APPLICATION DETAILS

APPLICATION NO: 1/2007/1049 (File ref: CMA/1/37)

FULL APPLICATION DESCRIPTION: Proposed surface mining of coal with restoration of the site to include woodland, species rich grassland and hay meadow, scrub, water features and agriculture at a site to be known as Bradley.

NAME OF APPLICANT: UK Coal Mining Ltd.

ADDRESS: Near Leadgate, Consett, County Durham

ELECTORAL DIVISION: Leadgate & Medomsley

CASE OFFICER: Claire Teasdale
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DESCRIPTION OF THE SITE AND PROPOSALS

Introduction

1 This planning application relates to the extraction of approximately 533,750 tonnes of coal by surface mining methods (also referred to as opencasting) over 2 years 3 months, from mainly agricultural land between Leadgate and Dipton. The site has been subject to previous applications of this nature and the current proposal seeks amongst other matters to address previous issues and concerns through a working, restoration and community benefits development package.

2 The application is accompanied by an Environmental Statement (ES). This report has taken into account the information contained in the ES and amended details and that arising from statutory consultations and other responses. This planning application is being reported to the County Planning Committee because it involves major minerals development.

The site
3 The application site (73.89 hectares) is located in the countryside to the north of the A692 Consett to Dipton Road some 3km to the east of Consett, 550m from Leadgate and 750m from Dipton. The site is bordered by the A692 road to the south east and is substantially enclosed by woodland on its north western and north east boundaries including Pontop Springpit Wood and Billingside Wood (both ancient woodland). The south western boundary lies adjacent to Billingside Plantation and agricultural land.

4 The land falls away to the west and north west into the valley of the Pont Burn and is marked by a number of field hedges, trees and water bodies including ponds and burns. A number of public rights of way cross the site. Douglas Terrace and Hedley Terrace, the closest residential properties lie to the north east of the site along with two other properties (some 80m north east of Douglas Terrace) referred to as High Stables. To the south of the A692 are Brooms Farm and Our Lady and St Joseph Roman Catholic Church. Properties on Pont Road are further away to the south west. Low Bradley Farm lies to the north west. The site lies partly within an Area of High Landscape Value and includes the Brooms Pond Local Wildlife Site and part of the West Billingside Meadow Local Wildlife Site (Sites of Nature Conservation Importance).

The proposal

5 The proposal relates to the extraction of approximately 533,750 tonnes of coal by surface mining methods, from mainly agricultural land over a 3 year 6 month progressive working and restoration period. The coal would be taken from an area of 34.8 ha which is around half the total site area (73.89 ha). Most of the remaining area would be utilised as part of operations (mounds, lagoons, plant yard, etc.) although 8.42 ha of land would remain undisturbed. Subject to the receipt of planning permission and issue of a protected species licence from Natural England the applicant would wish to commence preliminary operations from April 2012, with coaling from July 2012.

Preparatory works

6 Preparatory works would commence with the establishment of a temporary site access to Road A692, fencing, provision of alternative rights of way, construction of cut off ditches and water treatment areas, internal haul roads, plant yard and site offices. A coal processing area would also be provided in the south western part of the site. An existing gas main which passes through the northern part of the site would be unaffected by the proposal although a disused gas main and a private water main that formerly served the demolished West Billingside Farm would be removed. Overhead electricity lines crossing parts of the site would also be diverted at this stage. The bus shelter on the A692 adjacent to the proposed temporary access would be removed and a temporary stop provided. A replacement shelter would be provided at the end of operations.

Soil stripping and overburden movement

7 Soil stripping to facilitate the removal of overburden and coaling would take place in 3 phases. The vast majority of the site would be stripped in the first year of working with the resultant soil being either stored separately and intermittently around its periphery or spread directly on restored land. Soil mound heights would vary
between 3m and 5m for topsoil and 5m and 8m for subsoil. The mounds would perform a screening function especially along the A692 and in the vicinity of Douglas Terrace. Most of the mounds would be in place for the entire life of the site and all would be seeded following formation to provide a grass sward.

8 All excess overburden that could not be backfilled prior to reaching the maximum void depth would be placed in an overburden mound on the west side of the site until required to backfill the final cuts of the excavation. At its maximum the overburden mound would contain 1.2 million m$^3$ of material, cover an area of approximately 10 ha and extend up to 22m in height. This would be in place for 33 months in total (maximum height for 5 months).

9 Overburden replacement would be completed in March 2015. Perimeter top and subsoil mounds would be removed during the latter stages of restoration with the final placement of soils completed by the end of September 2015.

Coaling

10 Coaling operations would take place over 2 years 3 months (27 months) within 2 identified areas (Areas A and B). These would commence in Area A (15.15 ha) in the south western part of the excavation area (July 2012) and move a north easterly direction through 13 cuts. The depth of working would range between 3m and 34m. Coaling in Area A would last for 10 months until April 2013. Coaling in the south western end of Area B (19.86 ha in total) would commence immediately following cessation of extraction in Area A (month 13). Overburden from this area would initially be used to backfill the final void of Area A and proceed in a north easterly direction through 13 cuts over 17 months. The depth of working in Area B would range between 3m and 42m. Excess overburden that could not be backfilled into the resultant void would be stored in the mound on the south western part of the site. Towards the end of operations coal may also be extracted from under the haul road that would run alongside the A692, but any excavation in this area would not increase the working life of the site.

11 The proposal would take coal from the Fivequarter, Main, Low Main/Top Brass Thill, Bottom Brass Thill and Hutton seams. Most of these seams have been subject to deep mine working in the past. Once exposed the coal would be cleaned by small hydraulic excavators and site workers to remove overlying overburden. It would then be excavated and taken to the processing and stocking area. No coal washing is proposed on site and any mineral that could not be recovered cleanly such as collapsing pillars, floor coal and that in old workings would be lifted and transported for blending and processing elsewhere. A limited amount of blasting may be required to loosen overlying sandstone. This would normally be restricted to 2 blasts per day as required but may be up to 4 blasts per day over the coaling period if concentrations of sandstone were encountered.

Working hours

12 The proposed working hours for site operations are 07:00 – 19:00 Monday to Friday, 07:00 – 12:00 Saturday with no working on Sundays or Public/Bank Holidays. Operations outside of these hours would be restricted to essential repairs, maintenance and pumping. Coal haulage would take place between 07:00 and 18:00 Monday to Friday and 07:00 – 12:00 on Saturday. Soil handling operations within 200m of Douglas Terrace, Hedley Terrace, Brooms Farm and Our Lady and St
Josephs Church would not commence prior to 0800 hours Monday to Saturday. Maintenance hours would be more extensive (07.00 – 21.00 Monday to Friday, 07.00 – 17:00 Saturday) in order to ensure that the ‘down time’ for the plant and vehicles is minimised and the site runs to schedule. Some illumination of the site would be required, especially in the winter months, but this would primarily be in association with plant working in the void area which would be below ground level. Details of lighting would be submitted through condition should planning permission be granted.

Traffic and access

13 Approximately 4,897 tonnes of coal per week would be produced at the site over 109 weeks. An average of 64 (32 in and 32 out) HGV movements per working day are anticipated during this coaling period. The dispatch of residual amounts of coal following the completion of extraction would largely be completed over a further 4 week period. Based on a 5.5 day working week it is anticipated that an average of 3 laden HGV’s would leave the site every hour (6 movements per hour). Vehicles would initially enter and leave the site via the temporary access until such a time as this is replaced by a proposed roundabout further north at the A692/A693 road junction. The temporary access would then be closed although it would not be reinstated until completion of the development as it would be required again during the final stages of the site. All vehicles would in any event travel on the A693 to the A1(M) on Junction 63 at Chester-le-Street and from there either to the Company’s loading pad at the Port of Tyne or direct to market via the road network.

14 The coal haulage route would be secured through legal agreement and would apply to all laden and unladen HGVs. Additional site traffic would include vehicles moving excavation plant and other items for a short period during the commissioning and decommissioning phases. It is estimated that employees would generate up to 40 private vehicle movements in and out of the site for some 30 minutes before and after the start and end of the shift. There would also be some light service traffic generation by visitors. It is proposed that a land rover would leave the site about 6.30am and monitor local roads. Any HGVs found parked up in the vicinity of the site prior to 7am or arriving at unspecified times in breach of contractual arrangements would be barred from the site and not loaded.

Restoration

15 Progressive restoration would occur but the site would not be fully restored until 12 months following cessation of mineral extraction. The land would be restored to a mix of woodland, agriculture and grassland. The detailed proposals involve the creation of 19.61 ha of new native species woodland (plus 5.9ha outside of the site), 3.6 ha of species rich grassland and hay meadow, 3.87 ha acidic grassland, 0.54 ha of restored grassland, 1.2 ha of scrub planting, 0.18 ha of open water, 0.5 ha of marsh and 37.08 ha agriculture. The remaining 7.31 ha of the restored site would consist largely of the existing ponds, preserved grassland and foliage. 3.985m of new hedgerows would be planted and 362m of existing hedgerow would be translocated (into the ponds area). 2,901m of new footpaths are also proposed, including 785m as part of the Western Way. 501m of new dry stone wall would be provided and 201m of existing stone walling would be repaired and refurbished.

16 The entire site would be subject to the statutory 5 year aftercare requirement. An additional 10 years of management is proposed for the SNCI and new nature
conservation areas providing 15 years management in total. It is proposed to progressively thin out conifers along the north west boundary (outside of the site) to allow existing native species to prosper. Further planting would take place where necessary and a 15 year management period from commencement of the development is proposed through legal agreement. Due to the progressive nature of the restoration proposals various areas would go into aftercare before others and this period would be staggered over 3 years across the site.

The creation of four habitat ponds, and associated wetland and landscaping took place in early July 2010 in the north west corner of the application site. It is intended that these ponds would act as receptors for the great crested newts contained within Brooms Pond within the southern part of the site adjacent to the A692. The newly created ponds are subject to a 5 year management plan.

Community benefit

Apart from environmental enhancements associated with restoration of the site, the Company has stated that it would provide a community fund equivalent to 10p per tonne of coal (providing around £53,375 during the life of the site) to help fund local projects and activities. This would be administered through a site liaison committee that would also provide a forum for the operator and community representatives to engage with each other about site related issues, activities and concerns.

In addition the applicant proposes a contribution of £700,000 towards the design and construction of a roundabout at the A692/A693 Broom Lane Junction. This would be conditional upon the Council granting planning permission rather than permission being granted on appeal. The roundabout is identified as a minor scheme in the Local Transport Plan 2 (LTP2) and in the consultation draft of the Local Transport Plan 3 (LTP3). The estimated cost of the roundabout is £1.3 million. It is intended that the short fall (£600,000) would be provided from the LPT3 funding allocation by the County Council.

Revisions

A number of revisions to the scheme have been made since the application was first submitted including an Addendum in July 2009 and revisions to the plans in May 2010. These provide for adjustments in the application boundary to incorporate the four habitat ponds and adjustments at the site access to reflect the revised roundabout layout. Three coaling areas were also originally identified (A, B and C). In an attempt to retain a greater amount of unimproved grassland identified as having ecological value, coaling Area C was incorporated into Area B. This has resulted in a reduction to the extraction area as has the preservation of a mature field boundary. Other changes to the working method have included an increase in the size of the water treatment area and associated re-positioning of soil mounds. Mounds have also been relocated as a result of the existence of a gas feeder main and retention of part of a dry stone wall (the possible line of Billingside Dyke). Revisions to the restoration plan include the incorporation of the route of an historic wagonway (the Western Way), alteration of the planting layout for part of the site and slight increase in the total length of footpaths to be created. The amount of hedgerow planting and translocation have also increased. In addition the hours of maintenance have been reduced (originally 07.00 – 23.00 Monday to Friday, 07.00 – 17:00 Saturday and 08.00 – 17.00 on Sundays). The temporary access has also been relabelled to make
clear that this would be the site access should the roundabout not be constructed.

PLANNING HISTORY

Planning History

21 Both the site and surrounding area has a history of surface coal mine working. The Billingside site operated between 1952 and 1953 and incorporated land partly within the current application boundary. To the north west of the application site were the Medomsley (1954) and Pont Lane (1964) sites. Bantling Castle site around Brooms Farm operated between 1952 and 1954. To the south of the Jolly Drovers Public House were the Leadgate (1957 and 1962) and Low Brooms (1955 and 1959) sites. The Brooms Dene site and Burnhouse site to the south west operated between 1993 and 1995. More recently the Stony Heap reclamation and minewater remediation scheme (operated by the applicant) located to the south east was worked for coal during 2006 – 7. The site was restored in October 2007 and is now in aftercare.

22 The site is incorporated entirely within the area of the former Billingside surface coal mining site proposed by the National Coal Board Opencast Executive during the 1980’s. This was refused planning permission by the County Council in July 1986 and subsequently dismissed on appeal by the Secretary of State in January 1988. That scheme involved the extraction of 550,000 tonnes of coal and an undisclosed amount of fireclay from an area of 87 ha over 4½ years.

23 The reasons for refusal at that time related to the perceived lack of a market for coal, unacceptable visual intrusion on the Derwent Valley landscape (including Area of Great Landscape Value), adverse environmental impact on the occupiers of Douglas and Hedley Terraces, unacceptable restoration proposals and inadequate reclamation benefits.

24 The appeal inspector’s recommendation, which was accepted by the Secretary of State, referred particularly to the possible adverse effects on inward investment, employment, visual amenity and that it could be detrimental to the amenities enjoyed by local residents, particularly those living in Douglas and Hedley Terraces. He noted that Billingside lay within a designated No-Go area, that the disruption to the landscape by opencasting would be conspicuous for a prolonged period, and that such disruption could only be justified if there were a strong market requirement for the coal in the site. Whilst accepting that part of the land could be improved as a result of opencasting, he concluded that neither the then market requirement for the coal nor the need for the site to be approved was sufficiently strong to outweigh the amenity and environmental objections to the proposal. He thought it inappropriate to permit the opencasting of the Billingside site at that time.

25 In November 2001 the County Council refused a further application referred to as Jolly Drovers by North East Land Developments Ltd. This smaller application involved the extraction of 130,000 tonnes of coal and associated brickmaking materials from 27 ha of land over 18 months including approximately 15.4 ha of the proposed site. This was considered in the context of current policy for surface mining proposals and the Council considered that the adverse landscape impacts of the proposal were significant and the scheme as a whole provided little by way of clear local or community benefits which materially outweighed the likely impacts, or justified departing from adopted policy. A subsequent appeal was withdrawn. The reasons
for refusal were:
1. The proposed development will be close to and visually prominent in views from communities, public roads and footpaths in the vicinity of the site. The impact of the site would not be adequately mitigated by the proposed screening measures during working. The proposal is not environmentally acceptable and conflicts with Policy M7, and moreover does not accord with Policy M36 of the County Durham Minerals Local Plan (MLP).
2. Any local or community benefits offered by the development are insufficient to outweigh the adverse environmental impacts of the proposed operations. The proposal is contrary to Policy M7 of the MLP.
3. The proposed development constitutes piecemeal working of opencast coal resources around the application site. The proposal is contrary to Policy M8 of the MLP.

In December 2009 the County Council granted planning permission to UK Coal Mining Ltd. for the creation of four habitat ponds, and associated wetland and landscaping on land adjacent to the application site. The area covered by this planning permission has subsequently been incorporated into the planning application boundary and the ponds have been created. This was a stand alone proposal although UK Coal hope to be able to use the ponds for translocated newts if planning permission is granted for the Bradley scheme. At the Planning Committee in December 2009 it was noted that a decision on the ponds application would not prejudice the Committee’s views on the coal scheme which was a separate matter as indicated in the report.

Current Application

The current submission has had regard to the previous decisions on the Billingside and Jolly Drovers applications. The main differences between Billingside and Bradley applications as highlighted by the applicant are:
- Area reduced from 87 ha to 73.89 ha (65.9 ha working area and 34.83 ha excavation area)
- Timescale green to green reduced from 4½ to 3½ years.
- Coaling period reduced from 4 years to 2 years 3 months.
- No increase in lorry movements, approximately 3 per hour each way (6 in total).
- No night time working (24 hour working was proposed at Billingside).
- Unlike Billingside no dragline is proposed on Bradley, reducing noise, dust and visual impact.
- Direction of working is towards Douglas Terrace to reduce noise and visual impact, the opposite of that proposed for Billingside.
- Lower noise levels proposed for Bradley.
- Less blasting proposed for Bradley.
- Excavation further away from Douglas Terrace (285m from dwellings for Bradley, 110m for Billingside).
- Soil mounds moved further away from Douglas Terrace (165m from dwellings for Bradley, 83m for Billingside).
- Bradley restoration to woodland agricultural improvement areas and some agriculture, Billingside was mostly agriculture.
- The preservation of the most significant grasslands within and adjacent to the SNCI, with special soil handling for other areas to preserve the seed rich layer.
- Progressive restoration of a large part of Area A would be within 18 months on
Bradley.
• Increased public access on Bradley.
• Community fund for Bradley.
• Substantial funding for the new roundabout at the A692 and A693 junction.

PLANNING POLICY

NATIONAL POLICY:

28 Planning Policy Statement 1: Delivering Sustainable Development (PPS1) sets out the Government’s overarching planning policies on the delivery of sustainable development through the planning system.

29 Planning Policy Statement 5: Planning for the Historic Environment (PPS5) sets out the Government's planning policies on the conservation of the historic environment. In considering applications, LPA’s should take into account the effect of an application on the significance of heritage assets. There should be a presumption in favour of the conservation of designated heritage assets. LPA’s should treat applications favourably where they preserve elements of the setting that contribute to the significance. Opportunities should be identified that enhance / improve setting or significance.

30 Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9) sets out planning policies on protection of biodiversity and geological conservation including sites designated for their geology and or geomorphological importance.

31 Planning Policy Statement 23: Planning and Pollution Control (PPS23) is intended to complement the pollution control framework under the Pollution Prevention and Control Act 1999 and the Pollution Prevention and Control (England and Wales) Regulations 2000.

32 Planning Policy Statement 25: Development and Flood Risk (PPS25) sets out Government policy on development and flood risk. Its seeks to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

33 Planning Policy Guidance Note 13: Transport (PPG13) sets out objectives to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. General support is given for moving heavy freight by rail rather than road. PPG13 was updated in January 2011 to reflect changes to parking standards and charges since publication in 2001.

34 Mineral Policy Statement 1: Planning and Minerals (MPS1) is the overarching policy document for mineral planning in England. National objectives include the promotion of sustainable transport of minerals by rail, sea or inland waterways. National policies for mineral planning seek to promote and enable the bulk movement of minerals by rail, sea or inland waterways to reduce the environmental impact of their transportation.
Minerals Policy Statement 2: Controlling and mitigating the environmental effects of mineral extraction in England (MPS2) sets out the considerations that mineral planning authorities should have regard to when preparing development plans and in dealing with applications. It also provides guidance on detailed issues including noise and dust associated with mineral developments.

Mineral Planning Guidance Note 3: ‘Coal Mining and Colliery Spoil Disposal’ (MPG3) sets out the Government’s guidance on coal development, with the aims of protecting the environment and fully incorporating sustainable development principles. There is a presumption against opencast extraction except where a scheme is environmentally acceptable or can be made so by planning conditions or obligations, or provides local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.

Minerals Planning Guidance Note 7: The Reclamation of Mineral Workings (MPG7) deals with policies, consultations and conditions which are relevant to achieving effective reclamation of mineral workings.

REGIONAL POLICY:

The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period 2004 to 2021. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The overall objective for minerals policy in the Region, as set out in RSS, is to ensure the prudent use of the Region's indigenous natural resources in line with sustainable development objectives.

RSS Policy 7 – Connectivity and Accessibility – requires the internal and external sustainable connectivity and accessibility of the North East of England, with focus upon the reduction in use of the private motor car and increase in green and sustainable infrastructure.

RSS Policy 24 - Delivering Sustainable Communities – all development within the Region should be designed and located to deliver sustainable communities. Proposals should assess the suitability of land for development and the contribution that can be made by design in relation to 16 detailed criteria, including concentrating development in urban locations, reducing need to travel, proximity to infrastructure, health and well-being, biodiversity and crime prevention/community safety.

RSS Policy 31 – Landscape Character – planning proposals should have regard to landscape character assessments to justify the retention or creation of any local landscape designations and assist in the targeting landscape restoration and environmental improvement schemes.

RSS Policy 32 – Historic Environment – planning proposals should seek to conserve and enhance the historic environment by clearly identifying and assessing the significant of any heritage assets and their vulnerability to change, seeking to preserve in situ nationally important archaeological sites and other remains of
regional/local importance.

43 **RSS Policy 33 – Biodiversity and Geodiversity** – planning proposals should ensure that the Region’s ecological and geological resources are protected and enhanced to return key biodiversity resources to viable levels by continuing to promote the protection and enhancement of internationally and nationally important sites and species. Developing habitat creation/restoration projects are also mentioned.

44 **RSS Policy 35 – Flood Risk** – requires consideration to be given to the flood risk implications of development proposals adopting the sequential risk based approach set out in PPS25.

45 **RSS Policy 42 – Overall Minerals Strategy** – states that the planning system should ensure that land is made available to provide an appropriate contribution to local, regional and national needs for minerals. It also seeks to deliver effective environmental management of mineral extraction; high quality restoration and aftercare; and appropriate beneficial after uses.

46 **RSS Policy 44 – Opencast Coal** – is consistent with national guidance. It provides guidance to planning authorities as to how they should approach the provision of new areas of working in Local Development Frameworks and Minerals and Waste Development Frameworks and reiterates the key policy test set out in paragraph 8 of MPG3. RSS Policy 44 also states that where opencast coal extraction is acceptable, provision should be made for the extraction, stockpiling, if necessary, and beneficial use of fireclay. All extracted minerals should be transported by rail whenever possible.

**LOCAL PLAN POLICY:**

**COUNTY DURHAM MINERALS LOCAL PLAN (DECEMBER 2000) [MLP] POLICY:**

47 **Policy M7** states that within the exposed coalfield area there will be a presumption against proposals for the opencast mining of coal and/or fireclay unless they are environmentally acceptable, or can be made so by planning conditions or obligations, or they provide local or community benefits which clearly outweigh the adverse impacts of the proposal.

48 **Policy M8** states that the piecemeal working of opencast coal deposits will not be allowed.

49 **Policy M19** encourages the concurrent working of two or more minerals from the same site where mineral extraction is acceptable in principle with certain provisions.

50 **Policy M23** requires that in Areas of High Landscape Value proposals for mineral working will be given the most careful consideration. Proposals will only be allowed where the environmental impact on the special character and quality of the landscape is acceptable, or can be made so by planning conditions or obligations and where certain criteria are met.

51 **Policy M24** requires that the scale of any adverse effects on local landscape character from minerals development is kept to an acceptable minimum and conserves as far as possible important features of the local landscape. It also
requires that restoration schemes have regard to the quality of the local landscape and provide landscape improvements where appropriate.

**Policy M27** states that minerals development which may have an adverse effect which affects regionally or locally identified sites of nature conservation interest including SNCIs or ancient woodlands will not be permitted unless the MPA is satisfied that there are reasons for the proposal that outweigh the need to protect the site’s intrinsic qualities.

Policy M29 requires all proposals for minerals development to incorporate appropriate measures to ensure any adverse impact on the nature conservation interest of the area is minimised.

**Policy M30** states that planning permission for mineral development will not be permitted where this would have an unacceptable adverse effect on listed buildings, conservation areas, or their settings. Where it is justified the permission will only be granted where the working and restoration of the site ensures the retention of important built and landscape features; and final restoration is to at least the original landscape quality, with replacement of any landscape features that it is not possible to retain during working.

Policy M31 relates to archaeology and the need for archaeological field evaluation prior to the determination of planning permission where there is reason to believe that important archaeological remains may exist.

Policy M33 states that where the preservation of archaeological remains in situ is not appropriate planning permission will not be granted unless satisfactory provision has been made for the excavation and recording of the remains.

**Policy M35** aims to prevent development that would have an unacceptable impact on the recreational value of the countryside unless there is a need for the mineral which cannot be met from suitable alternative sites or sources. It also requires adequate arrangements for the continued use of public rights of way both during and after mineral development, either by means of existing or diverted routes.

Policy M36 requires the incorporation of suitable mitigation measures to ensure potentially harmful impacts from pollution by noise, vibration, dust and mud, visual intrusion, traffic and transport, subsidence, landslip and gaseous emissions are reduced to an acceptable level.

Policy M37 seeks to prevent mineral development within 250m (500m where operations involve blasting) of a group of 10 or more dwellings unless it is demonstrated that residential amenity can be protected from the adverse impacts of mineral working.

Policy M38 states that if a proposal for mineral development would affect the supply of, or cause contamination to, underground, or surface waters, it should not be permitted unless measures are carried out as part of the development to mitigate those impacts throughout the working life of the site and following final restoration.

Policy M42 states that mineral development will only be permitted where the traffic generated can be accommodated safely and conveniently on the highway network.
and the impact of traffic generated by the development on local and recreational amenity is otherwise acceptable.

62 **Policy M43** requires that planning conditions should be imposed, and planning obligations or other legal agreements sought, to cover a range of matters such as routeing of traffic to and from the site, highway improvements or maintenance, prevention of the transfer of mud and dirt onto the public highway and operating hours of lorry traffic to and from the site.

63 **Policy M45** requires that when considering proposals for mineral development the cumulative impact of past, present and future workings must be considered and states that planning permission will not be granted where the cumulative impact exceeds that which would be acceptable if produced from a single site under the relevant policies of the Plan.

64 **Policy M46** indicates that conditions will be imposed, planning obligations or other legal agreements sought as necessary to cover a range of issues relating to the satisfactory restoration of minerals sites.

65 **Policy M47** provides advice in relation to proposals for the after use of mineral sites.

66 **Policies M50 and M51** relate to on site processing and storage.

67 **Policy M52** states the ability and commitment of the intended operator to operate and reclaim the site in accordance with the agreed scheme will be taken into account.

**The Derwentside District Local Plan (DLP) (Adopted January 1997)**

68 **Policy EN6** (Development within Areas of High Landscape Value) indicates that development will only be permitted provided that it pays particular attention to the landscape qualities of the area in the siting and design of buildings and the context of any landscaping proposals.

69 **Policy EN22** (Protection of Sites of Nature Conservation Importance) sets out that development will only be permitted which would not lead to the loss of or cause significant harm to SNCI’s. West Billingside Meadow is listed as an SNCI of District Importance as is Brooms Pond, but Brooms Pond is now a Local Wildlife Site. Pontop Fell (115m to the north east) is listed as being of County importance. Where development is permitted the policy states that the retention of wildlife habitats may be secured through planning conditions or obligations.

**Local Transport Plan**

70 Local Transport Plan 2 (LTP2) 2006 – 2011 identifies ten minor highway improvement schemes (where the estimated cost is less than the £5 million threshold for major schemes). A new roundabout at the A692/A693 Junction, east of Leadgate (Brooms Lane) is number five on the list of priorities.

71 The consultation draft of Local Transport Plan 3 (LTP3) (to be adopted in April 2011) also refers to the provision of a roundabout (number six on the list of priorities). Its change in the list has been a result of a review being carried out under a different scoring/weighting regime to the earlier LTP2 and other schemes have changed
position.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at:

Regional Planning Policy http://www.gos.gov.uk/gone/planning/regional_planning/
Local Planning Policy http://www.durham.gov.uk/Pages/Service.aspx?ServiceId=674 (County Durham Minerals Local Plan)

CONSULTATION AND PUBLICITY RESPONSES

Statutory Responses:

72 The Highway Authority has no objection to the proposal subject to conditions relating to provision and maintenance of a wheel wash facility, measures to ensure that the highway is kept clear of mud or debris, the sheeting of vehicles and relocation of the adjacent bus stop. Although the temporary access is not as satisfactory as a roundabout, provided that it is only used for a short period for the export of coal it is considered acceptable. Whilst a period of 6 to 7 months for construction of the roundabout is envisaged, unforeseen delays may arise and therefore the time period for delivery could be 3 years. Close liaison between the site operator and the Highways team would therefore be required to achieve the earliest possible opening of the roundabout. Once the roundabout is open there is no objection to the temporary access remaining closed until final reinstatement following completion of the site.

73 The Environment Agency (EA) originally objected to application but this was subsequently withdrawn following the receipt of further information that addressed its concerns regarding the remediation of the site and potential effects to the Pont Burn. No conditions have been proposed or requested. The EA also comments that any flood risk would be mitigated by attenuating the discharge to watercourse to greenfield runoff rates, dealt with through the consent to discharge.

74 Natural England (NE) initially submitted a holding objection because of insufficient information on the impact on the species and habitats of principal importance. However, this was withdrawn following the submission of additional information and amendments to the working area.

75 In terms of UK BAP Priority Habitat, and despite the difficulties with grassland translocation, NE notes that the amendments to the working area preserves a larger part of the more valued grassland. This is considered to be a significant improvement on the original design where the entire BAP priority habitat was to be translocated. NE also highlights the future long term habitat management of the site post development/restoration and suggests that this should be covered in a legal obligation such as a Section 39 agreement or other appropriate means. As this habitat is a scarce resource in the former Derwentside district area it is also stated that the local authority may wish to consult with the Durham BAP partnership &/or the local authority ecologist before making a final decision on this aspect of the application.

76 NE considers that sufficient assessments have been made with regard to species protected by law and other wildlife including breeding birds such that the proposal is
unlikely to have any adverse effects. This is on the understanding that normal checking surveys and good practice requirements are followed prior to each phase of works.

77 NE notes that the land proposed for the translocated population of newts is owned and controlled by the applicant and that a habitat management plan for the site has been developed. This is considered to help safeguard the long term future of the population. Nevertheless it is stated that translocations are extremely difficult to carry out successfully and are not normally considered an appropriate alternative to the conservation of the population in situ. However, it is accepted that where a population is already vulnerable translocation can be the correct mechanism. In this instance the proposed new habitat would be capable of supporting both the existing population and allow its future expansion. This would be an improvement on the current habitat that is isolated and suboptimal and the population of newts is unlikely to be able to expand. The land surrounding the proposed relocation site is also deemed more suitable to further support growth of the population if translocated.

78 Having considered the evidence base Natural England is therefore prepared to accept that the proposed translocation of great crested newts would be an appropriate means of safeguarding the population in the local area as well as potentially increasing its size and viability. To ensure that this occurs it is recommended that an appropriate planning condition/legal agreement provision be put in place to safeguard the great crested newt population within land under the applicant’s control and cover the details of habitat creation, enhancement and future management.

79 For purposes of clarity Natural England adds that its advice at the planning application stage considers potential harm to populations of protected species from the proposed development. Its later decision on a licence application (if required) would involve a more detailed assessment and usually requires additional survey information, population assessment and specific details relating to the likely effectiveness and workability of the mitigation proposals before works can proceed.

80 Natural England does raise concerns in terms of its landscape, access and recreation remit and considers the scheme would have significant effects on the landscape and visual amenity of the locality. Notwithstanding this, it is noted that the restoration of the site offers potential for enhancement of the local landscape and for increasing public access.

81 In terms of its statutory remit for soils, land use and reclamation NE confirms that the revised proposals do not appear to raise any significant considerations but comments that the revised Scheme appears to be targeted primarily to safeguard existing habitats and/or enhance the opportunities for new habitat creation. Subject to County Council being satisfied as to the merit and technical feasibility of these proposals, NE would accept that any reduction in the area previously proposed for an improved agricultural afteruse, could be offset by other environmental gains.

82 NE also welcomes the preparation of a comprehensive soils handling strategy to achieve an effective reclamation of the site following the cessation of mineral extraction. NE assumes that the proposals would be subject to the detailed planning conditions in line with those recommended to safeguard soil resources and agricultural interests as previously identified by NE in so far as these remain relevant to the revised scheme. As with normal practice it is also expected that the soil handling strategy should be subject to regular review by the applicant and modified
where appropriate, to reflect any changes deemed necessary (or advisable) based on the experience of working the site or the views of other interested parties.

83 The former North East Planning Body (NEPA) considered that the key issue which the minerals authority must determine is whether the development proposals fulfil the requirements of RSS policy 44. If whether, given the presumption against opencast coal in both regional and local planning policy, the scheme is, or can be made, environmentally acceptable; or whether what is proposed can provide local or community benefits which outweigh the likely impacts. NEA recognises that there would be some environmental impacts as a result of the proposal, including: the need to relocate habitats; the generation of additional heavy goods vehicle movement; the visual impact of surface mining in this location, and in relation to noise, air quality, archaeology and geodiversity. Although the principle of mitigation is reflected in these proposals, the local planning authority will need to be satisfied with these measures to ensure that the proposal is in general conformity with the RSS.

84 Other RSS Policies are also mentioned, covering a range of matters including connectivity and accessibility (Policy 7), delivering sustainable communities (Policy 24), landscape character (Policy 31), historic environment (Policy 32), biodiversity and geodiversity (Policy 33), flood risk (Policy 35) and the overall minerals strategy (Policy 42). These matters are covered in the policies of the MLP as set out in this report.

85 The Health Protection Agency (Chemical Hazards and Poisons Division) (HPA) commenting on behalf of County Durham Primary Care Trust states that the findings of an authoritative report on the effects of opencast mining on particulate matter concentrations in residential areas are used to assess the effects of the proposal. Although the HPA believes that the levels predicted do not pose a significant risk to human health, it would support the recommendations made in the application with regard to implementing control measures. These control measures are in line with best practice guidance and the HPA would support any planning conditions aimed at reducing particulate emissions to a level that is as low as is reasonably practicable.

86 The Coal Authority (CA) has no objection to the proposed planning application and states that it will process any associated application for an operating licence under Part II of the Coal Industry Act 1994 in accordance with its statutory duties. The CA makes a number of comments in support of the application which are summarised as follows:

- As owner of the coal the CA encourages and supports the working of coal in environmentally and socially acceptable ways to meet market requirements.
- Reference is made to Government policy, the 2006 Energy Review and MPS1 in terms of supply of material and importance of indigenous energy resources.
- The role of surface mining in supplying the UK market with good quality coal including energy generation.
- That the planning regime takes account of the occurrence of minerals which can only be worked where they occur.
- That coal supply in the UK should contain a significant proportion of indigenous production.
- The environmental impacts of imported coal are highlighted in terms of increased transport related carbon and sulphur emissions.
- The importance of continued production and the need to bring environmentally acceptable new sites on stream to replace exhausted sites on a regular basis.
- That it is essential that any unnecessary sterilisation of coal reserves through
permanent development should be avoided.

- With regard to minewater, any site investigations and/or excavations on the site may have the potential to interfere with minewater pathways in the area. The applicant should be made aware of this and consult with the Coal Authority’s Environment Department at the earliest opportunity to discuss these issues.

- The applicant should be reminded that any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated. Further Information can be obtained from the licensing and permissions section of The Coal Authority website.

87 The **Health and Safety Executive** (HSE) has stated that it is has no relevant observations to make.

88 **English Heritage** does not wish to submit detailed comments and advises that the conservation section of the local authority and appropriate archaeological staff are best placed to advise on local historic environment issues associated with the proposal.

89 **Northern Gas Networks** (NGN) has stated that a high pressure gas pipeline owned by NGN crosses the northern section of the site. The pipeline has been taken into account in the planning of the proposal. Designated crossing points for vehicles are proposed and spoil heaps are to be positioned clear of the pipeline route. The key protection issues are that the pipeline and the easement are not affected by the ground loading imposed by the spoil heaps and blasting works are kept within maximum vibration levels at the pipeline. The developer would need to consult with NGN with regard to the monitoring of vibration levels at the pipeline during any blasting works and in liaison with NGN as appropriate during associated works.

90 **CE Electric UK** has provided records of the approximate location of known Northern Electric apparatus in the area and refers to Health and Safety Executive guidance. If any alteration or diversion of the apparatus is proposed the developer would need to contact CE directly. A copy of the letter has been forwarded to the applicant.

91 **Nationalgrid** has provided details of its apparatus in the vicinity of the site.

92 **Northumbrian Water Limited** has no objections to the proposed development.

93 **Durham Wildlife Trust (DWT)** initially considered that the proposal would lead to the destruction of important grassland habitats, and stated that there can be no guarantee that the proposed restoration scheme would produce alternative habitats of similar or improved quality. Concern was also raised about the proposed translocation of newts. The reference to the quality of coking coal on the site was also queried as no guarantee about this could be given prior to the commencement of operations.

94 DWT considered that the additional information provided by UK Coal further illustrates the importance of this site for biodiversity including as a foraging area for badgers. The extent and value of the area for this purpose would be reduced during mining operations and following restoration as it will take some time for earthworm
populations to re-establish themselves in the reinstated soils. Further analysis of the
unimproved grasslands has also confirmed that these are of sufficient quality to be
designated as a Local Wildlife Site. As Defra guidance states that all sites that meet
the relevant criteria should be designated, it is the Trust’s view that planning policies
in relation to Local Wildlife Sites should be applied to all areas of the proposed
development that were identified as being of suitable standard, whether currently
designated or not.

95 In the opinion of Durham Wildlife Trust the information demonstrates the biodiversity
value of the Bradley site and the likelihood of a negative impact on biodiversity if the
project were to go ahead, even with the mitigation proposed. Granting planning
permission would, in the Trust's view, not take account of Government guidance in
Planning Policy Statement 9 as the proposal is likely to result in a loss of biodiversity.

96 Durham County Badger Group (DCBG) considers that the proposed site is too close
to the surrounding woodland and the working scheme would have an adverse, and
long term, effect on protected species located within the woodland. It is noted that the
site is used for foraging and DCGB considers that that the ecological information
submitted on the use of the site by the protected species is incomplete. The
restoration of the disturbed land would also not be of any benefit to badgers for many
years, because of the lack of earth worms in the soil used for restoration. The
applicant’s Southfield site was fully restored using best practice soil handling
techniques but shows no evidence of badger foraging. The long term loss of foraging
area is therefore considered a problem on opencast sites. Comments are made
regarding the proposed restoration plan and reinstatement of the earthworm
population. It is also mentioned that blasting in the vicinity of a sett could need a
Natural England disturbance licence. In summary DCGB consider that unless the site
can be substantially reduced, taking it much further away from the woodland, the
application should not be approved.

97 Following the submission of additional information the Badger Group raised further
concerns about loss of foraging areas, blasting near setts and long term loss of
earthworms. It therefore feels it has no alternative but to maintain its objections to the
application, as it seems that proper mitigation is not in place and PPS9 is not being
complied with.

98 The Barn Owl Trust notes the presence of barn owls at the site and makes a number
of comments to protect their welfare. It is considered that the proposed maintenance
of current rough grassland areas and the erection of four tree nestboxes to
compensate for the loss of one tree site (so long as these are maintained in future)
are appropriate mitigation measures although a more permanent solution such as the
construction of a stone wildlife refuge would be preferred. The Barn Owl Trust also
requests that appropriate pre work surveys be carried out and precautionary
approach taken to avoid disturbance during the working period.

99 Durham Bat Group is opposed to the application because of its general impact on the
wildlife in this area. The Group cannot fault the ecological analysis for bats and
acknowledges that it has no tangible grounds for its objection within its remit.

100 Butterfly Conservation does not object to the proposal but it notes that the presence
of Common Blue suggests that the Dingy Skipper’s food plant, Common Birds-foot-
trefoil is there and the habitat might be more species rich than the report suggests.
The Great North Forest (GNF) considered that increasing the rights of way and other access opportunities on the site would be encouraged, particularly the Sustrans route. Restoration should increase biodiversity and wildlife value of the site in line with the Great North Forest Plan. The GNF would encourage the developer to include a long term maintenance strategy for the site. In order to sustain long term benefits of the restored site, funds should be allocated for inevitable maintenance and improvements such as footpath repairs, signage, waymarking and annual vegetation maintenance. Developers should consider the costs of the development to the local community in terms of the loss of access to green space, wildlife and vegetation, not only for the duration for the project but until the restored site has matured to a state that is comparable with the existing biodiversity, landscape and recreational amenity of the site. Mitigation could take the form of a Section 106 agreement.

The Forestry Commission (North East England Conservancy) (FC) welcomes the creation of 19 ha of woodland as part of the restoration and the intention to use mainly native tree species particularly because of the benefits of linking with the nearby ancient semi-natural woodland. However, it is considered essential that final decisions on species choice are made once soil replacement has been completed so an analysis of soil properties can be made. The benefits of loose tipping (reducing soil compaction) are highlighted and encouraged and if FC grants were to be applied for this would be an important consideration.

Sustrans notes that the Whitehaven and Sunderland Coast to Coast (C2C) cycle route is in very close proximity to the proposed coal mining site and crosses, west to east, from Leadgate to the Jolly Drovers Maze at the roundabout adjacent to the Jolly Drovers public house. It is stated that the C2C route is a very popular part of the National Cycle Network and is used by local commuter cyclists and leisure/tourism cyclists visiting the region. Based on 2006 figures there were over 240,000 cycle trips made on the route. Sustrans wish to ensure that the proposed coal mining scheme does not have a detrimental effect upon the usage or enjoyment of the C2C cycle route. It is noted that the existing roundabout at the Jolly Drovers public house can, at times, be very busy and difficult for a cyclist to cross especially at peak traffic times. Sustrans would wish to avoid any increase of traffic to this roundabout either from the mining operations or from the construction operations. Sustrans understand that a new roundabout would be created at the A692 and A693 junction, and would like to ensure that mining and construction vehicles are restricted to this new route. Pontop Pike Lane is classified as a ‘quiet lane’ for the enjoyment of cyclists, walkers and families. It also provides a convenient route for cyclists from Dipton to access the C2C. With the increase to HGV traffic on this route, Sustrans suggest that consideration is given to improving this junction for the benefit of cyclists and walkers and suggest that consideration is given to improving the A693 junction at the Stony Heap Lane/Pontop Pike Lane junction to the east of the site as it is the only junction on the A693 without a right turn harbourage.

Derwentside Ramblers Association is pleased that the period of operation of this site, if approved, has been shortened in order to reduce the disturbance caused by it. Nevertheless, the Association is worried that the natural life and appearance of the site will not necessarily return to their previous states. The restoration and supplementation of the existing Rights of Way is welcomed.
INTERNAL CONSULTEE RESPONSES:

105 Planning Policy highlights that the application should be determined in accordance with the statutory Development Plan for the area, unless material considerations indicate otherwise, as stipulated by section 38 (6) of the Planning and Compulsory Purchase Act 2004. The response highlights relevant development plan policies. It is noted that the applicant has considered the reasons for refusal of the Drovers and Billingside applications and outlines the differences between the Bradley and Billingside applications in terms of timescale, potential impacts, area, mitigation proposals and the direction of working. It is noted that the soil mounds have been moved further away from Douglas Terrace and that excavation is also more distant from the properties than previous proposals. Planning Policy conclude that it will be for the detailed analysis to determine whether the environmental impacts of the scheme are acceptable and whether the scheme addresses the matters raised and reasons for refusal of the previous schemes. It will be important to consider whether the effects, if found to be unacceptable, are sufficiently mitigated by the local or community benefits proposed.

106 Environmental Health Officer (EHO) has no objection to the proposed development. Should planning permission be granted then PM10 monitoring should take place 12 months prior to the commencement of operations and continue during the life of the site with the results being submitted to the Council. The dust monitoring strategy should be agreed with the Council prior to data being obtained on site and a Dust Action Plan adhered to. In terms of noise, the EHO had raised concerns regarding noise monitoring at Douglas Terrace but these have now been addressed and a noise level proposed to which the operator has agreed.

107 The EHO has no adverse comments to make regarding blasting and considers that the levels of vibration should be monitored at locations on the site boundary closest to the nearest sensitive receptors and assumes such a condition will be included. In addition a schedule covering the dates and times of blasting should be established in circumstances where this is necessary and agreed between the operator and the Local Planning Authority. The EHO has no adverse comments regarding lighting and should any nuisance issues result, Environmental Health can take action under the terms of the Environmental Protection Act 1990.

108 Ecology initially considered that there was insufficient information to make an informed decision, particularly with regard to protected species and habitats that the application did not allow DCC to fulfil its obligations under the Natural Environment and Rural Communities Act 2006, PPS9 and its associated guidance document ODPM Circular 06/2005. Following the receipt of additional information Ecology has no general concerns about the principles for safeguarding and enhancing biodiversity interests on the site but still has some issues relating to great crested newts including the timetable for habitat creation and translocation. However, these would be resolved at the licence application stage and are for the applicant and Natural England to address at that time. Overall the Ecology officer is satisfied with the results of the survey information, impacts and measures proposed for other protected species and land involving the retention of a greater amount of the good quality grasslands.

109 Landscape has no objection to the proposals and considers that revisions to the working and restoration proposals would reduce the physical impacts on the
landscape and improve the overall restoration benefits. These being:

- The northern section of the ‘Billingside Dyke’ has been retained.
- Areas of mature vegetation and veteran tree have been retained north of Area C.
- Additional hedgerow translocation is proposed.
- The ‘Billingside Dyke’ is to be retained / renovated / restored.
- The woodland edge in the centre west of the site has been improved.
- The line of the Western Way has been expressed.
- Hedges are proposed where they were missing.
- Holly-rich hedges have been introduced alongside PROW 26.
- Restoration of PAWS woodland to the north of the site is proposed.
- Walling is proposed at the roundabout indent.
- Identification of hedgerows to be translocated and proposed location.
- Incorporation of the route of the Western Way through the site and Springpit Wood.

In the light of those changes it is reasonable to conclude that the impact on the special character and quality of the AHLV landscape is ‘acceptable’ in the terms of Policy M23. The extent to which the longer term restoration benefits would (along with any other benefits) offset or outweigh short term visual impacts on local communities is a matter of judgment. Although not entirely consistent with the ‘conserve and restore’ landscape strategy that obtains over much of the site, the development of new woodland would help deliver the Woodland Strategy for the area which identifies the site as lying within both ‘Native Woodland’ and ‘Community Woodland’ Priority Areas. The restoration proposals are therefore in accordance with MLP Policy M24. Visual impacts on residential amenity would not be dissimilar to those deemed acceptable for opencast workings approved recently elsewhere.

Archaeology considers that features within the proposed development area do not justify preservation in situ and therefore has no objections to the proposed development. However, it is recommended that conditions are placed on any approved scheme requiring no development to take place until the implementation of a programme of archaeological work has been secured and approved and that no landscaping or restoration works take place until a strategy to restore the approximate route of the Western Way wagon way based on the results of the archaeological works has been agreed. The aim is to ensure that preservation by record is achieved as well as a suitable restoration scheme with interpretation materials at the end.

Design and Historic Environment considers that the significance of the historic landscape of the site and its setting has been substantially removed through the demolition of the colliery and the removal of the track bed of the 19th Century branch railway. It is noted that the restoration of the site will provide a good mix of informal open and landscape amenity space, agricultural land and ecological resources and that the approximate route of the former wagon way will be marked by a footpath. On site interpretation and publicly accessible records should be made available relating to the archaeology and history of the site. The proposals are not considered to affect the setting of the two listed buildings within the vicinity of the site, nevertheless, specialist advice should be sought regarding the possible, albeit unlikely, adverse impact that the extraction and related work processes and coal haulage will have upon the structural integrity of these. The condition of the Church of the Blessed Lady and St Joseph, closest to the site, should be monitored during the works.
Access & Rights of Way has no objections to the proposal but point out that it would be essential to make and successfully confirm a temporary public path order under Section 261 of the Town and Country Planning Act 1990 prior to any mining taking place. It is considered that the proposal to dedicate all new footpaths on the site, including the Western Way and its link to Footpath No.161, north of Pontop Springpit Wood, as Public Footpaths should be incorporated into the proposed legal agreement. It is recommended that a decision on the surfacing of the footpaths including the Western Way should be left until the time of restoration and that clarification should be sought as to who would have future responsibility for these.

Councillor Michele Hodgson (Annfield Plain Electoral Division) objects to the proposal. She has considered additional information submitted by the applicant and has discussed matters with many residents. In her opinion the damage to the lives of those local residents who live nearby would be immeasurable. Nearby residents chose to live in Douglas and Hedley Terrace because of its remote location and its position within the countryside. Three years of invasive mining operations and the consequent noise, dust and traffic so close to them is too much to countenance. They would also be denied access to peace and quiet in the countryside that they sought in the first place.

In the long term the damage to the local environment would be irreparable. This is a prominent site on the northern slope of the Pontop Pike which has special status in the local plan. It has a lot of wildlife including newts, barn owls, deer, bats and badgers and there is a very real danger that the wildlife would not recover afterwards. It also is a site well loved by local people because of its history, scenery and views. It is used by many walkers, individually and in groups.

The Council exists to protect and enhance the local environment for local communities and not to allow irreparable damage. Tourism, however small and undeveloped, and use of the local countryside for healthy living are two of the Council's priority aims. Whilst extraction of coal is important for the UK energy market, the scale of that extraction must be judged against the impact the proposal will have on the local communities. It is considered that the environmental impact of this proposal very much outweighs any benefits that may accrue from the proposal.

Councillor Alan Shield (Leadgate & Medomsley Electoral Division) has written to register the concerns raised by local residents about the proposal. He states that the residents concerns are relevant to the following issues:

- The expected duration of the project (32 months) will affect the quality of life of residents in close proximity to the site (Douglas and Hedley Terrace) and also have an unacceptable impact on the population of the whole district.
- The infrastructure of the area cannot support the imposition of HGV traffic on the main arterial routes into the metropolitan areas of Newcastle, Sunderland, Durham and beyond. The A692/3 is already heavily oversubscribed and is 'gridlocked' at certain peak times of the day – this can only be exacerbated by the introduction of slow moving heavy goods traffic through semi urban areas of Stanley and Chester-le-Street, or alternative routes through areas of conurbations.
- This traffic imposition will also impact on the other arterial routes, namely the A694 and A691 as commuter traffic try to find alternative routes to their destination escaping the potential congestion at or around the opencast site.
probable that commuters will also start to use ‘off-route’ B/C county roads to minimise any travelling delays.

- The clear visibility of this site from residential areas to the north of the Pont and Derwent Valleys will have a detrimental effect on their view of the landscape. There is a clear visibility on the roadways and in particular on the B6308 up Longclose Bank (already a notorious ‘black spot’ for accidents) into Medomsley and Consett which may lead to more incidents as the general view to the opencast site could prove somewhat of a visual distraction to motorists sightline.

- The proposed offer by UK Coal to subsidise a roundabout on the A692/A693 intersection is obviously encouraging and could be considered an integral improvement to the recent addition of a road widening scheme to allow traffic to turn right (without causing a backlog). However, if this application is granted the residents of the district could interpret it that UK Coal have succeeded in coercing (‘bribing’) the DCC Planning Committee.

- The residential enclaves of local communities may be subject to airborne noxious and potentially dangerous pollutants from the process of blasting- part of the opencast process, which may be transferred by prevailing winds and impact on the general health of the community residents. The provision of ‘off the shelf package’ proposed by UK Coal will not contain the air/water borne pollution. There is also a planned surface mining (open cast) facility at Hoodsclose which is on the opposite side of the Derwent Valley in Northumberland that means that all the residential areas between the two facilities could be affected by dust/pollutants whichever way the prevailing winds blow.

- The blasting process may lead to seismic disturbances, as Medomsley and surrounding areas are honeycombed with the legacy of deep mine shafts. This may lead to property damage and/or sink holes.

- The ecology of the area would be devastated. There is a wide spread of wildlife including newts, roe deer, red kites and bats. There is also a colony of an unique species of great crested newts in this designated area. All of these would risk being permanently lost (as the process of ‘translocation’ has no measure of success) due to the environmental change.

- This Derwent Valley location is an area known for its high value landscape of outstanding natural beauty and helps to support the improving economic value of tourism into the area specifically the nearby and well-used Coast 2 Coast (C2C) cycle route. The potential loss of this natural landscape heritage that residents are so proud of cannot be considered a viable proposal and residents do not wish this great asset to be further desecrated.

The residents believe that the proposal by UK Coal does nothing substantial for the district of Derwentside & the offer of a contribution to the local Community Fund is believed to be yet another attempt to persuade the participants in the decision making to be influenced in favour of approving the application. Councillor Shield asks on behalf of the residents to listen to the voice of the community and not ignore the opinions of those individuals who will have the quality of their lives directly impacted upon and be not influenced by the commercial undertakings that care little for the people of the area/district.

PUBLIC RESPONSES:

The proposals were displayed at a public exhibition held by the applicant at Leadgate and Dipton Community Centres prior to formal submission. The application was also advertised by site notice and in the local press as part of the planning procedures. Notification letters were sent to a number of properties in the vicinity of the site.
including Hedley Terrace, Douglas Terrace, Pont Road and Our Lady & St Joseph RC Church.

Objections

120 The Rt. Hon. Hilary Armstrong, former Member of Parliament for North West Durham and now Baroness Armstrong of Hill Top, stated in December 2009 that she has had several representations over the last couple of years regarding the opencast application for Pont Valley and had discussions with Council officers. She was concerned about this application and the effect it would have locally if granted. She noted that she rarely express an opinion as a Member of Parliament on planning applications, but felt in this case that there would be sufficient disruption for her to support local people’s objections. She also noted that she had met with officers to urge work on a more strategic approach to the whole of the valley, as she thinks that it is unacceptable for local people to have one opencast application after another with no overall strategy for the future development of the area. She appreciates the overall national need for coal, but does not believe that should override, on this occasion, the objections of local people.

121 Baroness Armstrong has recently confirmed that she would like her objection to the proposed site to be considered by the Planning Committee and the points previously raised still stand.

122 The Rt. Hon. Pat Glass Member of Parliament for North West Durham strongly objects to the application and expresses her support for local objectors against the proposed development. She has met on a number of occasions with the Pont Valley Network and other local individuals and organisations and agrees with their view on this proposal. She also considers that the MPs for Gateshead and Blaydon as well as Gateshead Council should be consulted as the proposal would have impacts, visually as well as physically, on their constituencies and administrative area. She is of the view that the site would be fully visible and likely to be visually distressing from the other side of the valley such as Chopwell.

123 Following receipt of a letter from the planning authority explaining why it was not considered appropriate in this case to extend the consultation to those parties (including distance and lack of direct impacts on the adjoining Council area) the MP has written to MPs and Gateshead Council advising them of this.

124 Burnopfield Community Partnership is vehemently opposed to any opencast mining in the area. It states that there is very little in the area except the wonderful scenery and the Partnership does not want it blighted by opencast activity. The environment is vitally important to the well being of residents the Partnership and must be preserved. The Partnership is liaising with Groundwork to enhance the local plantation and is in contact with the Parish Paths to formalise some structured walks. It would be a backwards step to allow any form of opencast mining in this area.

125 Burnopfield Environmental Action Movement (BEAM) objects to the proposal. It states that opencast mining is not wanted or needed in the Pont Valley. County Durham is just recovering from years of exploitation when the environment, people and landscape were damaged. BEAM considers that we are now more caring and knowledgeable and to allow opencast mining would be a retrograde step.
126 Collierley Local History Group objects to the proposal and highlights the existence and history of the Western Way and bell pits. These are a testament to the engineering skills deployed in these constructions and the proposal would destroy all traces of the artefacts. The application should be refused and the Red Wells pits and the Western Way allowed to remain so they can continue to remind future generations of our history and heritage.

127 Derwentside Residents Against Mining Application (DRAMA) object to the proposed development for the following reasons:
- Increased danger from heavy lorries and ancillary traffic on roads unsuited to such traffic.
- Destruction of wildlife and natural environment, which will take generations to recover. European Communities Directives on flora and fauna have not been taken into account.
- The destruction of important archaeological sites.
- The production of high levels of dust which will settle on nearby residential areas, causing health hazards, particularly to vulnerable groups such as the very young and very old.
- Noise pollution due to the configuration of the valley, lasting most of the day and an appreciable part of the weekend.
- Harmful effects on the developing tourist industry where any decreased revenue has to be set against any short-term financial gains (mainly for UK Coal).
- Disincentives to potential incoming light industry to relocate to the area.
- There appears to be few if any community benefits to outweigh any disbenefits in planning terms.
- The proposal sends out the wrong signals about the Government’s ‘commitment’ to renewable energy.
- Increased CO2 pollution by the encouragement of burning more coal.
- A successful campaign to protect the exploitation of a beautiful valley has continued over a long period, stretching back to the early 1970’s (largely by the Derwent Valley Protection Society). This application has no more merit than all of the others which have all been refused. In fact the arguments against opencast coalmining are now stronger than ever.

128 Derwent Valley Protection Society and Campaign to Protect Rural England have submitted a joint letter expressing strong opposition to the application. It is noted that 9 opencast applications for sites in the Valley have been refused on appeal in the past on the grounds that the environmental disturbance outweighed the need for the coal. In a sense it has therefore been central Government’s policy to preserve the environs of the Derwent Valley. The need for the coal (301b coking coal) was not established in previous years when there were markets for the coal. The coal would be used in power stations and is a gross waste of a rare and finite resource which should be preserved for a time of proven need.

129 Over the past 20 years millions of pounds have been expended by Durham County Council and Gateshead Council in clearing dereliction, undertaking environmental improvements and increasing public access in the Derwent Valley that is well renowned now as a major recreational and tourist attraction. The granting of planning permission on the site would set a precedent. There are many other operators waiting to get a foothold in the valley and such a move would destroy the efforts that have gone into making the area so valuable as a ‘green lung’ for the conurbation of the north east. It is hoped that the County Council will stand firm and maintain its
previous policy for the Derwent Valley by refusing this application.

130 Ebchester and Medomsley Ward Partnership strongly objects to the proposal. It believes that the local environment will be detrimentally affected, both in terms of unsightliness of the workings and by the potential effect of air born pollutants. The area hosts a diverse wildlife which it is feared would be lost or badly affected should this application be approved. A further concern is the number of HGVs using the A692/3. There is already congestion upon the main roads and it is likely locals will begin to seek out alternative routes to escape added congestion. This could lead to the increased possibility of road traffic accidents. The Partnership can see no positive outcomes for the area should any proposed working go ahead.

131 North Durham and Derwent Valley Friends of the Earth objects to the proposal. The wildlife value of the site is highlighted along with an inventory of species considered present and concerns regarding the impacted upon protected species. In terms of CO2 emissions it is highlighted that there is an urgent need to use less coal and to change the way it is used. If the application was approved UK Coal should be expected to calculate the carbon footprint of site workings over the life of the site along with the subsequent burning of the mineral material and offset the carbon emissions through the purchase of climate friendly projects. The success of the restoration of the proposed site in providing long term diversity is questioned along with the effect on hydrology and the effect on the properties in High Stables. Dust is raised as a concern along with the cumulative impact of working so close and so soon after Stony Heap and also the cumulative impact from the site itself.

132 Pont & District Community Association strongly objects to any further opencast coal mining in the area. Concerns were raised over the initial timing of the application and consultation period as well as the publicity about the scheme. The Association states that no one in the community is in favour of more opencast coal mining even though the application states that this will be the last one and that 262 residents have signed a petition against the proposals (no petition has been received). Concerns are raised regarding the effect on billions of micro organisms within the soil and how they would be replaced as well as the increase in noise, and more dangerous dust pollution which will simply accumulate into the bottom of the valley. It is noted that traffic associated with the Stony Heap site did not abide by traffic routes, speed limits and sheeting requirements. It is concluded that only the shareholders of UK Coal would benefit if the application is allowed to go ahead. There would be no benefits for local communities who would endure two years of pollution from dust and traffic. Coal in these valleys should be kept as a strategic resource. The world is at the cross roads of massive climate change and there needs to be a greater sense of vision about the future or there may not be one.

133 In response to the Addendum the Association considered that there had been some cosmetic changes made to the boundaries of the site but essentially it is just a dressed up version of the original application. The Association reiterated its objection to any further opencast coal mining in County Durham.

134 The Pont Valley Network (PVN), a constituted association made up of representatives of the community groups and associations that are in and around the Pont Valley area, objects strongly to the proposal. PVN consider that after 770 years of coal mining the landscape is finally recovering and re-establishing itself. They are immensely proud of its heritage but want to celebrate it as history and do not want to
revisit those days. UK Coal own vast tracks of land in the valleys and this application is suspected as being the tip of a very large iceberg. The site is in an area with a particularly poor deprivation index and PVN do not want the landscape, which is a great asset, to be returned to the dirty days of the past. PVN states that it is not in principle against opencast mining, as demonstrated by the fact that it did not object to the Stony Heap proposal, but considers that the current proposals are inappropriate and that it has long term aspirations to improve the environment and create heritage trails in this area to celebrate its local history. PVN objection to the proposal based on a number of detailed grounds.

- It is not considered that the coal is of a quality suitable for use in the power stations and modern power generating boilers.
- The short and long term visual impacts that would result from the proposal are highlighted and issue is taken with the landscape and visual impact assessment that has been undertaken. An assessment undertaken by a resident of Douglas Terrace has been submitted.
- The proposal would result in the loss of historic features and the restoration proposals are unsuitable. Considerable information has been provided in respect of heritage and archaeology
- Health concerns are raised from both PM10 and PM2.5 dust particles and photographic evidence of dust from the Company’s Stobbswood site referred to. A dust assessment carried out by a resident is included as well as concerns raised about the psychological impact of the proposals.
- There would be excessive noise generated from site operations and queries regarding the noise assessment are raised.
- Concerns regarding blasting (exacerbated by old workings) and damage to properties.
- The proposal would result in the loss of wildlife habitats for protected species including great crested newts, badgers and bats.
- The need for a roundabout is questioned, proposed vehicle numbers, implications of increased traffic and pressures on junctions in the area.
- Concerns are raised regarding the effect on the water table, effect on ancient woodland, suitability of proposals for dealing with discharges.
- The impact of the proposals on the high pressure gas pipe are raised.
- The proposal would remove a sustainable tourism resource. Details of two walks (one summer and one winter) that were arranged and attended by 54 and 42 people respectively are provided as an indication of use.
- The proposal would not be in accordance with RSS policies relating to climate change, protecting and enhancing the environment, culture and tourism, delivering sustainable communities, historic environment, renewable energy generation, minerals strategy and opencast coal. It is also considered that the proposal does not accord with national planning guidance PPS3 and PPS7.

In summary PVN consider that opencast mining is a degradation of the environment, generating minimal employment at maximum environmental cost and reintroducing all the demoralising effects of industrialisation to communities that have already suffered much more than enough. The quality of the landscape and the local environment has led to an influx into the local community of families who take these issues as key to their quality of life. House prices have risen due to the demand to live in this area. The visual and environmental impact would be too great and UK Coal offer no sustainable benefits to a local community who choose to live in this area due to the visual and environmental assets that exist. This linked to the potential damage to established wildlife communities and the obliteration of historical assets of at least
regional importance would provide the cumulative reasons for refusal of UK Coal’s application.

136 Having considered the Addendum PVN reiterated its objection and consider that concerns regarding the application have not been assuaged and have increased. PVN consider that the combined environmental impact is too great to be balanced by the benefits and mitigations suggested and the short and long term harm to the local community and its environment is too great.

137 In addition to the above representations, 155 letters of objection have been received from individuals in response to the application from a range of current and past residents of the area and visitors. The grounds of objection and concern raised by those objecting to the proposed development are summarised below.

Residential amenity/Quality of life
- Despite claimed improvements in extraction methods and increases in efficiency this does not address the detrimental impacts opencast workings have on the communities affected such as on health (mental and physical) and lifestyle (for example the enjoyment residents get from being outside in their gardens). They still involve noise, dust and light pollution as well as traffic density. Wildlife and people’s enjoyment of the countryside are seriously disrupted.
- Dust and noise would be hazardous to houses at High Stables and the local primary school in Dipton as the wind almost always blows from the west.
- One of the attractions of living in the Leadgate and Dipton areas is the unspoilt nature of the valley. Many people use the application site and surroundings for play purposes, wildlife spotting, walking, other recreational pursuits and historical interest. The damage to the quality of life and denial of access to an acceptable countryside environment for health and recreation benefits would be unacceptable.
- Past and current memories of the existing site are provided along with hopes of its continued enjoyment by future generations.
- The impact on the community would be a lot longer than the 3.5 years of working.
- Concerns that lighting used on the site would be bright floodlighting and would cause disruption to residents.
- This area of County Durham has suffered for many years from industrialisation, coal mines and steelworks and is now recovering to become a beautiful clean place to live.
- Many people have chosen to live in the area because of its beauty and good environment to bring up a family and because they want a certain type of life. This should not be disturbed; it is a human rights issue.
- There would be a potential conflict between the proposed development and people attending funerals or visiting graves and the impact on private reflection because of the dust, dirt and constant noise taking place.
- Concerns that house prices would be reduced as a result of the proposal and the proposal would be a significant deterrent to attracting buyers to new housing developments in the area.

Noise and dust
- The area is currently a haven of peace and tranquillity. This would be ruined by the noise of heavy machinery, blasting, etc and high levels of HGVs to and from the site.
- The level of noise pollution will increase; indoor and outdoor activities would be
affected; this would be particularly noticeable for residents of Douglas Terrace as they presently experience a lack of noise.

- The level of dust pollution will increase from site operations and from coal stockpiles. The prevailing wind comes from the west and south west and there is concern that dust will continually blow towards Douglas Terrace, High Stables and into Dipton covering houses and gardens with dirt and dust and making everyday activities unbearable.
- There is concern regarding the adequacy of the proposed draft Dust Action Plan dominant wind direction and the proposed response to problems and the ability to control dust.
- Concerns regarding PM10 and PM2.5 emissions and that the applicant would provide the absolute minimum of protection to meet current legislation against PM10 dust levels.
- The people and environment of north west Durham have suffered years of ill health and neglect due to mining. In recent years the health of the residents and the care of the environment have been actively promoted. If this application from a firm in Doncaster were to be approved the people and environment of Durham would suffer.
- The proposal would have health implications for people living close to the site especially those with pre-existing conditions due to an increase in exposure to dust and noise etc. In County Durham where over 30% of the population live in wards which are amongst the 10% most deprived in England.
- Children and the local primary school in Dipton are close to the application site and would be exposed to the dust effects during their school day and at home.

**Blasting and vibration**

- Concern about the effect of blasting and vibration on the high pressure gas pipeline that runs through the site and that it would be vulnerable to damage. There has been a lack of consultation with the owners of the pipe. A vulnerable T junction to the pipe lies in the area and has not been shown on the submitted plans. The existence of the gas pipeline on the site poses a major safety risk for local residents.
- Concern that blasting may affect the stability of nearby residential properties as well as cause structural damage. It is queried who would pay for any structural damage to properties should it occur as home insurance companies have stated that they would not.
- General concerns regarding subsidence have been raised.

**Traffic**

- Increased traffic on the local road network including 360 HGV movements a week with its attendant dust, noise and vibration is not appropriate to a semi rural road system and would make road accidents more likely.
- Lorries through Stanley would add to the heavy traffic especially at peak times.
- The volume and nature of the traffic emanating from the site would have significant impacts on the safety and effectiveness of roads in the immediate and surrounding area, particularly on the A692 and A693 which have serious shortcomings, the road between Brooms Road ends and Jolly Drovers roundabout which is already one of the busiest and most hazardous stretches of road in that area. These roads are arterial routes for Derwentside and have limited opportunities for overtaking. Severe bottlenecks already occur at existing roundabouts and the proposal would exacerbate these.
• Traffic, parking or access problems would be caused by the huge trucks.
• There is concern about damage to roads used by the HGVs, the safety of pedestrians on the A692 and A693 and that vehicles would be fuelled on low quality diesel which is highly carcinogenic.
• Concerns about possible disruption to the local bus network and other vehicles due to the volume of lorries leaving and returning to the site.
• Reference is only made to laden coal vehicles, no mention is made to how many other vehicle movements there would also be associated with the development.
• The A693 is used by walkers and does not have a very good footpath.
• Mistrust of the applicant regarding use of approved haul routes given experiences at the previous Stony Heap site. It is claimed that vehicles were travelling past Bradley Cottages sheeted and unsheeted and depositing debris on the road as well as travelling at 70mph in a 30mph area, although this was disputed by UK Coal as without registrations there was no proof. Despite reassurances from the applicant there is therefore concern that some drivers (as in the past) would use the shortest route and this will lead to an increase in traffic in particular through Medomsley and on Longclose Bank which is already a dangerous thoroughfare.

Ecology
• There would be an adverse effect on the wildlife in the area and the ecological damage to this part of the valley in the short and long term.
• Concerns on the impact on wildlife on large and small mammals and birds including foxes, Roe Deer, great crested newts, snails, Red Kites, Buzzards, Roe Deer, bats, curlews and insects in the vicinity. This would suffer and be displaced.
• The newts are better off where they are and there is concern about the survival rate of translocated newts and that the applicant does not have a proven track record of this type of relocation. There is also concern about the appropriateness of the four ponds regardless of whether or not the newts from the pond can be translocated.
• The mitigation proposals for the great crested newts do not meet the three tests as set out in the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2010.
• Concerns that there are no proposals to restore the pond adjacent to the A692.
• The area is rich in flora. The applicant acknowledges the special importance of the grassland but yet still propose to remove part of it.
• Concerns regarding the loss of trees and the impact of the proposal on ancient woodland immediately next to the site that it might be starved of nourishment by the water management and disruption of water flow caused during working processes for the site, nor the proposed planting of trees during any restoration period. Wider concerns regarding tree planting carried out more than 35 years ago in Dipton and its affects on the water table and ecology.

Landscape and Visual Impact
• The visual impact of the workings 24 hours per day would detract from the landscape value of the valley and the enjoyment obtained from it now would be an intrusive blot on the landscape which would be spoilt and become featureless.
• The site is visible and would prove to be an eyesore to everyone in the vicinity.
• The area is not in need of improvement. Sometimes there are cases for such development to be approved as the end benefits are deemed to warrant the temporary problems and disruption caused. This was argued with Stony Heap as
there were areas of dereliction. This is not the case here former pit heaps have
reclaimed naturally. It is noticeable how the wildlife and fauna have increased
and diversified and there now exists an area of farmland which is pleasing to the
eye and enjoyed by many residents for its beautiful walks and views.

- The site is in a prominent location adjacent to the one of the main arterial routes
though the district. It stands high above the Derwent and Pont Valleys and is
visible for many miles around from various locations including the AONB,
Newcastle and the wider Tyne conurbation, Chopwell and Waskerley as well as
footpaths. Screening mounds would exacerbate the problem.
- The landscape value of the area (previously designated as an Area of Great
Landscape Value) is highlighted. The valley was once painted by and highly
valued by Turner.
- The proposed site is interwoven with the old footpaths the miners would take on
their journey to and from work. This would be lost and it would be a great tragedy
if opencast mining was allowed here. The land would no longer have a natural
quality and would blight the lives of people who live in Derwentside.
- The proposal would be an untenable intrusion into a landscape that is recovering
from over 770 years of coal mining activity including Medomsley Colliery and
Deacons Drift.
- The prominence of the area is too great for any type of works not to represent a
substantial visual intrusion into the local landscape and the impact on residents,
commuters along the A692 and tourists would be too great to mitigate.

Restoration proposals
- It is queried how the original shape of the land could be preserved given coal is to
be removed and if landfill is to occur.
- The Pont and Derwent Valleys cannot be improved by any restoration and the
restoration proposals are totally out of character with an area that has been
mostly fields for 800 years. The site has naturally restored.
- Loss of historical mining site through the proposal and ugly scars from opencast
mining would take years to heal.
- A mature landscape cannot be replaced overnight it would be at least 20 years
and can never be put back to the way it was. People living around the site would
be elderly or dead by the time the landscape recovers with little or no time to
enjoy the restoration benefits.
- Claims that the applicant refused a request for specific facilitated community
consultation and that it would be disappointing to have a low quality
uncharacteristic landscape returned that did not represent the locality, its
character and its heritage especially after 3.5 years of disturbance to local quality
of life.

Recreation
- This is a good and easily accessible area for outdoor activities of cycling, walking,
running and horse riding which would be devalued if the proposal is allowed.
- The work of the Council maintaining cycle routes and pathways and promoting
the beauty of the area has been wonderful. Approval of the application would be
a retrograde step for everyone in the area. The site and footpaths are enjoyed
and appreciated just the way they are and do not need to be destroyed and then
artificially reconstructed.
- The C2C route is very close and is used by people from all over the country and
abroad and there is concern about the effect on the C2C and the impression the
development would give.

Hydrology
- There is concern about the potential release of noxious and potentially dangerous pollutants (air and water borne) due to the existence of substantial underground abandoned mine working over 250 years and that these would not be contained satisfactorily by the standard off the shelf package shown on UK Coal’s proposal.
- The Pont Burn flows into the River Tyne which is famous for salmon fishing and anglers make a significant monetary contribution to the wider area. There is a fear that this could become polluted.
- Concerns regarding potential adverse effects on properties of interference with the hydrology on and around the site. A builder has told people that the terraces are kept stable by the presence of running water keeping the underlying clay wet.
- Residents of Douglas Terrace would like expert advice concerning structural security of the properties at High Stables on the effect of changes to underground water caused by site workings.
- There are substantial coal drift mine workings close to the surface but there could be water seepage in and out of the old mine workings.
- At a public meeting UK Coal could offer no guarantee that the disturbance to the hydrology would have no effect on nearby housing, the Pont Burn or the ancient Pont Burn Woodland.

Cultural heritage
- The area is an historic archaeological site containing hundreds of years of mining history. It has unique features that must be preserved including old farm lanes, wagonways and a steam track of the 1860’s. These should not be removed nor should the existing ponds (it is the Billingside steam reservoir) as they are a unique example of how an industrial area can be successfully reclaimed by wildlife.
- The proposal would ruin the long term educational and tourist benefits attached to the area.
- The wagon ways could be revived and used to promote the area as tourist attraction and would be a better economic prospect for this area.
- The existence of various unique historic features should preclude the development of the site including the longest of the Tyne wooden wagonways, the Western Way of Bowes and Clavering. However, if the worst happens is stated that the path its features should be protected post restoration along with the remnants of the farm houses thus providing a substantial educational and heritage tourism asset in an area that was hacked out of the Great Forest probably in the early 12th Century.

Sustainability and the need for coal
- Request that an independent assessment be undertaken regarding the quality of coal to be mined and its suitability for energy production.
- To allow the application would be at odds with the Council’s approach to environmental issues and would fly in the face of central Government policy to move away from reliance on fossil fuels and towards sustainable sources of energy.
- The Council should be committed to meeting the energy needs of the present without compromising the ability of future generations to enjoy living in proximity to the area of natural beauty. Opencasting does not help the climate and does
not provide any sustainable benefit to the area, region and county.

- The burning of coal as a fuel is both inefficient and dangerous and would lead to global warming at a time when renewable energy supplies should be developed.
- The coal to be extracted is only enough to power the country for a few days.
- When individuals are constantly put under pressure to save energy or encouraged to use green energy, UK Coal is still looking at the cheap and polluting option. Surely this has more to do with profit rather than investing in the future.
- The proposal would produce short term energy and thousands of tonnes of CO2 and is not a long term response to climate change.
- There are deep coal mines with thousands of years of reserves not being worked, these should be reopened rather than works areas of beauty.
- The land should be given a break as coal has already been taken from underground.
- The high quality coking coal which lies below the Derwent and Pont Valley will not deteriorate while it is underground. If the coal has to be worked then it should be kept as a resource for the future.

**Impact on tourism and effect on the local economy**

- The local area is beginning to move on and recover from its mining history. People are moving to the area and tourism is on the increase. The proposal would keep people away and completely ruin any tourism in the area.
- Visitors to the area have written to say they enjoy walking in the local countryside and although the site is not designated as such it is considered to be one of outstanding natural beauty. It would be a travesty were any part of it to be ruined by this antiquated and unsightly form of mining.
- The rest of the valley will not be as attractive as a result of the proposals to walkers and other visitors. Recent and ongoing investment carried out by the Woodland Trust to encourage walkers could be rendered obsolete by the disruption. This would only exacerbate the economic difficulties in this part of the district.
- Dipton and Leadgate are villages that have struggled in recent times with a low level of economic activity and closure of amenities. However, there has been a turnaround with new housing which may attract young professionals and lead to a revival in the economic fortunes of the area. An opencast site may deter this.
- The A692 is a main tourist route to Stanhope and the Western Dales and the proposal would distract from the environmental attraction of the area.
- The damage and disruption of surface mining which will prevent this part of Derwentside benefiting from a major thrust of the Regional Economic Strategy and the County Durham Economic Strategy.
- The correct management of existing assets could bring long terms economic, environmental and societal benefits to this forgotten corner of County Durham. There are inconsistencies between encouraging new business parks and housing in the District and then digging large dirty open pits on the edge of them. The Council needs to decide where the future lies.
- Opencasting puts a blight on areas and contributes to decline and exclusion
which is not good for developing Durham as a vibrant County.

- The proposal would have a negative affect on economic development in the area despite the short term creation of some jobs. The Council should be taking a measured longer term view that recognises that if the proposal goes ahead it may be more difficult to attract investors.

**Government and Development Plan Policy**

- The proposals are not in accordance with the local plan, the County Minerals Plan, the emerging Regional Spatial Strategy and National Guidance on Minerals published by HM Government.
- Durham County Council previously had a ‘no go’ policy in the Derwent Valley. Is the Derwent Valley no longer a part of this County?

**Benefits**

- The proposed mitigation measures during operations and the plans for restoration do not in any way compensate for the adverse environmental impacts on local communities during operations or its long-term impact, and as such the application should not be allowed.
- No benefits to the communities are worth this desecration and such benefits that may be on offer can surely be made in less expensive ways.
- There is no need for a community fund and would local people be involved in deciding how this was spent?
- Disbelieve that the destruction of this area for all time along with the intolerable impact on residents in the area and along the lorry route can be justified except in returns for UK Coal.
- Concerns that the contribution to the roundabout would be from the proposed community chest that would normally be provided and the probity and morality of the offer and independence of the highway authority in judging the scheme.
- A roundabout is not the solution for the junction which is only busy at peak times. There have been no accidents and change is not necessary on safety grounds. The only benefit would be to the applicant.
- If the need for a roundabout is that great why has Durham County Council not provided one before now?
- If permission for the site is dependant upon a roundabout being constructed then it should be entirely funded by the applicant and not the tax payer.
- People can live with short travel delays.

**Employment**

- The proposal would involve short term working and impacts on employment but long term effects on the environment.
- The proposal would not provide real employment opportunities for local people and it is difficult to see how the make up of the entire workforce from local people can be guaranteed.
- Few new jobs would be created and the workforce would be moved from other sites, contrary to press articles.
- The Stony Heap site had the possibility of jobs but opencast working is of a very skilled nature and not many people in this area have the skills and qualifications required to manoeuvre heavy plant and machinery. It was not the people here who benefited from the mining operations.

**Previous applications**
• The threat of opencast activities has been around for many years and previous schemes have had an adverse cumulative impact.
• Residents previously vigorously resisted similar applications in 1986/87 and 2000 and in both cases the applications were rejected on the grounds of environmental damage and the destruction of natural wildlife habitats. The same outcome should prevail.
• The current application does not address the refusal reasons for the Billingside application and there is very little difference between the two schemes.

Future development
• This site if worked could lead to further working that would desecrate the whole Derwent Valley. If any opencasting be allowed in the Pont Valley and this surely weakens all arguments against further opencast operations into the Derwent Valley. A precedent would have been set and a toe-hold.
• Concerns have been raised about the applicant’s claim not to work areas of adjoining land if planning permission is granted. Such an agreement would be difficult to enforce and would not preclude other companies making applications.
• In other areas opencasting has continued for many years beyond the initially proposed end date.

Consultation process
• Proposals have been discussed with Council officers but not with local representative bodies, including Dipton Partnership, and it is queried how officers know what locals want.
• Disbelieve that the proposals were not discussed with Collierley School about potential dust and noise during working and that the school would have had views on the effects on students and the impact on the valley as a whole and the opportunity to use the valuable landscape, ecological and historical features inherent in the site for educational benefit. Healthy, happy and well rounded children are very important to the future life of the North East.
• The Council has not taken into account the will of the people or local partnerships which flies in the face of stated County policy.
• Surprise that Gateshead Borough Council was not consulted on the application given the short distance from the site and that the Gateshead Unitary Development Plan identifies the potential of the Derwent Valley for its landscape, recreational and biodiversity values.

Other matters
• No one with an interest in the application should be allowed to influence the decision of the Committee.

138 In direct response to the Addendum, 42 previous objectors reiterated previous objections and 24 (figure included in paragraph 136) new objections were received. A number of previously raised issues were reiterated in addition to the following matters.

Additional information
• Concern that the additional information was submitted during the summer when many residents would be on holiday.
• Issues and concerns raised in previous letters have not been addressed by the additional information.
• Increased concern as a result of additional information.
The information seeks to paint a better picture in order to push through the planning application despite what the surrounding population think.

Query how decision makers would feel suddenly having to live alongside an opencast mine and that they should base their decision accordingly.

The plan has been altered to reduce the environmental damage it would cause but does not eliminate any concerns about damage to the local environment, noise, pollution, increased traffic and damage done to the climate by the use of fossil fuels. The scheme remains a major threat to the environment and to the unfortunate residents who live in the vicinity.

The applicant has failed to address safety concerns regarding the high pressure gas pipe which runs across the site and the environmental devastation that would be caused by the application being approved.

The Transport Assessment Addendum is a cause of concern as the calculations have been made on the basis of the effects of increased traffic over a 24 hour period. The proportional impact would be much greater as the traffic would be during working hours.

**Further comments**

- Concerns about the effect on a listed building or character of a conservation area. The plan would destroy one of the oldest Catholic refuges.
- The Council has already used money to alter the road junction which has greatly improved traffic flows at busy times. In light of this expenditure it is surprising that UK Coal would suggest that the Council should pay any part of the cost.
- Impact on agricultural land. Comments are also made regarding exportation of soils from the site. However, this not proposed.
- The Unitary Authority was opposed by 78% of residents of County Durham and was forced upon them by central Government. Labour currently has a majority on the Council but would find themselves in the minority if this application is approved.
- Since setting up the Derwent AAP for Consett area local people have prioritised their vision for the area with the environment as their first concern, the proposal is against all that the AAP forum has agreed as their need for the future of their community.

139 A resident of Douglas Terrace undertook a survey among 33 residents, past and present, of High Stables which asked people what years they used the Billingside fields and what activities people do or did there. Recreational activities and playing by children came top of the list.

**Support**

140 The Osborne Conservation Trust supports the application. From a conservation viewpoint many benefits would arise from the application in form of new woodland and other habitats proposed in the restoration details. Also welcomed is the additional management period for certain habitats. The differences between the Billingside and Bradley sites are noted. Scars from old mineworkings would be eradicated enhancing the landscape and ecology. The long term benefit of the roundabout is welcomed thus eradicating the current accident blackspot. In this respect it is also requested if the Council could resurface and improve the levels for the remaining part of the A693 to its junction at East Castle as cars have had problems due to the undulating surface and this may adversely affect the safe passage of HGV leaving the site.
The Victoria Garesfield Miners and Community Banner Committee supports the application which would bring employment for local people and an improved road network in and around the area. From an environmental viewpoint it would also rebuild and create a better landscape for future generations. Protestors should be reminded that the north east region was founded on coal.

The former Corus UK Limited stated that the coal from the site seemed to have coking properties and may be capable of being used within the cokemaking facilities at Corus’s Teesside site. Should tests on the coal prove it could be blended with other coals to produce coke of a quality that can be used in the blast furnace at Redcar then Corus thought it would be in a position to open negotiations on a supply contract for the coal. Corus stated that it would be supportive of a local, competitive coal source which could replace imported coal in its blends.

**APPLICANT’S STATEMENT:**

UK COAL has carefully designed an environmentally led surface mining scheme at Bradley near Leadgate, County Durham. The Bradley proposal takes into account the matters raised in the previous Billingside appeal decision and the reasons for refusal of the Drovers site. It provides for the recovery of an estimated 533,750 tonnes of high quality coal.

There is the opportunity to sell coal from the Bradley site into both the electricity generation and coking market. The high level of coal imports into the UK to meet demand, illustrates the very strong need for coals like those within the Bradley site. The coal from the Bradley site is readily saleable within the UK and would therefore directly replace imported coal on a tonne for tonne basis, providing jobs and wealth within the UK. The working period will be 3 years 6 months which is a reduction of 1 year compared to the Billingside proposals, and the coaling period will be just 2 years 3 months.

The proposals include improved methods of working in terms of the design and phasing of the construction of soil and overburden mounds with a smaller site area covering approximately 73.9 hectares, progressive restoration is an important element of the scheme, along with better environmental protection and management of dust and noise. The Bradley scheme provides for an increased stand-off from residential properties, notably to the east of the site from Douglas Terrace. There will be no working of coal within 250m of this community, and there will be no blasting within 500m. The control and management of noise and dust has been greatly improved since the time of the Billingside application. The site will fully comply with noise limits set out in MPS2, vibration will be strictly controlled and in addition dust will be strictly controlled by a dust action plan including real time Osiris dust monitoring. The impact for this community will therefore be reduced as compared to the Billingside application and will comply with statutory standards. A site liaison committee will be set up to address residents concerns on an ongoing basis as the site proceeds and control the Community Fund.

Bradley mounds have been contoured and designed to more readily blend into the landscape than those on Billingside, and screening of the site particularly from the A692 is complete and more effective.
A key element of the design of the Bradley scheme is the proposed site access on to a new roundabout at the junction of the A692 and A693. The roundabout was included in the application after the public information exhibitions, where it was identified as a possible benefit of the scheme. UK COAL made an offer of £700,000 towards the design and construction of a roundabout at this location, providing the site was approved at committee by Durham County Council. £54,355.78 (£645,644.22 remains) of this has so far been spent on design work.

The funding of the roundabout represents a significant benefit for Durham County Council to realise a major lasting road improvement, the roundabout, which comes at a time of difficult economic circumstances. The funding of the roundabout is in addition to a Community Fund.

UK COAL has undertaken full assessment of the ecological issues on the site and has adapted the design to mitigate and accommodate the various elements. As part of the surveys undertaken prior to the Planning Application Great Crested Newts (GCN) were found in the pond near the A692/A693 junction. Mitigation was designed to translocate the GCNs which would facilitate comprehensive working of the site and the roundabout construction. UK COAL therefore applied for planning permission to construct receptor ponds “The Billingside Ponds” in the northern part of the site. This was approved and these ponds were constructed in summer 2010. Should the Bradley site be approved UK COAL would apply to Natural England for a GCN licence, with newt translocation taking place in 2011, followed by roundabout construction and operations starting on the site in 2012.

UK COAL has given careful consideration to the comments of Durham County Council and Natural England regarding areas of acidic grassland both inside and adjacent to the SNCI in the north of the site. The excavation area has therefore been reduced after discussions with Officers so that the most valuable areas of grassland and other elements such as scrub and trees will be preserved during the working of the scheme. These will, together with the Billingside Ponds area, provide valuable retained areas containing conservation elements upon which the restoration can build to give a wider network of these features.

The Bradley restoration proposals directly address one of the reasons for refusal of the Billingside application. With some 19.6 Ha of new native species woodland (3Ha on Billingside), the preservation of the more valuable areas of ecological importance, and with the extension of these areas, Bradley has a greater emphasis on the provision of wildlife habitats. The scheme has been designed to fit in with the wider landscape of the Derwent Valley, with smaller enclosures, more woodland, ponds, the restoration of the Billingside Dyke (a stone wall), the re-establishment of the Western Way, a new habitat for newts, and the active management of an area outside the site for native species woodland.

The proposals are consistent with National Policy in terms of both tests of MPG3 (revised). The scheme is compliant with all environmental limits and guidance imposed by Minerals Policy Statement 2 in terms of limits for dust and noise. The impact on ecology has been minimised and mitigated, the design of the site has reduced the impact from a landscape and visual point of view, the new site access reduces the traffic impact and the issues of archaeology and soils have been carefully considered. Therefore the site should be viewed as environmentally acceptable. If however the Authority feels the environmental impacts are more finely balanced, the
benefit of funding towards a roundabout, the restoration benefits and the Community
fund would outweigh any perceived environmental effects under MPG3 (rev) test 2.

153 The proposals are compliant with County Durham Minerals Local Plan saved policies,
of particular note Policy M7 (equivalent to MPG3 above), Policy M8 (piecemeal
working), Policy M24 (landscape improvements), Policy M27 (the creation of new
areas of nature conservation interest) and Policy M37 (no working within 250m and
no blasting within 500m)

154 It is estimated that the proposals would provide employment for 38 workers during the
operations of the site. It is anticipated that over £1.25 million will be paid directly per
annum to employees a large proportion of which will enter the local economy. Most of
these employment opportunities will be filled by workers that live in the local
community in line with current practice on all other UK COAL sites. In addition, there
will be indirect jobs involving drivers of the coal haulage lorries, along with plant
maintenance workers. Also there will be a considerable spend on local goods and
services required by the operation. It is anticipated the site will contribute over
£250,000 in rates over the lifetime of the site.

155 In this respect, it is considered that the proposal should be granted planning
permission having regard to the national policy, local policy and all other material
considerations.

The above represents a summary of the comments received on this application. The full written text is available for
inspection on the application file which can be viewed at the Durham County Area Planning Office, County Hall, Durham.
Officer analysis of the issues raised and discussion as to their relevance to the proposal and recommendation made is
contained below.

PLANNING CONSIDERATIONS AND ASSESSMENT

156 In assessing the proposals against the requirements of the relevant guidance and
development plan policies and having regard to all material planning considerations,
including representations received, it is considered that the main planning issues in
this instance relate to the principal of the development, the affects of the development
on residential amenity (including noise, dust and blasting), biodiversity interests,
landscape and visual impact, cultural heritage and design and conservation,
recreational amenity, agricultural quality and use, hydrology, access and traffic,
cumulative impact, alternatives and piecemeal working, economic issues and
community benefits. Other issues raised are also considered.

Principle of the development

157 The application site has been subject to two previous planning applications both of
which were refused. The current proposal is comparable to the Billingside scheme
but the application has sought to address the reasons for why it was refused and
dismissed on appeal.

158 Both MPG3 and MLP Policy M7 contain a presumption against proposals for the
opencast mining of coal and/or fireclay unless they are environmentally acceptable, or
can be made so by planning conditions or obligations, or they provide local or
community benefits which clearly outweigh the adverse impacts of the proposal. In
assessing such benefits, particular regard is to be had to the contribution of the
proposal towards the comprehensive reclamation of areas of derelict or contaminated land, and the avoidance of sterilisation of mineral resources in advance of development which is either subject to a planning permission or allocated in an adopted development plan. Regard is also to be given to the contribution (or otherwise) to the maintenance of high and stable levels of economic growth and employment and the need for supplies of fireclay to serve local brickworks. All proposals should avoid the unnecessary sterilisation of other minerals, particularly fireclays and brickclays. MPG3 indicates that the minerals planning authority assessments of the environmental acceptability or otherwise of individual proposals for coal extraction should normally prevail.

159 For the presumption to be set aside the proposal has to be environmentally acceptable or provide local or community benefits which clearly outweigh the adverse impacts of the proposal with regard to environmental effects. Surface mining is an operation which involves the movement of heavy vehicles over open terrain and removes established features in the landscape. It is noisy, likely to generate airborne dust and cause disruption over a number of years.

160 In terms of community benefits the site does not contain derelict or contaminated land and the proposal would not have reclamation benefits. Sterilisation in advance of other development is not applicable in this case. The community benefits proposed are long term environmental enhancements, increased public access, economic benefits during the life of the site as well as a community fund and contribution to the provision of a roundabout on Brooms Lane. Consideration of the proposal’s environmental effects and community benefits in relation to MLP Policy M7 are assessed in the following paragraphs of this report including the scope for control by condition or legal agreement.

Government Energy policy

161 In June 2010 the Coalition Government set out its energy and climate change policy. This included the first Annual Energy Statement to set strategic energy policy and guide investment as well as the ‘2050 Pathways Analysis’. The Annual Energy Statement sets out 32 actions being taken to accelerate the transformation of the energy system and wider economy. It was also stated that a wide-ranging consultation on electricity market reform would take place followed by a White Paper in Spring 2011.

162 The stated mission of the Government is to support the transition to a secure, safe, low-carbon, affordable energy system in the UK, and mobilise commitment to ambitious action on climate change internationally. Nevertheless, it is acknowledged that the UK economy is reliant on fossil fuels, and is likely to be so for some time to come and most of our power stations are fuelled by coal and gas. In the first quarter of 2010 nearly 80 per cent of our electricity was generated by burning gas and coal. Currently approximately 70% of coal is imported and overall, energy import dependency is set to rise over the next 10 years.

163 The ‘2050 Pathways Analysis’ is the Government’s first comprehensive, long-term look at the UK’s energy supply and demand sectors and greenhouse gas emissions to 2050. It shows some of the energy choices and trade-offs that will have to make over the next forty years to secure low carbon energy supplies for the future.
Residential Amenity

164 The proposed site lies in open countryside between Leadgate and Dipton. The closest residential properties are Douglas Terrace and Hedley Terrace which lie to the north east of the site. The closest residential properties in the Leadgate area to the south west on Pont Road and Low Bradley. Isolated residential properties surrounding the site are Brooms Farm and Our Lady and St Joseph RC Church Presbytery to the south east. Bradley Hall lies adjacent to Low Bradley Farm some 530m to the north west. These dwellings and their proximity to the site and proposed operations are listed below (distances in metres). The principal affects of working on residential amenity would be in respect to noise, dust and visual impact.

Approximate distance in metres from properties to various site operations

<table>
<thead>
<tr>
<th>Properties</th>
<th>Site Boundary</th>
<th>Excavation area/void</th>
<th>Overburden Mound</th>
<th>Soil Storage</th>
<th>Coal Processing</th>
<th>Blasting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Douglas Terrace</td>
<td>160</td>
<td>285</td>
<td>695</td>
<td>165</td>
<td>775</td>
<td>500</td>
</tr>
<tr>
<td>Brooms Farm</td>
<td>77</td>
<td>97</td>
<td>395</td>
<td>82</td>
<td>230</td>
<td>400</td>
</tr>
<tr>
<td>Our Lady &amp; St Joseph RC Church Presbytery</td>
<td>155</td>
<td>173</td>
<td>456</td>
<td>159</td>
<td>282</td>
<td>450</td>
</tr>
<tr>
<td>Jolly Drovers Public House</td>
<td>404</td>
<td>486</td>
<td>550</td>
<td>419</td>
<td>530</td>
<td>560</td>
</tr>
<tr>
<td>Pont Road</td>
<td>384</td>
<td>550</td>
<td>433</td>
<td>390</td>
<td>633</td>
<td>590</td>
</tr>
<tr>
<td>Low Bradley</td>
<td>516</td>
<td>750</td>
<td>736</td>
<td>557</td>
<td>1286</td>
<td>770</td>
</tr>
</tbody>
</table>

Noise

165 Government guidance (MPS2) advises that during normal working hours (0700 – 1900) and subject to a maximum of 55dB(A) $L_{Aeq1h}$ (free field), mineral planning authorities should aim to establish a noise limit at noise sensitive properties that does not exceed the background level by more than 10dB(A). It is recognised, however, that in many circumstances this will be difficult to achieve without imposing unreasonable burdens on the mineral operator. In such cases, the limit set should be as near to that level as practicable. During the evening (1900 – 2200) limits should not exceed background level by 10dB(A) and during the night should not exceed 42dB(A) $L_{Aeq1h}$ (free field) at noise sensitive properties. MPS2 also recognises that mineral operations will have some particularly noisy short term activities that cannot meet the limits set for normal operations. These include soil stripping and the construction and removal of mounds. The advice is that increased temporary daytime noise limits of up to 70dB(A) $L_{Aeq1h}$ (free field) for periods of up to 8 weeks in a year at specified noise sensitive properties should be considered in order to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is expected to take longer than 8 weeks a lower limit over a longer period should be considered and in wholly exceptional cases, where there is no viable alternative, a high limit for a very limited period may be appropriate in order to attain the environmental benefits.
A noise assessment has been carried out as part of the proposals the results of which are contained in the ES. Monitoring was undertaken at properties and locations around the site including Pont Road, Brooms Farm and Douglas Terrace. Predicted noise levels (based on a ‘worst case scenario’) indicate that normal site operations would not exceed the nominal limits of 55dB(A) $L_{Aeq1h}$ and would not be 10dB(A) above measured background levels. The recorded background noise level for Brooms Farm was 58.1 dB and for Pont Road the background noise level was 46.8dB. The predicted level for normal operations was 52dB at Brooms Farm and 42dB at Pont Road but the EHO considers it appropriate that a level of 55dB be set for both locations which would be achievable even when site operations are nearest to the identified locations. For Douglas Terrace the background noise level was 41.9dB and the predicted level for normal operations is 44dB. The EHO considers a noise level of 50dB to be appropriate for Douglas Terrace and the applicant has agreed to this level. The assessment concludes that all temporary operations could be carried out within the nominal limit of 70dB(A) $L_{Aeq1h}$ over an 8 weeks period as specified in MPS2. Predicted levels for temporary operations would range between 42 and 55dB at the aforementioned properties but the MPS2 level of 70dB(A) $L_{Aeq1h}$ (free field) is proposed as a limit.

As well as the construction of earth mounds, proposed noise mitigation measures also include the screening of pumps or generators at semi permanent or permanent locations, steps to minimise the noise from vehicles and machinery, including the fitting of efficient silencers and regular monitoring of all site plant and machinery to ensure that silencer performance is not diminished. In addition soil handling, overburden extraction and backfill operations would be restricted to 07.00 to 19.00 Monday to Friday and 07.00 – 13.00 on Saturdays. Where soil handling operations would take place within 200m of any occupied third party residential property these would not commence prior to 08.00 Monday to Saturday (these being Douglas Terrace, Hedley Terrace, Brooms Farm and Our Lady and St Josephs Church house).

Having regard to the nature and location of operations it is accepted that there would be notable changes in some local noise levels during the life of the site especially during temporary operations which could have the potential to cause nuisance to local residents. However, the predictions are based on worst case scenarios and the higher levels from temporary works would be limited to 8 weeks in any one year and within acceptable levels as specified in Government policy statements. The EHO has no objections. In view of this and given suitable controls would be put in place to ensure that these limits are adhered to, it is considered that the proposal would accord with MLP Policy M36.

Dust

Mineral sites give rise to dust issues and it is recognised that the large amounts of overburden to be moved as part of opencast operations and intensity of activity associated with that movement can contribute significantly to the increased potential for dust emissions. It is also accepted that the generation of dust can only be minimised and controlled rather than eradicated.

A Department of Health and Department of the Environment, Transport and the Regions research study: *The Impact of Particulate Matter from Opencast Coal Sites*
on Public Health, was published in December 1999. MPS2 guidance reflects the good practice recommendations made in the report. The key assessment criteria are the proximity of residential communities to a site and background levels of small particles (PM10) in relation to the National Air Quality Standard. The proximity distance to settlements for assessment purposes is 1km.

The background levels for North Durham are quoted as being between 11.4 – 16.2 µg/m$^3$ and the predicted increase from open casting (typically opencast site operations can produce 2 µg/m$^3$ of PM10s) would still maintain levels that are below National Air Quality Standard of 40 µg/m$^3$ annually and 50 µg/m$^3$ (24 hours mean). The EHO does not consider that there would be breach of current air quality standards as a result of the proposal even if a worst case scenario of 6 µg/m$^3$ was attributable to site operations. The applicant has agreed to undertake air quality monitoring over a 12 month period prior to the commencement of operations on the site and continue during the life of the site. It would be necessary that the control measures consisting of the Dust Action Plan (DAP) and the requirements of the conditions of the Environmental Permit that would be required for the operations on the site will ensure dust emissions do not consequently result in levels that exceed the Air Quality Objective concentrations.

Whilst accepting that compliance with general air quality standards can be achieved there are residential properties well within 1km of the site which would potentially be at risk from any fine particle dusts generated by site activities. With regard to larger dust particles, depending on wind speed, the degree of rainfall and surface topography, these particles would generally return to the surface over a much smaller distance. There is potential for risk from dust nuisance and the EHO notes that are the dwellings at Douglas Terrace are of particular concern. These are affected by the prevailing wind direction and have little or no screening from the site by hills, woodland or other structures. By contrast dwellings on Hedley Terrace, in the same location, are protected to some extent by the façade of Douglas Terrace. For most of the other properties close by, extensive woodland between the site and dwellings would assist in the interception of windblown dust from site activities.

The ES includes an assessment of known meteorological information and states that the periods during which the risk from the dust generation is likely to be highest, from May to August. Outside this period the risk of dust generation is less, but may still be possible at any time, including during dry freezing conditions. Dominant winds are from the west and south-west.

The operator intends to adopt a full Environmental Management System to ensure high standards of operation and mitigation would be in place as recommended in MPG3 and MPS2. A draft Dust Action Plan has been submitted proposing the setting of trigger levels relating to wind speeds so that additional dust suppression measures would be implemented under certain conditions. Typical dust suppression measures would include the use of water sprays/bowsers, fitting of dust filters on fixed plant and machinery where appropriate, dampening down of haul roads and stocking areas, seeding of soil and overburden mounds and the temporary suspension of operations giving rise to fugitive dust in dry windy weather until additional equipment is provided or conditions improve. Monitoring of dust deposition levels around the site would also take place and results would be made available to the Authority upon request. The EHO has no objections to the proposed development. Given the mitigation measures proposed it is considered that the proposal would accord with MLP Policy M36.
Blasting

175 Sandstone overlies certain coal seams and blasting would be necessary to fracture this in part of Area B where these are particularly thick (10m above the Hutton seam and 17m above the Low Main/Top Brass seam). There is less hard rock cover in Area A and the shallower part of Area B and it is considered that these could be worked without blasting. Only low level explosive charges would be used where blasting is necessary to ensure that coal seams are not disturbed by excessive fragmentation.

176 The three effects associated with blasting, are ground vibration, air overpressure (or air blast wave) and projected rock particles (flyrock). The extent of disturbance is dependant on a number of factors including type and quantity of explosive, degree of confinement, distance to nearest buildings, the geology and topography of the site and atmospheric conditions. The ES advises that ground vibration and air overpressure may be perceptible to the public in this case. However, it is stated that previous assessments and guidance have shown that the likely magnitude of blast induced vibration is low and can be suitably controlled by planning condition.

177 It is proposed that blasting would occur between 09:00 – 12:00 and 14:00 – 16:00 Monday to Friday at prearranged times usually 5 minutes before or past the hour. The exact frequency of blasting cannot be determined at this stage but it is anticipated that it would normally be a maximum of 2 blasts per day although this might extend up to 4 blasts. A test blast would be used to inform the design and calculation of production blasts and these would be within defined limits set in Government guidance. Measures would also be taken to minimise overpressure and avoid flyrock.

178 The nearest blasts in relation to residential properties are set out in the table above. For purposes of MLP Policy M37 blasting would not take place within 500m of a group of 10 properties or more (the closest being 16 properties at Douglas Terrace) although it would take place within 500m of Our Lady and St Joseph RC Church Manse and Brooms Farm. The design and calculation of blasts would ensure that the vibration levels at all nearby properties are controlled and kept within permitted limits. It is proposed that ground vibration as a result of blasting would not exceed a peak particle velocity of 6mm per second in 95% of all blasts measured over a 6 month period. This would be in line with normal planning requirements on mineral sites. The EHO has no adverse comments to make regarding blasting subject to conditions covering monitoring and a blasting schedule being agreed. The blasting proposals would not conflict with MLP Policies M36 and M37.

179 Local residents have raised concerns with regard to possible damage to properties from blast vibrations. Blasthole charge rates on the site would be determined using established procedures so that vibration levels would be well below those that cause or are likely to cause structural damage to any properties lying adjacent to the site. Ground vibrations that would normally be perceived by members of the public would be well below these levels. The applicant’s consultant considers it is highly unlikely that the properties would experience any structural damage from the release of confining pressures when the bedrock is excavated as planned. This is because of their relatively remote location and the comparatively shallow nature of the proposed surface workings. Structural surveys are therefore not proposed.
Biodiversity interests

180 The proposed site is not affected by statutory nature conservation designations. However, it does contain two non-statutory sites. The majority of the West Billingside Meadow SNCI is located within the north eastern part of the site. This is a local former Derwentside District Council designation that is noted for its ‘mid-altitude semi natural species rich grassland’. However, its condition has deteriorated and it is no longer considered to be of high botanical or fauna interest. All former District sites are currently on a waiting list for assessment for possible inclusion on the County Council’s definitive list of Local Wildlife Sites. The current status of the site is therefore uncertain. Irrespective of this, the proposal would not cause significant harm to the SNCI given its condition. Brooms Pond Local Wildlife Site is within the south western part of the site and supports a great crested newt population (hence its designation). This would be lost in the excavation and in mitigation the newts would be translocated to the new ponds that have now been created. Other Local Wildlife Sites in the immediate area include Pontop Fell Local Wildlife Site is approximately 115m to the east and Stony Heap/Batling Lime Kiln Local Wildlife site lies some 1065m to the south east. Pontop Springpit Wood and Billingside Wood are ancient woodlands to the northeast and north and northwest of the proposed site. The Derwent/Browney Link wildlife corridor runs outside of the site, 160m to the north east. These would not be directly affected by the proposals.

181 A number of detailed ecological surveys were undertaken both prior to and during consideration of the application. Those areas within the site not designated as statutory or non-statutory were considered to be of variable nature conservation value due to current agricultural practices but various woodland and grassland habitats were identified.

182 The unimproved grassland in the northern part of the site has been identified as MG5 grassland or ‘lowland meadows’. According to Natural England this a nationally important BAP priority habitat and (if over 0.5ha has the potential to be of SSSI quality) and is a scarce resource in the former Derwentside district. Originally 1.55 ha of MG5 grassland was to have been disturbed by operations. However, alterations to the working method have been reduced to 0.58 ha to retain a greater amount of this type of grassland.

183 The site is of local interest for breeding birds and contains a number of BAP species birds on the red and amber lists but no Schedule 1 (of the Wildlife and Countryside Act 1981) breeding species. No nationally scheduled or regionally significant populations of birds were recorded but the site is considered to be of District significance in terms of bird value. A number of operations would have potential short term effects on nesting or breeding birds (such as initial ground works and vegetation clearance) but conditions can be imposed restricting the timing of vegetation clearance as requested by Natural England and there would be no long term implications on the bird population from working and restoring the site. In addition mitigation for the loss of habitat for breeding birds would be provided in the form of nest boxes located on the site periphery and within retained habitats.

184 Whilst there would be some localised nature conservation effects from the loss of open land and hedgerows, the proposal would provide a more varied and sustainable habitat for wildlife and one that is appropriate to the ecology of the area. The
proposed afteruses would meet objectives set out in the Biodiversity Action Plan to increase the amount of species rich grassland, native species woodland, acidic grassland, ponds, marsh and hedgerows in County Durham. In addition it is proposed that conifers would be progressively thinned out in existing woodland along the north western boundary of the site (in the applicant’s control). This would allow native species to prosper and where necessary further planting would take place. This would be covered by legal agreement.

185 In terms of protected species, the presence of some trees suitable for roosting bats was noted. However, no existing roasts were identified and foraging appeared limited. One tree did appear to be in use as a small occasional bat roost and would be lost. However, its retention is not considered feasible or proportionate to the impact on the species which is not likely to suffer any significant detrimental effect from the lost of the roost.

186 Other protected species were found to be using the site for foraging but no active setts were found, although there were setts outside of the boundary. The alteration of the site boundary has allowed the retention of a further 2 ha of permanent pasture which would continue to provide foraging areas and be managed in such a way as to maintain optimal foraging habitat for badgers. As a result it is not considered that operations would impact significantly on badgers.

187 The proposal would involve the translocation of the great crested newts from the existing Brooms Dene Pond (designated area of 0.7ha) to the four recently created ponds (covering an area of 0.24 ha but set within a total area of 5.9 ha with proposed planting). Survey results have shown that the existing pond supports a medium population (between 11 – 100) as no more than 27 newts were found on any survey occasion. The pond is not thought to form part of a wider population as there are no other waterbodies close by and the A692 is a barrier to dispersal. Having initially objected to the proposal Natural England has in this particular instance accepted that the proposed translocation would be an appropriate means of safeguarding the population in the local area as well as potentially increasing its size and viability. This is on the basis that a management plan including a method statement and timescales for the translocation is implemented. This could be covered by planning condition and the long term management of the site within a legal agreement.

188 The presence of great crested newts is a material consideration in planning decisions as they are a protected species under the Wildlife and Countryside Act 1981 and the European Union Habitats Directive and the Conservation of Habitats and Species Regulations 2010. The Habitats Directive prohibits the deterioration, destruction or disturbance of breeding sites or resting places of protected species. Natural England has the statutory responsibility under the regulations to deal with any licence applications but there is also a duty on planning authorities when deciding whether to grant planning permission for a development which could harm a European Protected Species to apply three tests contained in the Regulations. These state that the activity must be for imperative reasons of overriding public interest or for public health and safety, there must be no satisfactory alternative, and that the favourable conservation status of the species must be maintained.

189 In terms of the 3 derogation tests it is considered firstly that there are no satisfactory or realistic site alternatives in this case as minerals can only be extracted where they occur. Alternative methods of working the site to safeguard the existing pond were
also not considered viable given that coal would have been lost and the construction of the roundabout would not be possible. Within this framework the current proposal is regarded as the best option for the newts and would provide a new habitat that avoids sterilisation of mineral and facilitate the construction of a roundabout. If planning permission is ultimately granted for the development having regard to the relevant material issues then it is also in the public interest that a permission is capable of implementation. The great crested newt population is at risk and moving to a new location should safeguard and potentially increase the long term survival prospects of the colony. It is therefore considered that the favourable conservation status of the species can be maintained. Having regard to all these factors and mitigation measures proposed it is considered that the local planning authority can properly discharge its legal obligations under the Habitats Regulations.

190 On the balance of biodiversity issues, it is therefore concluded that the proposed benefits within a comprehensive programme of restoration and management, would outweigh any adverse impacts that working would have on the existing ecology of the area. Natural England has no objection to the proposed development. The proposal would be in accordance with MLP Policies M27 and M29.

Landscape and Visual Impact

191 The site lies on north-facing slopes in the head of the Pont Valley. Its lower parts lie within the ‘coalfield valley’ landscape type identified in the County Durham Landscape Character Assessment 2008 and the upper parts within the ‘coalfield upland fringe’ landscape type. The site is made up of pastoral farmland with a fragmented field boundary network. The local landscape is well wooded, with conifer plantations and ancient woodland sites of coniferous or mixed species largely following denes and watercourses.

192 The northern part of the site lies partly within an Area of High Landscape Value (AHLV) as defined in the DLP. The County Durham Landscape Strategy 2008 indicates that the appropriate strategy for much of the land within this part of the site should be to ‘conserve and restore’ landscape character. The response to the higher and more open ridge top land covering much of the southern part of the site is to ‘enhance’ its character as this has been degraded in some degree by the loss of field boundaries and earlier opencast mining.

193 The site is crossed in a north-west / south-east direction by a dry-stone wall which marks the edge of the former Lanchester Common. South and west of the wall, and northwards along the A692, field boundaries date from the Lanchester enclosures of the late 18th Century and are made up of straight hawthorn hedges. This boundary network is heavily fragmented. North and east of the wall, field boundaries are generally older and are likely to date from late medieval or early post-medieval enclosures associated with farms at East and West Billingside. This older field boundary network is irregular in character and also heavily fragmented. The majority of hedges are gappy or derelict but there are some intact and substantial holly hedges and scattered mature trees.

194 The landscape impacts on the topography of the site would be minimal and it would be restored broadly to existing levels. Much of the existing field boundary network would be lost along with a number of mature trees, scrub and grassland. The historical interest of the site would also be reduced by the loss of these elements and
industrial archaeology features. However, this would be a localised impact and would not be appreciated in wider views of the area. The amended proposals provide for the retention or translocation of greater lengths of hedgerows and walls than initially proposed. 3,985m of new hedgerows would be planted and an additional 362m of hedgerow would be translocated (into the ponds area).

The impacts of the proposal on the character of the landscape during the operational period would be substantial but relatively localised. The site would be widely visible across the lower Derwent Valley to the north east, but generally at distances that would make it a small part of visually complex panoramic views. The proposals would be widely visible as an extractive operation on sloping ground in the otherwise rural Pont Valley head although the heavily wooded nature of the local landscape would afford a high degree of visual containment at times. The most substantial impacts would be in views looking south and east across the valley from parts of Medomsley and Bradley Cottages and from isolated properties and footpath network on the northern valley slopes around Low Bradley / Bradley Hall from where the proposals would be out of keeping with the AHLV’s rural character and detract from its scenic quality. The overall duration of that visual disturbance would be around 41 months and the phasing of operations and restoration would have some effect in reducing the amount of bare and disturbed ground at any one time. Nevertheless, in the more open views the level of disturbance would be significant over much of its working life.

The site would be progressively reinstated throughout the extraction period. Restoration proposals involve the planting of a substantial area of new native woodland, new hedged field boundaries, new ponds and wetlands and an improved public rights of way network. Woodland planting would predominantly be within central parts of the site with agricultural land in north western and south eastern areas. Species rich grassland/hay meadow is also proposed within the central part of the site within the woodland areas and on land to the south east between agricultural fields. Areas of acidic grassland are proposed as well as a number of water features in the north western part of the site. The route of the Western Way historic wagon way would be denoted by a new public right of way and interpretation boards would be erected detailing the history of the area. Over time, the restoration proposals would make a positive contribution to the character of the local landscape. Whilst not entirely consistent with the ‘conserve and restore’ approach within landscape strategy for much of the site, the development of new woodland would help deliver the council’s Woodland Strategy which identifies the area as lying within both ‘Native Woodland’ and ‘Community Woodland’ Priority Areas.

Although the reinstated site would have a different character from that which currently exists it would be broadly in keeping with the wider character of the Pont Valley. An extended management period of 10 years is proposed which should ensure the establishment of the proposed landscape features although the ultimate success of some features like the species rich grassland would be dependent upon future management. As part of the scheme the applicants propose to restore an area of planted ancient woodland to the north of the site by the progressive removal of conifers and restocking with native broadleaves. This would be beneficial and would also help to deliver the Council’s Woodland Strategy. Through legal agreement this area would be managed for 15 years from the commencement of the development.

In terms of visual amenity, the proposals would be seen from a range of visual receptors in the head of the Pont Valley including residential properties, roads and
footpaths. Most residential properties in Leadgate would have no view or very restricted views of the development due to the screening effects of intervening buildings, topography or vegetation. The impact on residential properties in Medomsley would also be low due to the screening effects of woodlands on the northern valley side although there would be more open views from a number of properties in the North Magdalene area of Medomsley at distances of around 1.6 to 2.5 km. Much of the central and northern part of the site would be visible at distances of around 1 to 2 km from the northern part of Bradley Cottages. There would be lower impact views from the Pont Bungalows area and properties in Douglas Terrace would have views of the perimeter screening mounds at around 140m to 190m. There would also be shallow views of surface operations in parts of the site from Douglas Terrace particularly from 1st floor windows. The visual effect from isolated properties at Bradley Hall and Low Bradley would be highest, where the site would largely be open to view at distances of between 600m and 1500m. To the south of the site at Brooms Farm and Our Lady and St Joseph's Church there would be views of low perimeter soil mounds along the adjacent A692.

199 The visual impacts of the development would also be experienced from a number of public footpaths in the vicinity of the site including those diverted around its perimeter, and from parts of the extensive network of paths on the northern slopes of the valley. Given the absence of paths to the west and north of northern Leadgate and the Bradley Cottages/Bradley Bungalows/Pont Bungalows area the focus of countryside recreation is in this general direction using some or all of the affected paths and tracks. Direct views from public highways would vary due to the effect of screening topography and vegetation. The low perimeter topsoil mounds would limit most views into the operational area but would have an artificial and engineered appearance along the road side. The visual effects along the road network generally would be less severe although there would be medium-high impacts in views from Pont Lane (similar to those from Bradley Cottages), and low-medium impacts in views from sections of the B6308 and B6310 south and east of Medomsley respectively.

200 During winter months the site would require some illumination. This would mostly be needed for plant working in the void area which would be generally below ground level. The coal processing and stocking areas would also have a level of directional lighting pointing into the site.

201 Having regard to the overall balance of landscape affects it is considered that the impact of the development on the special character and quality of the AHLV landscape is acceptable in the terms of Policy M23. The restoration proposals would also accord with MLP Policy M24 in that these have regard to the quality of the local landscape and seek to provide improvements to it where appropriate. Nevertheless, there would still be some significant impacts on the visual amenity of local communities over the life of the site including medium and high impacts on a small number of residential properties and on a larger number of people using local roads and footpaths.

Cultural Heritage

202 There are no listed buildings, Scheduled Ancient Monuments or Conservation Areas designations on the site. There are two 19th Century listed structures in the vicinity the Church of St Ives (Grade II) (approximately 648m to the south west) and the Church of Our Blessed Lady and St Joseph (155m to the south). The nearest
Conservation Area is Medomsley some 1.5km to the north of the site.

203 The Gothic Church of St Ives is clearly visible in views along the A692 where its height and tall steeply pitched roof creates an architectural focal point that has dominated the historical skyline for nearly 150 years. It is not considered that the proposed restoration works would adversely impact upon or obscure views of the Church or diminish its presence given the lighting columns and mature vegetation along the roadside.

204 The Church of Our Blessed Virgin and St Joseph is located to the south of the site and the proposed temporary access point for vehicles. However, it is set back from the road and fronted by the cemetery and belt of mature trees. The temporary access would be used for under a year and any potential traffic conflict with the entrance to the cemetery could be managed. Following restoration the field opposite the entrance drive to the church would be planted with new hedge and trees and would largely reflect the existing position. The proposed roundabout would be some 400m to the north east the layout with the road carriage way would not adversely impact upon the Church. It is therefore not considered that the setting of the listed building would be unduly compromised by the proposal.

205 The Design and Conservation officer considered that in order to preserve the structural integrity and appearance of the Church measures should be put in place and be monitored on an agreed basis to ensure its continued wellbeing. This is not considered necessary by the applicant as there would not be any blasting in Area A which is closest to the church. In addition, proposed blasting limits would ensure that there will be no damage and as there is a main road between the site and the church other factors would make it very difficult to determine responsibility for any deterioration in the structural integrity of the church during the working of the site. The Design and Conservation officer considers that the assurances given are sufficiently robust to negate the need for monitoring the condition of Church of Our Blessed Virgin and St Joseph.

206 There is the potential for some disruption to burials and church services due to site operations depending upon the time of the services. However, it is not considered that this would be significantly adverse. An alternative bus stop would be provided during the life of the site and it is unlikely that this would cause much disruption to pedestrians accessing the Church and cemetery during the use of the temporary access. If issues arise during the life of the site specific to the use of the Church then these could be discussed at the proposed liaison committee and appropriate arrangements made for example the temporary cessation of certain site operations during burials.

207 A desk based archaeological assessment submitted with the application identified some possible pre-historic features and evidence of agricultural activity on the site from the medieval period to around 1750 when the area became subject to large scale colliery activity. Early industrial remains, including possible late 17th and 18th century wagon ways and medieval bell-pits (early coal extraction) were noted. The Western way/Bucks Moor way wagon way was extended to Billingside in c. 1755 making it the longest wagon way in North East England at the time. This seems to have gone out of use by 1801 but its terminus bisects the development area. The assessment confirmed that there were no recorded archaeological sites within the development area but recommended that further evaluation takes place prior to the
scheme going ahead to determine what evidence the site could provide on early
colliery and industrial activity in post-medieval County Durham. The County
Archaeologist concurred with this general approach.

Further works involving a scheme of geophysical investigation and trenching was
subsequently carried out to investigate identified anomalies and other features
reported to be present on the site. Nothing of archaeological significance were found
although 4 possible bell pits and the remains of a wagon way were identified from the
22 trenches excavated. Having considered all the submitted assessment and
evaluation work the County Archaeologist is of the view that this provides sufficient
data on which to make an informed decision in this respect. It was also noted that a
local history group had provided valuable information not previously highlighted
especially about the importance of early wagon ways that are likely to have crossed
the proposed development area.

Having regard to the submitted evidence base there is no indication of any
archaeological features of national significance that would warrant the preservation in
situ of remains as per national planning guidance PPS5. However, the evaluation
works have shown that the proposed development area does contain features of local
and possibly regional significance in terms of the extensive wider industrial landscape
which extends along the Derwent Valley from the Tyne to Consett and that these
should be suitably signposted in the landscape.

In this respect the restoration plan has been revised to include a proposed footpath
along the indicative route of the Western Wagon Way based on the work of a local
historian. This along with the provision of interpretation boards explaining the history
of the site and its surroundings would provide a beneficial link to the historical past.
Subject therefore to the imposition of appropriate conditions Archaeological and
Design and Conservation officers have no objections to the proposals, which would
accord with MLP Policies M30, M31 and M33.

Recreational amenity

The area has an established and well used public rights of way network. Three
footpaths pass through the site (Footpath Nos. 26, 27, and 28 (Consett Parish)) and
would need to be temporarily diverted should the development proceed. Footpath
No. 26 extends in a northwest direction from the A692 towards Bradley Hall Farm.
Footpath No. 27 forms part of the original access track to West Billingside from
Brooms Lane and Leadgate to the south and a short length of this in the centre of the
site links Footpath No.28 in the west to Footpath No. 26. Footpath No. 28 begins on
Pont Road and crosses the site before joining the A692 to the west of Brooms Pond.
The Coast to Coast (C2C) Sustrans route lies to the south of the site emerging from
Leadgate along St Ives Road but is not directly affected by the proposed
development.

The Pont Valley Network has produced a series of seven walks using the public rights
of way network walks related leaflets that highlight the landscape, history and wildlife
of the Pont Valley area. Two of the walks pass through the central part of the site
along Footpath Nos. 28, 27 and 26 and would be affected for the duration of the
development.

Although lengths of footpaths would be stopped up during working (2.5km over 3.5
years), alternative routes would be provided around the site (both within and outside the site boundary) and these would be subsequently reinstated upon restoration. The number and length of rights of way around the application site would also be increased, thus improving public access to the area. 2km of new footpaths are proposed including a footpath through the site following the suspected route of the Western Way Wagon Way. The additional footpaths would be ‘dedicated’ (secured through legal agreement) to ensure their use in perpetuity and would tie into the surrounding public rights of way network.

214 The footpaths across the site provide good opportunities for countryside access and informal recreation for the nearby population. The use of the routes would be directly affected by the proposed development and there would be a slight reduction in the levels of amenity currently provided for the duration of the development. However, the proposed arrangements to ensure the continued use of public rights of way during and after mineral extraction are considered acceptable and there is likely to be a positive long term effect upon the recreational value of the countryside arising from increased public access. The proposals would therefore accord with MLP Policy M35.

Agricultural Quality and Use

215 Most of the site is currently in agricultural use (permanent pasture grown for silage and grazing by livestock). None of the affected land falls within grade 1, 2 or 3a that is recognised as the best and most versatile under the agricultural land classification (50.61 ha Grade 3b, 19.5 ha Grade 4, 0.72ha Grade 5 and 1.86 ha non-agricultural and no soil). Following restoration of the site the amount of land available for agricultural use would be reduced (37.08 ha plus 8.01 ha of species rich grassland/haymeadow, acidic grassland and restored grassland) in favour of nature conservation end uses but would still provide viable field units for pasture.

216 A strategy for soil stripping, handling, storage and replacement has been submitted with the application. The operator also proposes to produce a soils handling and management manual, employ experienced staff, and submit an annual soils management audit to the Mineral Planning Authority. If the development takes place the handling and storage of soils would be carried out in line with good practice and adequately controlled. Natural England, in terms of its soils, has no objections to the proposals and land use and reclamation remit and recommends imposition of conditions to safeguard soil resources and agricultural interests.

Hydrology

217 The site lies within the catchment of Pont Burn, a tributary of the River Derwent. The site drains in a northerly and north westerly direction. A stream flows through the eastern part of the site and would be stopped up during the works. The site is within Flood Zone 1 although land either side of the Pont Burn to the north is within the more sensitive Flood Zones 2 and 3 in the Environment Agency land classification. Nevertheless, the hydrological (flood risk) assessment considers that the site is not at risk of flooding and the development would not increase the risk of this occurring downstream provided that the discharge of treated water is maintained at greenfield rates. Brooms Pond close to the south eastern boundary appears to be the only area of standing water on the site formed from a lagoon from previous mining activities.
218 The site is within a groundwater vulnerability area. The coal measures strata are classified as a minor aquifer as defined by the Environment Agency. During site working all water would be directed to water treatment areas (to be located on the north western part of the site) prior to discharge to ensure that no contaminated water enters watercourses. The discharges would also require Environment Agency consent. Old workings would be encountered in the Fivequarter, Main, Low Main/Brass Thill, Bottom Brass and Hutton seams. However, ground water levels have been found to be well below the strata that would be worked and are unlikely to either effect or to be affected by operations. There are no known licensed or surface water abstractions on the site or within 1km of the centre of the site. In addition there are no known unlicensed abstractions. The proposal would therefore not affect the direct water supply of properties.

219 Some residents have raised concerns about interference with the hydrology on and around the site and the effect on the stability of properties at Douglas and Hedley Terraces. These would be at minimum distances of 288m from the excavation area and outside the site catchment area indicated on the ground level contours of the submitted Existing Features Plan. The applicant has advised that the flow of surface water to and across the land they occupy would therefore not be affected. It follows from this that the supply of water to this area by way of infiltration or drainage would continue to keep underlying clay wet. Exploratory drilling has also provided information regarding the clays on site (it is assumed that similar glacial deposits underlie the properties) and associated hydrology and it is considered that there would be no noticeable settlement and certainly not of a scale that would give rise to structural damage. This would be the case even if there were old mine workings present beneath the properties. The risks posed by mining subsidence would not therefore change as a result of the development and would remain the responsibility of the Coal Authority as now. Any risks of mine gas from old workings would be minimised through on site safety measures.

220 The Environment Agency website indicates that the nearest active waste sites lie some 5km to the north west at Ebchester and 4.1km to the south east Chapman’s Well at Annfield Plain. These are considered to be too remote to have any influence on groundwater quality or leachate migration. Historic landfill sites records indicate that there was previous waste disposal operations 500m to the south west (High Brooms) and 720m (Brooms Dene) from the proposed site. Although the Agency only holds limited information on these sites it has advised that if there were known issues with the site they would have been raised. The recently worked Stony Heap site was adjacent to Brooms Dene and no issues of this type were recorded.

221 Based on available information the proposals would not have unacceptable adverse environmental effects in terms of hydrology and hydrogeology. No surface or ground water issues have arisen that cannot be controlled through mitigation measures and other pollution controls regulated by the Environment Agency which has no objections to the scheme. The proposal would therefore accord with MLP Policy M38.

Access and traffic

222 The site would be subject to phased site access arrangements. A temporary access would initially be created to the south east and would be used until it is replaced by a proposed roundabout further north at the A692/A693 road junction. Construction of the roundabout would take 6 – 7 months and this is expected to be available at the
end of 2012/beginning of 2013 subject to the necessary licences being in place to enable the works being commenced. An average of 64 (32 in and 32 out) HGV movements per working day are anticipated over the coaling period although daily movements could be more as vehicles would be calculated over a four week period. All HGV vehicles would initially travel on the A693 to the A1(M) at Junction 63 Chester-le-Street and adherence to the proposed coal haulage route by all laden and unladen HGVs would be secured through legal agreement.

223 The transport assessment undertaken to consider the traffic implications of the proposal concludes that the proposed level of HGV movements would not have a negative material impact on either road safety or capacity on the main road network and that the creation of a new roundabout at the A692/A693 junction would address existing accident problems at this location. A supplementary assessment considered the use of the temporary access (a simple priority access T-junction) should the roundabout not be built. This concluded that while a roundabout would be the preferred highway option since it would minimise the number of junctions on the highway network a priority junction would be satisfactory for the proposed use.

224 The junction of the A692/A693 currently suffers from peak hour delays. The surveyed traffic flow on the A692 near the site is 20,888 per day. On the A693 the figure is an average of 10,900 per day. There has been a cluster of personal injury accidents at this point and on the approach to the junction that is considered significant for highway traffic assessment data purposes (2008-2010 records 7 slight personal injury accidents). The provision of a roundabout would provide a safe site access and improvement of the junction that would assist the free flow of traffic. Whilst this would not be immediately available, in the longer term there would be significant benefits from the provision of a roundabout on what is a major commuter route to Tyneside and beyond. The scheme is identified in the LTP but without developer contribution it is highly unlikely that it would be constructed at least in the short to medium term. As previously stated the estimated cost of the roundabout is £1.3 million and the applicant is offering a contribution of £700,000. £54,355.78 of this has so far been spent on design work leaving £645,644.22 to be put towards the total cost. The County Council contribution would be £600,000.

225 The offer of a contribution to the roundabout is conditional on the grant of planning permission by the County Council. Should the application be refused then the identified temporary access would be put forward for consideration as the only site access as part of any appeal. Provision of the roundabout itself would not require express planning permission and it would be constructed as permitted development by the Highway Authority using its preferred construction partner.

226 A Section 106 agreement would cover lorry routing and sets out penalties to drivers not following the adhered route. This would also cover payment and timing of the roundabout contribution. There would be a requirement to do this within 3 years of payment of the developer contribution. If the construction was not carried out by the Council then the money would be repaid to the applicant and use of the temporary access would continue. The applicant would also enter into an agreement under Section 278 of the Highways Act 1980 with the County Council, as Highways Authority. This would cover a variety of highway matters such as authorisation for UK Coal and their contractors to work within the highway if necessary and detailed specifications. In addition reference to approved plans and land transfers would be needed.
The Head of Transport has no objections to the proposal. He considers site access arrangements, the proposed lorry route and level of vehicle movements to be acceptable and that the transport assessment is sufficiently robust. He also considers that the level of received site traffic would be small. The provision and maintenance of a wheel wash facility, measures to ensure that the highway is kept clear of mud or debris and the sheeting of vehicles would also be a highways requirement but these and related matters can be covered by planning condition. The proposed development would accord with MLP Policies M36, M42 and M43.

Other minerals

Previous planning applications on this site have proposed the extraction of undisclosed amount of fireclay. However, it is not thought that significant quantities of fireclays and brickshales are present and those which are would be unlikely to be of suitable quality. It is not anticipated that any fireclays would be removed from the site but if any workable resources were subsequently identified they would be removed concurrently with the coal and within the working timescale. Small amounts of sand and gravel may also be encountered. In the unlikely event that useable minerals of sufficient quality and quantity were encountered then the environmental effects (such as any increase in vehicle movements) of the removal of additional mineral would need to be considered in advance of removal from site.

Cumulative impact, alternatives, piecemeal working and future development

MPG3 recognises that particular areas on exposed coalfields have been subject to successive opencast developments over many years, and recommends that development plans should allow for the cumulative effects of opencast development on the community and the environment to be fully taken into account in determining new proposals. When considering this matter regard should be had to past, current and future (planning permission granted or planning applications being considered) mineral and non-mineral activities in an area which have added collectively to adverse environmental impacts. The planning history of the site and surroundings indicates that previous opencast activity and waste disposal activities largely took place more than 16 years ago and the land is now restored. The exception is the Stony Heap site and this has also now been restored and had no direct impact upon communities in the immediate vicinity of the current application site when it was operational. It is therefore difficult to sustain a case against the proposals in terms of the cumulative effects.

The combined effects of working any large-scale excavation may in itself also have some cumulative impacts on environmental and living conditions and the perceptions of the those within the vicinity of the area. Whilst these have some weight, sufficient information has been provided in this instance, to show that the effects can be effectively mitigated and would not raise material conflict to MLP Policy M45 concerning cumulative effects.

As mineral reserves can only be worked where they are found the consideration of alternative development options has largely involved looking at different ways of on site working the site rather than possible locations or sources of energy supply. Within this context consideration has been given to working both larger and smaller areas, modifying the timescale of operations, alternative access points (taking into
consideration the effects on the great crested newts) and changes to the location of overburden mounds and working direction. The earlier appeal decision for Billingside and the Drovers application have also been taken into account. However, a combination of environmental, geological and economic reasons has led to various alternatives being discounted in favour of the proposed scheme.

232 The underlying seams of coal continue beyond the proposed excavation areas, but the ES concludes that working beyond the current boundary was also not viable not environmentally acceptable. The proposed scheme is therefore regarded as a 'once and for all' development. In this respect the Company is prepared as part of a Section 106 Legal Agreement to undertake that no future opencast coal mining takes place on land which it owns to the north east (adjacent to and including the new ponds) and land in front of Douglas Terrace (13.42 ha in total). This Agreement would apply to any successors in title. Nevertheless, the Company has an extensive land holding in the area and the parcels of land that would be given up are small in comparison to its total estate in the Derwent Valley which extends to 110.75 ha.

233 MLP Policy M8 is intended to deter piecemeal working by proposed extensions to existing sites and the repeated return of operators to areas for a series of workings. Unlike the previous Jolly Drovers application the current submission deals comprehensively with identified and viable coal resources in the immediate area. The application site is smaller than the Billingside site but given the constraints to further working in the immediate vicinity the proposal would deal comprehensively with the viable coal resources and would not be contrary to MLP Policy M8.

Economic issues

234 One objective of the MLP in relation to the provision of minerals is to assist in employment retention where this is consistent with resource conservation and environmental protection. An anticipated 38 people would be employed for the duration of the scheme which would include a mix of UK Coal and contract operatives. Most of these are likely to be from the local area although this could not be guaranteed. It is anticipated that a further 10 haulage personnel would be involved with the movement of coal. The proposal would also have indirect effects on the local economy arising from the purchase of goods and services by the workforce and the Company. Although the proposal would not provide long term job opportunities it would make a contribution to the local economy for the life of the proposed development in a period of acknowledged economic uncertainty and difficulty. The payment of mineral rates, taxes, coal royalties and the contribution of the development to the balance of payments would also be economic implications of the proposed development. These are matters that are common to all mineral developments.

235 Some concerns have been raised about the detrimental impact of the development upon tourism. Although mineral related development can have negative connotations when viewed from this perspective it is not considered that the proposal would effect the wider objective or specific initiatives to promote the tourist potential of the County. The application site is located alongside the A692, part of the strategic road network used by HGVs on a regular basis. Any road impacts including delays for people travelling this road are unlikely to be a deciding factor on most decisions of whether or not to visit the area or other parts of County Durham. It is acknowledged that the public rights of way network would be disrupted over the life of the site and local
series of heritage walks. This would affect informal recreation and perceptions of it but alternative routes would be provided and heritage features would be included within the package of reinstated and proposed footpaths.

236 There is little general support in national minerals policy guidance or development plan policy for arguments against proposed opencast coal working on the basis of the impact upon tourism. This is particularly true on the exposed coalfield in areas such as County Durham which has sustained significant levels of working over the last 60 years that have shaped its character. It is not considered that specific tourist assets (such as Beamish Open Air Museum) would be prejudiced nor any designated landscape, heritage or nature interest designations that currently support tourism and need to be sustained in the future.

237 As previously stated the Company is proposing a community fund equivalent to 10p per tonne of coal (providing around £53,375 during the life of the site) to help fund local projects and activities. In addition a contribution of £700,000 towards the design and construction of a roundabout at the A692/A693 Broom Lane Junction is proposed.

Legal Agreements

238 The provision of a community fund and contribution to the cost of the roundabout would be covered in a proposed legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990. This would also restrict future working of 13.42 ha of land in the Company’s control, the provision of a financial guarantee, and requirements for a site liaison committee. It would require a 10 year Habitat Management Plan following the expiry of the statutory 5 year aftercare period on identified habitat areas, the approved haulage route, requirement to provide a temporary bus stop and new shelter on completion of the development, the dedication of new footpaths, an undertaking not to fell newly planted woodland areas for a period of 40 years and to manage a specific area of land for the purpose of regeneration of native species woodland for 15 years form the commencement of the development. The applicant would also enter into an agreement under Section 278 of the Highways Act 1980 with the County Council, as Highways Authority, relating among other matters to the timing and release of monies for the construction of the roundabout.

239 The applicant has also agreed to enter into an Agreement under Section 39 of the Wildlife and Countryside Act 1981 to cover the 10 year management of specific areas of ecological interest after the cessation of the statutory aftercare period. This would cover areas to be restored to species rich and acidic grassland (excluding one area), water bodies and marsh land, woodland, scrub, hedgerows and trees on site, running water, manage a specific area of land for the purpose of regeneration of native species woodland and preserved areas in and around the SNCI.

240 MPG3 favours financial guarantees for the restoration of opencast coal sites as a legitimate and appropriate means of reassuring the local community of a prospective operator’s commitment and ability to restore a site and on time. The advice does accept that a bond should not be necessary where an operator can demonstrate that the Company is covered by an established and properly funded industry guarantee scheme, which would adequately finance a programme of restoration and aftercare. Similar guidance is also reflected in MLP Policy M52. The applicant is Britain’s largest coal mining company and has been operating within the Durham area as UK
Coal and predecessor companies RJ Budge Mining Ltd and RJB Mining Ltd since the 1980’s. The Company considers that its capability to work surface mines and remediation schemes is second to none, and points to a long history of successfully completed restoration schemes. The last site the Company operated in County Durham was Stony Heap and was appropriately restored. Nevertheless, it is prepared to offer a bond of £1,226,000 to ensure that the restoration of the site is carried out. This sum reflects the large amount of progressive restoration that would take place as the site is worked which tends to reduce the overall restoration liability at any one time.

The applicant has been awarded two County Durham Environment Awards in recent years. In 2004 the former Eldon Deep surface coal site won the Waste and Reclamation category for imaginative and innovative approaches to reclamation. In 2006 the Southfield surface coal site won in the Natural Environment and Countryside Management category for excellence in its phased restoration scheme that increased the size of indigenous woodland and created a number of different types of habitat within the restored landscape.

Other matters

The proposal has generated much public interest and comment. The views received have been documented and the planning related issues considered in the main body of the report. As a result of issues raised by members of the public and consultees further appraisals and assessments and some adjustments to proposed operating arrangements and areas of working have been made.

The overwhelming majority of public representations are opposed to the proposal. These views are well articulated and substantially made on material planning grounds. However, some matters such as the affect on property values are not relevant to the planning considerations. Neither are arguments surrounding the need for coal which is part of a wider debate. This is not something that is taken into account under national planning guidance which is primarily focussed on the local impacts of proposals.

Some objectors have also raised issues in relation to quality of life, health issues, the adequacy of the submitted assessments and that the proposal would be a breach of human rights. Whilst it is acknowledged that there would be some impacts associated with the development on residents living in the vicinity of the site these are taken into account in the application of relevant development plan policies and Government guidance. It is for the Committee to decide whether the positive aspects of the proposal outweigh the harmful impacts, including the effects on living conditions. This is not a decision that would deprive any individual of his or her home, or private and family life or human rights.

Concerns have been raised on the impact of the proposed development on flora and fauna. Both the Council’s ecological advisor and Natural England have no objections to the proposal subject to appropriate mitigation which is intended. A separate protected species licence would be required to move the newts before the development commences.

Concerns have also been raised regarding the possible impact that the surface mine operation may have on the gas pipeline running through the site. National Gas
Networks does not object to the proposals. It is proposed to construct a crossing pad across the pipe details of which would be required through condition. The applicant and National Gas officers have verified the actual position of these services on the ground. Prior to starting work on the site and as a condition of being issued with a Coal Authority Licence the applicant would need to submit a full Geotechnical Assessment to the Coal Authority. This would address slope stability and mound stability, one area the Authority would look at closely will be the gas main and recommendations would be made for safe working. The closest point of the excavation is 26m from the gas main.

Given the position with Corus the applicant was asked for an updated statement on markets. The applicant has stated that originally it was stated that the markets are anticipated to include the steelworks at Redcar and Monckton Coke Works and other power generators in Yorkshire and Nottinghamshire. Given the closure of the steelworks the applicant has stated that the marketing position is very much the same as stated in the original ES.

**CONCLUSION**

248 The proposal is a modified version of a previous scheme of working and restoration that was refused planning permission and dismissed on appeal in the late 1980’s. It also incorporates a smaller site that was refused in 2001. It seeks to address concerns that were highlighted in these decisions and incorporates a range of measures to overcome these. However, the current proposal must be considered on its own merits in the light of current national guidance, adopted development plan policies that reflect it, and other material planning considerations.

249 MPG3 which dates from 1999 provides the national planning framework for opencast coal. This contains a general presumption against opencast mining proposals unless certain conditions are met. This guidance is reflected in MLP Policy M7. To meet the first test of MPG3 and comply with MLP Policy M7(a) proposals are required to be either environmentally acceptable or in a position to be made so by planning conditions or obligations.

250 Having assessed the likely impacts of the proposed development it is not considered that the scheme would have significant environmental effects of an adverse nature. The site is mainly in low grade agricultural use but includes areas of ecological interest and value. It is also partly within an area of high landscape value and has local historical interest. Although, there would be some visual intrusion from the engineered mounds and earth works throughout the life of the site the mining operations would not be overly obtrusive in wider views except to the north and the impacts would be moderated and reduced by perimeter mounding and progressive reinstatement and screening works. The proposed restoration scheme is designed to create a mix of habitats, including planting a significant area of woodland with improved public access. The applicant has agreed to enter into a Legal Agreement that would amongst other matters prevent the future working of land in its control, and provide an extended aftercare period and management of the site. Concerns raised regarding the impact on protected species have been addressed and measures would be put in place to safeguard a great crested newt population on the site.

251 There would inevitably be some disturbance and disruption from temporary
operations for those living close by but the site would be worked in a way that would
limit the environmental effects on local communities. Adequate stand-off from
Douglas and Hedley Terraces are proposed and would be maintained and mitigation
of the most potentially damaging consequences of extraction would be provided.

252 The proposed community benefits have been considered within the report. As the
site is not derelict or contaminated land the proposal would not have reclamation
benefits, but the restoration proposals would provide long term environmental
enhancement and public access. Although development is for a limited period it
would provide benefits in terms of employment and contribution to the local economy
and UK markets for the coal. In terms of direct benefits a community fund and a
substantial contribution to the provision of a roundabout on Brooms Lane are being
offered although the take up of the latter is dependent on the planning decision.

253 On the balance of planning considerations I am therefore of the view that the
proposed development meets the tests for acceptability of opencast proposals as set
out in MPG3 and the development plan and the proposed benefits of the scheme
would outweigh the short term environmental damage and loss of amenity that would
be caused. The application has been informed by the Planning Inspector’s reasons
for dismissal of the Billingside appeal and the Drovers refusal and has addressed
many of the earlier concerns. The scheme is smaller in extent and duration and
measures have been incorporated to help mitigate the effects of working and
reinstatement and to improve the restoration scheme.

254 The proposal has generated a number of objections reflecting the issues and
concerns of local residents affected by the proposed development. The issues raised
in respect of the historical interest of the area have been helpful and informative and
resulted in positive changes to the restoration scheme including the provision of a
new public right of way along the likely route of the Western Way. These
representations have been weighed along with other responses including those of
statutory consultees that have raised no overriding objections to the scheme based
on the submitted details and assessments. Whilst mindful of the nature and weight of
public concerns it is not considered that these are sufficient to outweigh the planning
judgement in favour of the proposed scheme.

**RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions (subject to minor
amendment) and to the conclusion of appropriate Legal Agreements and provision of a
suitable financial guarantee in order to ensure full and proper restoration of the site and
provision of all benefits as intended:

**APPROVED DOCUMENTS**

1. The development hereby approved shall only be carried out in accordance with the
approved plans and documents (as may be amended and/or expanded upon by a listed
document following afterward and subject to matters subsequently agreed under
Condition 4).

2. From the commencement of development to the completion of soils replacement, a
copy of this permission, including all documents hereby approved and any other
documents subsequently approved in accordance with this permission and legal
agreements, shall always be on display in the site offices and subsequently, shall be
made available to all persons with responsibility for the site’s aftercare and
management.

MATTERS REQUIRING SUBSEQUENT

3. The development hereby approved shall also only be carried out in accordance with a
scheme or schemes to be agreed, in writing, with the Mineral Planning Authority, which
shall, amongst other matters, include provision for the matters listed below.

(a) A definitive ‘Soil Handling and Management Manual’ which shall clearly describe the
proposed soil stripping, handling and replacement methods to be used at the site,
appropriate to the grade of soil and intended after-use. The ‘Soil Handling and
Management Manual’ shall also include details of the proposed soil depths upon
restoration and plant and machinery to be used. The ‘Soil Handling and
Management Manual’ shall be based on the following documents (or updated
versions of these):

- The “Report on Soils and Land Quality” (30 October 2007), prepared by Bell
  Cornwell Environmental (included at Annexure B of the document entitled
  ‘Bradley Proposed Surface Mining Scheme Volume II Environmental
  Statement Annexures).
- The Soils Handling Strategy described under section 3.12 of the document
  entitled “Bradley Proposed Surface Mining Scheme Volume I Environmental
  Statement and Supporting Information”.
- The “Soil Handling and Management Manual” and “Annual Soil Management
  Audit,” (as described by Paragraphs 3.12.17 of the document entitled
  “Bradley Proposed Surface Mining Scheme Volume I Environmental
  Statement and Supporting Information” and 3.12.23 of the document entitled
  “Bradley Proposed Surface Mining Scheme Environmental Statement
  Addendum July 2009”).
- The “Soils Handling Strategy – Draft February 2010 as enclosed with a letter
  from UK Coal Mining Ltd to Durham County Council dated 17 May 20101.
- Department of the Environment Guidance on Good Practice for the
- Ministry of Agriculture, Fisheries and Food Codes of Good Agricultural
- Forestry Commission Bulletin 110.
- Any other relevant documents or replacement documents to those listed
  above and any further soils information coming to light during the working of
  the site.

(b) A noise monitoring scheme including the exact locations of noise monitoring points
and proposed monitoring frequency and reflecting guidance in MPS2. The locations
of noise monitoring points should be chosen so as to ensure that the possibility of
off-site noise affecting measurements is reduced to a minimum.

(c) A blast vibration monitoring scheme which shall identify suitable monitoring locations
as well as mitigation measures and measures to be implemented during blasting operations to minimise the effects of air overpressure, and details of the proposed monitoring frequency. The scheme shall also include details of the siting of warning flags and notice boards and procedures for informing occupiers of adjacent residential properties of blasting procedures.

(d) A definitive Dust Action Plan reflecting guidance in MPS2. The Dust Action Plan shall utilise Real Time and Passive Dust Monitoring information. The background levels of PM10 shall be used to set appropriate agreed trigger levels for the Real Time Dust Monitoring system in operation, the period of monitoring shall commence 2 months of the date of this decision notice until the replacement of topsoil is completed.

(e) A scheme to provide for the management of the restored ground, within any areas on site identified as feeding grounds used by badgers, to promote the maximum recolonisation with invertebrate.

(f) details of any hedgerow, tree, and shrub planting to be carried out and translocation of hedgerows to take place prior to the commencement of the development, to be implemented within the first available planting season following the commencement of the development or other timescale to be agreed with the Mineral Planning Authority, which shall include:

   i) identification of the hedgerows to be translocated, their intended location and methodology for undertaking these works;

   ii) the species to be planted, and the percentage of the total to be accounted for by each species;

   iii) the size of each plant and the spacing between them;

   iv) the preparations to be made to the ground before planting;

   v) the fencing off of planted areas;

   vi) a subsequent maintenance and management programme during the after-care period (including the extended after-care period) once the planting works have been carried out, which shall include the weeding of the planted area, repairing of any damaged fencing, and the replacement of any plants which die or are seriously affected by disease.

(g) Details of drainage arrangements during site preparation and working life of the site.

(h) Details of the water treatment systems to be installed in the 'Water Treatment Areas' shown on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing), including the positioning within the area and construction of them and their dimensions and of the pipes connecting and discharging from them, and facilities for the removal of suspended solids from surface water run-off and any other related information required by the Mineral Planning Authority.

(i) Details of the type and height of fencing to be provided around the site boundary, alongside alternative rights of way to be provided, and within the site.
(j) Details of the design and construction of the temporary site access as shown on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing), a layout plan which makes adequate provision for a temporary car park within the site to accommodate operatives and construction vehicles during development of the site (thereafter the approved measures shall be implemented before any coal is taken from the site).

(k) Details of wheel cleaning equipment to be installed at the temporary access as indicated on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing).

(l) Details of the design and location of the site compound including buildings, fixed plant and machinery to be used on the site and of the proposed coal stocking and process area and plant yard as shown on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing) and details of the illumination to be used on site.

(m) Details of the protection pads at the crossing points over the gas main.

(n) Details of the site access onto the roundabout on Road A692 as shown on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing), including the haul road leading to it and of the wheel cleaning equipment to be installed, and location, if different to those detailed agreed under Condition 3k and the relocation of notice boards required by Condition 10g.

(o) Details for the reinstatement of the temporary access as shown on Drawing No. 176D02c ‘Site Plan’ (or other subsequently approved drawing) including timetable for closure.

(p) Details of the restoration of the site, which shall include:

   i) the final contours for the site (at 2 metre intervals), indicating how such contours tie in with the existing contours on adjacent land;

   ii) the replacement of soils including depths and handling and replacement methods;

   iii) the drainage of the restored site, including underdrainage if considered necessary by the Mineral Planning Authority;

   iv) the erection of fences;

   v) the planting of trees and hedges;

      (a) the species to be planted, and the percentage of the total to be accounted for by each species;

      (b) the size of each plant and the spacing between them;

      (c) the preparations to be made to the ground before planting;
(d) the fencing off of planted areas;

(e) a subsequent maintenance and management programme during the aftercare period once the hedgerow, tree, and shrub planting has been carried out, which shall include the weeding of the planted area, repairing of any damaged fencing, and the replacement of any plants which die or are seriously affected by disease and a detailed schedule as to when the aftercare period commences for each area.

vi) the reinstatement of and provision of additional drystone walls;

vii) the routes of proposed public rights of way, details of the surfacing and any other works associated with them and a timetable for their provision.

viii) the provision of appropriate site interpretation material based on the results of the archaeological works.

ix) measures to ensure that the risk of erosion is minimised and the use of agricultural machinery is not unduly restricted.

(q) The aftercare of the land for five years, after the replacement of topsoil in accordance with Condition 86 (for other areas refer to S106 and S39 Legal Agreements relating to this development).

4. Those details required by Condition 3(a) through to Condition 3(m) shall be submitted to and agreed, in writing, with the Mineral Planning Authority prior to the commencement of the development and before any of the developments specified in those conditions commence. Those details required by Condition 3(n) and 3(o) shall be submitted and agreed prior to the construction of the access onto the roundabout onto the A692. Those details required by Condition 3(p) and Condition 3(q) shall be submitted no later than 6 months following the commencement of the development.

COMMENCEMENT

5. The development hereby approved must commence not later than three years from the date of this certificate.

6. None of the development hereby approved shall take place at the site until the Mineral Planning Authority has been notified in writing that: a licence to extract coal from the site has been granted by the Coal Authority; consents as may be required from the Environment Agency and Natural England which are detailed in paragraph 3.3.1 of the document entitled ‘Bradley Proposed Surface Mining Scheme Volume I Environmental Statement and Supporting Information’ have been obtained.

7. At least seven days notice of the date of commencement of the development shall be given, in writing, to the Mineral Planning Authority.

COMPLETION

8. All mineral extraction shall cease by no later than 2 years 3 months (27 months) from the date of commencement of the development, as notified to the Mineral Planning
Authority under Condition 7.

9. The site shall be restored in terms of the replacement of all soils in accordance with the conditions hereinafter appearing:

(a) within 12 months of the cessation of mineral extraction;

or

(b) if the period mentioned in (a) above extends beyond the end of September, by the end of July the following year.

WORKS REQUIRED FOR SITE PREPARATION

10. Before substantive soil stripping (other than for preliminary works themselves) begins, the following works shall be carried out, where relevant in accordance with the relevant schemes agreed under Condition 3:

(a) the construction of the approved site drainage cut-off ditches, water treatment areas, and other drainage facilities appropriate to the area to be stripped shall be completed;

(b) the formation of the site offices and compound with surface formed with tar-macadam, concrete, or consolidated clean stone, levelled to preclude ponding of water;

(c) the formation of the site access, with surface formed with tar-macadam or concrete levelled to preclude ponding of water;

(d) the approved site perimeter ditches, water treatment areas and other drainage facilities appropriate to the area to be stripped, shall be completed;

(e) perimeter fencing and fencing alongside alternative rights of way;

(f) protective fencing alongside hedgerows (at a distance of not less than 2 metres) and outside the canopies of trees bounding the site and those to be retained within it;

(g) the installation of wheel cleaning equipment to prevent the transfer of mud to the public highway;

(h) the provision of notice boards of durable material and finish:

i. to be placed at the site entrance, indicating the name, address, and telephone number of the company responsible for the operation of the site, and of an official who will be available to deal promptly with any complaints;

ii. to be placed so as to be clearly visible to all drivers of heavy goods vehicles exiting the site access, instructing them to use the approved traffic route; and

(i) the provision within the site of a water supply as appropriate for the agreed
dust suppression measures and sufficient number of water bowsers and/or dust suppression equipment.

WORKING PERIOD

11. Operations authorised by this consent shall be restricted to the following periods unless otherwise agreed, in writing, with the Mineral Planning Authority exceptions are set out in Condition 12:

Site operations (mineral extraction and processing, overburden and soils handling)
07.00 hours to 19.00 hours Monday to Friday
07.00 hours to 12.00 hours Saturday

Coal haulage hours
07.00 hours to 18.00 hours Monday to Friday
07.00 hours to 12.00 hours Saturday

Maintenance
07.00 hours to 21.00 hours Monday to Friday
07.00 hours to 17.00 hours Saturday

With the exception of pumping, no operations including the maintenance of vehicles and plant or working shall take place outside these hours or at any time on Bank, or other public holidays, save in cases of emergency when life, limb, or property are in danger. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such operations or working.

12. No mineral extraction, overburden and soils handling operations shall take place within 200m of Douglas Terrace, Hedley Terrace, Brooms Farm and Our Lady and St Josephs Church House prior to 08.00 hours Monday to Saturday.

ACCESS AND PROTECTION OF THE PUBLIC HIGHWAY

13. Until an access onto the roundabout onto Road A692 is operational, in accordance with the details agreed under Condition 3n, vehicular access for all vehicles to and from the site shall be via the temporary access as indicated on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing).

14. When the new access is opened onto the roundabout onto Road A692 the temporary access as indicated on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing) shall be closed until required for the final phase of development and thereafter shall be permanently closed and reinstatement works undertaken in accordance with the details and timescales agreed under Condition 3o.

15. The wheel cleaning equipment installed in accordance with Condition 10 shall be used to ensure all vehicles leaving the site access as indicated on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing) are thoroughly cleaned of mud before entering the public highway.

16. The total number of heavy goods vehicles entering and leaving the site shall average no more than 64 (32 in and 32 out) Monday to Friday when calculated over any four week working period (Mondays to Fridays). There shall be the appropriate reduction in the
number of laden heavy goods vehicles leaving the site on Saturdays (five-elevenths of the total for Mondays to Fridays). A record of all goods vehicles leaving the site shall be maintained by the operator and a certified copy of this record shall be afforded to the Mineral Planning Authority within 2 working days of such a request.

17. The loads of all laden coal lorries leaving the site access as indicated on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing) shall be fully covered by sheeting.

**SOIL STRIPPING AND STORAGE**

18. The method of soil stripping, handling and replacement within the site shall only be undertaken in accordance with the definitive ‘Soil Handling and Management Manual’ approved under Condition 3(a), and shall be appropriate to the quality of the soils and intended after-use.

19. The Mineral Planning Authority shall be given at least 48 hours' notice in writing (excluding Sundays and Bank Holidays), of any intended individual phase of topsoil or subsoil stripping.

20. All topsoil shall be stripped from any areas to be excavated, or used for the stationing of plant and buildings, the storage of subsoil and overburden, haul roads, and other areas to be traversed by heavy machinery, and stored until required for restoration in accordance with the scheme submitted and approved under Condition 3(a). The Mineral Planning Authority shall be given the opportunity to verify that the full depth of topsoil has been satisfactorily stripped prior to the commencement of subsoil stripping.

21. No plant or vehicles shall cross any areas of unstripped topsoil except for the purpose of stripping operations.

22. Sufficient subsoil or similar material agreed to by the Minerals Planning Authority (as identified by the definitive ‘Soil Handling and Management Manual’ approved under Condition 3(a)) shall be stripped from any areas to be excavated or used for the stationing of plant and buildings, the storage of overburden, haul roads, and other areas to be traversed by heavy machinery to ensure that a minimum of 0.9 metres depth of such material is available for replacement over all areas intended for agricultural or other land-based afteruses.

23. In each calendar year, soil stripping shall not commence on any phase until any standing crop or excess vegetation has been removed, and the Mineral Planning Authority has been given reasonable notice (normally two working days), such works to proceed only subject to their approval.

24. The stripping and movement of topsoil and subsoil shall only be carried out under sufficiently dry and friable conditions, to avoid soil smearing and compaction, and to ensure that all available soil resources are recovered. Appropriate methods of soil stripping shall be separately agreed with the Mineral Planning Authority for any permanently wet or waterlogged parts of the site.

25. No stripping, movement, replacement or cultivation of topsoil or subsoil shall be carried out during the months of October, November, December, January, February and March
inclusive without the prior consent of, by methods and for a period agreed with, the Mineral Planning Authority.

26. Topsoils, subsoils, and other soil making materials shall be stored according to their quality or any approved soils stripping plan, in separate heaps which do not overlap. A minimum stand-off distance of 2 metres shall be maintained between soil storage mounds and the site boundary and/or site drainage ditches.

27. Once formed all topsoil, subsoil, and soil making materials heaps shall be grass seeded in accordance with a scheme agreed beforehand with the Mineral Planning Authority, and kept free from weeds.

28. No topsoil, subsoil or soil making materials shall be removed from the site.

29. Within three months of the commencement of soil stripping, and every six months thereafter, the Mineral Planning Authority shall be supplied with a plan indicating the area stripped of topsoil and subsoil, the location of each soil storage heap, and the quantity and nature of material within the mounds together with details of the type of plant used to strip/store those materials. A balance of the quantities of material stored with the proposed depth and texture of the soil profile to be replaced following restoration shall also be provided.

30. An annual soils management audit report shall be submitted by 31 January each year detailing all soil movements for the previous 12 months and include calculations of soil volumes and outstanding restoration tasks.

SITE WORKING

31. The development, including soil handling, storage and replacement, extraction and restoration, shall only be carried out in accordance with the approved documents in Condition 1 and schemes subsequently agreed to in accordance with condition 3.

32. At all times work should be carried out in line with an agreed method of working which takes into account the best available information and techniques in relation to protected species, including the protection of such species during working and the restoration of the area to benefit wildlife as works are completed in any area. This should include reinstatement and creation of habitats to encourage the biodiversity of the area.

33. A strip of land at least 12 metres wide shall be maintained at existing ground levels (except where the storage of topsoil and subsoil stripped from the surface of the site is approved in accordance with Condition 1) adjacent to any highway.

34. Overburden and soils shall only be stockpiled in the areas shown on Drawing No. 176/DO2c ‘Site Plan’ (or other subsequently approved drawing), to heights not exceeding those shown on the plan.

35. Checking surveys shall be carried out prior to the commencement of soil stripping and prior to each phase of working identified on Drawing 176 Figure 4c, Drawing 176 Figure 5c, Drawing 176 Figure 6c, Drawing 176 Figure 7c and Drawing 176 Figure 11 (or other subsequently approved drawings) to ensure no badger setts have been established on site. If setts have been established or badgers are found to be foraging over the site an impact assessment and suitable mitigation strategy, which must be agreed to the
satisfaction of the Mineral Planning Authority, should be devised and adhered to in full.

36. Potential bat roost trees shall be inspected immediately prior to felling and the results be given in writing to the Mineral Planning Authority within 2 working days of the inspection.

37. Mitigation measures in relation to bats as contained in paragraph 3.15 of the document entitled ‘UK Coal Mining Ltd Bradley Surface Mine Scheme, Co Durham, Supplementary Ecological Information; July 2009, FPCR as contained in Annexure A of the ‘Bradley Proposed Surface Mining Scheme Environmental Statement Addendum July 2009’ shall be adhered to and details of the location and design of bat boxes shall be submitted to and agreed by the Mineral Planning Authority prior to their placement.

38. No site clearance works or development affecting trees, scrub, ground vegetation or other semi-natural vegetation shall take place between March and August inclusive unless survey work immediately prior to the start of works confirms that breeding birds are absent. This is particularly relevant to the works to remove areas used by breeding birds such as trees and scrub. If nesting birds are found then work in that area must be avoided until the birds have fledged.

39. Nest boxes as referred to in paragraph 6.19 of the document ‘UK Coal Mining Ltd. Proposed Bradley Coal Extraction Scheme, Leadgate, County Durham Ecological Assessment November 2007 as contained in Annexure E of ‘Bradley Proposed Surface Mining Scheme Volume II Environmental Statement Annexures’ shall be provided and details of location (within the site periphery and within retained habitat) and design submitted and agreed, in writing, by the Mineral Planning Authority prior to the commencement of the development.

40. Barn owl nest boxes for potential barn owl nest and roost site as detailed within section 6.17 of UK Coal Mining Ltd Bradley Surface Mine Scheme, Co Durham Supplementary Information; FPCR; July 2009 as contained in the document ‘Bradley Proposed Surface Mining Scheme Environmental Statement Addendum July 2009’ shall be provided and details of location and design submitted and agreed, in writing, by the Mineral Planning Authority prior to the commencement of the development.

SITE MAINTENANCE

41. From the commencement of the development, until restoration of the site, the following site maintenance operations shall be carried out:

(a) the maintenance of fences in a stockproof and secure condition, between any areas used for development, and adjoining agricultural land;

(b) the retention of fencing around trees and hedgerows;

(c) the care and maintenance of trees and hedgerows to be retained within the site boundary and treatment of those affected by disease, in accordance with accepted principles of good woodland management and good arboricultural practice (including the provision of protective fencing);

(d) the maintenance of all the hard surfaced access roads within the site, over which licensed road vehicles operate, clean from mud;
(e) the maintenance of drainage ditches, water treatment areas, and the clearance of mud and silt from water treatment areas to avoid reducing their capacity for intercepting sediment;

(f) All areas of the site, including undisturbed areas and all topsoil, subsoil, soil making material and overburden mounds, shall be managed to minimise erosion and shall be kept free from injurious weeds (as defined by The Weeds Act 1959). Cutting, grazing or spraying shall be undertaken, as necessary and appropriate to the approved after-use of the land where the materials in mound are to be replaced, to control plant growth and prevent the build up of a seed bank of such weeds, or their dispersal onto adjoining land.

BUILDINGS, PLANT AND MACHINERY

42. Notwithstanding the provisions of Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, no buildings, fixed plant or machinery other than approved by this permission, shall be erected or placed on the site without the prior agreement of the Mineral Planning Authority.

43. Plant and machinery on the site shall not be used to process, treat, or otherwise refine materials other than those extracted from the site.

ENVIRONMENTAL PROTECTION

NOISE

44. Except when temporary operations (soil stripping; soils handling; soil mound construction and removal; soil replacement and construction and removal of the outerfaces of the overburden mound) are taking place, the noise emitted from operations on the site shall not result in noise levels greater than those listed below at the properties/locations listed below and identified in the Noise Monitoring Scheme agreed in writing with the Mineral Planning Authority under Condition 3(b), between the hours set out in Condition 11.

- Brooms Farm 55dB LAeq, 1Hr (free field)
- Pont Road 55dB LAeq, 1Hr (free field)
- Douglas Terrace 50dB LAeq, 1Hr (free field)

45. Noise emitted as a result of temporary operations comprising: soil stripping; soils handling; soil mound construction and removal; soil replacement and construction and removal of the outerfaces of the overburden mound, shall not exceed 70dB LAeq, 1Hr (freefield) as measured at Brooms Farm, Pont Road and Douglas Terrace as identified in the Noise Monitoring Scheme agreed in writing with the Mineral Planning Authority under Condition 3(b), between the hours set out in Conditions 11 and 12, the duration of such activities shall not exceed 8 weeks in relation to each of the respective noise monitoring properties in 12 month period.

46. The Mineral Planning Authority shall be given at least 48 hours notice in writing (excluding Sundays and Bank Holidays), prior to the commencement of temporary operations (soil stripping; soils handling; soil mound construction and removal; soil replacement and construction and removal of the outerfaces of the overburden mound).
47. Noise monitoring shall be carried out in accordance with the scheme approved under Condition 3(b). On request, the operator shall, within 2 working days furnish the Mineral Planning Authority with the particulars of the measurements recorded and the plant and equipment operating on the site at the time.

48. No plant or machinery shall be used on site unless it is fitted with an effective silencer and has the doors or cowls of its engine(s) in the closed position. Pumps or generators at semi permanent or permanent locations shall be screened by acoustic barriers where appropriate. Plant shall have reversing bells in preference to sirens, but where sirens are used they shall operate in the high frequency range.

49. The details of reversing warning devices to be fitted to plant and machinery shall be agreed in advance with the Mineral Planning Authority and only the approved devices shall be used.

50. Advance notification of changes in the agreed working programme shall be given to the Mineral Planning Authority.

BLASTING

51. Blasting operations shall not take place at the site until a test blast has been fired to allow the vibration characteristics of the rock within it to be calculated, and the frequency and timing of blasting has been agreed in writing with the Mineral Planning Authority beforehand. Blasting operations shall be restricted to 2 blasts per day between the following times:

    Monday to Friday
    09:00 hours to 09:05
    09:55 hours to 10:05
    10:55 hours to 11:05
    11:55 hours to 12:00

    14:00 hours to 14:05
    14:55 hours to 15:05
    15:55 hours to 16:00

    No blasting shall take place outside these hours or at any time on Bank or other public holidays, save in cases of emergency when life, limb, or property are in danger. The Mineral Planning Authority shall be notified as soon as is practicable after the occurrence of any such emergency operations or working.

52. No component of the peak particle velocity of ground vibration resulting from the blasting shall exceed 12mms/second at any time during the working of the site at the nearest occupied residential property and, in each six month period of working, 95% of blasts shall not exceed 6mms/second.

53. All blasts shall be monitored for peak particle velocity in three mutually perpendicular planes in accordance with the vibration monitoring scheme agreed in writing with the Mineral Planning Authority under Condition 3(c). On request, the operator shall, within 2 working days furnish the Mineral Planning Authority with the particulars of the measurements recorded.
54. Each blast shall be preceded by the sounding of a siren, and notices giving details of blasting operations and warning flags shall be placed at the positions agreed in accordance with Condition 3(c) before blasting commences. The siren, notices and position at which flags are to be erected will be maintained throughout the duration of minerals extraction operations. Occupiers of adjacent residential properties shall be notified of blasting procedures on site in accordance with the scheme agreed in accordance with Condition 3(c).

55. The measures to minimise the effects of overpressure agreed in accordance with Condition 3(c) shall be implemented.

56. No blasting shall take place within 500m of Douglas Terrace and Hedley Terrace.

**DUST**

57. The Dust Action Plan agreed in accordance with Condition 3(d) shall be implemented and adhered to at all times. The Dust Action Plan shall be reviewed at six-monthly intervals.

58. The dust control equipment installed shall be used at all times to suppress dust on the site arising from all operations, including vehicular movements, excavation and demolition and crushing operations, mineral, soils and overburden stockpiling arrangements and soil spreading operations. At such times when the equipment provided and the provisions in the Dust Action Plan are not sufficient to suppress dust arising from the site, operations shall cease until additional equipment is provided and found to be adequate.

Dust suppression measures employed may include:

i) the provision of mobile water bowsers;

ii) the use of dust filters on all fixed plant and machinery;

iii) a speed limit of 15 mph on all internal haul roads, with no plant having exhausts pointing downwards;

iv) all haul roads and areas used for the storage of soils and overburden shall be watered during dry, windy weather conditions;

v) areas which will be untouched for more than three months shall be seeded with a quick growing cover crop.

59. Monitoring of dust levels shall be carried out by the operator in accordance with the Dust Action Plan agreed in accordance with Condition 3(d). On request the operator shall, within two working days, furnish the Mineral Planning Authority with the particulars of the measurements recorded.

60. Real Time Dust Monitoring shall be in operation at all times and give details of total particulate levels, indicative levels of PM$_{10}$, wind speed and wind direction. On request the operator shall, within two working days, furnish the Mineral Planning Authority with the particulars of the measurements recorded. The monitoring data and the dust suppression measures shall be reviewed at monthly intervals.
SURFACE WATER DRAINAGE AND POLLUTION CONTROL

61. All water from the site shall be discharged into the approved water treatment area prior to discharge into any ditch, stream, watercourse, or culvert outside the site.

62. Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank it contains plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. The bund shall be sealed with no drain for removal of contained liquids. Any bund contents shall be bailed or pumped out under manual control and disposed of safely.

ITEMS OF ARCHAEOLOGICAL INTEREST

63. No development shall take place until the developer has secured the implementation of a programme of archaeological work, as defined in a brief prepared by the County Durham Archaeology Team (or by the applicant’s appointed archaeological consultant/contractor following discussion with the County Durham Archaeology Team), has been submitted to, and approved in writing, by the Mineral Planning Authority. The strategy shall include details of the following:

   i) Measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance.
   ii) Methodologies for the recording and recovery of archaeological remains including artefacts and ecofacts.
   iii) Post-fieldwork methodologies for assessment and analyses.
   iv) Report content and arrangements for dissemination, and publication proposals.
   v) Archive preparation and deposition with recognised repositories.
   vi) A timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy.
   vii) Monitoring arrangements, including the notification in writing to the County Durham Archaeologist of the commencement of archaeological works and the opportunity to monitor such works.
   viii) A list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

64. The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the Mineral Planning Authority.

65. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment Record within six months of the date of completion of the development or such other period as may be agreed in writing by the Mineral Planning Authority.
RESTORATION

66. Unless otherwise approved in writing by the Mineral Planning Authority, restoration of the site shall be in complete accordance with the approved documents in Condition 1 and schemes subsequently agreed to in accordance with Condition 3.

67. In accordance with the restoration requirements, all areas of hardstanding, including site compounds, access road and haul roads, shall be broken up and removed from the site or buried at sufficient depth not to affect the final restoration of the site.

68. In accordance with the restoration requirements, all water treatment areas shall, unless to be retained in accordance with the approved plans, be emptied of slurry, filled with dry inert material, and restored to levels shown on the approved restoration plan.

69. In accordance with the restoration requirements, all fixed equipment, machinery, and buildings shall be removed from the site.

REPLACEMENT OF OVERBURDEN

70. The final placement of overburden into the voids of completed workings shall be graded to prevent the material becoming saturated and waterlogged.

71. Overburden shall be replaced to such levels, and in such a way that, after the replacement of subsoil and topsoil, the contours of the restored land conform with the approved restoration contours.

72. The Mineral Planning Authority shall be notified when Condition 71 has been complied with, and shall be given an opportunity to inspect the surface before further restoration works are carried out.

REPLACEMENT OF SUBSOIL

73. The Mineral Planning Authority shall be notified, with at least 48 hours' notice (excluding Sundays and Bank Holidays) prior to each phase of subsoil replacement.

74. Prior to the replacement of subsoil, the surface onto which it is to be placed shall be scarified to alleviate compaction, and surface picked of any stones or other materials capable of impeding normal agricultural or land drainage operations.

75. The material stripped and stored in accordance with Condition 22 shall only be respread when it, and the ground onto which it is to be placed, are in a sufficiently dry condition.

76. No movement, replacement or cultivation of subsoil shall be carried out during the months of October, November, December, January, February and March inclusive, without the prior consent of, by methods and for a period agreed with the Mineral Planning Authority.

77. After Condition 71 has been complied with the material stripped and stored in accordance with Condition 22 shall be respread in accordance with the scheme submitted in accordance with Condition 3(a) as appropriate to the intended after-use. Any proposal to replace uniform subsoil types in a single layer by loose-tipping methods shall only be permitted subject to a trial demonstration, to the satisfaction of the Mineral
Planning Authority, during the restoration phase.

78. Each layer formed in accordance with Condition 77 shall be rooted and cross rooted to its full depth by a heavy duty subsoiling implement with winged tines set no wider than 600mm apart. Any non-subsoil type material, or stones larger than 225mm in any dimension, shall be removed from the surface and not buried within the respread subsoil.

79. All areas of exposed subsoil, not previously excavated, shall be rooted to 450mm depth at 600mm spacings to relieve compaction, and surface picked to remove any obstructions to cultivation as defined by Condition 78.

80. Following compliance with Conditions 78 and 79, the surface shall be graded to ensure that, after replacement of topsoil in accordance with Condition 85 the contours of the landform conform with the approved restoration contours.

81. The Mineral Planning Authority shall be given the opportunity to inspect each stage of the work completed in accordance with Conditions 77, 78 and 79 prior to further restoration being carried out, and shall be kept informed as to the progress and stage of all works. A record plan of the progress of restoration shall be maintained at the site office.

REPLACEMENT OF TOPSOIL

82. The Mineral Planning Authority shall be notified, with at least 48 hours' notice (excluding Sundays and Bank Holidays) prior to each phase of topsoil replacement.

83. The respreading of topsoil shall only be carried out when the material and the ground on which it is to be placed are in a suitably dry and friable condition, and there shall be sufficient time for subsoiling, cultivation and reseeding to take place and be completed under normal weather conditions before the end of September.

84. No movement, replacement or cultivation of topsoil shall be carried out during the months of October, November, December, January, February and March inclusive, without the prior consent of, by methods and for a period agreed with, the Mineral Planning Authority.

85. After Condition 80 has been complied with, topsoil shall be respread in accordance with the scheme submitted in accordance with Conditions 3(a) and (n) as appropriate to the intended after-use to a form corresponding to the contours shown on the approved restoration plan.

86. The Mineral Planning Authority shall be given the opportunity, with 48 hours advance notice, to inspect each stage of the work completed in accordance with Condition 85 prior to further restoration being carried out, and shall be kept informed as to the progress and stage of all works. A record plan of the progress of restoration shall be maintained at the site office.

MAINTENANCE OF SITE RESTORATION RECORDS
87. During the whole restoration period, the developer shall maintain on site separate plans for the purpose of recording successive areas of overburden, subsoil, and topsoil replacement approved by the Mineral Planning Authority in accordance with Conditions 72, 81 and 86 above.

88. Within 3 months of the restoration of the final topsoil layer, the developer shall make available to the Mineral Planning Authority a plan with contours at sufficient intervals to indicate the final restored landform of the site, together with a record of the depth and composition of the reinstated soil profiles.

AFTERCARE

89. The Aftercare Period shall extend for a period of 5 years effective management from the date of final topsoil replacement for the whole of or smaller manageable blocks of those parts of the site to be restored to agriculture (for other areas refer to S106 and S39 Legal Agreements relating to this development) as identified on Drawing No. 176/D03c ‘Restoration Plan’ (or other subsequently approved drawing) as confirmed in writing by the Mineral Planning Authority.

90. Effective aftercare management, following on from the completion of soils replacements on the whole site or smaller manageable blocks within it, shall take place in accordance with the following aftercare conditions, the approved documents in Condition 1, and scheme subsequently agreed to in accordance with Condition 3(o).

ANNUAL REVIEW

91. Before 30 September of every year, or such other date agreed with the Mineral Planning Authority, during the aftercare period not less than 4 weeks prior to the annual review meeting held in accordance with Condition 92, a report conforming to the requirements of MPG 7, (Annex A, paragraphs A67 and A70), shall be submitted by the developer to the Mineral Planning Authority and Natural England (or successor), recording the operations carried out on the land since the date of soil replacement operations were completed, or previous aftercare meeting, and setting out the intended operations for the next 12 months (including works to rectify failures, and identified as necessary by the Mineral Planning Authority as a consequence of preceding site meeting, held in accordance with Condition 92).

92. Every year during the aftercare period the developer shall arrange to attend a site meeting to be held before 30th November, to discuss the report prepared in accordance with Condition 91, to which the following parties shall be invited:

(a) the Mineral Planning Authority;
(b) Natural England (or successor);
(c) all owners of land within the site;
(d) all occupiers of land within the site;
(e) representatives of other statutory and non-statutory bodies as appropriate.

The developer shall arrange additional aftercare meetings as required by the Mineral Planning Authority.

CULTIVATION AFTER REPLACEMENT OF TOPSOIL
93. As soon as the ground is sufficiently dry following the satisfactory replacement of topsoil and compliance with Condition 86, the land shall be subsoilled, using an agricultural winged tine subsoiler, operating at a depth and tine spacing agreed beforehand with the Mineral Planning Authority.

94. At least seven days notice of the intention to carry out the works required by Condition 93 shall be given to the Mineral Planning Authority, such works only to proceed subject to their approval.

95. Any stones lying on the surface after compliance with Condition 93, which are larger than would pass through a wire mesh with a spacing of 100mm, together with other objects liable to obstruct future cultivation's, shall be removed from the site.

96. Following compliance with Condition 95, the land shall be worked to prepare a seedbed suitable for the sowing of grass seeds or other approved crop. During the cultivation process any stones lying on the surface which are larger than would pass through a wire mesh with a spacing of 100mm, together with other objects liable to obstruct future cultivation's, shall be removed from the surface and either buried below the subsoil or removed from the site.

97. As soon as practicable following compliance with Condition 96, and no later than the end of September, the land shall be sown with a short-term grass seed mixture or other approved crop, the details of which shall have been submitted to and agreed in writing with the Mineral Planning Authority prior to the commencement of topsoil replacement.

98. Where adverse weather conditions or other delays prevent compliance with Condition 97, alternative treatment of the reinstated soils, to stabilise these over the winter period shall be agreed beforehand with the Mineral Planning Authority.

PROVISION OF SURFACE FEATURES

99. Once the development authorised by this planning permission has commenced, the site shall thereafter be restored in complete accordance with the Drawing No. 176/D03c ‘Restoration Plan’ (or other subsequently approved drawing). From the date of commencement of the aftercare period on any part of the site:

   i)  the installation of water supplies for livestock shall be completed within 12 months;

   ii) the erection of stock-proof fences and gates shall be completed within 24 months;

   iii) stone walls and access tracks shall be completed within 24 months (and prior to the commencement of any underdrainage installation or alternative time to be agreed in advance in writing with the Mineral Planning Authority);

   iv) hedgerows shall be planted within the first available season following the completion of soils replacement (which runs between 1 November and 31 March); and

   v)  proposed woodland areas shall be sown with an agreed grass seed mix within
the first available season. Trees shall then be planted in suitably prepared
ground during the next available planting season (which runs between 1
November and 31 March).

100. The works referred to in Condition 99 shall be carried out in accordance with details set
out in the report prepared in accordance with Condition 91. The Mineral Planning
Authority shall be given a minimum of 4 weeks notice, prior to commencement, and
following completion of the above works.

DRAINAGE AND WATER SUPPLY

101. Following the completion of each phase of restoration, surface drainage works
(including watercourses, field boundary ditches, and surface grips) shall be installed as
soon as practicable following soils replacement, to intercept run-off, prevent soil erosion,
and avoid flooding of the land. During each calendar year, such drainage works shall
be completed prior to the end of September, and maintained or improved throughout the
aftercare period.

102. A comprehensive agricultural field drainage system, conforming to the normal design
criteria for restored land, and in accordance with a scheme to be approved beforehand
by the Mineral Planning Authority, shall be installed in the proposed agricultural land
shown on Drawing No. 176/D03c ‘Restoration Plan’ (or other subsequently approved
drawing) and land proposed for such after-use under the scheme subsequently agreed
under Condition 3 at a time to be agreed no earlier than the first annual aftercare
meeting, and no later than 24 months from the commencement of the aftercare period.

103. At least 7 days notice of the intention to commence works to the installation of
underdrainage approved in accordance with Condition 98 shall be given to the Mineral
Planning Authority; such works to proceed only subject to their approval.

104. Within three months following the installation of the approved underdrainage, two copies
of both the final drainage record plan and up-to-date site survey plan (showing final
restoration contours at 2 metre intervals), shall be forwarded to the Mineral Planning
Authority (one of each of which shall be passed to Natural England).

CULTIVATION AFTER INSTALLATION OF FIELD DRAINAGE

105. As soon as the ground is sufficiently dry after compliance with Condition 102, the
agricultural land shown on Drawing No. 176/D03c ‘Restoration Plan’ (or other
subsequently approved drawing) and land proposed for such after-use under the
scheme subsequently agreed under Condition 3(p) shall be subsoiled, using an
agricultural winged tined subsoiler, operating at a depth, and tine spacing agreed
beforehand with the Mineral Planning Authority. During the cultivation process, any
exposed stones larger than 100mm in any dimension, together with other objects liable
to obstruct future cultivation shall be removed from the surface and not buried within the
restored soil profile.

106. At least seven days notice of the intention to carry out the works required by Condition
105 shall be given to the Mineral Planning Authority, such works only to proceed subject
to their approval.

107. Following compliance with Condition 105, the agricultural land shown on the approved
Drawing No. 176/D03c ‘Restoration Plan’ (or other subsequently approved drawing) and land proposed for such after-use under the scheme subsequently agreed under Condition 3 shall be worked to prepare a seedbed suitable for the sowing of grass seeds or other crop approved by the Mineral Planning Authority. During the cultivation process any stones lying on the surface which would pass through a wire mesh with a spacing of 100mm, together with other objects liable to obstruct future cultivation, shall be removed from the surface and not buried within the restored soil profile.

108. By no later than the end of August following compliance with Condition 107, the agricultural land shall be sown with a long-term grass seeds mixture, the basis of which shall be perennial ryegrass and white clover. Details of the mixture including species and seed rate shall be agreed with the Mineral Planning Authority before sowing commences.

ESTABLISHMENT AND MAINTENANCE OF GRASS SWARD

109. During the aftercare period the following shall be carried out in respect of the agricultural land shown on the approved Drawing No. 176/D03c ‘Restoration Plan’ (or other subsequently approved drawing) and land proposed for such after-use under the scheme subsequently agreed under Condition 3:

(a) the soil shall be tested annually, and fertiliser and lime shall be applied in accordance with good agricultural practice, and a rate targeted to achieve the following nutrient levels under the Index System described in the latest version of the Ministry of Agriculture, Fisheries and Food Leaflet RB209 "Fertiliser Recommendations" or equivalent.

<table>
<thead>
<tr>
<th>Nutrient</th>
<th>Index Level</th>
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<tbody>
<tr>
<td>Potash</td>
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</tr>
<tr>
<td>Phosphate</td>
<td>2</td>
</tr>
<tr>
<td>pH</td>
<td>6.0</td>
</tr>
</tbody>
</table>

(b) reseeding any areas where a grass sward fails to become well established with an approved species mixture.

(c) the grass sward to be reduced to 50 – 100mm in length by cutting or grazing before the end of October

(d) the condition of the grass sward to be inspected annually, with appropriate measures taken to control weed infestation.

(e) no vehicles, (with the exception of low ground pressure types required for approved agricultural work), machinery or livestock shall be permitted on the land during the months of November, December, January, February and March, without the prior consent of the Mineral Planning Authority.

CONSERVATION AND/OR AMENITY AREAS

110. A detailed specification including a modified programme of soil respreading, cultivation, seeding, fertilising and cutting shall be separately agreed with the Mineral Planning Authority, prior to the commencement of the aftercare period, for any approved conservation and/or amenity areas.
MAINTENANCE OF HEDGES AND TREES

111. Hedges and trees planted in accordance with Condition 99 shall be maintained during the aftercare period in accordance with the schemes approved under Condition 3(p) and Condition 3(q), in accordance with good woodland and/or agricultural practice, such maintenance to include the following:

(a) the early replacement of all dead, damaged or diseased plants.  
(b) weeding early in each growing season, and as necessary thereafter to prevent the growth of plants being retarded.  
(c) maintaining any fences around planted areas in a stock proof condition.  
(d) appropriate measures to combat all pests and/or diseases which significantly reduce the viability of the planting scheme.

COMPLETION AND AFTERCARE

112. No later than 6 months prior to the target date for the completion of aftercare on any part of the site, the developer shall prepare a report on the physical characteristics of the restored land, and in respect of the agricultural land shown on Drawing No. 176/D03c ‘Restoration Plan’ (or other subsequently approved drawing) and land proposed for such after-use under the scheme subsequently agreed under Condition 3(q), incorporating proposals to demonstrate to the satisfaction of the Mineral Planning Authority, that by the end of the aftercare period, this will be restored, so far as it is practicable to do so.

113. The period of aftercare shall be deemed to have been successfully completed following a period of 5 years effective management of those parts of the site to be restored to agriculture (for other areas refer to S106 and S39 Legal Agreements relating to this development) as identified on Drawing No. 176/D03c ‘Restoration Plan’ (or other subsequently approved revised drawing), as confirmed in writing by the Mineral Planning Authority.

REASONS FOR THE RECOMMENDATION

i) The proposed development meets the tests for acceptability of opencast proposals as set out in MPG3 and MLP Policy M7. With adequate controls and monitoring, the scheme, with the mitigation measures proposed, is acceptable environmentally. Any adverse impacts on the environment of working the site would be outweighed by the benefits, mitigation and compensatory measures proposed.

ii) Any adverse impacts from working the site on existing flora and fauna and cultural heritage would be outweighed by the benefits, mitigation and compensatory measures proposed. The proposed development would therefore accord with MLP Policies M27, M29, M30, M31 and M33.

iii) The potential amenity impacts on the surrounding area, including visual effects, dust, noise, blasting, discharges to watercourses, and traffic and transportation effects are unlikely to give rise to concern over the life of the development, and appropriate
mitigation measures and controlling conditions would be in place to reduce these to an acceptable level in accordance with MLP Policies M23, M24, M35, M36, M37, M38, M42 and M43.

iv) The objections, concerns and reservations expressed about the proposed development have been taken into account but are not considered sufficient to outweigh the overall acceptability of the scheme in planning terms. This view is generally reflected in the response of statutory consultees and suitable controlling measures can be put in place to ensure these environmental concerns are managed and mitigated as part of the development in accordance with MLP Policies M7, M23, M24, M27, M29, M30, M31, M33, M35, M36, M37, M38, M42 and M43.

**BACKGROUND PAPERS**

- Submitted application forms and plans and subsequent information provided by the applicant.
- Submitted application forms and plans and subsequent information provided by the applicant.
- County Durham Minerals Local Plan (December 2000) and Derwentside District Council Local Plan (January 1997).
- Statutory, internal and public consultation responses.
Proposed surface mining of coal with restoration to include woodland, species rich grassland and hay meadow, scrub, water features and agriculture at a site to be known as Bradley, near Leadgate.