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Your Ref:
Our Ref:

Date: 21st April 2008

Dear Mr Coxill

Re: Application no: W2007/1628 - Proposed Huntington surface mine site involving the working of coal and fireclay, restoration and aftercare on land to the west of Dawley Road, Telford

Thank you for your consultation on this application. The Shropshire Hills Area of Outstanding Natural Beauty Partnership recommends that this application be **refused**. The proposal involves the winning of minerals from 4.2 hectares of the Shropshire Hills Area of Outstanding Natural Beauty (AONB). This will have a significant adverse and direct impact on this nationally protected landscape. The proposed site boundary is also immediately adjacent to the AONB boundary in the northern part of Area A and the AONB extends westwards from Area B. The extraction of coal and fireclay by opencast methods will have a significant and adverse indirect effect on the AONB in these areas.

Areas of Outstanding Natural Beauty (AONBs) have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty (Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads, DEFRA Guidance Note March 2005). Paragraph 21 of Planning Policy Statement 7 states that "*the conservation of the natural beauty of the landscape (in AONBs) ... should be given great weight...in development control decisions in these areas.*"

Section 85 of the Countryside and Rights of Way Act 2000 (AONBs) specifically states that, "*in exercising or performing any functions in relation to, or so as to affect, land*" in these areas, relevant authorities "*shall have regard*" to their purposes. DEFRA considers Unitary Councils to be relevant authorities (Guidance Note March 2005 as above). The purposes of AONB designation are as follows:

The primary purpose of designation is to conserve and enhance natural beauty.

In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, other rural industries and of the social and economic needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.

Recreation is not an objective of designation, but the demand for recreation should be met so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses.

These requirements are reflected in the following government guidance and local authority planning policies (my emphasis in bold italics throughout):

1. Minerals Policy Statement 1, paragraph 9 states:

*The Government's objectives for minerals planning reflect the requirement to contribute to the achievement of sustainable development, as required by Section 39 of the Planning and Compulsory Purchase Act 2004. These are **to protect internationally and nationally designated areas of landscape value** and nature conservation importance from minerals development, other than in the exceptional circumstances detailed in paragraph 14 of this statement;*

and paragraph 14 Protection of heritage and countryside states:

*....**do not permit major mineral developments in National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites** except in exceptional circumstances. Because of the serious impact that major mineral developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for these developments should be subject to the most rigorous examination. Major mineral development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:*

- i) the need for the development, including in terms of national considerations of mineral supply and the impact of permitting it, or refusing it, upon the local economy;*
- ii) the cost of, and scope for making available an alternative supply from outside the designated area, or meeting the need for it in some other way;*
- iii) any detrimental effect on the environment, the landscape and recreational opportunities and the extent to which that could be moderated.*

*Planning authorities should ensure that for any planning permission granted for major mineral development in these designated areas, the development and all restoration should be carried out to high environmental standards, through the application of appropriate conditions, where necessary, and be in character with the local landscape and its natural features. **Proposals in these areas which are not considered to be major mineral developments should be carefully assessed, with great weight being given in decisions to the conservation of the natural beauty of the landscape and countryside, the conservation of wildlife and the cultural heritage and the need to avoid adverse impacts on recreational opportunities.***

2. Minerals Planning Guidance Note 3, paragraphs 28 and 29 state that:

National Parks and AONBs

*28. PPG7 - "The Countryside - Environmental Quality and Economic and Social Development" (February 1997) **sets out in detail Government planning policies for all forms of development in National Parks and AONBs. The Government considers that major developments should not take place in these areas, and the New Forest and the Norfolk and Suffolk Broads, save in exceptional circumstances.** Because of the serious impact that minerals developments may have on the natural beauty of these areas the Government considers that all minerals applications must be subject to the most rigorous examination, and all minerals development should be demonstrated to be in the public interest before being allowed to proceed.*

29. Consideration of minerals applications in such areas should normally include an assessment of:

- i. the need for the development, in terms of national considerations of mineral supply;*
- ii. the impact of permitting the development, or refusing it, on the local economy;*
- iii. whether alternative supplies can be made available at reasonable cost; and the scope for meeting the need in some other way;*
- iv. any detrimental effect of the proposals on the environment and landscape and the extent to which that should be moderated; and*

iv. in the case of extensions to existing mines, the extent to which the proposal would achieve an enhancement to the local landscape.

3. Policy QE1 of the Regional Spatial Strategy deals with conserving and enhancing the environment and states that that:

A. Environmental improvement is a key component of the Spatial Strategy in order to underpin the overall quality of life of all areas and support wider economic and social objectives.

B. Local authorities and other agencies in their plans, policies and proposals should:

- i) support regeneration, by restoring degraded areas, conserving existing environmental assets, including the reuse of redundant and under-used buildings of merit, and creating new, high quality, built and natural environments, particularly within the Major Urban Areas;*
- ii) **conserve and enhance those areas of the Region**, where exceptional qualities should be reinforced by sustainable use and management, **including** the Peak National Park, **the five Areas of Outstanding Natural Beauty**, the European wildlife sites, and the World Heritage Site (see Environmental Assets Diagram);*
- iii) protect and where possible enhance other irreplaceable assets and those of a limited or declining quantity, which are of fundamental importance to the Region's overall environmental quality, such as specific wildlife habitats (Annex B), historic landscape features and built heritage, river environments and groundwater aquifers;*
- iv) protect and enhance the distinctive character of different parts of the Region as recognised by the natural and character areas (Figure 4) and associated local landscape character assessments, and through historic landscape characterisation.*

C. In bringing forward development, all agencies and developers should adopt high standards for sustainable natural resource use and management in line with policies such as QE3, QE9, EN1-2 and M3.

4. Policy M4 of the Regional Spatial Strategy states that

Development plans should include policies which:

- i) recognise that energy minerals are of national and Regional importance;*
- ii) recognise the contribution that the exploitation and utilisation of energy minerals can make to meeting the Region's future energy needs in the medium to long term;*
- iii) recognise the development and role of new technologies in releasing sources of energy from worked and unworked coal resources in the Region for local use; and*
- iv) **take account of existing national guidance in relation to coal mining**, emerging guidance on oil and gas and new technologies and revisions to national energy policy.*

Paragraph 8.76 of the Regional Spatial Strategy states that:

*In implementing this policy, development plans should recognise the importance of the Region's indigenous coal and hydrocarbon resources for meeting future energy needs. **They should ensure that the resources are exploited and utilised sustainably where there is a clear and demonstrable case and where this will not lead to an unacceptable impact on local communities or their amenities or damage the Region's environmental assets.***

5. Policy P 59 of the Joint Shropshire and Telford & Wrekin Structure Plan is a 'saved policy' and therefore relevant to this application. It states that:

Mineral extraction, processing or associated development will only be permitted where it can be demonstrated that there will be no unacceptably adverse effect on interests of acknowledged importance. These may include:

- best and most versatile agricultural land;*
- people and local communities;*

- *landscape character;*
- *the historic environment;*
- *wildlife; and*
- *water resources.*

Areas of designated landscape or nature conservation value will be protected from mineral development, except in exceptional circumstances and where it has been demonstrated that the development is in the public interest.

6. The Joint Shropshire and Telford & Wrekin Minerals Local Plan 1996-2006 has a number of 'saved' policies, the most relevant of which are:

M1 A MORE SUSTAINABLE APPROACH TO MINERAL DEVELOPMENT

In determining planning applications for mineral development, the Mineral Planning Authorities will attain a sustainable approach to the development of the mineral resources of Shropshire and Telford & Wrekin. The objectives for sustainable development are:-

- i. to conserve minerals as far as possible, whilst ensuring an adequate supply to meet needs;*
- ii. to ensure that environmental impacts caused by mineral operations and the transport of minerals are kept, as far as possible, to an acceptable minimum;*
- iii. to minimise production of waste and to encourage efficient use of materials, including appropriate use of high quality materials, and recycling of wastes;*
- iv. to encourage sensitive working, restoration and aftercare practises so as to preserve or enhance the overall quality of the environment;*
- v. to protect areas of designated landscape or nature conservation value from development, other than in exceptional circumstances and where it has been demonstrated that development is in the public interest; and,***
- vi. to prevent the unnecessary sterilisation of mineral resources.*

M21 COAL AND FIRE CLAY WORKING

In determining applications for coal and fire clay working consideration will be given to the relevant policies in the Minerals Local Plan, in the context of any national government guidance.

A) The project should:

- i. protect people and the environment from any unacceptably adverse effects, including visual, noise, dust, or traffic impacts; effects on surface waters or groundwaters and from the risk of flooding (Policy M4);*
- ii. preserve or enhance any sites of wildlife, landscape, historical, archaeological, architectural or geological importance (Policy M5, Policy M5 (A), 5(B), and 5(C)); and,***
- iii. protect the site and adjoining land from the risk of instability (Policy M3 (ix)).*

7. Policy CS12 of the adopted Telford and Wrekin Core Strategy states:

The natural environment of the Borough will be protected and enhanced.

The natural environment of The Shropshire Hills Area of Outstanding Natural Beauty and that of the Borough's Sites of Special Scientific Interest, Areas of Special Landscape Character, Local Nature Reserves, Wildlife Sites and Ancient Woodland sites will be protected from development that has the potential to adversely impact on its sustainability.

Biodiversity, including habitats, and geodiversity will be protected from development. Where appropriate, development that delivers enhancement will be consistent with local biodiversity targets and objectives.

8. Policy OL2 of the Wrekin Local Plan is a saved policy and thus relevant to this application. It states that;

The Council will not permit development which is likely to adversely affect, either directly or indirectly, the following sites of national importance:

The Shropshire Hills Area of Outstanding Natural Beauty*
Sites of Special Scientific Interest*

unless the development is of an overriding national or international interest and there are no alternative sites.

Development which is likely to adversely affect, either directly or indirectly, the following sites of regional or local importance will not be permitted unless the applicant can demonstrate that the benefits of the proposal significantly outweigh the importance of the area:-

a) Areas of Special Landscape Character

*b) Local Nature Reserves**

c) Wildlife Sites

d) Ancient Woodland sites as listed in the Shropshire Inventory of Ancient Woodland (see also the Proposals Map)

The loss of any habitat must be fully compensated for by the creation or enhancement of other habitats of equal or greater value in the local area.

** These sites have a statutory basis.*

Summary

Minerals Planning Statement 1, Minerals Planning Guidance Note 3, Policy 59 of the Joint Shropshire and Telford and Wrekin Structure Plan and Policy M1 of the Joint Shropshire and Telford and Wrekin Minerals Local Plan all clearly state that exceptional circumstances should be demonstrated for any proposals to extract minerals from an AONB. The need to take account of existing national guidance in relation to coal mining is emphasised in Policy M4 of the Regional Spatial Strategy.

The Shropshire Hills AONB Partnership feels that the exceptional circumstances listed in paragraph 14 of MPS1 and repeated in paragraph 29 of MPG3 (in particular the need for the development) have not been demonstrated by this proposal and therefore permission should not be granted.

Policy QE1 and paragraph 8.76 of the Regional Spatial Strategy, Policy M21 of the Joint Shropshire and Telford and Wrekin Minerals Local Plan, Policy CS12 of the Telford and Wrekin Core Strategy and Policy OL2 of the Wrekin Local Plan all deal with the need to conserve and enhance AONBs and to avoid damage or unacceptable impacts. This proposal will cause unacceptable direct damage to the 4.2 hectares of the Shropshire Hills AONB from which minerals will be won and will have an unacceptable indirect impact on those parts of the designated area which are either adjacent to the site or in its vicinity.

Yours sincerely

Joy Tetsill
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For the Shropshire Hills AONB Partnership