

**Appendices of Relevant Saved Development Plan Policies for the
Huntington Lane Surface Coal and Fireclay Mine Application.**

Regional Spatial Strategy for the West Midlands (January 2008)

Policy QE1: Conserving and Enhancing the Environment

- 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 MUAs;
 - ii) conserve and enhance those areas of the Region, where exceptional qualities should be reinforced by sustainable use and management, including the Peak District 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 implacable assets and those of 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.

Policy M4: Energy Minerals

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

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| iv) | sources of energy from worked and unworked coal resources in the Region for local use; and
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. |
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The Shropshire and Telford & Wrekin Joint Structure Plan, 1996 – 2011.

P16 Air Quality

Local plan policies and development proposals shall take into account their effect on air quality having regard to national air quality strategy objectives, local air quality reviews and air quality management plans. This shall include consideration in local plans of the location, scale and type of development and the requirement to reduce the need to travel. Consideration shall also be given to the ameliorating effects of tree planting.

P39 Public Rights of Way

The network of public rights of way will be protected and maintained and where necessary improved to contribute to tourism and recreation and as locally important routes for a community. Opportunities will be taken to create special interest trails and routes which are suitable for use by people with a disability.

P58 A Sustainable Approach to Minerals Development

There will be a sustainable approach to the development of mineral resources which seeks to achieve the best balance of social, environmental and economic costs and benefits, ensuring an adequate supply to meet needs, and taking into account the following principles:

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| <ul style="list-style-type: none">• The need to conserve minerals;• Ensuring that adverse environmental impacts and effects on people caused by mineral operations and the transport of minerals are kept to a minimum;• Promoting the efficient use of materials by encouraging appropriate use of high quality materials; reduction, re-use and recycling; and waste minimisation;• Preventing the unnecessary permanent sterilisation of mineral resources; AND <ul style="list-style-type: none">• Encouraging sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment. |
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P59 Environmental Considerations

Mineral extraction, processing or associated development will only be permitted where it can be demonstrated that there will be no unacceptable 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.

P69 Reclamation and After-Use

Proposals for mineral development and for the disposal of waste to landfill must incorporate a satisfactory scheme for the reclamation of the site, progressively wherever possible, to an appropriate after-use or to a state capable of beneficial after-use, including appropriate provision for after-care and management.

Restoration schemes which provide new wildlife habitats, contribute to improving landscape character, encourage or enhance public access or which make use of waste from mineral working will be given favourable consideration.

Shropshire and Telford & Wrekin Minerals Local Plan 1996 – 2006 (The Joint Minerals Local Plan).**M1 A More Sustainable Approach to Minerals Development**

In determining planning applications for mineral development, the Minerals 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

- iv. recycling of wastes;
- v. to encourage sensitive working, restoration and aftercare practices so as to preserve or enhance the overall quality of the environment;
- vi. to protect areas of designated landscape or nature conservation value from development, other than exceptional circumstances and where it has been demonstrated that development is in the public interest; and,
- vii. to prevent the unnecessary sterilisation of mineral resources.

M2 The Need for Minerals

In the context of a sustainable approach to mineral development (Policy M1), where proposals for mineral working give rise to material planning objections which are not outweighed by other planning benefits, or when an Environmental Statement is necessary, the applicant will be required to demonstrate that there is a need for the mineral.

M3 Development Control Considerations

In determining applications relating to mineral development, regard will be paid to any unacceptably adverse effects of the proposal upon:

- i. towns, villages and nearby houses and occupied property both close to the proposed development site and close to proposed haul routes, including the effect on listed buildings, conservation areas, scheduled ancient monuments and other sensitive locations;
- ii. sensitive sites and species (expanded in Policy M5);
- iii. the countryside and the local economy (policy M7);
- iv. the transport network and local roads (Policy M11);
- v. water resources, including the flow and quality of surface waters and ground waters; the risk of flooding; pollution; and the effects on wetlands, water courses and other local water bodies;
- vi. best and most versatile agricultural land where this would cause the permanent loss, or loss of quality, of land classified as such by the Ministry of Agriculture, Fisheries and Food; also the impact upon local agriculture by considering the structure of local farm businesses and the effect of severance and fragmentation;
- vii. the general area as a result of the cumulative impact of past, present and permitted future workings;
- viii. derelict, contaminated or degraded land;
- ix. the stability of the site and adjoining land; and,
- x. rights of way and public access land, including informal open space (Policy M7).

M4 Operational Considerations

In determining applications relating to mineral development, regard will be paid to the following operational considerations:

- i. the measures to protect people and the environment from any unacceptably adverse effects, including visual, noise, dust, or traffic impacts; effects on surface waters or ground waters and from the risk of flooding;
- ii. the method, phasing and management of the working proposals;
- iii. ancillary development (expanded in Policy M10);
- iv. site access and traffic movements (Policy M11); and,
- v. the method, phasing and management of the reclamation and after-use proposals (Policy M27).

Applicants will need to demonstrate that they have had regard to the detailed guidance contained in the 'Development Control Guidelines' (Appendix 4).

M6 Protecting Archaeological Remains

Applicants will be required to demonstrate that the impact on sites of archaeological interest has been fully taken into account.

Where the County Sites and Monuments Record or other reliable source of archaeological remains, developers will be required to undertake an archaeological assessment, including any preliminary geophysical work and / or archaeological evaluation to help determine the importance of any remains prior to the planning application being determined.

There will be a presumption in favour of the physical preservation in situ of nationally important archaeological remains whether scheduled or not, and their settings.

Where it is decided that a site, or part of a site, is not sufficiently important to merit physical preservation in situ, planning permission may be granted to the applicant having made appropriate and satisfactory provision for the assessment, including any excavation is needed, recording, analysis, publication and curation of the remains.

M7 Benefits to the Countryside and the Local Economy

In determining all applications relating to mineral development, including the reclamation and after-use of mineral sites, consideration will be given to any benefits of the proposal upon the countryside and the local economy.

Where proposed development would give rise to material planning objections

(Policy M2) which are not outweighed by other planning benefits, or when an Environmental Statement is necessary, the applicant will be required to demonstrate what benefits if any the proposed development would bring to the countryside, or the local economy, where these are necessary, relevant to planning, directly related to the proposed development, and are fairly and reasonably related in scale and kind to the proposed development and which outweigh any unacceptable adverse effects.

M8 Planning Obligations

Where planning conditions would be inappropriate, and before planning permission is granted, Planning Obligations will be sought where necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects, in order to overcome any unacceptably adverse effects of the proposed development and to secure the terms of agreement, or undertaking, to mitigate these adverse effects.

M10 Ancillary Development

Where ancillary development could have an unacceptably adverse effect on the local environment, a condition will be attached to the planning permission withdrawing permitted development rights so that the ancillary development can be properly controlled by the terms of the planning permission.

In determining applications relating to ancillary development associated with mineral working, the development control considerations referred to in Policy M3 and M4 will be relevant.

Projects should include satisfactory measures to minimise any unacceptably adverse effects associated with ancillary development. The measures should include:

- i. locating the ancillary development within or immediately adjacent to the area proposed for mineral working;
- ii. restricting the principal purpose to a purpose in connection with the winning and working of minerals at the site or the treatment, storage or removal of minerals excavated or brought to the surface at that site;
- iii. where it is proposed to import minerals, limit the quantities involved to control the volume and type of traffic, and the establishment of an acceptable route for the traffic to and from the site; and,
- iv. cessation of the ancillary development when working of the mineral for which the site was primarily permitted has ceased and removal of plant and machinery to allow the reclamation of the site.

M11 Transport of Minerals

In determining all applications relating to mineral development, consideration will be given to the impact of heavy lorry traffic on the transport network and to the alternative opportunities to transport by rail.

Projects should include measures that will satisfactory protect people and the environment from any unacceptably adverse effects of transporting minerals in terms of highway safety, disruption, noise, dust, dirt and vibration.

Where opportunities to transport minerals by rail exist, the development of new rail heads or connection to existing rail facilities will be encouraged. Where this is not feasible there will be a preference for new mineral sites to be located where they can obtain satisfactory access to the Primary Road Network.

The Gobowen to Blodwel branch line and the Bayston Hill Quarry sidings will be safeguarded and the operators will be encouraged to maintain the existing rail facilities. The branch line is indicated on the Proposals Map and sidings shown on Inset Map 1.

As far as possible a reasonable distribution of sites will be sought, relative to the major sources of demand and supply in order to minimise the length of journeys involved and to help reduce the impact of transporting minerals.

M21 Coal and Fireclay Working

In determining applications for coal and fireclay 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 unacceptable 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,
- iv. protect the site and adjoining land from the risk of instability (Policy M3 (ix)).

B) Consideration will be given to the possible cumulative impact of the proposals, and permitted future working, on the general area (Policy M3 (vii)).

C) Where there are material planning objections which are not outweighed by

- other planning benefits or when an Environmental Statement is necessary, the applicant will be required to provide information to help determine whether or not the combination of material planning benefits, mitigation measures and need for the proposed development outweigh the planning objections.
- D) In addition, applications for coal or fireclay working affecting the South Western Telford area and the Broseley – Shirlett area will only be granted planning permission if one or more of the following exceptional circumstances apply:-
- i. where the need for the mineral outweighs the material planning objections (Policy M2);
 - ii. working would prevent the sterilisation of the resource (Policy M29); and/or,
 - iii. significant benefits would be obtained as a result of the exchange or surrender of existing permissions.
- E) The South Western Telford area and the Broseley – Shirlett area are indicated on the Proposals Map and Inset Maps 2 and 3 respectively.

M27 Reclamation and After-Use

Planning permission for mineral development will only be granted where the application incorporates a satisfactory scheme for the reclamation of the site, progressively wherever possible, to an agreed after-use or to a state capable of beneficial after-use.

Where the proposed after-use includes agriculture, woodland, amenity (including nature conservation) or other uses, a satisfactory scheme will need to include the following:

- i. provision for a 5 year period of aftercare;
- ii. a Reclamation Plan;
- iii. a Management Plan which should address the management requirements during each phase of the proposed development and where appropriate a planning obligation will be sought in order to secure the after-use, long term management and maintenance of the site;
- iv. proposals which take account of the site, its surroundings, and nay development plan policies relevant to the area; and,

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| v. evidence to show that the scheme incorporates best practice advice and is practical and achievable. |
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M29 Safeguarding Mineral Resources

Applications for development which fall within Mineral Consultation Areas and which could have the effect of sterilising mineral resources should be referred to the relevant MPA for comment. For similar reasons, applications for development which fall within the Coal Consultation Areas should be referred to the Coal Authority for comment.

The recognition of these areas does not imply that any application for the working of minerals within them will be granted planning permission.

Unless there are overriding factors which in the national, regional or local interest must be satisfied, known mineral resources will be prevented, where possible, from being sterilised or unduly restricted by other forms of development occurring on or close to the resource.

Where appropriate, having regard to the policies in the Minerals Local Plan, the working of minerals in advance of development will be required to prevent the unnecessary sterilisation of the resource.

M30 Comprehensive Working of Minerals Resources

Planning permission will only be granted where an applicant can demonstrate that the proposed development has taken into account of the opportunity to work or to safeguard any economic minerals within the site, provided that such working is consistent with the policies in the Minerals Local Plan.

Wrekin Local Plan 1995 – 2006

EH14 Land Stability

The Council will permit development proposals within the Mineral and Mining Consideration Area, areas of suspected slope instability or where it is suspected there is made-up ground provided that the proposal demonstrates that:-

- a) its structural integrity shall not be compromised by slope instability.
- b) where the active systems exist, the instability shall not be exacerbated by the development.
- c) the development can tolerate the ground conditions by special design.
- d) There is long term stability of any structures built on filled ground.

T22 Planning Obligations

In all new developments, necessary improvements to meet the transport needs of the development in accordance with all policies of this Plan, will be provided and funded by the development. Such improvements will include in appropriate cases:-

- a) improvements to existing highways and provision of new roads,
- b) provision for public transport improvements,
- c) traffic calming measures,
- d) infrastructure to meet the needs of the pedestrians, cyclists and horse riders,
- e) access for people with disabilities.

OL2 Designated Areas

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 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 are 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.

OL6 Open Land

Throughout the District, the Council will protect from development locally important incidental open land within or adjacent to built-up areas where the land contributes to the character and amenity of the area, has value as a recreational space or importance as a natural habitat.

OL11 Woodland and Trees

The Council will seek to retain and enhance the contribution that trees and woodland, (especially areas of ancient woodland) make to the landscape character of the District. This will be promoted by:-

- a) making Tree Preservation Orders, where appropriate, to protect trees and woodland areas of significant amenity value;
- b) resisting development proposals that would result in the loss of trees which make a valuable contribution to the character of the landscape, a settlement or its setting or have a significant ecological value;
- c) supporting initiatives for woodland management, tree planting and creation of new hedgerows, where appropriate, through legal agreements.

OL12 Open Land and Landscape – Contributions from New Development

In considering development proposals, the Council will seek the following in relation to landscaping and the provision of open land:-

- a) an appropriate landscape setting in accordance with the location, nature and scale of the development;
- b) protection and appropriate enhancement works to areas of Green Network which are clearly related to the development site in physical or visual terms;
- c) footpath, bridleway and cycleway links, to replace those lost as a result of the development, or considered necessary as a result of the development;
- d) on development sites within the defined Community Forest area of search, tree planting and other reasonable and appropriate measures towards the establishment of the Community Forest, where they are clearly and directly related to the proposed development;
- e) protection and appropriate enhancement of important ecological or archaeological sites and wildlife habitats that may be adversely affected

- by the development;
- f) protection of all legally protected species affected by the development;
- g) where a recreation or sports facility, or together feature is lost through development, a suitable replacement facility or feature of equal or enhanced quality and accessibility is provided.

OL13 Maintenance of Open Space
The Council will seek a legal agreement to ensure that provision is made for the long term maintenance of open space or landscaping that is provided principally for the benefit of the new development.