



Committee and Date
Shropshire Hills AONB
Partnership

7 February 2008

Item

8

Paper

G

HUNTINGTON OPENCAST COAL SITE

Responsible Officer Joy Tetsill, Planning & Policy Officer

e-mail: joy.tetsill@shropshire.gov.uk

Tel: 01588 674085

Fax 01588 674099

Summary

The Shropshire Hills AONB Partnership has been consulted by the Borough of Telford and Wrekin on a planning application for the working of coal and fireclay with subsequent restoration and aftercare on land to the west of Dawley Road, in Telford. 4.2 ha of the 93.5ha of the proposed opencast site is within the AONB. Indirect effects arise from views, noise, and potential air and water pollution. This proposal comes into the category of 'minerals and waste applications (other than for local stone)'. The planning protocol states that the AONB Partnership is likely to make a response to such applications and that Partnership members will be consulted.

This paper seeks members' initial thoughts. The scale of the application means that it has not been possible to prepare a full consideration of the proposal in time for this Partnership meeting. The key features are outlined below.

Background

1. Location The site is located to the south and east of Limekiln Wood, south of the M54 and west of New Works Road near Telford (see map at Appendix 1). The grid reference is SJ 662 085. Huntington Lane (from which the site takes its name) runs part way along the southern boundary. The site is divided into two areas, A and B, with Area A encompassing part of the AONB.
2. Details of the proposal Coal and fireclay will be extracted from the site in two phases lasting around 41 months (3 ½ years) in total. Area A would be worked first, followed by Area B. Topsoil and subsoil will be stored adjacent to the AONB boundary in Area A and a temporary water treatment area will be constructed in the north-west part of the designated area, next to Hayes Wood.
3. Areas A and B will be connected by a haul road through New Works Wood in the central part of the site. The nearby Ironbridge power station and Rugeley power station (50km away) are the intended markets for the coal. This area has a history of coal mining and parts of both areas of the site were surface mined during the 1940s and 1950s.
4. Perimeter bunds of topsoil and subsoil and hydro-seeded with a low maintenance grass mix will be constructed to screen the site. Restoration will take place progressively as the minerals are extracted. Area A will be restored to similar levels as at present. It will comprise species-rich grassland with a network

of hedges and trees similar to those existing in the area in the 1850s. An area of open water and marshland will be created in the north west corner of Area A within the AONB and adjacent to Black Hayes/Limekiln Wood. The currently highly-disturbed profile of Area B will be smoothed out by restoration.

5. Main points to consider The direct impact on the AONB occurs in area A, where coal and fireclay will be extracted. Area B slopes away from the AONB boundary in a north-easterly direction. This may minimise any indirect effects of water and air pollution. The prevailing wind is likely to be from the west, so noise pollution may also be reduced.
6. The indirect effects on visual amenity from within the immediately adjacent parts of the AONB may be minimised by the heavily wooded character of the area. The site will be visible in longer distance views east from the Wrekin but these views also include the built-up edges of Telford. Views towards the AONB will be affected in the short range by the construction of screening bunds. The bunds are likely to be seen as part of the general agricultural landscape in longer distance views from the east (Dawley) towards the AONB.
7. The part of the AONB directly affected by extraction consists of 3 fields of improved, semi-improved and unimproved pasture. These were opencast mined in the 1940s/50s and the applicants state that they are included on the inventory of Vacant, Derelict and Underused Land (National Land Use database 2004/5). This would merit further investigation as an initial look at the online Inventory seems to suggest that the entry may refer to land to the east of the application site and not the site itself.
8. The remainder of the AONB in this area is characterised by extensively wooded steep slopes and the designated area boundary follows the edges of these woodlands almost exclusively. The AONB boundary on this site does not follow any obvious natural or man-made features. This part of the AONB may be valued highly by local residents. It forms a prominent foreground to the distinctive landscape of the Ercall and Wrekin for the bulk of Telford and functions as open space for the nearby urban fringe.
9. The timescale for the development is relatively short (less than 4 years). The proposal to create some areas of open water on currently marshy land within the AONB represents a change which needs assessing. However, the small size of the water bodies is unlikely to have a significant affect on the overall landscape character of the area, or the AONB. Opencast coal mining and mineral extraction represents a temporary use of land, unlike built development such as housing. Although the worked areas can never be put back to their present condition, restoration can offer opportunities to create something of better value for biodiversity or to put back older field patterns for example.
10. The proposal also affects the Scheduled Ancient Monument (SAM) within New Works Wood, designated for its historic coal working remains. The application site excludes most of the SAM, although the haul road between the two areas will run through it, albeit on the line of a former waggonway. The setting of two Grade II listed buildings (Upper and Lower Huntington Farms) on the southern boundary of the site will also be affected. Lydebrook Dingle SSSI is downstream

of Area A and the applicants will need to demonstrate that they have taken all reasonable steps to prevent an adverse effect on this site.

11. Policy background. The policy background can be summarised as follows

Minerals Policy Statement 1, paragraph 9 states:

*The Government's objectives for minerals planning reflect the requirement to contribute to the achievement of sustainable development, as required by Section 39 of the Planning and Compulsory Purchase Act 2004. These are **to protect** internationally and **nationally designated areas of landscape value** and nature conservation importance from minerals development, other than in the exceptional circumstances detailed in paragraph 14 of this statement;*

and paragraph 14 Protection of heritage and countryside states:

*....**do not permit major mineral developments in National Parks, the Broads, Areas of Outstanding Natural Beauty** and World Heritage Sites except in exceptional circumstances. Because of the serious impact that major mineral developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for these developments should be subject to the most rigorous examination. Major mineral development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:*

- i) the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy;*
- ii) the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way;*
- iii) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.*

Planning authorities should ensure that for any planning permission granted for major mineral development in these designated areas, the development and all restoration should be carried out to high environmental standards, through the application of appropriate conditions, where necessary, and be in character with the local landscape and its natural features. Proposals in these areas which are not considered to be major mineral developments should be carefully assessed, with great weight being given in decisions to the conservation of the natural beauty of the landscape and countryside, the conservation of wildlife and the cultural heritage and the need to avoid adverse impacts on recreational opportunities.

Minerals Planning Guidance Note 3, paragraphs 28 and 29 state that:

National Parks and AONBs

*28. PPG7 - "The Countryside - Environmental Quality and Economic and Social Development" (February 1997) **sets out in detail Government planning policies for all forms of development in National Parks and AONBs. The Government considers that major developments should not take place in these areas, and the New Forest and the Norfolk and Suffolk Broads, save in exceptional circumstances.** Because of the serious impact that minerals developments may have on the natural beauty of these areas the Government considers that all minerals applications must be subject to the most rigorous examination, and all*

minerals development should be demonstrated to be in the public interest before being allowed to proceed.

29. Consideration of minerals applications in such areas should normally include an assessment of:

- i. the need for the development, in terms of national considerations of mineral supply;*
- ii. the impact of permitting the development, or refusing it, on the local economy;*
- iii. whether alternative supplies can be made available at reasonable cost; and the scope for meeting the need in some other way;*
- iv. any detrimental effect of the proposals on the environment and landscape and the extent to which that should be moderated; and*
- iv. in the case of extensions to existing mines, the extent to which the proposal would achieve an enhancement to the local landscape.*

Paragraph 8.76 of the Regional Spatial Strategy states that:

*In implementing this policy, development plans should recognise the importance of the Region's indigenous coal and hydrocarbon resources for meeting future energy needs. **They should ensure that the resources are exploited and utilised sustainably where there is a clear and demonstrable case and where this will not lead to an unacceptable impact on local communities or their amenities or damage the Region's environmental assets.***

Policy P 59 of the Joint Shropshire and Telford & Wrekin Structure Plan is a 'saved policy' and therefore relevant to this application. It states that:

Mineral extraction, processing or associated development will only be permitted where it can be demonstrated that there will be no unacceptably adverse effect on interests of acknowledged importance. These may include:

- best and most versatile agricultural land;*
- people and local communities;*
- landscape character;*
- the historic environment;*
- wildlife; and*
- water resources.*

Areas of designated landscape or nature conservation value will be protected from mineral development, except in exceptional circumstances and where it has been demonstrated that the development is in the public interest.

The Joint Shropshire and Telford & Wrekin Minerals Local Plan 1996-2006 has a number of 'saved' policies, the most relevant of which are:

M1 A MORE SUSTAINABLE APPROACH TO MINERAL DEVELOPMENT

In determining planning applications for mineral development, the Mineral Planning Authorities will attain a sustainable approach to the development of the mineral resources of Shropshire and Telford & Wrekin. The objectives for sustainable development are:-

- i. to conserve minerals as far as possible, whilst ensuring an adequate supply to meet needs;*
- ii. to ensure that environmental impacts caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum;*

- iii. to minimise production of waste and to encourage efficient use of materials, including appropriate use of high quality materials, and recycling of wastes;*
- iv. to encourage sensitive working, restoration and aftercare practises so as to preserve or enhance the overall quality of the environment;*
- v. to protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest; and,***
- vi. to prevent the unnecessary sterilisation of mineral resources.*

M21 COAL AND FIRE CLAY WORKING

In determining applications for coal and fire clay working consideration will be given to the relevant policies in the Minerals Local Plan, in the context of any national government guidance.

A) The project should:

- i. protect people and the environment from any unacceptably adverse effects, including visual, noise, dust, or traffic impacts; effects on surface waters or groundwaters and from the risk of flooding (Policy M4);*
 - ii. preserve or enhance any sites of wildlife, landscape, historical, archaeological, architectural or geological importance (Policy M5, Policy M5 (A), 5(B), and 5(C)); and,***
 - iii. protect the site and adjoining land from the risk of instability (Policy M3 (ix)).*
12. National, regional and local planning policy and guidance clearly state that exceptional circumstances should be demonstrated for any proposals to extract minerals from an AONB. It has not been possible in the timescale so far to fully assess whether this application demonstrates any exceptional circumstances. However, preliminary reading suggests that the applicants have not demonstrated the circumstances set out in paragraph 14 of MPS 1 or paragraph 29 of MPG 3 and therefore the application should be refused.
13. This proposed development would have an adverse effect on the AONB, both through the direct impact on the designated land, and through indirect impacts of working immediately adjacent to the AONB.

Recommendation

The Partnership is recommended to comment on the issues raised.

List of Background Papers

Planning application W2007/1648, available for public inspection from the Borough of Telford & Wrekin.

Human Rights Act Appraisal

The information in this report is compatible with the Human Rights Act 1998.

Environmental Appraisal

The recommendation in this paper will contribute to the conservation of protected landscapes.

Risk Management Appraisal

Risk management has been appraised as part of the considerations of this report.

Community / Consultations Appraisal

The content of this paper has been informed by discussion among some members of the AONB Partnership and Team.

Appendices

Appendix 1 Map of proposed development