant anticipates that up to 30 people would be fully employed on the site and a further 10 people employed transporting the coal to market. The applicant has provided information on the distance its current workforce, at the nearby Hicks Lodge opencast coal site, live from the site. This shows 51% live within 5 miles, 54% within 10 miles and 70% within 20 miles.
15. **Liaison Committee.** The applicant states that it would establish a liaison committee consisting of representatives from UK Coal Mining Ltd., elected members of the Parish, District and County Councils, Officers of the District and County Councils and others who may have an interest. The committee would meet regularly to provide an opportunity for questions to be brought forward and information about activities on the site to be given.
16. **Restoration.** In summary the applicant states that the proposed restoration scheme seeks to achieve substantive enhancement of both landscape and nature conservation in keeping with the aims of the National Forest, whilst retaining best and most versatile agricultural land. The restoration scheme proposes to create three distinct restoration zones:- arable quality agricultural land; wetland including wet grassland and wet woodland; and a woodland including species rich grassland. The latter 2 types of restoration zone would be regarded as enhancing the habitat and landscape desirable in the National Forest. As a result of objections to the restoration proposals from the National Forest Company which followed the submission of the planning application, the applicant has extended the proposed area of woodland restoration to cover about 44 hectares (originally 16 hectares), and reduced the amount of agricultural restoration. It is proposed that all the UK Coal owned land within the site boundary south of Normanton Wood would be restored to National Forest related uses together with an additional area of about 4 hectares of land south of the application boundary. An area of 16 hectares of land south and south east of the proposed woodland restoration is not in UK Coal's ownership and would be restored to agricultural use at the owners request. The area of the application site to the east and north of Normanton Wood required to provide the access road would be restored to agricultural use,

Environmental Statement

17. An Environmental Statement has been submitted in support of the planning application as required by the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Environmental statement includes sections on the following matters: geology; soils and agriculture; hydrology and hydrogeology; landscape; ecology; rights of way; archaeology and cultural heritage; noise; dust assessment study; traffic and socio-economic assessment.
18. **Geology.** The geological assessment indicates that fireclays of marketable quality may be present within the site but UK Coal has confirmed that they do not intend to market these. Other reserves of coal exist to the west, south and north of the proposed site as well as reserves within the site area, below the basal seam proposed for working. These are not proposed to be worked because their high slagging properties or high overburden to coal ratio make them unmarketable. Within this section reference is made to consideration having been given to alternative directions of working, location of the overburden mound, access point and coal processing plant, but the submitted site layout and method of working is concluded as being the best environmental solution. An extension or reduction in the timescales for completion of the scheme was considered within this section and the conclusion was that the former would delay restoration with no environmental benefit and the latter would lead to an unacceptable impact on amenity.
19. **Soils and agriculture.** It is concluded that no land graded as 'best and most versatile' (i.e. the grade the Government seeks to protect through its planning policies) would be lost as a result of the proposal. On restoration a larger proportion of land than before (2.7 hectares) would have potential to achieve 'best and most versatile' grade. Within the application boundary about 53 hectares is the 'best and most versatile' grade. On restoration some 55.6 hectares would have potential to achieve this grade, although most of such land would be restored to woodland use.
20. **Hydrology and hydrogeology.** The Environmental Statement (ES) concludes that the excavation bases would be below the observed ground water levels. It concludes that licensed ground water abstractions are too distant to be affected by de-watering. It also states that ground water is likely to be in hydraulic connection with the Blowers Brook but that sufficient stand off from the excavation to the Brook has been given to minimise any adverse effects. The majority of discharge from the excavations and site operations would be into the Blowers Brook and flows in the Brook would thereby be maintained. It is not considered that the proposed operations would significantly reduce the ability of the strata in the area to act as an aquifer, because of the relatively short period of excavation, with progressive reinstatement, and the relative small size of the site compared to the total recharge area of the aquifer.
21. Having regard to the proposed restoration the ES concludes that there would be no long term residual effects following restoration. The creation of the large wetland area would slightly modify the existing drainage characteristics but would

not have a significant effect on the runoff into the Blowers Brook. Discharge consents have already been granted by the Environment Agency for the proposed opencast scheme. The site surface water management would not result in overall changes to the catchments of the site.

22. **Landscape.** The ES points to the visual zone of influence of the site highlighting the sensitivity of the local receptors, namely Ravenstone and the surrounding network of the public rights of way. Ravenstone currently holds views across the shallow valley containing the proposed site and this is potentially the most sensitive visual receptor. However the visual assessment undertaken concludes that the surrounding vegetation forms effective screening for much of the development, in particular the extraction area from Ravenstone. As a result the ES concludes that the most significant adverse visual impacts would be felt from the rights of way around the site boundaries. The ES notes that infrastructure, extraction and screening bunds would have significant adverse impacts upon individual landscape and visual receptors during the working life of the site. However in the long term the implementation and establishment of restoration proposals would restore and enhance the site and enable its integration into the existing landscape.
23. **Ecology.** It is concluded by the ES that the nature conservation value of the arable land is negligible to low and the impact of the proposals on this land is judged insignificant. The nature conservation value of the hedges within the site range from moderate to low and negligible. Parts of two Grade 1 hedgerows would be affected by the proposals. It is intended to translocate 180 metres of one of these hedgerows and only about 10 metres of the other would be affected. About 400 metres of Grade 2 hedgerow would be affected and it is proposed to translocate these. The remaining 800 metres of hedgerow affected are classified as Grade 3 with negligible nature value. The ES refers to 13 mature trees having to be removed as part of the development, one of moderate and 12 of low nature conservation value. The loss of hedgerows and arable farmland would lead to a loss of foraging and nesting habitat for birds but the impact is considered to be short term and insignificant/slight at most. The impact on the Blowers Brook would be negligible. In conclusion the ES states that all habitat loss would lead to short term negative impacts of significant to minor scale. However, mitigation and proposed restoration measures are expected to lead to long term moderate positive impacts overall and a significant increase in the nature conservation value of the site could be expected.
24. **Rights of way.** Two rights of way, Footpath 038 and Footpath 048 would be crossed by the temporary access road and the Byway Open To All Traffic (BOAT) 039 would run parallel to the access road. Other rights of way would run close to the boundary of the proposed site and the visual impact to users of these rights of way are considered in the Landscape section of the ES. As part of the restoration proposals a new bridleway running from Ravenstone Road east of Blowers Brook near to the Sence Valley Park is proposed to link in with the bridleway and footpath network around Normanton Wood, a new bridleway would link in the proposed new woodland and wetland areas to the rights of way network. It is also proposed to provide an additional bridleway linking the east and western parts of the site from the Green Lane to Blowers Brook across an area that currently has no public access.

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25. **Archaeology.** The archaeological report identified areas where there is no evidence of archaeological remains but areas of colluvium or alluvium where further work is required. The ES proposed that further archaeological work is carried out on these areas, as a planning condition, prior to excavation taking place and that a watching brief is maintained during soil stripping of relevant areas.
26. **Noise.** The noise assessment involved baseline monitoring at noise sensitive locations around the site which were agreed with the Environmental Health Officer at North West Leicestershire District Council and then using this information to do noise impact predictions. In conclusion the ES states that the proposed development can be operated in accordance with Government advice contained in Minerals Planning Guidance Note 11 (MPG 11).
27. **Dust and air quality.** The ES deals with the control of dust from site operations and refers to Government advice contained in Revised Draft MPS 2 published in February 2003. This advice is that dust emissions should, as far as possible, be controlled, mitigated or removed at source. Sources of dust and methods of dust suppression and control are discussed and the ES states a Dust Action Plan would be adopted at the site and best practise guidance followed. The ES also deals with dust and air quality and the concern about the effect of fine respirable dust on the health of communities living close to surface coalmine sites. In this respect the ES refers to a study sponsored by the Department of Health and the then Department of Environment, Transport and Regions (DETR) published in December 1999 and entitled 'Do Particulates from Opencast Coal Mining Impair Children's Respiratory Health?'. The report included a section on the 'Implications for Planning Policy' making recommendations on how the planning process should consider the potential impact of opencast coal proposals on PM₁₀ levels.
28. The DETR subsequently wrote to Mineral Planning Authorities and the Coal Industry in February 2000 advising that the recommendations of the Study should be followed in considering new opencast coal sites. The ES concludes that if a 2µg/m³ addition (which is the amount the December 1999 Report advises is the additional load attributable to opencast operations) was made to the existing background PM₁₀ levels at the application site then the National Air Quality Standard (currently 50µg/m³) would not be exceeded, and in accordance with the Government advice, there would be no need for additional monitoring and controls over and above best practice measures.
29. **Traffic.** The Traffic Impact Assessment shows that the junction of the C7110 Ashby Road with the C7116 would not require any alteration and no changes would be required to the junction of the C7116 with the A511 to accommodate the traffic going to and from the proposed site. A traffic count was undertaken on 23rd September 2003. The two way flow on the Ashby Road during the morning peak hour was 405 and 381 in the afternoon peak hour. The increase in two way HGV movements was assumed to be 14. The ES concludes that the maximum impact of the additional traffic predicted from the proposed development along the route from the site access to the A511 would be 3.9% which is less than the

5% that the current IHT Guidelines suggest is a material impact. The Traffic Impact Assessment includes a safety analysis and concludes that it is not anticipated that the proposed HGV movements would increase the likelihood of road traffic accidents on the proposed route.

30. **Socio-economic assessment.** The ES concludes that confidence in making investment decisions is generated over a longer period than the 4 years required to work and restore the proposed site. As a result it concludes that further inward investment in the area is not likely to be deterred by the proposal. The ES also expresses the view that a well designed and managed surface coal operation in a suitable location is not considered a threat to environmental improvement or tourist interest. The ES refers to coal production being traditional in the area, and jobs in this industry being an integral component of the regional economy. Sites such as the proposed Long Moor site are essential to the maintenance of a viable coal industry. The incomes of the applicant's employees and subcontractors resident in Leicestershire make a substantial and sustained input to the sub-regional economy.

Planning History

31. Previous planning applications have been submitted for the opencast extraction of coal from the application site. A planning application was submitted by British Coal in March 1990 for the extraction of 8.2 million tonnes of coal from an area of 253 hectares, including the current application site, and 141 hectares of the then unrestored Coal Field North opencast coal site (now the Sence Valley Country Park). The life of that proposal was 10 years including the restoration period. Planning permission for this development was refused in November 1990 on the grounds that the environmental impact was unacceptable. British Coal appealed to the Secretary of State against the refusal and a Public Inquiry lasting 3 weeks was held in August 1991. The Council's case was that the cumulative effects of the opencasting, both at the site and as part of a prolonged opencast activity in the wider area, was unacceptable. In June 1992 the Secretary of State dismissed the appeal generally agreeing with the Inspector's conclusions. The Inspector had concluded on balance that the harm caused by the proposed development, particularly as a result of the scale and duration of disruption to this attractive landscape would not be outweighed by the benefits, to the national or any other interest.
32. In August 1992 British Coal announced its decision to challenge the Secretary of State's decision on 3 points of law. Before the matter could come before the High Court the Secretary of State accepted his original decision was flawed, and as a consequence, submitted to the judgement of the High Court thus allowing the decision to be quashed.
33. Notwithstanding the above, British Coal subsequently withdrew its appeal and in December 1992 submitted a revised planning application for the Coalfield West site which involved the extraction of 4.8 million tonnes of coal from an extraction area of 208 hectares over a six year period (including 2 years restoration). The County Council refused this application in September 1993 on a number of environmental grounds. British Coal appealed against this decision and a Public Inquiry was scheduled for August 1994 but just before the start of the Inquiry British Coal withdrew its appeal.

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34. In March 1997 RJB Mining (UK) Ltd. made an application for the opencast extraction of 5.3 million tonnes of coal from a site area of 204 hectares, which included the land forming the current Long Moor application, over a period of 6 years including restoration. This application, which was known as Thorntree, was refused permission in February 1998 for the following reasons.

The proposed development is considered to be unacceptable and contrary to Minerals and Waste Disposal Policy 5 of the Leicestershire Structure Plan because of the cumulative impact of the following:

- (a) The scale and duration of disruption which would result from these proposals impacting on this attractive area of mature, historic countryside of major local importance and located in the National Forest is considered unacceptable.*
- (b) The proposals would cause annoyance, discomfort and concerns to local residents as a result of noise, dust and HGV movements, impacts which would cause particular detriment to the occupants of Alton Cottages, Ravenstone.*
- (c) The proposals to introduce an additional 400 HGV movements per day onto the Ravenstone Road, together with the associated highway improvements, would adversely affect the character of this existing pleasant rural road which is located within the Alton Grange Area of Local Landscape Value as contained in the North West Leicestershire District Plan (Deposit Draft) and would be contrary to Transport Policy 4 of the Leicestershire Structure Plan.*
- (d) The potential for conflict between the operational requirements of opencast coal extraction and the extremely complex restoration requirements including soil handling, storage and replacement techniques vital to the satisfactory reinstatement of high quality agricultural land could seriously prejudice the ability to return such land to its former condition and quality.*
- (e) The cumulative adverse environmental and other effects which would result through the further continuation of opencast activity and its aftermath within this area of North West Leicestershire is considered to impose an unacceptable level of detriment upon local residents.*
- (f) The location of the development within the defined North West Leicestershire Priority Area would result in an additional burden on an area where County Council policies actively seek to improve the environment of the area and increase confidence in its future contrary to Strategy Policy 7 of the Leicestershire Structure Plan*

Insufficient evidence of the need or other benefits from the proposal have been shown which would outweigh the objections described above.

35. **Previous Opencast Coal Extraction.** No previous planning permissions for opencast coal extraction have been granted within the application area, but opencast coal extraction has taken place abutting the eastern boundary of the site to the east of Blowers Brook. The westerly limit of the previously worked Blowers Brook Opencast Site, which was restored in 1958, just encroaches into the Long Moor site. The Jubilee Opencast Coal Site was worked on land immediately to the west of Ravenstone and was restored in 1955. Coalfield North (restored 1996) and Coalfield Farm (restored 1981) were worked to the east of Ravenstone Road on land now forming the Sence Valley Country Park. Various opencast coal sites were also worked to the north east and east of the proposed Long Moor site, during and after the Second World War, on land between Ravenstone and Packington. These previously worked sites included Ross Knob Plantation (restored 1946), Bulwell Barn (restored 1946), Fox Covert (1959), The Altons (1946), Demoniac Alton (1945), Roecliffe Farm (1944), Red Burrow (1945), Normanton Lodge (1946), Stonehouse Farm (1951), Spring Lane (1951), Le Heath (1953), Packington House (1950).

Planning Policy

Government Guidance

36. Planning Policy Guidance Note (PPG) 7, 'The Countryside: Environmental Quality and Economic and Social Development' (1997), gives advice on the role of the planning system in relation to the countryside. PPG9, 'Nature Conservation (1994) provides advice on the relationship between planning control and nature conservation. PPG16, 'Archaeology and Planning' (1990), gives advice on the handling of archaeological remains and discoveries.
37. Minerals Planning Guidance Note (MPG) 1, 'General Considerations and the Development Plan System' (1996) provides advice on policies and the operation of the planning system with regard to minerals. MPG7, 'The Reclamation of Mineral Workings' (1996) provides advice on the reclamation of mineral sites. MPG11, "The Control of Noise at Surface Mineral Workings" (1993), provides advice on how the planning system can be used to keep noise emissions from surface mineral workings within environmentally acceptable limits. The Government has consulted on a Revised Draft Minerals Policy Statement 2 (MPS 2) on "Controlling and Mitigating The Environmental Effects of Minerals Extraction in England" (2003), which amongst other matters gives the Government's latest thinking on dealing with noise and dust issues in respect of mineral planning permissions.
38. Perhaps the most relevant Government Planning Guidance in relation to the proposed development is MPG 3, "Coal Mining and Colliery Spoil Disposal", issued in 1999. This recognises that there is a role for indigenous coal in contributing to the Country's energy diversity and supply. It also recognises that the extraction of resources can conflict with environmental interests. MPG3 emphasises that when considering planning applications "the objective must be to ensure that any adverse effects on local communities, environmental damage or loss of amenity caused by mineral working are kept to an acceptable level, and do not outweigh the benefits to the local community of proceeding with the development."

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39. In order to achieve this objective the guidance sets out five tests and states that there should normally be a presumption against development unless the proposal can meet these tests. Two of these tests are relevant to this development. They are as follows:
- I. Is the proposal environmentally acceptable, or can it be made so by planning conditions or obligations?
 - II. If not, does it provide local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission?
40. MPG 3 also gives advice on the main specific impacts to be considered when determining planning applications, including visual impact, noise, blasting, dust, water, transportation, land use and the historic environment and nature conservation.
41. The Revised Regional Planning Guidance for the East Midlands (RPG8), published in April 2003, does not have a specific policy on coal extraction but in the section on coal production it notes that coal still plays a significant role in the economy of parts of the Northern Sub-area, (i.e. outside Leicestershire). It also notes that opencast coal production has declined and that since 1992 the deep mine industry has seen further major contraction. RPG 8 notes that any proposals to extend or develop new sites in the East Midlands will be required to consider the potentially severe environmental impact of this form of mineral extraction on local communities, but that in some cases opencast mining can be used as a way of re-claiming and regenerating former deep mine sites.

The Development Plan

42. Section 54A of the Town and Country Planning Act 1990 requires that the Development Plan should be the starting point for the consideration of all development proposals. The current Development Plan for the area comprises the Leicestershire Structure Plan (1994) (LSP), Leicestershire Minerals Local Plan (1995) (MLP) and the North West Leicestershire Local Plan (2002) (NWLLP). The Leicestershire, Leicester & Rutland Structure Plan, Written Statement (as proposed to be adopted July 2003) (LLRSP) is also an important consideration. The principal policy considerations relevant to the current planning application as contained in these plans are set out below.
43. **Leicestershire Structure Plan (1994) Minerals and Waste Disposal Policy 5:** 'Opencast Coal', although a policy in the current development plan is effectively out of date because it is not in line with MPG3 which was issued in 1999. A revised and more relevant opencast coal policy reflecting the guidance in MPG3 is to be found in the LLRSP and is referred to below.
44. **Leicestershire, Leicester and Rutland Structure Plan (as proposed to be adopted July 2003) Strategy Policy 8:** 'Development in the Countryside' aims to protect the countryside from development but does acknowledge that minerals extraction may well have to be located in the countryside.

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45. Strategy Policy 12: 'Regeneration Areas' aims to improve the quality of life in deprived areas. The primary focus to achieve sustainable regeneration will be the Leicester Priority Area but priority will also be given to pockets of deprivation in other areas and to support the former Leicestershire coalfield areas in the completion of a forward strategy to consolidate the regeneration process.
46. Strategy Policy 13: 'The National Forest' aims to ensure that development in the National Forest reflects the National Forest Strategy and the restoration of mineral sites will be required to accommodate National Forest objectives.
47. Resource Management Policy 1 aims to avoid air, noise, water, land and light pollution.
48. Resource Management Policy 5: 'Agricultural Land' seeks to protect the best and most versatile agricultural land.
49. Leisure Policy 4 calls for adequate arrangements to safeguard or provide acceptable alternative public rights of way where they are affected by proposed development.
50. Environment Policy 3: 'Biodiversity Enhancement' and Environment Policy 3A 'Protection of Important Species and Habitats' aim to protect existing ecological sites and species and enhance biodiversity.
51. Resource Management Policy 9: 'Environmental Impact of Mineral Extraction and Waste Management' says that planning permission will only be granted where the need for the development outweighs the environmental impact that would arise.
52. Resource Management Policy 11: 'Coal Mining and Colliery Spoil Disposal' states "*Planning permission will not normally be granted for the extraction of coal or the disposal of colliery spoil unless:*
 - a) *the adverse environmental impact of the proposed development can be kept to an acceptable level; or*
 - b) *in other cases, the likely impacts of the proposal are outweighed by the benefits.*

In the case of opencast coal extraction, particular regard will be given to the potential for cumulative impact, including the potential impact on inward investment, and any potential environmental improvements and other benefits which the development would bring about.
53. Resource Management Policy 12: 'Transportation of Minerals and Waste' requires the use of rail, canal and pipeline to transport minerals wherever reasonably practicable and where road borne transportation is involved heavy lorry movements will be restricted from using unsuitable roads.
54. Resource Management Policy 13: 'Restoration Aftercare and Afteruse' requires restoration of mineral workings to an acceptable use at the earliest opportunity and thereafter a programme of aftercare for an appropriate period.

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55. Accessibility and Transport Policy 1: 'Development and the Transport System' requires that where traffic generated by a development, together with that from existing and committed development, would impair road safety, have an unacceptable effect on the environment, or exceed the capacity available in the local highway system, further adequate and environmentally acceptable road improvements should be undertaken, at the developers expense, to mitigate the impact of the development.
56. **Leicestershire Minerals Local Plan (May 1995)** Policy 2 sets out a list of factors that will be taken into account in assessing proposals for mineral extraction.
57. Policy 3 indicates instances where mineral working will not normally be allowed unless there is an overriding need or the impact can be alleviated by appropriate measures. Part (j) of this policy specifically refers to the instance where the cumulative effect of the proposed development would be environmentally unacceptable.
58. Policy 5 sets out measures to control the environmental effects of mineral operations through the imposition of suitable planning conditions.
59. Policy 6 outlines the basis on which planning obligations will be sought.
60. Policy 11 identifies the kinds of conditions likely to be attached to any permission in order to achieve high quality restoration and aftercare.
61. Policy 12 sets out the policy for after uses. In particular, it seeks the restoration of the best and most versatile agricultural land to an agricultural use, an increase in woodland cover, the creation of new wildlife habitats and a revised network of rights of way.
62. **North West Leicestershire Local Plan (August 2002)**. The site is outside 'limits to development' as defined in the Plan.
63. Policy S3 presumes against non-essential development within the countryside.
64. Policy E3 presumes against development which, by reason of its scale, height, mass, design, oppressiveness, proximity, noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or excessive traffic generation, would be significantly detrimental to the amenities enjoyed by the occupiers of existing nearby dwellings.
65. Policy E17 refers to historic byways which make a positive contribution to the character or appearance of the surrounding landscape and states that development which would significantly diminish that contribution, or would otherwise detrimentally affect the setting or amenity value of the byway will not be permitted.
66. Policy E26 seeks to protect sites of County or District level ecological interest identified on the Proposals Map. Normanton Wood is identified as such a site on the Proposals Map.

Other Policies

67. **The National Forest Strategy** sets out the general approach to maximising opportunities to create the National Forest which will include woodland planting and other related land uses for sport, recreation and tourism, and conserving and enhancing nature conservation.
68. **Biodiversity Challenge: An Action Plan for Leicester, Leicestershire and Rutland (July 2001)** is a plan that seeks to increase the biodiversity interest in the County and refers to various natural and biodiversity areas. The National Forest Company has produced its own Biodiversity Plan.
69. An **Air Quality Strategy for England, Scotland, Wales and Northern Ireland (January 2000)** seeks to improve and protect ambient air quality in the UK in the medium term. It sets objectives for eight main air pollutants, including PM₁₀, to protect health and sets out targets for the standards to be met in Local Authority areas which will be responsible for administering the regime.
70. The **Leicester, Leicestershire and Rutland Landscape and Woodland Strategy** was adopted as County Council policy in September 2000. Its objectives are to conserve and enhance the character, diversity and distinctiveness of the landscapes, identify appropriate opportunities for new woodland planting, and to promote sustainable management of existing woodland resources.

Consultations

71. Full consultation took place in late October early November 2003 with all the organisations below. Following this initial consultation further information was sought from the applicant and a response was received by cover of letter from UK Coal Mining dated 24th March 2004. A further round of consultation on this additional information was undertaken in April 2004. A letter from UK Coal Mining dated 14th May 2004 provided further additional information including the amendment to the site access arrangements and further consultation with relevant organisations was undertaken in late May early June 2004. A summary of consultees' responses is provided below.

North West Leicestershire District Council (Planning)

72. "The Planning and Environment Group resolved that the District Council object to the planning application on the following grounds:-
- a) The adverse impact upon this attractive area of mature, historic countryside of major local importance and within the National Forest;
 - b) the impact, through noise, dust and HGV movements, to local residents;
 - c) the introduction of HGV movements onto Ravenstone Road would be harmful to its rural character contrary to Transport Policy 4;
 - d) the potential for conflict between the operational requirements and the ability to return high quality agricultural land to its former condition and quality;

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- e) the cumulative adverse environmental effects of further continuation of opencast activity;
- f) the location within the Priority Area would result in an additional burden where County Council policies seek to improve the environment of the area.

Should the County Council be minded to approve the application the District Council would seek to impose a section 106 agreement to prevent further activity in the area bordered by the A511 to the north of the site, Melbourne Road to the east of the site, the Ibstock to Measham Road to the south of the site and the A42 to the west of the site.”

North West Leicestershire District Council (Head of Environmental Protection)

73. “There is no objection in principle to the development subject to the imposition of environmental controls if planning consent is granted.

Traffic

The noise sensitive receptors have been identified in the Environmental Assessment (EA) as the Alton Cottages on the Ashby Road, Ravenstone which are at present unoccupied. Predicted noise levels from traffic servicing the proposed surface mine will effectively increase ambient noise levels by 3 dB and would be at the limit of detection by residents in the properties.

Noise

Following the applicant’s request for a scoping opinion a joint monitoring exercise was subsequently undertaken with the applicant’s noise consultant the Babbie Group at identified noise sensitive properties. At Fosbrooke Close Ravenstone long term noise monitoring in particular was undertaken and all data was duly incorporated into the EA submission.

With respect to working noise control levels at the sensitive properties these should be as stated in the EA – Noise Impact Assessment dated 26th September 2003 scheme reference no 7719. The comparative noise control guidance cited in the Mineral Planning Guidance document MPG11 has been used and is acceptable. Particular note however needs to be made on the requirement to control noise from stationary equipment such as pumps, generators etc in accordance with the British Standard 4142:1999.

With respect to the times of operations described in MPG11 and the use of reversing beepers the applicants when questioned at the Minerals Group meeting advised that they were agreeable to and this Section concurs:

General operations

Monday to Friday..... 7am to 7pm

Saturday.....7am to 12noon

With no Sunday or Bank Holiday working

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Temporary operations

Monday to Friday.....8am to 6pm

Saturday.....8am to 12noon

With no Sunday or Bank Holiday working

Use of reversing beepers

A ban on the use of pure tone audible reversing beepers

Air Quality

I am of the opinion there is a need to undertake particulate PM₁₀ dust monitoring and that control levels should be in accordance with the Air Quality Regulations 2000: The monitoring/controls should form part of a Dust Management Plan prescribed by a planning consent condition once the site is operational. The location of the real-time monitoring station needs to be agreed with this council.

Independent of the plan are two issues brought up at the Group meeting by members of the public and which should be specifically controlled by condition if planning consent is granted – they are the need for the main arterial haul road from the Ashby Road to the surface mine to be hard surfaced and for wheel washing facilities to be employed.

Vibration

The content of the submission is acceptable in that there is to be no blasting on site.”

Heather Parish Council

74. “I am writing to inform you that the Heather Parish Council would urge you to reject the planning application from UKCoal Mining for the Longmoor Surface Mine Site.

We have held a number of meeting to ascertain the views of the residents of the village and the surrounding area. In all of those meeting, we have had no one who has expressed an opinion in favour of the site. It is the overwhelming opinion of the council and the village that the application be refused. The reasons for this are as follows:-

- The impact of traffic - you may consider that this would not affect the people of Heather. However it was strongly felt that many drivers would travel through Heather and join the A42 nearer to Measham than tackle the traffic build up that will be inevitable when Ravenstone residents try to enter the A511 at the same junction as the opencast lorries.
- Problems relating to dust - the prevailing wind would lead us to think that this would be a particular problem with the siting of the new school in Ravenstone. Noise would be a factor here also.
- Problems of restoration - the yield on much of the land affected by previous opencast working in the area has still not returned to the level from prior to the workings. Our local farmers cannot maintain a livelihood if they are continually going to have their yields cut by opencast activity. Furthermore in such an area as this, there are also many nurserymen who will also be affected.

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- UKCoal have made no clear case for the need for this coal.
- The economics of this exercise are very incoherent. The quality of the coal is suspect and the market for the coal has not been established.
- The environmental impact will again be immense. The area is only just becoming established again following the last round of open cast workings.
- The economic impact will also be immense. Many businesses have moved into the area because it is perceived to be a suitable area for economic expansion. The local councils have put in much effort and money (public money) to ensure a good infrastructure for growth. That has included very pleasant and desirable properties in which companies are able to relocate their staff. If these same villages are once again going to have the blight of opencast mining over them for many years, companies will be deterred from relocation. This will have a major knock-on effect on the whole economy of North West Leicestershire.
- The life of the application is also questioned, and whilst we realise the limitations of the Planning Committee, we would point out that every other application that has been made by UKCoal or its predecessors, by whatever name, has been extended.
- Finally, the concern over lowering of house prices in the area was huge. Many home owners could immediately be placed into a negative equity situation depending on the utterance of the word YES or NO.

There was no support for the application and this council therefore would strongly urge the County Council to reject the application.”

Normanton-le-Heath Parish Council

75. No reply received at the time this report was published.

Packington Parish Council

76. “The Parish Council wish to strongly object to this planning application on the following grounds:-

- The Council called a village meeting which was attended by over 100 people – all present seemed to be in favour of rejection of this application. The meeting called by yourselves was also well attended and again residents found in favour of rejecting the application.
- This site would create an adverse impact upon this attractive area of mature, historic countryside of major local importance that is within the heart of the National Forest. We understand that the site at present is already earmarked to have additional trees planted under a National Forest Scheme.
- The dust created would have an enormous impact on local residents and businesses within the area. One food business, employing over 100 people, in particular requires dust free atmosphere for their operations and therefore this application may have a serious impact on the viability of this business and employment within the area.
- The noise from the site and HGV movements would have a detrimental affect on residents’ lives and traffic movements onto Ravenstone Road would be harmful to its rural character contrary to Transport Policy 4.

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- There have been numerous open cast sites in the area, all of which have caused a detrimental change to the character and appearance of the locality and environment.
- Various tiers of local government have made substantial investments to counter the problems faced from coal extraction within this priority area and therefore this application would seem to undermine these achievements and investment.
- We have grave concerns that this application could be followed by extensions, encompassing areas previous rejected for coal extraction.
- We do not believe that a Section 106 agreement, which would restrict a “re-application”, could not be circumvented.
- In the East Midlands Region property prices are amongst the lowest in the country. Councillors feel that by introducing another open cast site, property prices within this area of North West Leicestershire would stop recovering against the rest of the country and therefore could go into decline.
- If the application were successful, we believe that there could be a potential conflict between the extraction process and UK Coal’s ability to return the “High Quality Land” back to its former status.
- We understand that the “Foil Action Committee” has regrouped and are fighting this application and they have the full support of the Parish Council.”

Ravenstone with Snibston Parish Council

77. Three responses have been received from the Parish Council. An initial response was received by cover of letter dated 28th November 2003. This was followed by ‘Outline Objections’ by cover of letter dated 12th February 2004 and by cover of letter dated 5th April 2004 the Parish Council’s ‘Final Response ‘ was received. The Parish Council’s initial response covered its concerns about the impact of Traffic, Environmental Damage, Cumulative Effects when considered with previous working, Pollution, effect on Footpaths, and the proposed development’s relationship to the National Forest. The Council’s Outline Objections covered matters that have been more comprehensively dealt with in the Council’s Final Response. The Council’s Final Response is a document of 113 pages. The Forward, Introduction and Executive Summary of this document are reproduced below.

FOREWORD

1. *The following paper represents the carefully considered views of the Ravenstone with Snibston Parish Council which are based on wide local consultation. Accordingly, the Council **most strenuously objects** to this Application on behalf of the PEOPLE of Ravenstone. In the close analysis to which the Application’s Environmental Statement (ES) was subjected and despite appearances to the contrary, every attempt was made to balance both sides of the argument. In the event, the argument **against** overwhelmingly preponderates.*
2. *The paper adopts the following conventions which it is hoped will assist the reader:*

- 2.1 *Double spacing for any necessary annotation.*
- 2.2 *The Executive Summary which follows at paragraphs 8 – 113 supports the close argument and detail in this paper's main body. It is intended to enable a grasp of the Parish Council's objections in the round and then readily to home in as required on the specific bases for them.*
- 2.3 *The near Byzantine difficulty of negotiating the ES requires somewhat tedious cross-referencing and in turn use of abbreviations. As to the former, paragraphs are numbered sequentially throughout for ease of reference. As to the latter these appear in brackets when first used, and there is, at the paper's end, a final fold-out page for ready, on-going reference.*
- 2.4 *Underlining is not used anywhere in the ES's documents except uniquely in ES17.3.15 where *—— has been substituted. It is used in this paper to stress words and passages regarded as noteworthy in quotations taken from the ES documentation.*

INTRODUCTION

3. *The ES was not seen to be ordered as particularly conducive to logical analysis. In consequence this paper does not follow its sequence. For example, UKC's "Socio-Economic Assessment" appears as the final section, whereas these factors are believed to overarch all the other numerous impacts. Therefore, the logic structure to this paper is to analyse first the "Socio-Economic Factors" as the essence of the Application against which all the other impacts stand to be judged. These consequences range in duration, from and are sequenced according to, the relatively short-term e.g. the "Interferences In Quality of Life" (IQLs) to permanent e.g. "Hydrology and Hydrogeology." Within the IQLs only, the impacts are sequenced according to the increasing number of people affected e.g. noise first with fewest and traffic last with the most.*
4. *As noted above, it is considered of crucial importance that, in order for this Application to be granted planning consent, the **socio-economic** arguments must stand up to scrutiny. The premise is that the case for the Application on these grounds may too readily be assumed to be made out when it is not. Objectors, and many they are, quite naturally and properly focus on what may be the impact of a development, particularly opencast, on their surroundings, communities, homes, families, and themselves. They can thus fall to the temptation of attacking the potential interferences which those deciding on applications, however personally sympathetic, may be unable to regard as other than peripheral. Such interferences it seems would have to be of considerable significance and impact singly and/or cumulatively in order to undermine a soundly based application. That is not to say that these interferences are an unimportant part of the overall socio-economic equation. They impact very significantly on health and quality of life and must be given their fullest weight as in the scales of balanced consideration.*

5. *However, Ravenstone PEOPLE'S objections extend to virtually all aspects of the ES and are all substantially entirely altruistic representing concern for others' well-being, wildlife and the heritage of generations long into the future. There is an admitted polemical flavour to what follows, on the one hand, informed by a deep mistrust of UKC born of previous experience and on the other, necessary in order to do justice to the strength of feeling amongst Ravenstone residents.*

6. *Cumulative impact is considered to be three dimensional. First, the greatly adverse impact of an Application which, if granted consent, would allow a seventh (see ES6.1.19) tranche of opencast in an area of about 3 square miles and in a part of that area which alone remains in its natural state. Previous opencasting has impoverished the surrounding ecology; a seventh episode could bankrupt it. Secondly, this is the fourth Application in 14 years for the same site. (Although smaller in hectarage and tonnage, it is actually more destructive since two and a half times less tonnage per hectare would be extracted than with the last 1997 Thorntree Application.) It is wholly unreasonable that the PEOPLE of Ravenstone and the other three villages should have thrust upon them, every five years or so, the need to galvanise into opposition. It places additional stresses on village life which are unnecessary and therefore quite unacceptable. Residential property sales are already depressed and values reduced purely at the prospect. This is a serious issue for all property owners but especially recent buyers and those who are obliged to move with their work. Thirdly, there is the cumulative impact of the IQLs rolled in together with effects on such as ecology and a distasteful and unwanted "restoration." Such widespread and unduly onerous effects on the community would be unwarrantable and indefensible.*

EXECUTIVE SUMMARY

SOCIO-ECONOMIC FACTORS

7. *The proposed extraction tonnage, 0.725M tonnes, is considered too small to constitute an important economic benefit or to contribute significantly to the national interest. The need for the coal is highly questionable in light of deep mine closures. Alternative, cleaner-burning supply is readily and competitively available on the international market to no national disbenefit. (Paras. 114 & 115)*

8. *Long Moor should not be sacrificed to the symbiosis of UKC's deep and opencast mining interests or to the power generators' indolence and convenience. (Para. 116)*

9. *The probability is that the enterprise would operate at a loss, £2.6M over the four years, and contribute a mere estimated 1.4% to UKC's total production. UKC has not properly prospected elsewhere. "Restoration" is at risk from the perceived financial stringency. (Para. 117)*

10. *Ravenstone PEOPLE have endured six previous opencast sites, have long ago had their fair share and see no nearly sufficient grounds in the Application for a seventh visitation to the one remaining area still in its original, traditional and natural state. (Paras. 118 & 119)*

11. *UKC says there will be no significant benefit for local employment, since the 30-strong workforce would transfer from Hicks Lodge (HL). If this Application's rejection caused any actual redundancies, alternative employment should quickly arise within UKC and otherwise unemployment should only be temporary in light of the 1.5% current rate. (Para. 120)*
12. *UKC says it will "spend" £6.16M (net £4.62M) locally on goods and services but offers no evidence whatsoever for this or that any of it would come anywhere near the Leicestershire economy. There would be no induced employment at all. (Paras. 121-123)*
13. *Since the PEOPLE of Ravenstone can make little or no sense of UKC's case economically and/or financially, the Application as a whole has created profound mistrust and suspicion. It is seen as a "foot in the door." UKC's contrary protestations are disbelieved. (Para. 124)*
14. *The interferences in residents' quality of life cannot be justified as they would not be necessary in the interest of the economic well-being. Accordingly, if consent were granted Leicestershire County Council (LCC) may run foul of the Human Rights Act, 1998. (Para. 125)*
15. *MPG3's general presumption against consent of a previously refused similar application has triple force, since there is no material change in circumstances (except for an appreciably greater number of residents adversely affected). (Para. 126)*
16. *UKC's argument for inward investment is entirely irrelevant. (Para. 127)*
17. *As no substantial economic case has been made out by UKC, the Application should be refused out of hand (Para. 128)*

INTERFERENCES WITH QUALITY OF LIFE (IQLs)

18. *These are dust, loss of landscape amenity, noise, traffic and the anxiety and stress that they cause. Important though these are, they are very far from the only important grounds upon which the PEOPLE of Ravenstone found their objections. The aggregation of these interferences constitute a body of cumulative impact which, conjoined with all the other grounds of objection, form a far larger cumulative impact. Merely because they affect to an expertise, it should not be assumed that external consultants demonstrate the quality in practice, as will become apparent. (Para. 129)*

NOISE EMISSIONS

19. *The sample sites selected as the most affected noise sensitive properties (NSPs), were a travesty of representativeness since there are 30+ homes, nearer to the site, excluded. It was at these NSPs where background noise was measured as a baseline in order to predict by how much and to what level it would be increased by the site's noise. Since the baseline was inaccurate, subsequent predictions cannot be credible. On the other side of the equation are the site's plant and machinery noise levels. There are the*

most serious misgivings about the provenance of these and about the exact matching of certain noise levels and limits, sufficient to render them also incredible. In the absence of satisfactory explanation, this particular point should be fatal to the Application, since it may indicate less than good faith. (Paras. 130 & 131)

20. *Noise is not a matter of decibels alone but of mere audibility, intrusiveness and persistence. (Para. 132)*
21. *UKC does not consider important enough to include in its ES the consultant's advice about noise minimisation training for site personnel (Para. 133)*
22. *For want of sufficient explanation, the consultant's methodology is unconvincing, particularly as regards the "chorus effect" of up to 25 units of plant/machinery operating simultaneously and the process of converting SWLs to dB(A)s. The study has the appearance of a fudge and an attempt to "blind with science". (Para. 134)*
23. *With PPG24 in mind, it is emphasised that this Application has nought to do with job creation or construction of essential infrastructure. Further, whilst unjustifiable obstacles should not be put in the way of this Application, there is a duty on LCC to ensure avoidance of an unacceptable degree of disturbance. This does not, of course, admit of a "suck it and see" approach as would result from any reliance placed upon the consultant's study or UKC's ES. There is serious concern about the practicability of enforcement with UKC's Stobswood site in mind. Paras. 135 & 136)*
24. *MPG11 refers, in relation to noise limits, to the working week. This is not defined. The PEOPLE of Ravenstone propose a 48 hour maximum (based upon the Working Time Regulations as a proxy) as reasonable. It follows that the site's proposed 65 hours per week would be considered unreasonable and wholly unacceptable. (Para. 137)*
25. *Traffic roar from the A42 in the minimal of 3-5 dB(A) band should have been factored out of background measurements. Site traffic along the access road would, contrary to the consultant, affect NSPs in a line from Hall Farm (HaF) to Beesleys Nurseries (BNs). (Paras. 138 & 139)*
26. *Consultants' predictions are no more than analytically based fortune-telling and only credible, if the studies on which they are based are of sufficient quality. Even then they do not predict certainty. Table I shows that the predicted noise levels at the two selected NSPs nearest the site could exceed the EHO's limits by 8dB(A). Once operations started, NSP residents would have no effective remedy. Planning consent should be refused on noise grounds alone. (Para. 140)*

FUGITIVE DUST/MICRO PARTICLES

27. *Dust is an health issue notwithstanding others' attempts at downplaying it. Environmental Management Systems (EMSs) and Dust Management Action Plans (DMAPs) are only as good as the workforce operating them but as to their training UKC offers only platitudes and no evidence. (Para. 141)*
28. *A site-specific DMAP has not been offered, only an example based on Hicks Lodge (HL) which is far from reassuring in content. UKC claims proof of its effective dust control but none is offered beyond the purely anecdotal and slender at that. Such evidence as the ES contains is of an expedient approach - doing only as much as UKC would be obliged to do. (Paras. 142 & 143)*
29. *Fugitive dust would inevitably escape the site and as a noxious, toxic cocktail comprising diesel emission particles (DEPs), known Class 1 carcinogens or other micro-particulate matter implicated in e.g.: respiratory and cardiac disease and death or both. (Para. 144)*
30. *Dust monitoring of PM₁₀ alone is quite inadequate; it is PM_{<2.5} which is of still greater cause for health concern. (Para. 145)*
31. *In the particular, UKC's vaunted Trigger Levels leading to Additional Dust Suppression measures (ADSMs) are entirely meaningless; in practice the Trigger Levels would be ignored and ADSMs never deployed. The PEOPLE of Ravenstone would have no confidence in UKC's recording and review systems for their want of independence. (Para. 146)*
32. *The meteorological data contained in the ES are utterly spurious relating as they do to sites approximately 34km. distant. Thus UKC has inadequate base data to predict the behaviour of dust at and from Long Moor. (Para. 147)*
33. *The ES is grossly untrue with regard to Long Moor Farm (LMF) and HaF. The latter is proven to be very dust sensitive as demonstrated in Table II. Other particularly dust sensitive properties (DSPs) are in a line from HaF to BNs. The latter are hypersensitive to dust as they crop mainly flowers and salad vegetables; the owner is very concerned for his business's economic well-being and the nine people employed. These concerns are based not on speculation but on experience of Coalfield North (CN) which was more distant from and not in direct line with HaF and BNs and the prevailing winds. (Paras. 148-150)*
33. *The ES prays in aid planning inspectors' pronouncements from over 10 years ago. They are not considered truly supportive of UKC's case but still it relies on a 12year old decision to the effect that dust is usually a nuisance at only 250m from source and very exceptionally at up to 500m. This is strenuously disputed. The area's topography and micro-climate would ensure that, with the majority of DSPs lying at between 8-23m above the site, they would receive fugitive dust in full measure. Wind is not dust's only*

vehicle, so too is evaporation and micro particles remain suspended for longer and are more easily ingested or inspired by humans.
(Paras. 151-155)

35. UKC's Air Quality information set out in Table III is viewed with suspicion, so too is UKC's seizure upon the Government's $50\mu/m^3$ objective standard as a level up to which site operations could work. This is particularly disingenuous of UKC in light of its High Court case in 2001.
(Paras. 156-159)
36. The DSMs proposed are considered to be largely of limited or minimal efficacy, evidencing an over-reliance on possible action after the fact and disparagement of the real risks. Such would in all probability be unacceptable by any standard. In contrast to most applications which UKC make, the PEOPLE of Ravenstone have long experience of dust effects and do not therefore approach the matter with virginal naïveté. On dust alone the Application should be refused consent. (Paras. 160 & 161)

TRAFFIC AND ROAD SAFETY

37. The UKC-commissioned consultant's traffic impact assessment (TIA) is considered a monumentally unprofessional and unsatisfactory piece of work. This most especially since it completely ignores 37 warnings about high speed traffic and 29 about major road blocking; nowhere does the word "speed" even appear. So lacking is the TIA as to be dangerously careless (Paras. 162-166)
38. The TIA is essentially quantitatively oriented and virtually bereft of the qualitative. For example the queuing effects at the various junctions are assessed without reference to the size and performance characteristics of 27-30 tonne HGVs. As a result queuing is anticipated by residents to be considerably greater than predicted. The angle of vehicles' approach to junctions and driver visibility is considered in some cases but not in others. There is a high probability of serious accidents caused by speed and/or road blocking. (Paras. 167-169)
39. Data supplied to the consultant contained 12 accidents but only 11 were considered. On the one hand, five of these were described as **not being in the vicinity** of the proposed site access although a mere **150m** thence. (The sixth about 100m further on was ignored.) On the other hand, the road lining scheme is described as **relatively new** in dating back to **1998**. The consultant is dismissive of road safety's being compromised by the future presence of HGVs on the basis that, HGVs not having been implicated in previous accidents on a 7.5t. weight-restricted road, they would not be in the future (Para. 170)
40. There are serious concerns about the position of the proposed site access to do with its 150m proximity to the "5-accident" bend in the one direction and bends and road undulations, rising 16.7m over c250m, in the other. The consultant evidences a complete lack of intellectual rigour and connectedness or, modishly, joined-up thinking. This is also apparent in his

treatment of the proposal to remove the weight restriction. The TIA is so profoundly flawed that the PEOPLE of Ravenstone consider it wholly incredible and invalid, such as to be an entirely unsafe basis for any decision related to this Application. (Paras. 171-174)

41. *There is concern that lorries may be of greater capacity than 30 tonnes. Not unambiguously mentioned in the ES but raised in clear terms by the Landscape Consultant is a temporary road widening scheme to which Ravenstone PEOPLE would object most strongly on the village's character grounds. (Para. 175)*
42. *In accepting, uncritically it seems, and repeating aspects of the consultant's TIA to do with 150m not being in the vicinity and HGVs' accident immunity, UKC appears to have fallen into its own "expert trap." There is concern about site HGVs bunching at the start and end of each day. (Para. 176)*
43. *Despite **seeming** to read well, the traffic documentation does not bear scrutiny and its real satisfaction of planning and road user requirements is insubstantial and illusory. Fault lies with UKC for its apparently uncritical and therefore negligent acceptance of the TIA. UKC should not be permitted henceforward to set these matters aright in order to obtain planning consent because it has demonstrated so blasé an attitude to this issue (and others) as to make it impossible to suppose it would do otherwise in operating the site. Good faith and due diligence appear wanting. On traffic grounds alone the Application should be refused. (Para. 177)*
44. *Overall conclusions on noise, dust and traffic are summarised and considered alongside the real human costs involved. As to noise, dust and traffic, each is considered to contain quite sufficient grounds to refuse consent; however, each would operate on the others in creating anxiety and stress. The result is a cumulative impact to be added to the even greater cumulative impact made up of the factors next discussed below. The PEOPLE of Ravenstone consider that, on the ground of this lesser cumulative impact alone, consent should most certainly be refused. (Paras. 178-185)*

CONSERVATION VERSUS DESPOILATION LANDSCAPE

45. *The PEOPLE of Ravenstone treasure their existing landscape inestimably and are concerned that "restoration" contours' profiling would be a significantly different uniform 5^o slope. The ratio of hectarage to tonnage is appreciably more adverse than previous applications. After 60 years of besetting opencast, the last remaining tract of land must remain unravaged. (Para. 186)*
46. *The notion that "restoration" will "enhance the areas (sic) resource" is vehemently rejected as is the proposition that opencast is "an integral" and therefore excusable "part of the landscape." (Para. 187)*

47. *The ES's attempt to use the National Forest Strategy to support the Application is misplaced since Long Moor is neither derelict nor a former mineral workings' site. The landscape is beautiful and typically "less is more"; the "restoration" scheme is entirely unnecessary. (Para. 188)*
48. *Hedgerow translocation's efficacy is dubious and rarely successful. The Counties' Landscape and Woodland Strategy is inappropriately cited with regard to enhancing landscape, since in this case extractive development is not necessary. The landscape consultant's study is almost entirely qualitative; some quantitative input would have been more helpful. The Photoviews are generally uninformative. There would be irreversible effects on the landscape e.g.: 2.61ha of open water; the price to be paid for this and wetlands etc. is too high. (Paras. 189-190)*
49. *UKC claims that the consultant's tabular summary facilitates objective judgment of effects on the landscape. It does not; it only allows a less subjective assessment based on no more than professional opinion (Para. 191)*
50. *The character of the area would be changed with the loss of farm land and look deplorably very different after "restoration." The present hedgerows are somewhat disparaged and inappropriately for their representing the backbone of the countryside. The **possibility** of advanced planting and landscaping is all too easily discounted in favour of inaction. The consultant's exemplifying of the adverse effects on Ravenstone is a woeful understatement. (Para. 192)*
51. *Neither mitigation nor "restoration" means return to a former state, only "making the best of a bad job." (Para. 193)*
52. *The area presently "retains a generally wooded feel"; the best "restoration" would achieve is a more wooded feel. Seeking to make a virtue of wetland features etc. cannot disguise the fact that after opencasting, there is little, if any practicable, alternative use for the land. (Para. 194)*
53. *Ravenstone PEOPLE consider the prospect of Long Moor's integration with Sence Valley with abhorrence. (Para. 195)*
54. *A temporary road widening scheme would threaten hedgerow headlands, wildlife habitat and the road's/roads' rural character (Para. 196)*
55. *Since the area is "well served by public rights of way" an additional bridleway would only provide "a low to moderate benefit", there is no justification at all here for consent to the Application. Moreover, the prospective beneficiaries are relatively negligible in number. (Para. 197)*
56. *The effects of light pollution during hours of darkness are believed to be substantially understated and air traffic considerations appear not to have been considered. (Paras. 198 & 199)*

57. *The PEOPLE of Ravenstone strongly dispute the consultant's opinion that long term visual impacts would provide benefit substantial enough to warrant their longevity. (Para. 200)*
58. *The consultant's Photoview 1 is grossly and obviously misleading, ignoring in the process residential properties far closer to the site. Other of the Photoviews, taken at ground levels lower than the most affected residential properties, create a misleading impression of distance etc (Para. 201)*
59. *The consultant's study is substantially undermined as to credibility by his failure to mention the 14-16m high overburden mound (Para. 202)*
60. *The study concludes that there would be "significant adverse impacts" during operations but in the long term "restoration" would bring enhancement. There is no dispute with the first but emphatically so with the second. (Para. 203)*
61. *The opinion (by no means devoid of objectivity) of the overwhelming, electoral majority should prevail over the only arguably and relatively more objective view of a solitary consultant (Para. 204)*
62. *The tabular summary is inescapably an over-simplification which in the event appears in part contradictory and misdirected. It does however describe "overall intactness of landscape features" as "coherent – features compliment and integrate well". This is precisely what Ravenstone PEOPLE are adamant should be preserved. (Para. 205)*
63. *Whilst in visual, landscape terms disturbed agricultural land can be reinstated such as to **look** like farm land again, its quality is another matter and, contrary to the consultant's apparent view, is more likely to achieve its former condition only well into the longer term. (Para. 206)*
64. *Hedgerows will be substantially depleted by 1.33km, in part if their translocation fails and in part certainly in respect of new planting, and for decades as wildlife habitat. (Para. 207)*
65. *The landscape assessment is based on a single consultant's opinion based on observations and **interpretation** of the proposals producing a significantly flawed study. It is akin to an unsolicited and unwelcome visit from the "House Doctor." (Para. 208)*
66. *The real issue is whether "restoration" would render the present landscape more pleasant. The PEOPLE of Ravenstone say emphatically that it would not. Long Moor for them is **their** area of outstanding **natural** beauty and on their doorstep to boot. The Application should be refused consent on grounds of conservation and of avoidance of adding further to the past's store of cumulative impact. (Para. 209)*

ECOLOGY

67. *The ecologist was no more independent than the other consultants and was in the study practising more art than science. (Para. 210)*
68. *The ecologist's surveys are in the final analysis only snapshots in time. The optimal period for the presence of the widest variety of fauna is also the least favourable for actual sighting. It should not be assumed that species not observed are not present. (Para. 211)*
69. *Blowers Brook is dismissed as uninteresting, due no doubt to its having previously hosted opencasting. Its present integrity and future potential are at hazard from construction of three discharge points, nearby soil storage mounds and potentially even from purer water upsetting its ecological balance. (Para. 212)*
70. *Hedgerows have a considerably greater importance than signified by the ecologist's uncertainty as to whether there are 34, 35 or 36. There is particular concern locally for 530m of Grade 1 and 2 hedgerows (Para. 213)*
71. *There is a very remarkable anomaly in the study whereby previously assigned values are subsequently reduced by one grade. Such appreciably undermines confidence in the study. Risks to wildlife are evident in the study which the PEOPLE of Ravenstone consider to be unacceptable (Para. 214)*
72. *Since there was no attempt to determine adjacent habitats' species, they are an unknown quantity. In consequence, so too is the likely impact upon them. (Para. 215)*
73. *The ES fails to identify how UKC would deal with the invasive Japanese knotweed. (Para. 216)*
74. *The unidentified myotis bat species is an anxiety (Para. 217)*
75. *It is considered that the 27 bird species observed are at some appreciable risk from hedgerow depletion despite the ecologist's seeming complacency and self-contradiction. It is also unhelpful that each of the 27 bird species observed was not identified since it cannot be ascertained whether particular species observed by a local ornithologist, are included therein or are additional. A range of fauna was not mentioned. (Paras. 218 & 219)*
76. *Brown hare, some of whose habitat would be denied for four years and thereafter very substantially altered, is somewhat disparaged by the ecologist despite its BAP long list status. (Para. 220)*
77. *The removal of "only" 13 mature trees, presumed to be at the heart of the site, is of far greater significance than immediately apparent. They represent 23% of the trees within the operational site boundary. Their removal would render what the ecologist describes as the relatively uniform*

and homogeneous, until the long term, irretrievably more so. There is a perplexing apparent co-incidence in that the number of trees to be destroyed matches the number considered meritorious, BAP Priority Habitat Types. (Para. 221)

78. *More than one badger group was observed to habituate the site and presumed to be using the hedgerows as corridor habitat. Interference with hedgerows risks unproductive competition amongst these highly territorial and statutorily protected creatures (Para. 222)*
79. *It is puzzling that, in respect of a statutorily protected species, bats, the ecologist should comment that “no especially endangered species was observed.” Where does the unidentified myotis species feature in this? (Para. 223)*
80. *As to the statutorily protected Kingfisher, the preservation of Blowers Brook’s integrity is important. Even if it only provides the bird with “sub-optimal foraging”, it is nonetheless **at present** sufficient to bring it into Ravenstone PEOPLE’s purview. (Para. 224)*
81. *The ecologist appears to self-contradict with regard to bird species of conservation concern and the brown hare (Paras. 225 & 226)*
82. *Butterflies receive wholly unsatisfactory attention but are considered at particular risk from fugitive dust. (Para. 227)*
83. *The ecologist’s assessment of long-term impact is too cautiously expressed for comfort and far too optimistic about the retention “within the site” of “sensitive species” as borne out by UKC’s ignoring the point. This last however is consistent with its also ignoring e.g.: employment of an ecologist to avoid breeding bird disturbance and how it would treat Japanese knotweed. These are regarded as highly significant and serious omissions which cannot satisfactorily be put right; the damage to confidence in UKC’s likely operational performance is irreparable. (Para. 228)*
84. *To the extent that habitat measures may lead to positive impacts, such are unlikely to materialise for about half a century. The additional field ponds foreshadowed are not evident on the “Restoration” Plan (Para. 229)*
85. *Questions remain as to hedgerows’ plant mix and the PEOPLE of Ravenstone are highly sceptical of “restoration” in UKC hands (Paras. 230 & 231)*
86. *For the PEOPLE of Ravenstone such slender benefits as may be had from “restoration” would be out of all proportion to the high price to be paid on the journey to their achievement. For reason of the risks to habitat and wildlife, of UKC’s inattention to its proper responsibilities and of its lack of due diligence, the Application should be turned down. (Para. 232)*

“BOLT-ON RESTORATION” AND SOILS’ “REINSTATEMENT”

87. *Since these two issues impact one upon the other, they are treated together. An external consultant was employed for assessment of land quality and available soil resources only. The absence of other external input reduces still further confidence in these proposals. (Para. 233)*
88. *UKC’s “restoration” proposals were very badly received and with a mixture of affront, distaste, indignation and scepticism (Para. 234)*
89. *It is believed highly improbable that “retaining the most versatile agricultural land” would be practicable for a number of reasons, including perceived time and financial pressures. UKC only commit to soil reinstatement’s achieving **potential** for best and most versatile land (BMVL) classification i.e.: subgrade 3a which would lose 12.3ha of Grade 2. Any loss of land quality is for all practical purposes irreversible and, in any case, is perceived locally as amounting to between 16.4 – 24.3%. (Para. 235)*
90. *Manipulating subsoils to create differently constituted profiles and thus more favourable wetness classifications, will only create potential for, but not guarantee, Grade 2. The Kelham Bridge d▫bâcle clearly demonstrates how unsuccessful UKC’s soil reinstatement can be. Villagers, who are intimately familiar with Sence Valley year round, are all too aware of its shortcomings arising from its soils’ re-instatement. Quite apart from the risks associated with subsoil tampering, the manipulation of topsoil (which resulted in the addition of 1% more stone content to Grade 2 land with a 10% stone content) would result in its being reclassified as subgrade 3a. For this, due to its musteline wording of the matter, UKC could still claim a success. (Para. 236)*
91. *The pedologist’s report dates to 1996 and is interpolated into UKC’s consideration; it may therefore be an unsafe basis upon which now to proceed. (Para. 237)*
92. *Noted is a curiously unexplained amendment to the pedologist’s report by insertion of an UKC figure reference (? Good faith.) There appears to be an utter confusion as amongst **three** “before” and “after” versions of soils’ reinstatement; this is shown in Table IV. The heralded upgrading of subgrade 3a to 2 is considered wholly incredible in the absence of the requisite topsoil. Soil volumes are estimated by an unexplained statistical methodology. There is an affected precision at odds with the pedologist’s findings. There appear to be bewildering anomalies as to topsoil volumes as between the UKC-stated volumes of the soils’ donor areas and those of the storage mounds. The former total 128,976m³ (see Table V) and the latter 141,000m³. The pedologist’s soil depth taxonomy is incomprehensible as in table VI. The apparent anomalies leave no vestige of confidence in UKC’s likely performance on the ground. It is important that it be not inferred that MAFF (as was) lent any credence to UKC’s specific proposed land upgrading (Paras. 238-243)*
93. *The timescale for soil re-instatement is worryingly vague (Para. 244)*

94. *Disappearance of “wetland area” from “whole site” is inexplicable. (Para. 245)*
95. *There is, in the imprecision of UKC’s language, too great potential for protracted legal wrangling **after** extraction and with UKC thus having the whip hand. (Para. 246)*
95. *Planning conditions are nigh on worthless without their ready and voluntary compliance. Stobswood opencast mine is cited as an example of the failure of even enforcement action and UKC’s reluctance in compliance. The PEOPLE of Ravenstone strongly believe that both enforcement and supervision of UKC activities need necessarily to be considered by LCC but that the cost implications would be prohibitive. (Para. 247 & 248)*
96. *There is a most worrying reference to a **permanent** approach road. (Para. 249)*
98. *Gleaned from the documentation are four different versions of proposed land usage upon “restoration” which are shown in Table VII. “Whole site” is not defined so both possibilities are entered into calculations. Accordingly restoration would seemingly require 8.8 - 9.3 ha (12.6 - 13.3%) or 15.4 - 16.0ha (21.4 - 22.9%) more land than is available. The PEOPLE of Ravenstone see this as an utterly damning indictment, massively contributing to their mistrust. (Para. 250)*
99. *UKC claims regard was had to the National Forest, BAP. Such was very far from sufficient to satisfy the NFC which in the process commented also on the absence of timings for “restoration”, exemplifying the Nadins’ incomplete restoration at least four years on. (Paras. 251 & 252)*
100. *The PEOPLE of Ravenstone treasure the landscape for its simplicity and lack of complexity. As remarked above, “less is more.” Putative enhancement is neither necessary nor wanted. The area is already “well served by public rights of way”, though UKC creates the impression there is none. No nature conservation or ecology agencies were directly involved in the “restoration” scheme which of itself generates suspicion. Too much of the scheme appears as “off-the-shelf”. (Para. 253)*
101. *It is believed that “restoration” and aftercare should be financed by UKC but not rest in its hands. The proposed aftercare protocol is insufficiently rigorous. (Para. 254)*
102. *The PEOPLE of Ravenstone are adamant that they do not want their landscape and ecology desecrated for the sake of a “restoration” conferring no acceptable or perceptible benefit upon them. They believe also that future generations will more thankfully inherit the present landscape and ecology, developed further in the course of nature, than one artificially created at the hand of man. Most particularly they believe that, either on grounds of soils or of “restoration”, there is more than sufficient basis for refusing consent. Taken together they are seen to have overwhelming force. It is suggested that, in the face of such confusion, consent cannot be given for want of its being informed. (Para. 255)*

HYDROLOGY AND HYDROGEOLOGY

103. *Adverse altering effects upon the wider area's water table and aquifers from earlier opencasting are evidenced. UKC offers no guarantees against further adverse effects brought on by Long Moor. Similar can be said of ground water artesian flows previously, on its own admission, interfered with more than once during Coalfield Farm operations. UKC expresses too much uncertainty, to risk disturbing a balance which has been 35,000,000 years in the striking. (Paras. 256 & 257)*
104. *Purported information in the ES, presumed to be regarding water levels, is inadequately explained for intelligibility, though it is believed in any case to be selective. Other uncertainties, relating to ground water, Blowers Brook and the area's strata as an aquifer are all contraindications for planning consent. (Paras. 258 & 259)*

ARCHAEOLOGY

105. *UKC's seeming interpolation of an earlier wider study area into this Application may be unsafe. The study recommended further assessment and field trials in advance of opencast disturbance. Such work as a condition of planning consent is quite the wrong way round and the efficacy of UKC's maintaining a "watching brief" during soil stripping is considered incredible since the activities are considered mutually exclusive. (Paras. 260-263)*

GEOLOGY

106. *Particular and grave health risks, potentiated by opencasting and releasing the geology's mineral content, should be independently assessed in anticipation of the common law and statutory duty of care to the PEOPLE of Ravenstone which would fall to UKC. (Para. 264)*

CONSERVATION VERSUS DESPOILATION CONCLUSIONS

107. *The cumulative impacts on the environment as discussed above go against everything that is conservation. Alone many of them are quite sufficient to warrant refusal; combined they are considered overwhelming. (Para. 265)*

OVERALL CONCLUSIONS

108. *The socio-economic arguments are insubstantial and do not stand up to scrutiny and the business case appears so unsound financially as to engender the most profound suspicion and mistrust as to UKC's true intentions. The Human Rights Act and MPG3's, now tripled, presumption against consent where previous similar applications have been refused, militate against this Application. (Paras. 266)*
109. *Interferences in quality of life are very considerable, as is the anxiety to which they give rise. Relevant limits would be exceeded and, in the case of dust (into which there was no external input at all), would potentially pose the gravest of health risks to the PEOPLE of Ravenstone. The so-called experts in noise and traffic have been shown wanting, the latter most particularly. Traffic is perceived as a grave risk to life and limb and would represent a four year, on-going source of great anxiety. Out of these arise the Human Rights Act implications (Paras. 267 & 269)*

110. *In the matter of conservation versus despoilation, the former would come a very poor second to the latter, if consent were granted. The cumulative impacts would be so great jointly and severally as to be incapable of justification by the insubstantial socio-economic arguments. (Paras. 270 & 271)*
111. *The interferences in quality of life would, for the greater part, be relatively short-term but affect a large number of, in certain cases vulnerable, people. (In the case of dust, however, the effects could be much longer-term). As to conservation, the effects are for the longer- but mostly long-term, and/or permanent. The two elements combined produce a huge evidential monolith standing as an indictment to a feebly founded Application (Para. 272)*
112. *A number of other outstanding factors are considered including the site's actual operators; the extent of legitimate MPA assistance to an applicant; extraction quantities, depths and of what minerals; the significance of "an unconditional licence"; UKC's seeming litigious propensities, compliance with conditions and enforcement; the disadvantage under which objectors labour; Ravenstones PEOPLE's quandary as to deviousness or ineptitude; and good faith. (Paras. 273-277)*
113. *The PEOPLE of Ravenstone are deeply appreciative of LCC's past support in refusing consent to Thorntree's three previous applications. They now trust that LCC will on this occasion also continue to act with consistency in their and their environment's best interest. Accordingly, they most earnestly request that this Application be refused **and also** that LCC pursue all available means to prevent **any** repeat applications of a remotely similar nature in the future. It is considered the gravest injustice that this fourth Application has been made at all and which is seen as inherently indicative of the low esteem in which UKC truly holds the PEOPLE of Ravenstone. They feel that they have been harassed by UKC beyond all reason and for far too long. Its repeated, periodic applications represent unjustified (in the absence of economic well-being) interference with their right to respect for their private and family lives in their homes. (Para. 278)*

Environment Agency

78. The Agency has no objections, in principle, to the proposed development but recommends the imposition of planning conditions to cover the following matters: the storage of oils, fuels or chemicals; a scheme for the conveyance of foul drainage to a private treatment plant; a scheme for dealing with site surface water run off; and the prevention of any buildings, structures or ground levels within 5 metres of any watercourse. The Agency also provided comments on the proposed restoration and aftercare of the site and alerted the applicant to the possible need for a water abstraction licence if they intended to abstract water from a surface or underground source.

Severn Trent Water

79. Severn Trent Water Ltd. was consulted because it is proposed to divert a foul sewage pumping main which crosses the northern part of the proposed extraction area. No reply has been received but UK Coal has copied correspondence it has received from Severn Trent stating that they have no objection in principle to the diversion of the sewer subject to detailed investigation.

East Midlands Airport

80. No aerodrome safeguarding objection.

English Nature

81. English Nature noted the nearest statutory wildlife sites to the application site is the River Mease cSAC/SSSI and the Newton Burgoland Marshes SSSI both just over 2km distant. The Blowers Brook, which runs along the eastern boundary of the proposed site, is the main water body feeding the SSSI. English Nature also noted that a discharge consent has already been granted by the Environment Agency to discharge into Blowers Brook and it asked for confirmation that the discharge consents are subject to water quality controls because of the presence of protected white clawed crayfish in the Brook. Subject to this confirmation English Nature had no objection to the application and welcomed the proposed restoration plan for the potential contribution it could make to the County Biodiversity Action Plan Targets for wetland habitats. Confirmation has been provided by UK Coal that the discharge consent has water quality standards set by the Environment Agency.

Leicestershire and Rutland Wildlife Trust

82. The Trust notes that the ecological information with the application indicates that the application area is of low nature conservation importance and it has no information to the contrary. However it noted that no mention is made in the Environmental Statement of whether fish or crayfish were looked for by the consultants in the Blowers Brook and the Trust said this omission should be queried. In response to this point UK Coal has provided a letter from their consultants stating that an invertebrate survey did not reveal any crayfish or notable fish species in the Blowers Brook and that the Brook supports little suitable habitat for any crayfish or notable fish species.
83. The Trust states that the habitats proposed as part of the restoration have been selected from the local Biodiversity Action Plans and are appropriate for this part of Leicestershire, although it is not clear how they would be maintained in the long run. For example, the reedbed around the open water would probably be invaded by trees from the carr woodland without active management and similarly the species rich grassland would require careful management for it to survive. The re-introduction of active management of Normanton Woods would also be necessary to prevent the invasion of the proposed new woodland by sycamore.

County Council Ecological Advice

84. No objection is made to the application and it is thought that the creation of the habitats proposed as part of the site restoration should in time, with appropriate management, increase the biodiversity of the site. Detailed comments on the proposed restoration and ecological impacts is provided. Concern is expressed that hedgerow translocation is rarely successful and the statement made in the Environmental Statement that no designated ecological sites exist within or in close proximity to the application site is not entirely true. It is considered that adjacent areas of woodland, the Blowers Brook and several of the hedgerows would qualify as Sites of Importance for Nature Conservation otherwise known as County Wildlife Sites.

The Countryside Agency

85. No objection

Forestry Commission

86. No reply received at time of publication of this report.

National Forest Company

87. The National Forest Company initially expressed regret in a letter dated 27th November 2003 at the loss of ecological features and in particular Grade 1 and 2 hedgerows. It also said it was very disappointed that only 16 ha. out of the 70 ha. site was proposed to be restored to Forest related uses and consequently objected to what it considered was the insufficient amount of Forest related restoration proposed. The National Forest Company also raised a number of specific concerns about the overall design concept of the restoration proposals.
88. In response to UK Coal's proposal to increase the amount of woodland planting in the restoration scheme the National Forest Company provided further comments on the application in a letter dated 30th April 2004. It is pleased to see the significant increase in Forest related restoration and that UK Coal is willing to bring the two existing adjoining woodlands in its ownership (Normanton Wood and Jubilee Wood Plantation) into its management. Consequently it withdraws its original objection to the amount of Forest related restoration. Some outstanding detailed points relating to the restoration scheme remain and it asked that these be taken into account.

Government Office for the East Midlands (GOEM)

89. The application was passed to the Office of the Deputy Prime Minister's Minerals Division in London but no comments have been received.

Health and Safety Executive

90. No observations to make.

Department for Environment Food and Rural Affairs (DEFRA)

91. No objection was raised to the original restoration proposals which proposed that all of the existing best and most versatile agricultural land would be restored back to agricultural land. This would have been achieved by concentrating the best soil resources together in the agricultural restoration. None the less some concern was raised that the soil handling techniques described in the application did not always follow the Good Practise Guide for Handling Soils. UK Coal has since given assurance that sheets 1 - 4 and sheet 15 of the Good Practice Guide for Handling Soils would be followed and on this basis DEFRA has stated the restoration scheme is satisfactory. DEFRA has no objection to the planting of trees on best and most versatile land provided soil handling is undertaken as proposed by UK Coal.

Leicestershire Footpaths Association

92. No reply received at the time of publication of this report.

The Ramblers' Association

93. The Ramblers Association notes that no rights of way would be closed or diverted as a result of the proposals but that the enjoyment of some of the routes would be diminished during operations although the proposed screening measures and the relatively short lifetime of the development would mitigate against the loss of enjoyment to some degree. The proposed additions to the rights of way network are welcomed and it is advised that they should be dedicated as definitive rights of way.

Leicestershire and Rutland Bridleways Association

94. The Bridleways Association notes with approval the new bridleways proposed as part of the restoration and states that they should be dedicated and put on the Definitive Map to ensure that people know they have a right to use them. The Association also propose suggested additional improvements to the bridleway network. These suggestions have subsequently been put to UK Coal and, as far as it is within the control of their land ownership, they have agreed to them.

The Coal Authority

95. No reply received at the time of publication of this report.

Highway Authority

96. "It is accepted that the scale of the development proposal is such that there is unlikely to be a material impact on the road network in general during peak hours (7 lorry movements). On that basis it is accepted that the improvements to the A511 junction, Alton Hill junction and the widening of the Ravenstone Road as required in connection with the previous application are not justified.

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The only route that it would be acceptable from the Highways viewpoint for lorry traffic to (and from) the site would be via the A511, the former A50 and Ashby Road (and reverse) with no such vehicles passing along Ashby Road between the site access/egress and Ravenstone village.

However, the road providing access to the site is subject to a Weight Restriction Order and the proposal results in lorry movements along the road. Under those circumstances and for the reason below, a minor alteration at the Alton Hill junction to ease the left turn in for lorries is considered appropriate.

In that location, the width is generally between 6 & 7 metres but at its narrowest point which is near to the junction with the former A50, the Ashby Road is less than 5.5 metres wide. This is coupled with a 'tight' geometry at the junction which, from observing car driver behaviour at the junction, would effectively remove the possibility of a lorry passing a car in the junction. There is already evidence of overriding of the verge.

There is no information currently available regarding the structural detail of the road in general nor the possible effect on its structural integrity of laden HGVs passing over it, especially slewing movements at the access and Alton Hill junction. That in itself is not sufficient to substantiate grounds for refusal of the proposal.

Under the circumstances, however, there would be a need for a joint pre-start visual/video inspection of the road condition and the developer would be required to fully finance any necessary remedial works during and after the coal extraction as identified by comparison with the pre-start survey. This would include any interim 'widening' or haunching in areas where the lack of width results in lorries overriding verges.

The further details supplied by the applicant satisfactorily demonstrate that an access/egress to the proposed mining activities could be created that should safely cater for the traffic levels likely to be using it. It has been shown that appropriate visibility splays (including stopping sight distances) can be achieved at the access/egress points by re-profiling of the carriageway and verges in places.

Separation of inbound traffic from outbound traffic should ensure no conflict between lorries. All traffic entering the site would use the easternmost access and all traffic leaving the site should use the westernmost egress. Appropriate signing and access geometry should ensure compliance.

There would be a requirement for all lorry traffic associated with the mining operations to access/egress the site only to the west and for the applicant to be responsible for repairing damage to the road network along that route caused by vehicles associated with the mining operations. If this is not considered appropriate to be covered by a suitable condition, the applicant would be required to enter into a suitable legal agreement (Section 106 Agreement?) This also applies in the context of the need to re-profile the public Highway to facilitate the provision of appropriate visibility splays and carry out alterations at the Alton Hill junction which would subsequently be the subject of a Section 278 Agreement {Highways Act 1980}.

Under the circumstances, the Highway Authority hereby **RECOMMENDS** that the following should be included in any permission that the Planning Authority may issue in respect of this planning application: -

1. No development shall commence until the vertical alignment of Ashby Road to the east of the site access has been altered to provide appropriate visibility splays as shown generally on drawing numbers D102334/SA1, GD/01, GD/03 & GD/04.
2. No development shall commence until works have been carried out at the Alton Hill/Ashby Road junction to safely facilitate two-way use by lorry traffic (details to be agreed by the Planning Authority in conjunction with the Highway Authority before commencement of those works).
3. Before development commences the developer shall, together with the County Highway Authority, carry out a full visual survey of and provide evidence to the Planning Authority of the condition of the roads between the site access/egress and the A511. Thereafter during the period of extraction, the developer shall, together with the County Highway Authority, carry out periodic inspections of those roads and shall as soon as possible carry out any necessary repairs deemed reasonable by the Planning Authority.
4. Except in an emergency or if directed to do so by a police officer, no vehicle associated with the mining operations with a permissible laden weight exceeding 7.5 tonnes shall turn left into the site nor turn right out of the site.
5. Except in an emergency or if directed to do so by a police officer, no vehicle associated with the mining operations shall enter the site via the western egress nor leave the site via the eastern access point.
6. Before commencement of any extraction, the access and egress for the site shall be constructed as shown generally on drawing number D102334/SA1, shall be surfaced in tarmacadam, concrete or other hard bound material for a distance of at least 30 metres behind the Highway boundary and shall be so maintained for the period of extraction.
7. Before commencement of any extraction, the visibility splays shown on drawing number D102334/SA1 shall be provided at the junction of the access with Ashby Road. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.
8. The gradient of both the access and egress shall not exceed 1 in 20 for at least the first 30 metres behind the Highway boundary.
9. Any gates, barriers or other security feature erected across the site access shall be set back a minimum distance of 15 metres behind the Highway boundary and shall be erected so as to be other than outward opening.

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10. Any gates, barriers or other security feature erected across the site egress shall be erected so as to be other than outward opening.
11. Wheel washing facilities shall be provided within the site to ensure that loose material is not deposited within the Highway and shall be maintained for use at all times.
12. Before first use of the development hereby permitted, drainage shall be provided within the site at the access and egress points such that surface water does not drain into the Public Highway and thereafter shall be so maintained."

Charnwood and North West Leicestershire Primary Care Trust

97. "The main pollutant of concern from a health perspective is the emission of PM₁₀:
- The applicant quoted PM₁₀ levels measured in 2001 in the Long Moor area and predicts levels for 2004 and 2010. However, no information was given as to how these levels were measured and what assumptions were made to predict future PM₁₀ levels. Based on these unsubstantiated predictions, the applicant stated that levels would not breach the Air Quality Standards of 50 micrograms per cubic metre (Daily Mean).
 - The predominant winds are to the south west of the site, towards the village of Ravenstone.

Recommendations:

- That continuous monitoring for PM₁₀ is carried out during the lifetime of the operations to ensure that air quality standards are not breached in the vicinity of properties likely to be affected by the mineral activities.

Apart from the above, the Primary Care Trust has no other significant concerns regarding risk to the health of the local population from this installation, providing that:

- Further comments are sought from the Local Authority's Environmental Health Department for matters relating to impact on human health of noise and odour nuisances.
- Information about any breach of the planning application, which could result in adverse health effects to the local population, is reported directly to the Primary Care Trust."

English Heritage

98. English Heritage was concerned that the supporting information contained in the Environmental Statement was inadequate. In particular the Desk Based Assessment was undertaken in 1996 as part of the previous planning application known as Thorntree. A scheme of suggested further work included in that assessment needs to be clearly related to the current planning application area. If the current proposal has not been investigated to the satisfaction of the County

Archaeologist, there will be a need for an assessment and evaluation process to determine whether there are any archaeological remains of significance, in order to inform the approach to mitigation. The impact of the proposal upon the setting of any historic assets will need to be assessed.

County Council Archaeologist

99. "The development proposal includes consideration of archaeology within the supporting Environmental Statement (ES). I am satisfied that within the scope of the detailed archaeological assessment (ES, Annexure C), the archaeological issues have been appropriately considered and a suitable programme of archaeological mitigation proposed (ES Section 12 & Annexure 4, Section 9). However, since the preparation of the archaeological report upon which the ES was based, the application area has changed, specifically an access/haulage road from the Ravenstone/Ashby Lane has been introduced which passes through an area previously not considered in detail by the archaeological assessment. The road crosses an area of recorded archaeological remains, likely to represent prehistoric activity and occupation (SMR ref. 31SE.C & 31SE.AM), the extent, significance and character of these buried archaeological remains cannot at this stage be established. Both sites are mentioned in the developer's submitted archaeological report."

"Given the constrained timetable available for the implementation of the planning application (ES Sections 4.0 & 6.4.5), I would recommend that the applicant undertake an evaluation of the additionally affected area. This work should be undertaken in advance of any planning decision. As it is possible that extensive archaeological remains may occur within the affected area, it may be necessary for the applicant to either redesign their proposed site access, or to complete a programme of appropriate archaeological investigation and recording prior to the construction of the proposed access and in advance of any necessary soil stripping."

An assessment of the additional affected area has been undertaken by UK Coal and the County Archaeologist has advised as follows. "In response to our initial archaeological advice the applicant commissioned the completion of a programme of geophysical survey, undertaken by Stratscan for the University of Leicester Archaeological Services (ULAS). The survey indicates that whilst the development area is of archaeological potential, it seems unlikely that remains of such importance exist to warrant out-right refusal of the application."

"The survey did, however, reveal the presence of a series of faint geophysical anomalies, consistent with the presence of buried archaeological remains within the development area. The character, extent and significance of any buried archaeological evidence, in the absence of intrusive testing of these geophysical anomalies, remains unclear."

"Consequently, it is recommended that the applicant should now make provision for appropriate investigation and recording of the affected areas, specifically the proposed haul road. This archaeological work should be secured by condition

upon any approved planning application, and shall commence with an initial exploratory phase (trial trenching) followed by an appropriate programme of archaeological mitigation (e.g. excavation and/or design solution). The Archaeology Section will provide a formal Brief for the work at the applicant's request."

"The applicant should if planning permission is granted also obtain a suitable written Specification and costing for the archaeological recording, from an archaeological organisation acceptable to the planning authority, and submit the Specification to this Archaeology Section as archaeological advisers to your authority, for approval before the start of development."

"The Specification should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute of Field Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development."

"I therefore recommend that any planning permission be granted subject to the following planning condition, to safeguard any important archaeological remains potentially present:

No development shall take place within the application area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, including an initial exploratory phase (trial trenching). This shall be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the planning authority.

Reason: To ensure satisfactory archaeological investigation and recording."

Leicestershire Promotions Ltd.

100. No reply received at the time of publication of this report.

Department of Trade and Industry

101. No reply received at the time of publication of this report.

Publicity

102. Prior to submitting the planning application the applicant held public exhibitions at Holy Trinity Church Normanton on 24th July 2003 and at the Ravenstone Institute on 26th July 2003.

103. The application was publicised by press notice in the Coalville Times on 5th December 2003, site notices posted on 25th November 2003 and neighbour notification letters sent out on 26th November 2003. The County Council held

public meetings at Packington Primary School on 19th January 2004, Heather Primary School on 22nd January 2004, and at Ravenstone Village Institute on 29th January 2004. The meetings were attended by approximately 120, 130 and 150 members of the public respectively. In summary the issues raised at the meetings included the following matters.

- Even with dust suppression local people will suffer from dust.
- Can water for dust suppression be guaranteed. If it came from Blowers Brook it could result in Brook drying up.
- There are health risks associated with dust and diesel emissions.
- Dust will affect local businesses including the mushroom farm at Normanton Road Packington, Beasley Nurseries Ravenstone, and the livery stables in Normanton. This could result in local job losses.
- Repairs and maintenance would take place outside normal hours causing noise nuisance.
- A hole would be created which could be used for waste disposal.
- Inward investment to the area would be adversely affected.
- Concerns about the safety of the access and the lorry route. Ashby Road is unsuitable to take the coal traffic The A511 junction could not accommodate any more lorry traffic.
- The benefits of restoration tree planting could be achieved without opencasting.
- The existing site landscape is attractive and loved by local residents. It does not need improving by opencasting and restoration.
- Any proposed restoration would take many years to reach maturity.
- The coal is not needed.
- The coal is low quality and high in sulphur.
- The site is not economically viable.
- The application would be a foot in the door for a larger scale site. A S106 agreement could not be relied upon to prevent extensions to the site.
- Coal would be imported to the site to blend with site coal.
- Opencasting is not compatible with the purpose of the National Forest.
- The area has had 60 years of opencast coal mining – had enough. The area is looking for a respite now.
- Previous experience of opencasting in the area is that it caused severe dust and noise problems, baffle banks were not seeded, initial timescales and schemes were extended.
- Previous opencast areas are apparent by treeless restoration.
- Fear that restoration will be poor quality. Can a financial bond be required to ensure restoration. What if the operator goes bankrupt.
- The proposed new school at Heather Lane Ravenstone and the children attending would be adversely affected.
- Members of the Development Control and Regulatory Board should visit the site before making a decision.
- House prices would be adversely affected. The potential loss in property values in the area could be greater than the value of the coal.
- The existing landscape of the site does not need improving.
- The site would be visible from the Sence Valley Country Park.
- Local footpaths around the site are well used and will be adversely affected.

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- The County Council has previously refused opencast coal applications on the site – what is different now.
- Concern over site safety and children being injured if they get on site.
- Blowers Brook could be polluted.
- Local residents Human Rights need to be taken into account.
- A site operated by UK Coal in Northumberland called Stobswood has had an enforcement notice served on it because of excessive noise.

Representations Received

104. Letters of representation have been received from 268 households. In some cases several members of a household have written or members of a household have written two or more letters. Two letters of representation, objecting to the application, have been accompanied by substantial documents in support of the representation. Most of the representation received has been in opposition to the development but 58 letters of support have been received, many from local companies who do business with UK Coal or current UK Coal employees at the Hicks Lodge site. In addition three people who live close to the Hicks Lodge site have written in support. The reasons given for supporting the application can be summarised as follows:
- The experience of living close to the Hicks Lodge site is that it is not as bad as some feared and has not affected their lives or property.
 - As an employee of UK Coal working at the Hicks Lodge site they believe the company's environmental record is exemplary. The coal and employment is needed. The company has a record of good restoration achieved at Woodside Farm and Shellbrook.
 - As an employee they have concern for their future employment. Long Moor would provide future employment.
 - As a supplier to the UK Coal industry, the UK needs an indigenous coal industry.
 - As a supplier to UK Coal it provides valuable income and employment for their business. The closure of Hicks Lodge may cause a loss of jobs if Long Moor does not follow on.
 - UK Coal has provided financial support to the local community around Hicks Lodge.
 - As someone living close to Hicks Lodge they have not experienced any noise or dust problems and house prices have not been adversely affected.
105. In addition to letters from private householders a number of letters of opposition to the application have been received from organisations, and these are individually referred to below. A petition signed by 17 residents from Ibstock and Bagworth has been received which objects to the development and raises concern about dust and fumes, noise, increase in traffic, general disturbance to the environment including a large number of trees being at risk.
106. A letter has been received from the Leicestershire Branch of the Council for the Protection of Rural England (CPRE). The CPRE believes the application should be refused because it does not meet the tests in MPG3 because the cumulative impact of the development is not mitigated by local or community

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benefits. The CPRE refers to the existing landscape of the area as surprisingly rural and pleasant, with established old hedgerows, small fields and meadows and mature trees, particularly oaks, on undulating scenery in the vicinity of Blowers Brook. It believes the restoration would take possibly two centuries to recreate and that it would be more sustainable to keep the existing landscape. The lorry movements from the proposal would place a considerable burden on the local road network. The only benefit it can see is the employment of 30 people.

107. Cresswell Drive Residents Association have written on behalf of 24 residents of Cresswell Drive, which is on the south east side of Ravenstone, objecting to the application. The letter states that 54% of the properties are occupied by retired people. They fear extensions to the existing proposals and that their remaining lives would be blighted by opencasting. The reasons for refusing the previous Thorntree opencast proposal remain valid. Since that decision there has been a revision to MPG3 which presumes against opencast coal extraction and the introduction of the Human Rights Act in 1998.
108. Ravenstone Opencast Opposition Group has submitted a document stating their main objections to the development. The document is illustrated with photographs, maps and diagrams and a copy of it will be provided to Board members by the Group before the meeting. In summary the Group's objections include concern that the prevailing winds would distribute dust and fumes over Ravenstone and beyond and that dust could have serious health implications for residents of Ravenstone. Traffic associated with the development would have unacceptable impacts on safety noise and fumes for the local community and road users in general. The access road is unsuitable for the extra HGV traffic and would adversely affect the character of this existing pleasant rural road. The proposed route has a history of 19 reported accidents in the last 5 years. There would be an economic impact of the development because of the effect of dust on the local mushroom farm and garden centre. New businesses would be discouraged, tourism would be affected and only one or two local jobs would be generated. There would be environmental effects as a result of likely pollution of Blowers Brook, the adverse effect on the attractive and historic local countryside, including wildlife and rights of way, night time illumination and noise from operations.
109. Beesleys Garden Centre has written objecting to the application. The garden centre is on the south east side of Ravenstone. The letter states that the business, which is over 50 years old, was previously affected by the Coalfield North opencast site – dust settled on glassware causing poor light conditions, dust caused moss to grow in guttering and glass panes were cracked by frost. Glass houses were previously cleaned at the expense of the operator. It is concerned that the Long Moor site would have a detrimental effect on its business. The business employs 6 full time and 3 part time staff.
110. The wardens of Ravenstone Court have written objecting to the application on behalf of the 24 residents. The residents are elderly ladies with ages ranging between 60 and 95 years. They have concerns about being able to use the grounds of Ravenstone Court because of dust from the opencast operations. Several ladies have respiratory problems.

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111. The Chairman of the Ravenstone Millennium Steering Group has given the following reasons for objecting to the application:
- loss of mature trees, hedgerows, and archaeological damage,
 - traffic pollution, increased traffic on unsuitable local roads,
 - dust affecting Ravenstone,
 - hole resulting from extraction would be used for waste disposal,
 - noise pollution,
 - no jobs would be created just relocated from the existing site,
 - no benefits to local residents.
112. Ravenstone and Snibston Womens Institute has objected on the following grounds:
- the number and size of vehicles using a minor country road is unacceptable,
 - the health issues connected to inhaling fine dust,
 - the noise levels and hours of working will have a detrimental affect on surrounding residents,
 - the destruction of beautiful countryside and loss of wildlife,
 - loss of business due to the reduction in visitors to the area.
113. Livesey Bros., a business growing and selling exotic and wild mushrooms, located at Normanton Road, Packington has raised grave concerns about the effect dust from the proposed development would have on its business which employs 70 people. Their concern is that airborne dust is a carrier of harmful pathogens and increased dust levels in the area resulting from opencasting could lead to increased risk of disease for their mushrooms. As part of their submission they have attached a report produced in 1995 by Horticulture Research International on Mushroom Farming in relation to the Ashby Bypass. This report looks at the implications of dust from the then proposed Ashby Bypass construction affecting the company's other mushroom farm near Smisby which was 90 metres away from the line of the Bypass at the closest point. The report concluded that the farm at Smisby was not well equipped to combat the threat from dust. Measures to remove the threat of pollution from dust would have to deal with the problem at source or by implementation of the protective measures to the farm as described in the report. However, no matter how good the dust control on the site, there would be no guarantee that the farm would be protected. It should be noted that the Mushroom Farm which is the subject of this objection is approximately 1.5km from the application site.
114. The Ravenstone Local History Group has objected on the grounds that a number of "Enclosure" hedgerows which have been in existence for at least 200 years would be destroyed by the proposed development. The proposed haul road would affect Alton Lane (Byway Open to All Traffic 039) and its boundary hedges which are dated to over 700 years. Ravenstone village has suffered more than its fair share of the ravages of opencasting over the last 50 years with consequent destruction of history.

115. The letters of objection received from local residents raise a range of objections and many go into considerable detail to express their concerns and fears about the development. The issues raised are similar to those raised at the public meetings held by the County Council although expressed in slightly different ways and in more detail. In addition to the issues summarised earlier in this report as having been raised at the public meetings, some residents of Ravenstone have said that the development would be visible from their properties.

Assessment Of Proposals

116. The starting point for the assessment of this application is the development plan and other relevant policies. As stated in the Policy section earlier in this report the current development plan policy on opencast coal extraction is Minerals and Waste Disposal Policy 5 of the adopted Leicestershire Structure Plan. This policy is now out of date because it does not follow Government Planning Guidance in MPG3. Consequently the key policy to assess this application against is the policy on Coal Mining and Colliery Spoil Disposal (Resource Management Policy 11) in the revised Structure Plan, which is likely to be adopted early next year. Whilst the revised Structure Plan is not yet formally adopted, the stage it has now reached means that considerable weight can be attached to its policies. This policy states: "*Planning permission will not normally be granted for the extraction of coal or the disposal of colliery spoil unless:*

- a) *the adverse environmental impact of the proposed development can be kept to an acceptable level; or*
- b) *in other cases, the likely impacts of the proposal are outweighed by the benefits.*

In the case of opencast coal extraction, particular regard will be given to the potential for cumulative impact, including the potential impact on inward investment, and any potential environmental improvements and other benefits which the development would bring about.

117. Using Resource Management Policy 11 as the framework to assess the application it is first necessary to consider the environmental impacts of the development, individually having regard to other relevant development plan policies and Government Planning Guidance, and then consider the cumulative effects of those impacts. Finally the assessment needs to consider whether any unacceptable adverse impacts are outweighed by benefits such as potential environmental improvements, that the proposal may bring.
118. Having regard to advice in MPG3 the main environmental effects that need to be considered in respect of this planning application are noise, dust, health, traffic and highways, rights of way, visual and landscape, archaeology, nature conservation and agricultural land quality and soils. Other issues including the potential effect on inward investment, human rights and need for the coal also need to be addressed.

Environmental Effects

Noise

119. Concern has been expressed about the potential levels of noise that will be generated by the proposed development. The normal practice in accordance with MPG 11 is to set a day time limit of 55 dB LA_{eq}. MPG 11 does, however, say that in particularly quiet rural areas, where a limit of 55 dB LA_{eq} would allow existing background levels to be exceeded by more than 10 dB(A), a lower limit may be appropriate. This is on the basis that noise levels which are more than 10 dB above background are known from research to be likely to cause annoyance and disturbance that may be construed to amount to nuisance. MPG 11 states that the setting of a daytime limit below 45 dB LA_{eq} would not normally be appropriate as such a limit should prove tollerable to most people in rural locations.
120. As part of the Environmental Assessment background monitoring was done jointly with the Environmental Health Authority at agreed locations. Having regard to the advice in MPG 11, summarised in the above paragraph, nominal noise limits were set at the monitoring locations at 10 dB(A) above existing background levels. The noise assessment predictions are that noise levels from this development would not exceed the nominal limits, which have been agreed with the Environmental Health Authority. It has been predicted that the noise from site generated highway traffic at Alton Cottages may be up to 55 dB LA_{eq}, which would be a noise increase of 3 dB. However, the ES states in reality noiselevels would be lower because the predictions assumed all lorries would be laden, whereas 50% would be empty. The predictions were based on the originally proposed access point approximately 150 metres from Alton Cottages. As a result of the revised access arrangements the site exit point would be adjacent to Alton Cottages, however, UK Coal's noise consultants do not consider that the changed access and egress arrangements would increase the predicted level. Alton Cottages are not occupied at present but could become occupied in future.
121. Some temporary operations such as the formation of soil mounds would exceed nominal noise limits but such temporary exceedances are considered acceptable by MPG 11 provided a level of 70 dB(A) is not exceeded. The ES shows that noise from temporary operations would comply with MPG 11 guidance and be below 70 dB(A).
122. Criticism of the noise assessment methodology and selection of background monitoring points in the ES has been made, in particular by the Ravenstone and Snibston Parish Council. UK Coal's noise consultants have responded by pointing out that the approach and methodology used follows national standards and guidance and has been agreed with the Environmental Health Authority.
123. Further comment from the Environmental Health Authority has been sought on the criticisms made by the Parish Council and a written response is awaited at the time of writing this report. A concern of the Parish Council is that there are closer occupied properties to the proposed site than those selected for noise monitoring. In particular Long Moor Farm is the closest occupied property to the proposed site but was not included as a monitoring point.

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124. Subject to confirmation from the Environmental Health Authority that those noise sensitive receptors which are closer to the site than the monitoring points in the ES would not exceed national guidance levels, then the noise predictions in the ES should be accepted. However, this is not to say that noise from site operations and transportation of coal would not be heard at surrounding residential properties. The noise assessment shows that noise levels at the selected noise sensitive receptors could increase by between 6 and 10 dB(A) which is regarded as a significant change (moderate increase) and temporary operations could result in noise increases over 15 dB(A) which is regarded as significant change (severe increase) using the semantic scale contained in the ES.
125. Whilst the noise predictions of the proposed development appear to be in accordance with the guidelines, the introduction of operations of this scale and nature into this quiet rural environment, in terms of the amount of overburden, soils and coal that will need to be moved and engineered, will inevitably cause disturbance and will be noticeable to those who live and work in the vicinity and to users of this part of the countryside. There is no doubt that residents in the locality will experience noise levels not normally associated with this quieter rural area. This disturbance will need to be weighed in the balance when coming to a decision on the proposal.

Dust

126. Considerable concern has been expressed over the amount of dust that would be generated by the development and consequently affect businesses and residential properties surrounding the site and particularly in Ravenstone which is in line of the prevailing wind from the site. Perceptions of dust levels are to a degree based on residents' experience of previous opencast coal extraction in the area. There is no advice in government guidance on what are acceptable dust emission levels from mineral extraction. Government advice is that dust should be controlled, mitigated or removed at source and it advocates the use of best practice. Suggestions for controlling dust are given in MPG3 and the Government's research report "The Environmental Effects of Dust from Surface Mineral Workings" which is the basis of advice on dust contained in Revised Draft MPS 2.
127. The ES sets out the best practice that would be adopted to control dust from the site including the implementation of a Dust Action Plan. Conditions could be imposed to require best practices to be adopted. Modern dust suppression and control measures adopted on opencast coal sites are undoubtedly more effective than in the past. Fears of local residents about the levels of dust likely to be experienced which are based on past experience may therefore exceed reality. Nevertheless, these fears appear to be genuinely held. UK Coal's site at Hicks Lodge provides a working example of the levels of control that can be achieved. However, as stated in MPG 3 the severity of dust problems will vary according to the time of year, time of day, moisture in the soil, temperature, humidity and wind directions. MPG 3 goes on to acknowledge that, "*Some action can be taken to reduce disturbance from dust, but by the nature of the problem, it is unlikely to be eradicated in its entirety.*" The presence of two businesses potentially sensitive to dust needs to be taken into consideration.

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128. The Environmental Health Authority has raised no objection to the development in respect of dust emissions. Clearly with the scale and nature of the operations proposed there will be dust created. The extent to which that dust can be controlled is a matter of good practice and management. Whilst there is a reasonable degree of confidence that dust can be properly managed there is a risk that some dust impact will occur. The acceptability of that risk is a matter that needs to be weighed in the balance against the potential effect it would have on nearby dust sensitive properties, particularly local dust sensitive businesses.

Health

129. Associated with dust is a concern that the health of people living around the site would be affected by the inhalation of airborne dust particles and particularly the finest particles known as PM_{10s}. Government guidance on this issue is contained in a Department of Transport and Regions letter dated February 2000 which advises that the recommendations of the Government sponsored study entitled *“Do Particulates from Opencast Coal Mining Impair Children’s Respiratory Health”* should be followed. The ES has followed that advice and concluded that no additional monitoring and controls over and above best practice measures would be required.
130. The Environmental Health Authority and the Charnwood and North West Leicestershire Primary Care Trust advice is that continuous monitoring for PM₁₀ is carried out during the lifetime of the operations to ensure that air quality standards are not breached. Subject to this being done the Primary Care Trust has no other significant concerns regarding risk to the health of the local population from the proposed development. UK Coal has agreed to undertake the monitoring asked for by the Primary Care Trust and the Environmental Health Authority.
131. Objectors to the development have referred to other research (apart from the study referred to above) on health risks from breathing fine particles of dust and the Primary Care Trust has been asked to review the references made by objectors to this other research and consider whether this would alter its advice. A letter from the Primary Care Trust confirms that further advice has been sought from the Chemicals and Environmental Team at the East Midlands Health Protection Agency and from the Chemical Hazards and Poisons Division of the Health Protection Agency in London and in the light of those agencies recommendations the Primary Care Trust’s recommendation remains unchanged.
132. Perceived fear of risk to health and quality of life can be a material planning consideration and should be taken into account in the decision. The weight to be attached to this fear must be based on the evidence available. There is no doubt that local people hold genuine fears about the health and environmental risks that this development would bring with it. However, given the evidence of the research and consultee advice the weight to be attached to that perception has to be limited but is nevertheless material to any decision.

Traffic and Highways

133. The Highway Authority accepts that the amount of traffic generated by the development is unlikely to have a material impact on the road network during peak hours. Also its view is that the proposed access arrangements, as amended to provide separate access and exit points onto Ashby Road together with re-profiling of the carriageway and verges, would safely cater for the traffic levels proposed. Consequently the Highway Authority considers that there are no highway safety or capacity implications which are of a scale or nature which would warrant refusal of planning permission on highway grounds, subject to legal agreements securing junction improvements at Alton Hill, routing of lorry traffic on the proposed route, the applicant being responsible for any damage to the highway caused by their operations and the other planning conditions being imposed as set out in the Highway Authority's comments in the Consultation section of this report. UK Coal has confirmed that it agrees to the conditions and legal agreements requested by the Highway Authority.
134. Notwithstanding the above comments in respect of the 'technical' highway issues there remains concern about the environmental impact of coal lorries accessing onto the C7110 Ashby Road which is currently weight restricted and provides a rural entry to Ravenstone. The new access and exit points onto the highway and associated highway improvements necessary to bring the site access and egress up to the necessary safety standards would have a material effect on the visual character of the road. In addition the introduction of coal lorry movements averaging out at between 6 and 7 per hour, on the currently weight restricted C7110 and C7116 roads, would in itself change the character of the road.

Rights of Way

135. LLRSP Leisure Policy 4 states that where development proposals affect a public right of way, the development must ensure the existing or diverted route is both convenient and safe in order to encourage its future use. It indicates that advantage will be taken to secure appropriate, improved access into the countryside, including opportunities presented by development schemes, and that the creation of new routes for leisure cycling, walking and horse-riding will be encouraged.
136. MLP Policy 3 indicates that proposals for mineral workings will not normally be permitted where the development would adversely affect public rights of way unless adequate arrangements can be made to safeguard the existing routes or to provide acceptable alternatives.
137. Two rights of way, Footpath 038 and Footpath 048 would be adversely affected by the proposed haul road crossing them. In addition BOAT 039 which joins the Ashby Road next to Alton Cottages would share its exit point onto the Ashby Road with the proposed exit point for coal traffic with some potential for conflict between users and coal traffic and in this respect would be contrary to Policy E17 of the North West Leicestershire Local Plan.

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138. There is a well developed network of rights of way around the site and the enjoyment of those users of these rights of way would be adversely affected by visual, noise and possible dust impacts from the development while the site remained operational. Residual visual impacts from the development would remain after restoration until a mature final landscape was achieved.
139. Enhancement of the rights of way network is proposed as part of the restoration with, in particular, new bridleways being proposed along the Blowers Brook and going across the site. Other suggestions for improving the local bridleway network made by the Bridleways Association have been accepted by UK Coal. In addition UK Coal has agreed to allow permissive public access to the new woodland proposed in the restoration and Normanton Wood and Jubilee Plantation, which are in their ownership to the west of the site, from existing and proposed rights of way. These potential long-term benefits need to be balanced against the adverse impact during the operational and early post restoration period.

Landscape and Visual Impact

140. The overall strategy of the Leicestershire Structure Plan (LSP) states that measures will be taken so that *'the environment is conserved and where possible enhanced'*. The overall strategy for the Replacement Structure Plan (LLRSP) also has as one of its aims: *'protecting and enhancing irreplaceable and essential features and assets of the natural environment'*.
141. Strategy Policy 4 of the LSP states that *'Development having a significant adverse effect on the appearance or character of the landscape will not normally be appropriate'*. Strategy Policy 8 of the LLRSP states that *'The Countryside will be protected for its own sake. Development in the Countryside will only be acceptable if it has no adverse effect on the appearance and character of the landscape'*. An exception to this policy is allowed in the case of mineral extraction when there is an overriding need and appropriate mitigation can be undertaken.
142. The ES identifies Ravenstone and the network of public rights of way surrounding the site as being sensitive receptors potentially affected by the development. The visual assessment undertaken by UK Coal's consultants concludes that surrounding vegetation forms effective screening for much of the development from Ravenstone and therefore the most significant adverse visual impacts would be felt from rights of way around the site boundaries. However, it is considered that the short-term visual impacts during the operational life of the site are underestimated by the landscape and visual assessment in the ES. For example the overburden mound is not referred to as being visible from any of the visual assessment location (photo view) points used.
143. In order to get a better understanding of the visibility of the working site from the surrounding area UK Coal were asked to produce photomontages from 4 locations around the site. These have been provided and show, for example, that the overburden mound would be visible from Fosbrooke Close in Ravenstone and from Footpath 055 to the south of the site, although the photo view assessment in the ES makes no reference to the overburden mound being visible.

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144. The photomontages also illustrate the significant visual impact of the crossing point of the Footpath 038 by the haul road.
145. The existing site landscape does not have any particular designated development plan protection other than that afforded to open countryside in general but nonetheless it is a mature, rural landscape with many pleasant features which is obviously enjoyed as an amenity by people who use the network of public rights of way around the site, by users of local minor roads and by those local residents who can see the site from their properties. Its attractive appearance and historic character is seen as contrasting with nearby areas of restored opencast working.
146. It is considered that, during the operational life of the site and for a period afterwards while restoration planting matures, there would be a significant adverse visual impact associated with the development affecting users of surrounding public rights of way and roads, and a number of residential properties particularly in Ravenstone. In this respect the development is considered contrary to Strategy Policy 4 of the LSP and Strategy Policy 8 of the LLRSP. It is also considered that it is contrary to Policy E17 of the North West Leicestershire Local Plan.
147. It is a stated objective of the restoration proposals for the site to enhance its landscape and nature conservation value in keeping with the aims of the National Forest. The ES concludes that given the detailed restoration proposals, and with effective maintenance and management of the restoration process, an overall enhancement of the landscape would be provided in the long-term. However, the success of the restoration scheme depends greatly on the quality of both the restoration work and the subsequent site management.
148. To reach a view on the landscape and visual impacts of the development it is necessary to weigh the short-term significant adverse impact, which is considered contrary to Structure and Local Plan policies, against a long-term potential enhancement to the landscape which could be provided by increasing the area of woodland and variety of habitats. It is considered that the long term potential landscape and visual benefits are by their nature insufficient to outweigh the immediate and short term impacts.

Archaeology

149. The County Council Archaeologist advised that further archaeological evaluation, additional to that submitted with the ES, of the area of land affected by the proposed haul road be undertaken. This work has been completed and the County Archaeologist is satisfied that, although further investigation and recording is required, this could be secured by a planning condition.

Ecology

150. The majority of the land directly affected by the proposed development is arable land and the ES concludes this land is of low to negligible nature conservation value. Some hedgerows classified as important under the Hedgerow Regulations 1997 would be affected by the development and 13 mature trees would have to be removed. It is proposed that 180 metres of Grade 1 hedgerow and 400 metres of Grade 2 hedgerow would be translocated adjacent to Blowers Brook to mitigate their loss. Although some scepticism as to the likely success of such translocation has been expressed, UK Coal point to successful translocation having been undertaken at other opencast coal sites. In the event of the failure of translocation compensatory hedgerow planting could be required by condition.
151. Although there would be ecological loss resulting from the development the ES concludes that short-term negative impacts would be expected to be offset by long-term positive impacts resulting from the mitigation and restoration measures. This conclusion is generally concurred with by English Nature, Leicestershire and Rutland Wildlife Trust and the County Council's ecological advisors. In particular English Nature welcomes the proposed restoration plan for the potential contribution it could make to the County Biodiversity Action Plan Targets for wetland habitats. The Leicestershire and Rutland Wildlife Trust does question how the new habitats proposed as part of the restoration would be maintained in the long-run. For example, the proposed reedbed and species rich grassland would require careful long-term management to survive.
152. In response to concerns about how restored habitats would be maintained in the long-run UK Coal has offered a 10 year aftercare period (instead of the statutory 5 year period) and said that beyond that period the Company would continue to manage the conservation areas in an appropriate manner without specifying how this might be achieved. If permission were to be granted the long-term management of the restored nature conservation habitats would need to be secured through a legally binding management plan, including guaranteed funding in order to ensure long-term benefits were achieved.

Agriculture

153. The majority of the site comprises best and most versatile agricultural land which is protected by national and development plan policies. The stripping and storage of soils and their restoration is proposed to take place in a manner that would ensure that the soils from the best and most versatile agricultural land would be placed back to create an area of land with potential to achieve best and most versatile grade, and exceeding the existing area of that grade by 2.7 hectares.
154. As a result of the increased woodland planting now proposed as part of the revised restoration a significant proportion of the restored land with best and most versatile potential (about 30 hectares) would be tree planted. DEFRA has no objection in principle to this provided that all soil handling is undertaken strictly in accordance with the methodology proposed by UK Coal and following the Good Practice Guide for Handling Soils.

Cumulative Impact

155. Resource Management Policy 11 requires particular regard to be given to the potential for cumulative impact. Policy 3 of the Minerals Local Plan also requires regard to be had to the cumulative effect of the development. This could be the impact of one or more sites being worked in an area at the same time, successively over a period of time or the cumulation (or combination) of a number of separate impacts from the same development.
156. In considering the issue of cumulative impact in respect of the current application it is therefore necessary to have regard to past opencast coal extraction in the area which is summarised earlier in this report in the Planning History section. Much of the previous extraction in the area took place in the mid 1940's through to the early 1950's but within the lifetime of older residents of the area. For many of the older and long standing residents of the area memories of these operations and the detrimental effects they had on their lives remain. Residents of Ravenstone and Heather were subject to the effects of opencast mining at the 'Coalfield' site continuously from the start of coaling in August 1976 at Coalfield Farm until the final stages of restoration taking place at the Coalfield North site in 1997, a total of 21 years. Since 1990 local residents have also been faced with a series of 4 planning applications for opencast coal mining culminating in the current application.
157. The preceding consideration of environmental effects has identified negative impacts associated with noise, dust, highways, landscape, rights of way and ecology resulting from the proposed development. Taken together for the duration of the operation, and beyond in the case of landscape and ecological impacts, they would represent a significant environmental impact on the area, which would not be acceptable in terms of Resource Management Policy 11 or Minerals Local Plan Policy 3.

Other Issues

158. Resource Management Policy 11 requires that regard is had to the potential impact on inward investment and concerns have been raised by objectors over the adverse effect the proposed development could have on both existing businesses and the attractiveness of the area to new business. This is a matter that is dealt with quite comprehensively in the ES under socio-economic assessment and the ES concludes that inward investment to the area is not likely to be deterred by the proposal. MPG 3 addresses this issue by saying that policies in development plans should be explicit that where there is material evidence that coal extraction would have an adverse effect on efforts to attract or retain investment in an area then this is a material consideration that can be taken into account in the determination of a planning application. There is no material evidence to suggest that the proposed development would have an adverse effect on decisions to invest in the area and so little weight can be attached to this concern in making the planning decision.

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159. However, there is an issue allied to this in that the area is one that has suffered from despoilation by the coal industry in the past. Although the coal industry was a major employer in the area in the past this is no longer the case. The area has benefited from regeneration initiatives and has recovered economically and environmentally following the closure of local deep mines. The continuation of opencast coal activity in the area, which provides no benefits in reclaiming despoiled or derelict land, is seen by many local people and businesses as a backward step in the recovery of the area.
160. Strategy Policy 12 of LLRSP states that support will be given to the former Leicestershire Coalfield areas in the completion of a forward strategy to consolidate the regeneration process. It is considered that this proposal does not contribute to the consolidation of this regeneration process particularly during its operational period and until restoration land uses reach maturity it would have a negative effect.

Human Rights

161. This is an issue that has been raised by some objectors and a number of objectors have specifically raised concern about their property values being adversely affected by the development.
162. When making planning judgements, the County Council has to consider whether the decisions that it is making under the Town and Country Planning Acts are compatible with the Human Rights Act 1998.
163. There is a hierarchy of Convention rights; some rights are absolute, some can be limited and some are qualified. The planning system is generally concerned with qualified rights. These include the right to respect for private property and family life, the right to freedom of expression, religion and association, the right to be peaceful enjoyment of property and to some extent the right to education.
164. Interference with these rights is permissible to certain circumstances. Any interference must, however, have its basis in law, be necessary in a democratic society and be related to the permissible aim set out in the relevant Article.
165. The planning system in regulating the use and development of land in the public interest is a process where the competing and often conflicting demands for the use and development of land is exercised in a participative and public way; where the freedoms of one set of individuals to develop land has to be balanced against the impact that those developments may have on the rights of other individuals and the wider community.
166. In this case, the proposed development may have an effect, either perceived or real, on the rights of people to the peaceful enjoyment of their private property by virtue of loss of property value. Although it is open to question whether there would be any loss in property value as a result of this development going ahead the County Council would be able to grant permission for the development without infringing human rights provided that the decision was properly considered taking into account the relevant development plan policies and all other material considerations.

Future Extensions

167. Strong fears have been expressed by local residents that once permitted the site may be extended and such extensions, although increasing the duration and impact of the development, may be difficult to resist because of the nature of the planning system. This concern is strongly held by many objectors because of previous planning applications to extract much larger quantities of coal in the area and because extensions to previous operations have taken place.
168. In response to this concern UK Coal state that only the 725,000 tonnes of coal proposed to be extracted is now viable to work because of changes in the market since previous planning applications were made.
169. To allay fears UK Coal has submitted a signed unilateral obligation not to carry out, or permit any other person to carry out, any mineral extraction on land within its ownership (in or around the Long Moor site) or the Working Rights Agreement land other than is sought through the current planning application. This effectively covers the land that was previously the subject of the Coalfield West and Thorntree opencast coal applications.
170. In considering this planning application the County Council should only take into account the proposal before it and not speculate about what might happen in future.

Benefits

171. Continuing to assess the development in accordance with Resource Management Policy 11 there are two main identifiable benefits associated with the development which need to be assessed and taken into account. Firstly, the potential long-term benefits of the restoration in terms of enhanced landscape and associated improvements to public rights of way and access in association with enhanced nature conservation value and secondly the employment and economic benefits of the development.
172. Resource Management Policy 11 refers to "*potential environmental improvements and other benefits which the development would bring about*". MPG 3 is more specific in describing the benefits that can be considered as outweighing unacceptable environmental impacts as "*local or community benefits*". Although it is not entirely clear, it would be reasonable to assume that MPG 3 requires the benefits to be local to the area or community that is adversely affected by the development.
173. The potential long-term landscape and nature conservation benefits can be dealt with separately. A properly managed and maintained restoration to the mix of agriculture and woodland/nature conservation uses proposed has the potential to enhance the existing landscape by contributing to the National Forest Strategy. However, the existing landscape is not despoiled. It is in productive arable use and presents a pleasant rural landscape which within the context of the surrounding coalfield area most observers would consider

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attractive. It also benefits from a good network of surrounding rights of way which are well used. Consequently, the weight that can be given to the potential long-term landscape benefits, with improvements to existing rights of way and public access to woodland areas, is not as great as could be given if the existing landscape was despoiled or of poor quality.

174. The potential for long-term enhancement of the nature conservation value of the site is more significant. Because the existing land use is arable the site does not have high nature conservation value, its most important features being its hedgerows. The proposed restoration with appropriate long-term management to maintain the habitats would make a valuable contribution to Biodiversity targets in both the County Council's Biodiversity Action Plan and the National Forest's Biodiversity Action Plan and would be in accordance with development plan policies to enhance biodiversity.
175. A 10-year aftercare programme has been offered by UK Coal to ensure the long-term benefits referred to above, but management for nature conservation beyond that period would need to be secured by some additional means. UK Coal has said that the Company would provide that long-term nature conservation management but has not said how. If permission were to be granted this would be a matter that would need to be discussed further with UK Coal and secured by a Legal Agreement. Provided this could be done then it is a benefit which must be weighed against the adverse impact of the development.
176. The development would secure the continued employment of around 30 people currently employed at the Hicks Lodge site for a further 3 to 4 years. In addition the site would have benefits to the local economy by generating income for local suppliers and businesses. This is a benefit that must be considered against the disbenefits of the development, but is not a benefit that is considered would outweigh the environmental impacts of the development.

Need

177. Although some objections to the development have suggested a lack of need for the coal or that the coal is of a poor quality this is not a matter the planning authority can give any significant weight to. The applicant has not advanced a major argument that the need for the coal outweighs the planning disadvantages. MPG 3 suggests that it is only in these circumstances that a Mineral Planning Authority should look at meeting that need from alternative sites or sources of supply. UK Coal states that the Long Moor site is part of the Company's overall strategy for coal production in the Midlands and the continuity of production which it would facilitate is considered to be an important benefit.
178. The coal would be used to supply UK Coal's electricity generating contracts. The contribution that the Long Moor site would make to UK electricity generation on an annual basis would be in the order of 0.16%. No strong case has been made by UK Coal that the coal proposed to be mined is of any particular significant quality. UK Coal has said that of the coal seams proposed to be worked in previous planning applications the 725,000 tonnes subject to

this application is what now remains viable to extract. This suggests that the economic case for working the coal has diminished since the Thorntree planning application in 1997. In the circumstances the need to work the coal can be given little weight in countering the unacceptable environmental impacts of the development.

Conclusion

179. The planning application and accompanying ES together with further information that has been submitted, provide the information necessary to properly consider the likely environmental effects of the development.
180. The application has been considered primarily in accordance with Resource Management Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan and the Government's Mineral Plan Guidance Note 3 (revised March 1999). In considering whether the environmental impact of the development is acceptable and whether the benefits of the development outweigh any adverse environmental impacts regard has been had to the other policies referred to in this report.
181. It is considered that neither the potential long term ecological benefits that might result from the development, nor the contribution the coal from the site would make to national power generation, employment and other ancillary economic benefits are sufficient to outweigh the combined and cumulative environmental impacts of the development in an area now recovering from significant past adverse impacts of the coal industry.

Recommendation

Refuse, for the following reasons:

The proposal would have an unacceptable cumulative environmental impact which would adversely affect those who live, work and pursue leisure activities in the area, as a result of the combination of the impacts of noise, dust, vehicle movements, landscape loss and visual amenity and also because of the effect of previous opencast coal activity in the area. This cumulative environmental impact would not be outweighed by the benefits that the proposal would bring, nor overridden by the need for the development and would be contrary to Resource Management Policy 11 of the Leicestershire, Leicester and Rutland Structure Plan, Leicestershire Minerals Local Plan Policy 3, Strategy Policy 8 of the Leicestershire, Leicester and Rutland Structure Plan and Policy E17 of the North West Leicestershire Local Plan.

Background Papers

Planning application and accompanying Environmental Statement, correspondence and additional information on Department of Community Services file no 2003/1790/07.

Circulation Under Sensitive Issues Procedure

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DEVELOPMENT CONTROL AND REGULATORY BOARD

The considerations set out below apply to all preceding applications.

EQUAL OPPORTUNITIES IMPLICATIONS

Unless otherwise stated in the report there are no discernible equal opportunities implications.

IMPLICATIONS FOR DISABLED PERSONS

On all educational proposals the Director of Education and the Director of Property will be informed as follows:

Note to Applicant Department

Your attention is drawn to the provisions of the Chronically Sick and Disabled Person's Act 1970 and the Design Note 18 "Access for the Disabled People to Educational Buildings" 1984.

You are advised to contact the County Council's Assistant Personnel Officer (Disabled People) if you require further advice on this aspect of the proposal.

BACKGROUND PAPERS

Unless otherwise stated in the report the background papers used in the preparation of this report are available on the relevant planning application files.

SECTION 54A OF TOWN AND COUNTRY PLANNING ACT 1990

Members are reminded that Section 54A of the 1990 Act requires that:

"Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise."

Any relevant provisions of the development plan (i.e. the Structure Plan or any approved Local Plans) are identified in the individual reports.

The circumstances in which the Board is required to "have regard" to the development plan are:

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| Section 70(2) | : | determination of applications; |
| Section 77(4) | : | called-in applications (applying s. 70); |
| Section 79(4) | : | planning appeals (applying s. 70); |
| Section 81(3) | : | provisions relating to compensation directions by Secretary of State (this section is repealed by the Planning and Compensation Act 1991); |
| Section 91(2) | : | power to vary period in statutory condition requiring development to be begun; |
| Section 92(6) | : | power to vary applicable period for outline planning permission; |
| Section 97(2) | : | revocation or modification of planning permission; |
| Section 102(1) | : | discontinuance orders; |
| Section 172(1) | : | enforcement notices (the phrase occurs also in the new s. 172 which is substituted by the Planning and Compensation Act 1991, but not in the new provisions relating to planning contravention notices (new s. 171C) and breach of condition notices (new s. 187A); |
| Section 177(2) | : | Secretary of State's power to grant planning permission on enforcement appeal; |
| Section 226(2) | : | compulsory acquisition of land for planning purposes; |
| Section 294(3) | : | special enforcement notices in relation to Crown land; |
| Sched. 9 para (1) | : | minerals discontinuance orders. |