

LEICESTERSHIRE MDF TO 2021 - SUBMISSION DRAFT - CORE STRATEGY AND DC POLICIES

MINERALS – ENVIRONMENTAL MATTERS

SUBMISSION ON BEHALF OF UK COAL MINING LTD

1 Introduction/General

1.1 UK Coal has previously made representations concerning the positive aspects of site reclamation as well as queries over the River Mease SAC/Catchment. They therefore have an interest in a number of environmental matters upon which the Inspector has raised questions as follows:

- Item 7 – Points concerning whether policy CS 14 should be more positive in terms of establishing and improving the National Forest? Is the supporting text relevant and does it clearly identify and support the policy intention?
- Item 8 – Should paragraph 4.102 refer to cultural heritage sensitivities and opportunities in the National forest?
- Item 15 – In the context of reclamation should there be reference to minewater treatment schemes?
- Item 19 – Should policy CS17 refer to minimizing future public safety hazards and ground stability problems?
- Item 21 - Whether adequate provision is made for managing proposals in the catchment of the River Mease SAC?
- Item 21 - How will the core strategy manage proposals in the catchment of the River Mease SAC?

2 Consideration of the Issues

Items 7 and 8 – the National Forest

- 2.1 Given that it is a minerals development framework it would be helpful if the supporting text, particularly para 4.102, acknowledged that minerals development can be a major facilitator of National Forest objectives and end-uses through the delivery of appropriate reclamation/restoration schemes.
- 2.2 Recent surface coal working in NW Leicestershire has delivered significant woodland planting, created new habitats and opened up new areas for public access and recreation. The current Long Moor coal extraction scheme will achieve major long-term benefits in these respects.
- 2.3 As mineral working, including coal and clay working, can be an important delivery vehicle for the National Forest, Policy CS 14 could indicate that proposals National Forest end uses in reclamation/restoration schemes for mineral working will be looked upon favourably or weighed positively when determining planning applications.

Items 15 and 19 – Minewater treatment schemes and minimizing public safety hazards and ground stability problems.

- 2.4 The Coal Authority, in its representation to the MDF CS has indicated that a minewater treatment scheme will be needed in the medium term, and that, in land use terms, that this will comprise of permanent settlement ponds and reedbeds, which filter iron ochre sludge from the rising minewater.
- 2.5 Surface coal and fireclay workings in NW Leicestershire – in the former deep mine coalfield – have the potential, through an appropriate reclamation scheme, to include a permanent facility of this nature. It is not un-common for coal/clay reclamation schemes to include reed beds and associated biodiversity features.

- 2.6 The Coal authority has an important role to play in terms of information on forward planning for coal extraction – see para 13 of MPG 3. Annex D of MPG 3 also advises on the Coal Authority’s role, including the encouragement of economically viable operations to exploit coal reserves, as well as dealing with the affects of past coal mining activity (like rising minewater). WE consider that in the light of the Coal Authority’s response it would be appropriate for the MDF CS through supporting text and policy to provide some general support for coal and clay workings that could address the rising minewater issue as well as addressing any safety hazards or ground stability problems resulting from past coal working.
- 2.7 The Coal Authority could potentially assist by providing the MPA and the industry any details on the location, technical requirements, etc of an appropriate minewater treatment scheme for NW Leicestershire as well as identifying any areas with stability or safety issues in the coalfield.

Item 21 - Whether adequate provision is made for managing proposals in the catchment of the River Mease SAC? and, How will the core strategy manage proposals in the catchment of the River Mease SAC?

- 2.8 We would suggest, having regard to our concerns set out regarding the River Mease SAC on the Key Diagram and the issues over the lack of balance in the MDF CS, that:
1. The spatial maps, including that/those relating to energy minerals and fireclay, only show the River Mease SAC area and not the River Mease catchment in Leicestershire.
 2. That policy and supporting text relating to the River Mease SAC, including the reasons for showing the SAC on the spatial maps, should be included in the Spatial Characteristics section and/or the Development Control, Natural and Historic Environment section – Sites of International Importance.
 3. If it is set out in this way, there should be no need to give it special prominence in the coal section under energy minerals,

as its protection and enhancement are matters that relate to a number of minerals – fireclay, brick clay, oil, and some sand and gravel resources.

4. That policy and supporting text should be based on the content of the Habitat Regulations Assessment (see appendix 1), including the pressures being exerted on the SAC and the main issues it faces – see particularly paras 2.4.2 and 2.4.3 of the Assessment – and indicate any specific precautionary/protective matters that minerals proposals (not just coal) would need to take account of – like water quality and discharges.
5. That policy and supporting text should also highlight potential improvements that minerals schemes might deliver, for example, a reduction in agricultural run-off where end uses promote nature conservation, National Forest uses and potentially improved drainage systems that might assist with water quality or more sustainable forms of flood defence.

2.9 In making the above points we have also had regard to the Habitat Regulations Assessment Pre Screening Report (site specifics at appendix) which formed part of the East Midlands Regional Plan Partial Review prepared by Land Use Consultants and Mott McDonald (October 2008) – a copy of which is attached in the appendix to this submission (appendix 2). We would also observe from consideration of this document that many of the potential pressures on the SAC are particularly relevant to permanent uses of land, like agriculture, and built forms of development – housing and development growth – and in particular potential concerns over the impact of increased water abstraction and increased and quality of discharges.

2.10 We have undertaken an initial check of the North West Leicestershire Local Development Framework – Core Strategy Further Consultation – November 2008. We cannot obviously see within the plans or text any specific reference to the River Mease catchment. The Core Strategy refers only to the SAC and potential development pressures.

- 2.11 We would suggest that surface working of coal and fireclay will place minimal pressure on the SAC in terms of water abstraction. Extraction sites will though have to manage carefully their surface and groundwater and carefully control their discharges. We would point out though that discharge consents are dealt with by the Environment Agency. Coal and Fireclay extraction sites will though have the potential to enhance the environment, for example, through new water features and improvements to water courses. Coal and clay extraction and site restoration could therefore have positive effects on the River Mease SAC.
- 2.12 In any case we can find no obvious justification in PPS 12 for showing the whole of the river catchment for the Mease in Leicestershire. We have seen no evidence in the MDF CS or the Background Papers or other background documents for showing the catchment area rather than the SAC itself. Although the Council uses PPS 12 to justify inclusion of the River Mease catchment – it is our view that PPS 12 places more emphasis on including “locations for strategic development” (like coal extraction) on key diagrams (para 4.1).