

My Ref: 016/ukc/lcc/sjw

Your Ref: JW/PL

Date: 29 November 2007

Mr J R Wright
Team Leader – Minerals and Waste Planning
Environment and Heritage Services
Community Services Department
Leicestershire County Council
County Hall
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Dear Mr Wright,

**LEICESTERSHIRE MINERALS DEVELOPMENT FRAMEWORK (MDF) FURTHER
CONSULTATION ON PREFERRED OPTIONS (CORE STRATEGY)**

REPRESENTATIONS ON BEHALF OF UK COAL MINING LTD

Thank you for providing our clients, UK Coal Mining Ltd, the opportunity to comment on the above document. I wish to clarify at this point, given the confusion with the numerous documents, that the comments stated in our letter dated 6 October 2006 still stand. Our comments to the document are set out below:

General Comments

In the covering letter (17th October 2007) the text indicates that the Minerals Spatial Strategy is a further document and that following this current round of consultation, work will move onto the Core Strategy and Development Control Policies documents.

The latest document is entitled the “Minerals Spatial Strategy – Further Consultation”. This suggests that it has been consulted on before? The covering letter though appears to suggest that this is an additional document to be read alongside the existing Core Strategy? Our broad comment is that the Minerals Development Framework is becoming somewhat confusing, with two strategy documents under consideration? This may though be a misunderstanding on our part.

When reading the current Spatial Strategy document there is no general explanation of how the various framework documents fit together. It appears, in places, that reliance is still being placed on the existing Core Strategy document – for example, see paragraph 4.11, page 13 - yet in paragraph 1.3 it states that the Government Office were critical of the Core Strategy document.

We consider it would be more helpful to all parties – local authorities, local communities, minerals industry, and consultation bodies – if there was just a single Core Strategy document that included a “Spatial Strategy” with references to various options/alternatives?

On a much broader point, we noted from the EIP on the East Midlands Regional Plan (discussion on 20th June 2007) that the Chairman commented and raised debate (amongst other things) on some LDF procedures and broad mineral planning issues that might be relevant to a strategy document, as follows:

- The potential timescale/plan period for the MDF and its relationship to the timescale/period of the Regional Plan
- That forward planning for minerals production is often a long-term business and that it is important to plan long-term, otherwise industry suffers, which, in turn has much wider consequences for society more generally.
- That the minerals proposals/policies that will be contained within the Leicestershire MDF (and presumably the Waste DF) will then have to be incorporated into the District Wide LDF's and more specifically their Proposals Maps, which will deal with all other land uses.

Chapter 1 – Introduction

We consider that this section would benefit from some explanation of how the various minerals development framework documents fit together and how they should be read. In addition, particularly if this is the first document in the Framework(?), it would be helpful to indicate the period/timescale over which the Spatial Strategy will be applied. In this regard, we appreciate that different timescales were discussed by the East Midlands MPA's at the Regional Plan EIP.

There is reference in the introductory text to the documents that were previously consulted upon. Are they still to be considered in conjunction with the Spatial Strategy document and what specifically is the purpose of this latest document?

We think this section would benefit from some reference to how the MDF relates to other documents like the Regional Plan and National Planning Policy.

Chapter 2 – Spatial Characteristics

We do not take issue with the text that is set out in paragraphs 2.1-2.8.

Given that this is a Spatial Strategy for minerals in Leicestershire we recommend it would be helpful in this section to set out the main characteristics concerning: the geology and types of minerals in the county; their uses and importance; their distribution and availability; the demand and supply patterns.

This section should present a clear picture of the minerals industry in Leicestershire and the issues that are faced in balancing future supply from the various mineral sectors in the County with the necessary environmental protection?

Chapter 3 – Spatial Strategy

Para 3.4, page 6: states that many of the mineral operations within the County are long term with some sites active over several decades. I would reiterate our previous comments made to this statement that in reality there is a real mix of short, medium and long term operations. Some surface coal mining schemes, for example, are designed to be short term operations.

Para 3.7, page 7: it should be noted that the economic benefits of having continuity of new sites for an existing workforce are not only made for extensions of existing sites but also of new sites in the same locality as existing sites. The other issue on supply is bullet point 2 of MPS1 which clarifies that sourcing mineral supplies indigenously will avoid exporting environmental damage.

Para 3.8, page 8: states that mineral extraction is by its very nature an environmentally intrusive activity which can have a significant impact on the County's environment and its natural resources. There is a lack of balance with this statement. No account or mention is made to the comprehensive restoration that mineral extraction sites make, and the contribution to the County returning land back into beneficial use with environmental improvements and opening up access to local communities. Surface coal sites within North West Leicestershire are

providing a valuable contribution to the National Forest, improving the landscape and increasing biodiversity and public access to the area.

Chapter 4 – Strategy for Future Provision of Specific Mineral

Para 4.59, page 24: the shortfall in fireclay reserves is noted. UK Coal is keen to promote the Minorca Revised site for the extraction of coal by surface mine methods. There are significant reserves of fireclay within the Minorca Revised site that will be proposed for extraction in conjunction with a surface mine scheme. A copy of the fireclay assessment for Minorca is attached to this letter.

Para 4.60, page 24: Option D is supported.

Para 4.63, page 25: UK Coal are currently preparing a planning application and environmental statement for the Minorca Revised site, and will be promoting a joint fireclay and surface mined coal scheme. It is UK Coal's intention to submit a planning application in early 2008.

Para 4.69, page 26: Supported.

Para 4.70, page 27: Supported.

Para 4.81, page 29: to clarify, Long Moor is due to start coaling before the end of the year and will supply coal to local markets in the East Midlands for 32 months. It is important to note that Long Moor will only make a small, but important, contribution to the County's supply of energy mineral during the Plan period. To ensure a continuity of supply further coal reserves are likely to be sought during the Plan period.

Para 4.82, page 29: it is stated within this paragraph that the coalfield area has few woodlands, however, it should be noted that the area does fall within the National Forest and previous surface mine operations have made a significant contribution towards the development of the National Forest.

Para 4.84, page 30: discusses the regeneration of the North West Leicestershire Coalfield. At the Long Moor Public Inquiry our clients produced evidence by Messrs DTZ that considered inward investment issues in NW Leicestershire as well as investment trends in the English coalfield. The DTZ evidence indicates that schemes like Long Moor would make a positive contribution to the local economy. We feel that in discussing the regeneration of the NW Leicestershire Coalfield Area, the County Council should acknowledge the positive

contribution that mineral extraction, including coal, can make on the local economy.

Para 4.87, page 31: states Option B allows forward planning, with the potential to plan for the best use of reserves, it is difficult to see why Option A (identifying the extent of the shallow coalfield and highlighting the potential areas of search for future extraction within it) does not fit in with this.

Para 4.91 to 4.93, page 32: discusses the County Council's approach to identifying acceptable sites for surface coal mining. The County Council acknowledge, para 4.92, that MPG3 states that the extent to which it will be possible to identify particular areas where extraction may be acceptable will depend upon local circumstances and the level of knowledge about the resource. The County Council does not include the remainder of Para 38, MPG3, which states, MPAs may therefore wish to indicate:

- Broad areas of search; or,
- The extent of the shallow coalfield and the constraints within that area; or
- A combination of the two.

The County Council state in para 4.91 that they do not have the technical or commercial information relating to the quality and extent of reserves, to the degree that more specific areas of search for future working can be defined with sufficient certainty. UK Coal do acknowledge that they have not provided supporting information in respect of the Minorca Revised site to address the original reasons for refusal back in 1996 but as indicated earlier UK Coal are looking to set up a meeting with the Council before the end of 2007 to discuss draft proposals.

The County Council indicate in para 4.93 that it is increasingly difficult to find environmentally acceptable sites in the County that can be worked without damaging the environment to an unacceptable extent. It is not clear what evidence this is based upon, if there are areas known to the County Council that are environmentally constrained for coal extraction within the Shallow Coalfield these should be indicated. The County Council should be able to plot at an appropriate scale the Shallow Coalfield resource and upon this plot what they consider to be the constraints within that area. This does not imply a commitment by the County Council that those areas without constraint are preferred. What it does do is provides some indication to both the Public and Industry on areas where Surface Mining may be

pursued. Figure 3 'Energy Minerals Spatial Map' is not at a usable scale, it would be more helpful to provide plans at a closer scale so constraint areas are made clear.

Chapter 5 – Mineral Safeguarding Areas

Para 5.14, page 38: identifies suitable buffer zones for inclusion within Mineral Safeguarded Areas. We are very concerned by the non-inclusion of Coal and recommend that a buffer zone is included for the shallow coal resource to ensure the satisfactory protection of reserves.

If you would like any additional information from us or our client please do not hesitate to get in touch.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Spencer Warren', is placed over a light grey rectangular background.

Spencer Warren
Heaton Planning Ltd

cc. C Ball – UK Coal Mining Ltd