Introduction & Background

This Non-Technical Statement (NTS) accompanies an appeal to the Planning Inspectorate submitted on behalf of Provectus Remediation Ltd (the Appellant) seeking planning permission for a surface coal mining scheme on land to the north of Clay Cross near Hilltop Farm. It is proposed to extract an estimated 175,000 tonnes of coal over a 36 month period, with progressive restoration to a mix of agriculture and nature conservation benefits. The entire scheme will take approximately 3½ years, from soil stripping to the completion of restoration.

The proposed surface coal mining scheme has been prepared having regard to the existing topography, geology, environmental and amenity considerations in the context of planning policy requirements.

The NTS has been prepared in response to the requirements of Part 1 Schedule 4 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. The NTS summarises the findings of the Environmental Statement accompanying the appeal and explains the potential positive and negative environmental and local community related effects of the proposal. The proposed scheme design incorporates measures to minimise, as far as possible, the potential negative environmental and local community effects that could arise.

By way of background to the application, the Appellant was recently involved in the successful completion of a surface coal mining scheme at the former Biwater Works site, off Market Street, Clay Cross, [known as the 'Biwater Scheme']

The Site and its Setting

The application site is located in between the A61 (Derby Road) and east of the settlements of Holmgate and Woodthorpe. The site covers an area of approximately 28 hectares. It lies at the north western edge of Clay Cross and to the south of the village of Old Tupton. It falls within the boundary of North East Derbyshire District Council.

The current use of the land is predominately agricultural with a mix of arable land and grazing/pasture land. The agricultural land, particularly in the southern half, is generally in a poor condition, mainly as a result of sub-standard restoration works that have taken place following previous mining activities on the site.

The topography of the area is gently rolling. The central part of the site, in the vicinity of Hilltop Farm, is the highest point of the site at 145m AOD. A ridge at 145m AOD runs southwards from this point. In the northern section, the land falls from 145 AOD down to 125 AOD at the bottom of a valley. The A61 (Derby Road) sits immediately to the east of the site and separates the higher ground of Old Tupton and Egstow to the north east.

Geology

The geology of the site has been considered and can be found in the Geological and Hydrogeological Assessment report appended to the Environmental Statement. The report confirms that the site contains 4 main coal seams. These are set out below together with an indication of their likely market target:

- Tupton Coal – Good to Medium Domestic
- Threequarters Coal – Good Domestic Quality
- Yard – Good Domestic
- Cannel (Blackshale) – Good Power Station Fuel

Site History

Information obtained from the Coal Authority demonstrates that various mining activities have taken place at the site over a period of more than 120 years. Historical deep mining has mainly comprised removal of the Cannel seam from across most of the southern area. This has resulted in the presence of 7 known mineshafts within this area across the site although, at this stage, it is not clear whether they will be within any proposed extraction areas.

Some shallower deep mining has also been carried out historically across the northern two fields to extract the Old Tupton coal seam. This has been further clarified by the recent drilling works, although one location has indicated that this may have been undertaken using pillar and stall methods. These works have also resulted in the presence of 1 known mineshaft within the southern of the two northernmost fields.

Opencast workings have also been carried out more recently (1950's) across the southern area of the site and these comprised workings to the east for Tupton and Three Quarters seams and to the west for Yard and Cannel seams.

A Summary Description of the Development

The proposed surface coal mine will involve the extraction of an estimated 175,000 tonnes of coal over a 36 month period, with progressive restoration to agriculture and nature conservation benefits. The scheme will be worked in a series of 19 individual cuts, commencing at the northern end of the site and progressing southwards. While the deepest extraction of coal will occur at approximately 30m below existing ground levels, the average depth is likely to be 20 metres. In addition to the coaling and extraction activities there will be a range of enabling works and supporting operations undertaken throughout the lifespan of the development such as top soil and subsoil storage mounds, overburden storage, and a water treatment area.

Access to the site will be taken from the 'Incomol' site to the north of the Derby Road Business Park and to the west of the A61 at the northern limits of Clay Cross. An internal haul road will be constructed from the access point to the coal processing yard adjacent to the Hilltop Farm Building in the central part of the site. The extraction of coal will generate an average of 12 articulated lorries per day (24 movements). This equates to approximately 3 lorries per working hour. There will be a peak flow of 20 per day (40 movements) during the coaling periods.

The scheme will be progressively worked and restored to minimise the amount of disturbed land at any one time and to ensure that land is put back into a beneficial use as soon as possible. The restoration of the site will be a mix of agriculture, biodiversity and landscape enhancements. The material used to backfill the extraction void in order to achieve restoration will comprise solely of material originating at the site. There will be no material imported to assist with the restoration of the site.

Environmental Impact Assessment

The detailed assessment of the most likely significant environmental effects is contained within the Environmental Statement (ES) along with an appendix of technical environmental topic reports, which have been completed by a range of specialist consultants. A summary of the main findings of the ES is set out below.

Noise

A detailed noise assessment has been carried out, which concludes that the proposed operations are likely to have a generally low significance of impact upon local residents having regard to the noise limits set out in the National Planning Policy Guidance (NPPG), provided that a suite of mitigation measures is incorporated into the scheme.

The noise report has considered 10 representative noise sensitive locations around the site and calculated the likely noise impacts upon those locations from a number of working scenarios. In noise terms, the NPPG provides noise limits relating to the following 2 main elements of working:

- 'temporary operations' such as soil/spoil stripping, constructing bunds (not more than 8 weeks in any one year);
- 'normal operations' such as coal extraction

The predicted noise calculation at the 10 representative noise sensitive locations (apart from Hilltop Farm owned by the landowner) is below the NPPG limit for 'temporary operations'.

Excluding Hilltop Farm again, the calculated daytime noise levels for 'normal operations', with use of soil bunds as attenuation where appropriate, will be at or below the upper

noise limit set out in the NPPG. The NPPG aspires to achieve lower limits but acknowledges that this is sometimes difficult without placing an unreasonable burden on the mineral operator. In such cases, the noise limit set should be as near to the lower level as practicable.

The report concludes that, for most dwellings in the vicinity of the site, the noisiest activities will take place when the operations are at their closest and this will be for a short period of time in the context of the overall scheme. The potential impact of noise from the proposed operations is therefore considered to be of brief but moderate significance in isolated locations.

Air Quality

An Air Quality Assessment has been undertaken, which has considered the potential for dust nuisance and health effects resulting from the proposal. The report concludes that no significant effects are likely to arise. In drawing this conclusion, baseline monitoring of dust and particulates has been carried out over a 3.5 month period to establish the existing air conditions at the site. Weather data demonstrates that the prevailing and strongest winds are from the southwest and that baseline dust deposition rates are generally low.

It is not anticipated that there will be any accumulations of mine gas at the site.

The assessment has identified sensitive receptors in the vicinity of the site, which includes dwellings and a residential care home (a highly sensitive receptor). The main potential causes of dust have been identified (such as earthworks, coal extraction, loading and unloading activities etc) and a suite of mitigation measures has been designed-in to all stages of the scheme, together with a programme of monitoring, to ensure that emissions are controlled. It is concluded that both the dust impacts and potential risks to the health of people living nearby is unlikely to be significant.

Landscape and Visual Amenity

In both landscape and visual terms, the application site is reasonably well contained by existing built development and vegetation. The gently undulating localised landform across the settlement and surrounding area further limits the site's visibility. The assessment of these impacts was revisited in 2017 to take account of additional viewpoints, particularly from Brassington Lane.

In landscape terms, the site itself shares several of the characteristics of the 'Nottinghamshire, Derbyshire and Yorkshire Coalfield' and 'Wooded Farmlands' landscape character areas and is strongly influenced by the existing industrial, commercial and residential areas of Clay Cross as well as the Derby Road (A61) which defines its eastern edge. The proposed surface coal mining is not wholly out of character with the existing

wider surroundings being within an area renowned for its former extensive mining activity. There will, however, be inevitable 'moderate-adverse' short term landscape impacts during the operation phases of the development as temporary perimeter soil mounds and overburden storage mounds are created and coal extraction advances. The proposed development will affect several features of landscape interest including some existing trees and hedgerows, with a number of the hedgerows being temporarily removed and then put back. The restoration proposals have the potential to bring moderate-major beneficial effects to the site itself and its wider context in the longer term.

The main visual impacts will be on dwellings in close proximity to the site, public rights of way and local roads. Effects upon views from existing dwellings will be largely limited to those bordering the site. These views will mainly be of the seeded soil bunds around the perimeter of the site. Less restricted views are likely from first floor level from those properties closest to the site. The settlement of Old Tupton north of Brassington Lane is unlikely to be affected by the proposals. Overall, resultant visual effects during the operation phase are considered to be major-moderate adverse upon a relatively small number of properties nearest the site becoming minor-moderate beneficial after the restoration works have been undertaken and negligible upon those properties with more distant views.

Views of the proposals from public rights of way will largely be limited to those crossing the site area (Clay Cross Footpaths 23 & 26), which afford close range visibility and Brassington Lane. Depending on the location on the footpath, these views are likely to be major-moderate adverse.

Views from local roads will be mostly limited to Derby Road (A61) where it passes the site. Fleeting views from Brassington Lane and residential streets to the west are also likely. Users of these roads are likely to experience major-moderate adverse visual effects when passing the site, with clear views of the proposals and no greater than minor adverse where visibility is more fleeting. These potential effects are considered to become negligible-minor beneficial post restoration.

Overall, it is considered that, whilst the proposed surface coal mining will inevitably result in some landscape and visually significant effects during the operation phases, the restoration proposals have potential to bring a range of beneficial effects to the site and surrounding area. It is therefore concluded that the proposal is not considered to result in any long term negative landscape or visual effects and some minor positive landscape benefits.

Ecology and Conservation

There are no statutory designated sites (such as SSSI's, SPA, SAC's etc) that will be affected by the proposal. Two statutory designated Local Nature Reserve sites have been identified within 2km of the site. It is not considered that there will be any negative impacts upon these sites due to the distance and barriers to dispersal between the sites.

The proposal is not considered to have any negative impacts upon the five non-statutory designated sites within 1km of the site, due to sufficient barriers to dispersal between the sites.

The site is considered to be of low-moderate biodiversity value within the local area. Features of value within the site include semi-improved grassland, ruderal and scrub communities, hedgerows and trees which provide potential habitats for a range of wildlife including invertebrates, birds and mammals.

Hedgerows will be retained where possible and enhancement in the form of additional planting and management will be carried out subsequent to mining works. Retained trees will be protected from damage during works by maintaining fenced Root Protection Areas.

To avoid disturbance to breeding birds, any removal of woody vegetation will be undertaken outside of the bird-breeding season (March to September inclusive). If this is not possible, vegetation will be checked prior to removal by an experienced ecologist.

Three off-site ponds have been identified within 500m of the site boundary. It is not considered that Great Crested Newts will be a constraint to the development due to the limited loss of suitable on site habitats and the barriers to dispersal which are present between the site and the ponds. No evidence of suitable habitat for other protected species was recorded during the Phase 1 Habitat surveys.

The restoration proposals and future management include the provision of habitat enhancements so that the site is ecologically diverse in the longer term. This is likely to result in positive effects for bio-diversity and nature conservation.

It is concluded that the proposal will not result in an adverse significant effect upon features of nature conservation.

Traffic and Transport

The extraction of coal will generate an average of 12 articulated lorries per day (24 movements). This equates to approximately 3 lorry loads per working hour. There will be a peak flow of 20 per day (40 movements) during the coaling periods. Coal extraction vehicles will be routed by turning right out of the site entrance (the Incomol site), south along the A61 until the Tesco roundabout. They will then turn towards the Tesco superstore, then turn left and follow Market Street to a 'T' Junction and turn left out of

Clay Cross, along the A6175 towards the M1. HGV movements to the site will follow the same route in reverse order.

The Transport Assessment demonstrates that there are no road safety or highway capacity issues associated with the proposal and the extraction activities will therefore have no detrimental impact on the free flow and safety of traffic. The assessment considered the suitability of the proposed site access in terms of vehicle routing and vehicle tracking and confirms this meets with the necessary standards. It is concluded that the proposed development will have no material adverse impact on the safety or operation of the adjacent highway network.

Archaeology and Cultural Heritage

A Heritage Assessment has been undertaken to assess cultural heritage assets present within and in the vicinity of the application site. With the use of Derbyshire's Sites and Monuments Records, the potential impact upon heritage assets has considered Prehistoric and Roman activity through Medieval times to the present day. Evidence for Roman activity in the area is provided by Ryknild Street Roman Road. There are four records relating to sections of the road within 500m of the site. The report also assesses potential direct and setting impacts upon the built heritage of the area including the Clay Cross Conservation Area and Listed Buildings near to the site.

In terms of intrusive ground investigations, a geophysical survey was undertaken on the parts of the site that had not been previously disturbed by open cast mining activity to assess the potential for buried archaeology. The report concludes that there is low potential for the site to contain buried archaeological features of significant importance.

Overall, the report concludes no significant residual effects upon heritage assets are likely to occur as a result of the development of the site.

Water Environment (including hydrology, hydrogeology)

An assessment of the potential impact upon surface water and ground water was carried out. In terms of hydrology, the site has two principal catchment areas. The main site catchment area is associated with the minor watercourse between the two northern fields and a secondary smaller catchment area is present to the southwest of the site. There are no recorded surface water abstractions on site or within 500m of the site.

In terms of Hydrogeology, the Environment Agency (EA) Groundwater Vulnerability Map indicates the site to be underlain by a Secondary Aquifer (The Coal Measures strata). The site does not lie within a Source Protection Zone.

The groundwater flow is anticipated to flow from west to east due to the geological structure and recorded dip. This means that any features potentially susceptible to reduced groundwater flows, in particular the Far Tupton Woods to the west of the site,

are unlikely to be affected by groundwater drawdown at the site. They are both 'upstream' of the groundwater flow below the site and are based on geologically 'lower' or different strata which will be less likely to be affected by the proposed site operations.

It is proposed that both groundwater and surface water that drain into the open part of the workings are treated through a lagoon system prior to its discharge into the existing surface watercourses or drains. This will allow the fines to be settled out prior to being discharged into the watercourse/drain. No abstraction boreholes for dewatering is proposed external to the proposed workings.

In conclusion, there are no anticipated adverse significant hydrological or hydrogeological effects likely as a result of the proposed working and restoration programme.

Flood Risk

The Environment Agency (EA) records indicate that the site is located in Flood Zone 1 (low risk of flooding) and is therefore deemed at low risk of flooding from fluvial sources (main rivers). There are two ordinary watercourses associated with the site, one in the northern section and one located just outside the southwest boundary of the site. The risk of flooding from these watercourses is considered to be medium because of the channel topography and the site topography, which is reflected on the surface water maps provided by the EA.

The risk of flooding from artificial sources, sewer and groundwater are considered to be low. During the excavation phases of the workings, overland flow will cause water to accumulate and sump within the basin of the open cut phases. However, as the accumulated water will be pumped out by a 6'' water pump to the lagoons south west of the site, the risk of flooding from overland flow is considered to be low. The primary lagoon will act as a settlement pond and the second lagoon will store the clean water, from here, water will be discharged into the existing watercourses.

There is no surface water or foul drainage network currently at the site. Surface water at the existing site drains naturally into the ordinary watercourses north and southwest of the site.

Houses on North Street have, on occasion, been flooded. It is proposed that, as part of the restoration scheme and benefits package, flood alleviation measures are implemented to reduce the risk of future flood events on those properties. The restoration of the site will not increase surface water runoff and therefore meets with the requirements of National Planning Policy Framework (NPPF) and EA requirements.

It is concluded that the proposal will not increase flood risk during the working or following the restoration of the site.

Soil Resource and Land Use

A field work survey of the application site has determined that parts of the site have been previously disturbed by surface coal mining and restored with materials from the site. The proposed scheme will not result in the loss of any 'Best and Most Versatile'. Other areas of the site have natural soils some of which have been disturbed by the installation of modern service pipes (water and gas) as well as old railways.

Although the arable land on the site does not generally flood, it has poor drainage and is not easy to farm. The proposed restoration scheme therefore represents an opportunity to improve the drainage on the site and in turn the long term agricultural quality of the land. Where land can be restored to a sufficiently high standard the effects of mineral working are viewed as being reversible. In light of the above, it is concluded that the proposal will not have a significant negative impact upon soils and the agricultural operations in the long term.

Public Rights of Way

There are two public footpaths that cross the application site. Public Footpath 23 is located in the northern section of the site and connects Woodland Way to the west of the site with the A61 Derby Road in the east. The path terminates in the east where it connects with the A61 immediately to the north of Hill Top Farm. Public Footpath 26 is located in the southern section of the Application Site. The footpath connects North Street in the west with the A61 Derby Road in the east. The footpath traverses agricultural land and an industrial area in the east.

The two footpaths will be subject to minor restrictions during the operational phase of the development but, significantly, Footpath 23 will remain open at all times and Footpath 26 will be subject to diversion only. The footpaths will not be subject to restrictions at the same time and Footpath 23 will be free of restriction before the diversion of Footpath 26 comes into operation.

Footpath 26 will be restored to its' original condition along its' definitive routes as soon as practicable after the completion of the respective operational phases. The proposal is not therefore likely to have a significant impact upon footpath users.

Cumulative Effects

In accordance with the Derbyshire Minerals Local Plan and NPPF, the assessment of the proposal has considered the potential for adverse cumulative effects to occur. The assessment considered three main areas: successive effects, concurrent effects and multiple effects from the same development.

In terms of successive effects, it is concluded that, apart from the Biwater Scheme which was worked for coal between 2009 and 2011, only one surface coal mining scheme has

been worked near to the application site since 1955. There has been a considerable gap in time between the two operations. There has not, therefore, been a succession of surface coal sites worked in the locality, which could combine with the application site to give rise to significant successive effects.

The assessment also looked at whether the proposal could combine with other significant development (both planned and permitted) to cause adverse concurrent (or simultaneous) effects. Although, built development is planned to take place opposite the application site (Biwaters Development), which could coincide with the proposed development and generate varying degrees of minor cumulative effects, the combined effects are not likely to be significant. No other similar developments in the locality are likely to give rise to adverse concurrent cumulative effects.

The assessment of the combined environmental effects from the proposal has concluded that because only noise is at or close to the thresholds of guidance limits, it will not combine with any of the other environmental features to give rise to significant combined environmental effects.

It is therefore concluded that no significant cumulative effects will arise.

Energy and the Need for Coal

As the country moves towards 'low carbon' energy generation, coal will continue to be an important part of the UK's energy mix. The Government's indicated phasing out of coal generating electricity is planned over a reasonably long period of time (approximately 2025) and in the meantime there will be demand for coal to ensure electricity generation. The potential timescale for phasing out indigenous coal production is well beyond the timescales of the proposed development.

Coal is reliable, providing a measured response to peaks in the UK's energy consumption. The production of indigenous coal reduces the UK's reliance on coal importation from abroad. Coal is increasingly being imported in volatile international market conditions (e.g. Russia) rather than being sourced in the UK. Working indigenous coal therefore helps to minimise issues relating to security of energy supply.

The Government confirms that coal is of local and national importance, essential to meeting the needs of society and that great weight should be attached to the benefits of mineral extraction including the economy. Coal from the application site will contribute to meeting a local and national need.

In conclusion, it is considered that there a remains a strong need for indigenous coal production to ensure continued electricity generation.

Socio-Economic Issues

A review of the baseline socio-economic conditions pertinent to the local area and the surrounding district indicate that general economic activity is lower than the national average and there are high pockets of unemployment. The proposal will bring about 15 direct jobs and a number of direct and indirect economic benefits (e.g. contribution to local business rates, employment of hauliers/sub-contractors etc).

The proposal will secure improved ecological habitats and landscape enhancements. There is also the potential for a contribution to a community fund for environmental and community initiatives, in particular, the provision of the Multi Use Games Area and related toddlers' park, which the people of Holmgate have been seeking for many years, and improvements to the allotment fencing. The dedication of the new public footpath linking Kenning Park with the proposed new Egstow Country Park will be hugely beneficial to the community for all time. It is concluded that the proposal will therefore facilitate a number of positive economic and social contributions to the area which contributions outweigh any short term disturbance.

Alternatives

The assessment of alternatives has considered the 'no development' scenario, the development of alternatives sites and site specific alternatives. Under the 'no development scenario', the benefits of the scheme would not be brought about. These include a national need for indigenous coal supply; a reduction on the reliance of imported coal and associated environmental benefits; the benefits of a secure and diverse UK energy mix, the economic and employment benefits and the long-term agricultural and environmental enhancements brought about by the restoration scheme. The benefits of the scheme are considered to significantly outweigh any potential short term temporary negative environmental effects.

The application site is considered to be a suitable coal supply option because it is not located in an Opencast Constraint Area and does not contain any, nor is located close to, important environmental constraints (e.g. national ecological/landscape designations) or other important designations that would be a constraint to development.

The proposed scheme has evolved over a number years following a number of iterations by the design team and the environmental consultants, with substantial input from local residents with whom there has been extensive consultation. The submitted scheme represents an environmentally sensitive scheme and is therefore the preferred alternative.

Greenhouse Gas Assessment

The appeal is accompanied by an assessment of the Greenhouse Gases that will be generated throughout the life of the development and concludes that total emissions associated with

the mining activity at Hilltop Farm will result in approximately 0.03% of the UK's allowable emissions over that period.

Overall Conclusions

This Non-Technical Summary attempts to summarise the findings of the comprehensive ES and its accompanying technical reports avoiding, where possible, technical and professional jargon.

In overall terms, the proposal is considered to be environmentally insignificant (both individually and cumulatively), subject to the inclusion of the suite of proposed mitigation measures. These can be controlled and secured through the imposition of planning conditions. Noise has been identified as potentially the most significant impact as it has been calculated as being close to or at the limits recommended by national planning guidance. Noise impacts will, however, be short lived as the workings move reasonably quickly through the site, minimising the exposure of the operations to groups of local residents. The potential noise impacts can be controlled by a noise monitoring programme, to ensure that significant impacts upon the local community do not arise.

Varying degrees of disturbance to the landscape will be inevitable during the proposed operations, together with adverse views of the workings from some locations. Such impacts will, however, be mitigated by perimeter screening mounds and will be reasonably short in duration. The restoration proposals offer the opportunity for landscape and biodiversity enhancements in the longer term, acting to offset any short term temporary impacts.

The proposal will bring about a number of sustainable benefits [economic, social and environmental], which counter any short term negative environmental or local amenity effects. Such benefits potentially include: direct employment opportunities, local and regional economic benefits, meeting a national need for coal supply, flood alleviation, provision of a Multi Use Games Area and related toddlers' park, ecological and landscape enhancements and the provision in perpetuity of a significant new public right of way.

The proposal is therefore considered to be compliant with the Development Plan and the NPPF.