



Wardell Armstrong
Engineering & Environmental Solutions

Our ref: JK/HB/NL08024/J19

Date: 17th September 2008

Your ref:

Laura Cherry
Senior Planning Officer
Planning Group
Leicestershire County Council
County Hall
Glenfield
Leicester
LE3 8RA

Dear Laura,

Request for Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended 2008).

Application for Proposed Surface Mining and Restoration Scheme, Minorca, Leicestershire

We are writing on behalf of our client, UK Coal, to request a formal Scoping Opinion under Section 10(1) of the 1999 Regulations (as amended 2008) regarding a potential surface mining and restoration scheme between the villages of Measham and Swepestone.

This letter sets out the proposed scope of the Environmental Statement which will be submitted together with a Planning Application. The aim of requesting a Scoping Opinion is to narrow the number of impacts assessed as part of the Environmental Statement (ES) to those that are "significant" in nature.

As required by the 1999 regulations, we attach a plan to identify the area of land to be developed (Drawing Number 193/Figure 1, Site Location Plan). We also include a draft site plan (Drawing Number 193/DO2) and draft restoration proposals (Drawing Number 193/DO3).

Site Location

The proposed development site, of approximately 130 hectares, is located to the south of Ashby-De-La-Zouch, Leicestershire (as shown on Drawing 193/Figure 1, Site Location Plan). The site is approximately 1km east of the centre of Measham. It is bounded to the north by Swepestone Road, to the south by Bosworth Road and to the west by Gallows Lane. The boundary to the east is defined



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by a public footpath, approximately 700m west from the village of Swepstone. A section of Gilwiskaw Brook is located within the site.

Description of the Proposed Development

The development is for the excavation of an estimated 1,250,000 tonnes of coal and 250,000 tonnes of Fireclay over a four and a half year period within six phases. There will be an approximate 12 week preparation of the site, including construction of the site compound and water treatment areas and stripping of the top soil and sub soil. This will be followed by a 155 week extraction period. Extraction will be in five seams to a maximum depth of 53 metres.

It is proposed that the haulage route from the site will be to the A42 via Bosworth Road and Gallows Lane which will experience an average of six loads (12 movements) an hour.

Following extraction, there will be a further 35 weeks of restoration to complete the site. The restoration proposals will involve the creation of a major water area to the west of Gilwiskaw Brook, unculverting a tributary of the brook, creation of 10 ha of native woodland and 1.4ha of wet woodland and 3.6 km of new hedgerow planting (as shown on Drawing 193/DO3, Draft Restoration Plan). The restoration proposals take into account the restoration of the Ashby Canal.

Consideration of Alternatives

As set out in Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended 2008), the Environmental Statement will consider various alternatives to the proposed scheme.

Scope of the Environmental Assessment

We have identified the following issues that need to be covered by the environmental impact assessment and the information that needs to be provided in the environmental statement.

We propose that the extent of impacts to be considered within the environmental statement (ES), for the development at Minorca site, will include the following sections:

- Landscape and Visual Assessment
- Ecology and Nature Conservation
- Archaeology and Cultural Heritage
- Noise
- Air Quality and Dust
- Land Use and Soils
- Geology and Hydrogeology



- Hydrology and Drainage (including Flood Risk Assessment)

In addition a transport assessment will be provided as part of the planning submission.

Landscape and Visual Assessment

The landscape and visual assessment within the ES will involve: a study of the existing landscape character; identification of viewpoints of the proposed site; and an assessment of the sensitivity of such views with and without mitigation.

The landscape and visual assessment would be carried out by a combination of site visits and desk study. The methodology as laid down by the Landscape Institute and Institute of Environmental Assessment (2002) would be followed. Consideration of the National Forest Strategy 2004-2014 and the Leicester, Leicestershire and Rutland Landscape and Woodland Strategy (2001) will be included as part of the baseline assessment.

The landscape and visual assessment section of the ES will be illustrated with a series of plates recording views of the scheme. Each plate will contain a photograph, a location plan indicating the viewpoint and direction of view and a table summarising the existing landscape, the nature of the proposals and the impact of the proposed development both with and without mitigation proposals. In addition, a written assessment of the impact of lighting the site during the hours of darkness will be undertaken from each of the viewpoints using these plates.

The largest area of settlement located close to the site is Measham. Views from this area are likely to be limited due to the presence of vegetation surrounding the village. To the north of the proposed site the village of Packington is unlikely to be subject to visual impacts due to localised topographical variations and intervening vegetation cover. Other receptors in the area include residential properties located around the site, the village of Swepstone to the east and several public rights of way located in the vicinity of the site, including on the eastern boundary and across the site. Potential impacts upon these receptors will be assessed.

A detailed description and plan of the public rights of way within the vicinity of the site will be provided as an appendix relating to this section of the ES.

Ecology

The ES will include an assessment of the ecological impact of the development, the methodology for which will be developed from the Guidelines produced by IEEM "*Guidelines for Ecological Impact Assessment*".



An initial desk study and scoping of available existing data is being conducted to identify existing ecological designations within a 2.5km radius of the site. A Phase 1 Survey and surveys for great crested newts, bats, badgers, reptiles, terrestrial invertebrates and suitable water vole habitats are being carried out to assess the site in terms of its nature conservation value and potential for protected species. In addition, a hedgerow survey and veteran tree survey is being undertaken.

Information recorded during the ecological surveys, combined with existing information from appropriate sources, will form the basis for the assessment of the potential impacts. Where adverse impacts arise the proposed mitigation principles will be put forward and incorporated into the design.

A section of Gilwiskaw Brook is located within the site boundary. The brook is a tributary of the River Mease and forms part of a designated Site of Special Scientific Interest (SSSI). An area of grassland, located 50m south of the site, is also included in the SSSI designation. The SSSI is also designated as a Special Area of Conservation (SAC) under the Conservation (Natural Habitats & c.) Regulations 1994.

A river corridor survey is being undertaken for the stretch of Gilwiskaw Brook which is within the application boundary. This survey will be supplemented by an aquatic invertebrate survey (kick sampling) and a white clawed crayfish survey to further characterise the nature of the SAC and to allow appropriate impact assessment and mitigation measures to be identified.

Archaeology and Cultural Heritage

A desk-based assessment for the site has been undertaken by University of Leicester Archaeological Services (ULAS) which presents information on the extent, character, date, integrity and state of preservation of archaeological deposits present within the development area. It also provides an assessment of the cultural heritage and archaeological sensitivity of the site of the proposed development and its immediate vicinity.

This desk-based assessment will be used as the baseline for the archaeological and cultural heritage assessment from which an assessment of the impact of the proposed development on the identified archaeological resource and other aspects of cultural heritage will be made. Appropriate means of mitigating these impacts will be outlined. This assessment will form an appendix to the ES but will be referred to within the main document.

Appropriate discussions have been undertaken with the County Archaeologist as part of this assessment and a geophysical survey of the site is being undertaken.



Noise

The assessment will include a review of existing and potential sources of noise in the area and an outline of any proposed mitigation measures. The existing baseline will be established by carrying out an extensive background noise survey and will cover a number of noise sensitive properties in the surrounding area. These locations and the detailed survey methodology would be agreed in advance with the local authority. Key sources of noise are likely to include road traffic. These will be evaluated in accordance with guidelines contained in 'Planning Policy Guidance (PPG) 24: Planning and Noise' and British Standard BS4142 and MPS2.

The impact of the proposed development would be predicted by utilising a combination of measurements made at other UK Coal sites and reference data held by Wardell Armstrong. There will be the consideration of noise associated with mineral extraction, mineral processing and haulage. This will be considered against guidelines in MPS2. Work will include the outline of any necessary mitigation to ensure compliance with MPS2.

Predicted noise levels from static and mobile plant (including lorry traffic) would be modelled in accordance with International Standard ISO 9613, British Standard BS 5228 and DoT Memorandum Calculation of Road Traffic Noise (CRTN).

The noise impact will be carefully considered for key stages of the development throughout the entire project life.

An assessment of vibration will not be undertaken as the scheme does not require blasting operations.

Air Quality and Dust

The purpose of the assessment will be to address the potential air quality issues that may arise from the extraction process.

The assessment will provide analysis of the significance and magnitude of the potential dust impacts and will consider the existing baseline conditions and site activities which could lead to dust emissions.

The assessment will involve:

- Site survey to determine dust raising potential and location of dust sensitive receptors (notably the nearby residential properties).



- Compilation of relevant data, including Met Office “wind rose” and existing air quality data, would be evaluated by reference to reports published by the local authority and data obtainable from the National Air Quality Archive (www.airquality.co.uk).
- Qualitative and quantitative assessment of dust related air quality impacts arising from the development of the site. Dust during extraction will be assessed in accordance with MPS2 guidelines and against relevant research relating to dust in the vicinity of open cast coal mines.
- Identification of control measures and provisions of final dust assessment report.

This section of the ES would also include a quantitative assessment of traffic generated by the development using the DMRB prediction model. The report would include an outline of necessary mitigation to limit construction and operational impacts.

Land Use and Soils

This section of the ES will assess the impacts of the proposed scheme on land use and soils undertaken as recommended by the provisions of PPS 1: Delivering Sustainable Development and PPS 7: Sustainable Development in Rural Areas.

The report will assess the baseline characteristics at the proposed site using published information sources and a detailed field survey, undertaken by Bell Cornwall Environmental. Aspects of agricultural and soil characteristics will be considered including climate, topography, drainage, depth of soil resources and soil qualities such as texture. The farm structure and size, farm type (cropping, stocking etc.) and agricultural business viability will be obtained for the agricultural businesses currently occupying the land. The potential impacts of the proposed scheme upon the land use and soils will be identified and mitigated.

Geology and Hydrogeology

This section will describe the baseline hydrogeological conditions within the site, and the surrounding area. This will include detailed investigation and analysis of the underlying geology of the site and its surrounding area (including use and/or presentation of data from UK Coal's three-dimensional model of the site), in order to demonstrate a comprehensive understanding of the hydrogeological setting of the proposed development.

This section will also address the issues raised in the discussions with Natural England, the Environment Agency and/or the Coal Authority regarding the potential for the development; operation; and/or restoration proposals of the Surface Mining Scheme to impact on the environment. In particular, use shall be made of the most recent information obtained as a result of the drilling and monitoring of additional groundwater monitoring boreholes (as were agreed



necessary in pre-application discussions with the Environment Agency); and the monitoring of other boreholes on the site.

Hydrology and Drainage

The impacts of the proposed scheme on the hydrology and drainage of the site area will be analysed within the section. Discussions with the Environment Agency and the relevant privatised Water Utility company (Severn Trent Water) are being undertaken. Mitigation measures will be outlined as part of the assessment to reduce effects on the water environment.

A preliminary desk based flood risk assessment (FRA) will be undertaken and will be included within the Environmental Statement.

Transportation

A Traffic Impact Assessment will be undertaken by Scott Wilson. The current transport situation will be thoroughly assessed along with the potential impacts on the existing transport infrastructure and surrounding area which may arise as a result of the development.

We trust this letter and attachments provide enough information to provide a scoping opinion. In the event that additional information is required please do not hesitate to contact Hilary Brett or myself at this office.

We look forward to your scoping opinion as soon as possible.

Yours sincerely

for Wardell Armstrong LLP

JON KING

Technical Director

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Enc Drawing 193/Figure 1 - Site Location Plan
Drawing 193/DO2 - Draft Site Plan
Drawing 193/DO3 - Draft Restoration Plan

cc Anton Fix – UK Coal