

My Ref: 022 UKC LCC sjw

Your Ref: JW/NH

Date: 1 August 2008

Mr J R Wright
Team Leader – Minerals and Waste Planning
Environment and Heritage Services
Community Services Department
Leicestershire County Council
County Hall
Glenfield
Leicestershire
LE3 8TE

Dear Mr Wright,

**LEICESTERSHIRE MINERALS DEVELOPMENT FRAMEWORK – CORE
STRATEGY AND DEVELOPMENT CONTROL POLICIES**

REPRESENTATIONS ON BEHALF OF UK COAL MINING LTD

Thank you for consulting with us on the above document.

We set out below our comments on behalf of UK Coal for whom, as you know we have promoted a site for the surface mining of coal to sustain a continuing supply of coal across the MDF period.

Core Strategy

Following our concerns raised in our letter dated 29 November 2007, we feel that the Core Strategy is much improved in both its layout and content, and overall support the strategy.

The Spatial Vision and Objectives set out on page 14 are supported apart from Objective 5 where it is suggested that “unacceptable” is inserted before “minerals development”.

Policy CS1 sets out the strategy for the supply of minerals. This policy is supported but it is suggested that the policy should reflect the importance of sourcing mineral supplies indigenously in supporting local markets and minimising the transportation of minerals.

Policy CS4 supports the recovery of fireclays in association to coal extraction, subject to separate policy considerations. This approach is supported.

Policy CS7 sets out the strategy for coal. The initial part of the policy repeats that of MPG3 apart from the inclusion of “lateral and depth extensions to existing sites” to which we object. These conflicts with the principle of Policy CS1 where priority is given to extending existing sites. .

It is further disappointing that, as stated in paragraph 4.67, page 31, that the County Council has not been able to identify sufficient environmentally acceptable sources of future coal working. The Sustainability Appraisal Report, page 33, recommends that ‘establishing a forward programme of potential workable reserves’ is the most sustainable option, but this approach is not being followed by the County Council. The recently published consultation on the proposed revisions to the East Midlands Regional Plan, Policy 36, no longer excludes energy minerals from the first bullet point. Policy 36 now recommends that Local Development Frameworks should identify sufficient environmentally acceptable sources to maintain an appropriate supply of aggregates and other minerals of regional and national significance. Coal is of regional and national importance, paragraph 4.63, page 30, of the Core Strategy correctly identifies that the Energy White Paper (May 2007) that, where it is environmentally acceptable to do so, there is a value in maintaining access to economically recoverable reserves of coal. The Energy Minerals Spatial Map is at such a poor scale that it does not provide any clarity to be of use. It is recommended that the plans are printed to a more useable scale for both the industry and public to establish where the extent of the coalfield lies, and for the County Council to identify areas within

that coalfield where extraction would and would not be appropriate. If the County Council are not proposing to allocate coal proposals then bullet point 4 of Policy CS1 should refer to “non-energy” minerals development.

Policy CS10 sets out the strategy for resource management. The inclusion of shallow coal reserves is supported.

Policy CS11 sets out the strategy for environmental protection, no objection to this policy.

Policy CS12 sets out the strategy for minerals development within the Strategic River Corridors and is supported.

Paragraphs 4.96 to 4.98, and Policy CS13 sets out the strategy for minerals development within or adjacent to the Charnwood Forest. Whilst the Charnwood Forest is an important regional landscape it is not of national importance. We recognise that this is reflected within Policy CS13 which is supported.

Policy CS14 sets out the strategy for development within the National Forest outside the Charnwood Forest, the aims of this policy are supported.

Policy CS16 sets out the strategy for the transportation of minerals. The policy and supporting text recognises that the majority of minerals need to be transported by road, and that other means such as rail or water are not always practicable and that mineral development is located in close proximity to markets. Policy CS16 is supported.

Policy CS17 sets out the strategy for reclamation and future use of mineral sites and is supported.

Development Control Framework

Policy DC 1 requires development to demonstrate that the Government objectives for sustainable minerals development have been appropriately addressed. It is questioned whether this policy is necessary given that it is already covered in MPS1.

Paragraph 5.9 refers to the Rivers Mease SAC. It would be helpful for purposes of clarification if the diagram identifying the catchment area was at a scale that was more useable.

Policy DC4 seeks to offer protection to sites of regional and local importance. Included within the list, which is generally supported, is bullet point (v) protection of Special Landscape Areas. PPS7 recommends that utilising tools such as landscape character assessment should provide sufficient protection to landscape areas without the need for rigid local designations. We recommend that bullet point (v) of Policy CS4 is amended to read 'landscape features of importance'.

Paragraph 5.20 refers to the inevitability of mineral working within the open countryside. For this reason it is suggested that the policy is more balanced and reflects the improvements in restoration techniques of the minerals industry. It is suggested that the following is added to the paragraph "or the restoration benefits of the proposal outweigh those affects".

Policy DC8 seeks to restrict any form of development within a Mineral Safeguarded Area. This policy is supported. We would like to recommend that aggregate railheads be included within Mineral Safeguarded Areas in the Site Allocations DPD.

Policy DC10 refers to agricultural land.. It is suggested that the word "significant" is added before "loss" to reflect the contents of paragraph 28 of PPS7

Paragraph 5.33 refers to the water environment. It is suggested that this paragraph and Policy DC11 should recognise that surface mine development can provide flood alleviation in areas of flood risk that could reduce the areas prone to flooding.

Paragraph 5.36 discusses the cumulative impact of a mineral proposal and states that the impacts of a mineral proposal are considered in conjunction

with the impacts of other past, present or reasonably foreseeable developments. We would like further clarification on how far in the past would be taken into consideration in terms of cumulative impact and what is reasonably foreseeable?.

It is also not clear from the supporting text or Policy DC13 how the collective effects of different impacts of an individual proposal will be assessed. Paragraph 5.35, page 58, correctly quotes from MPS2, *'impacts that are acceptable individually should not be regarded as unacceptable in combination without a proper assessment'*. Further guidance on this would be appreciated.

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