

the loose anti opencast network

LAON PR 2015 – 2

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GOVERNMENT PLANNING POLICY USED TO OVERRIDE THE OPINION OF LOCAL PEOPLE AND DURHAM COUNTY COUNCIL

A community's eight year fight to prevent an opencast mine application from succeeding has been defeated. People living around the proposed Bradley Opencast Coal Mine have learned that a second Public Inquiry into the proposal has resulted in the application being upheld. A close reading of the Inspector's decision suggests that despite finding reasons why the appeal should be dismissed on amenity grounds, the Inspector had to take account of the fact that the National Planning Policy Framework (NPPF) deemed surface mineable coal to be a mineral of national importance. The Inspector had to give this factor 'great weight' according to the NPPF, when making her judgement and this consideration outweighed all the other evidence produced by local and national groups, and the objections of Durham County Council, as to why this application should be rejected. This evidence, from members of the Pont Valley Network included facts accepted by the Inspector that they would suffer a loss of amenity and that the economic interests of local business would be harmed.

Dismissed by the Inspector were arguments put forwards by LAON about the evidence about a decline in the need for coal and the indirect consequences of utilising this coal, which will contribute to the increasing the risk of climate change and the consequent cost of mitigating the cost of climate change. The Inspector made no comment on LAON's other claim that burning this coal in UK power stations will contribute to the estimated 1200 people who die prematurely in the UK from air pollution caused by burning this coal.

All may not be lost however. LAON also provided evidence on the poor financial state not only of the Applicant , a company Juniper 3, which was in administration following the collapse of UK Coal Surface Mining, but of the coal mining industry in general in the UK which now has major restoration problems with old opencast sites. As a consequence the Inspector has made a Section 106 agreement at the behest of Durham County Council and the local residents for a new kind of Pre -Payment Restoration Bond to ensure that the local authority retains a degree of control over the development as it progresses. This means that whoever takes responsibility for extracting this coal will have to pay the first £1m instalment of a Restoration Bond that will eventually total £3.65m before any coal has been extracted. This is an attempt to avoid the problem experienced elsewhere when such payments were due after the coal had been extracted. If the company then went bankrupt as in the case of Scottish Coal in 2013 there was no effective means of securing the restoration of sites if there was a shortfall.

Given the current price of coal at around £40 per tonne and at an 8 year low, the need to find £1m before extraction can begin may prove to be too high a barrier to get over. If no company comes forwards to take over this site and meets the pre conditions associated with the planning approval within three years, then LAON understands that the planning permission will lapse.

This decision LAON believes, has a direct bearing on these three outstanding proposals for opencast mines in England, the 500,000 tonne **Field House Farm** site near Pittington in Co Durham, the 5m tonne site at **Highthorn** near Druridge Bay in Northumberland and the 130,000 tonne **Hilltop Project** site near Clay Cross in Derbyshire.

Steve Leary for the Loose Anti Opencast Network said

“ All credit should go to the local people who are most directly affected by this decision who have fought a stubborn and hard battle to prevent this mine from going ahead. This is a bitter blow. Local people have put a great deal of effort into not just finding strong reasons why this development should not be allowed, but also into the first fruits of a vision about how, in the long term, the Derwent Valley can be developed as a recreational / tourist area coming to fruition. How much of this vision is now under threat as a consequence of this decision, remains to be seen?

Nationally, for the rest of England where the threat of more opencast mining lies like a dark shadow across swathes of the countryside, the future looks grim. Paragraph 144 of the NPPF,

reflecting government policy, is the killer paragraph, since it states the 'great weight' clause which any determining body has to take account of. In LAON'S opinion it made the outcome of this Public Inquiry almost a foregone conclusion as long as the quality assurance standards for noise, dust, transport, water treatment and restoration are met. This is the second time that this clause has been invoked at a Public Inquiry to uphold an appeal as this decision follows the same line of argument used to uphold the Halton le Gate appeal in 2012. There, as here, the 'mineral of national importance' argument, trumped any adverse amenity effects to be experienced by local residents as identified by the Inspector, or indeed other environmental adverse impacts.

As long as this clause remains in place and or as long a surface mineable coal is listed in the NPPF as a mineral of national importance it is possible we can expect approvals to be given for any other opencast mine application in England in the future. The odds are really staked against any person or group who make legitimate objections to new surface mine proposals.

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INFORMATION ABOUT THE LOOSE ANTI OPENCAST NETWORK

The Loose Anti-Opencast Network (LAON) has been in existence since 2009. It is a UK and Northern Ireland wide network of 28 local community groups opposed to local opencast mine proposals / operations. It functions as a medium through which to oppose open cast mine applications and works with groups where local people feel that such a development is inappropriate.

CONTACTING LAON

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You can now follow LAON on twitter @ <https://twitter.com/AntiOpencast>

GROUPS IN THE NETWORK

Coal Action Network

Whittonstall Action Group, Northumberland,
North Pennine Protection Group, Northumberland,
Pont Valley Network, Co Durham,
Pittington Residents Group Co Durham,
Newton Lane Action Group, Leeds,
Residents Against Birklands, Gateshead
Cowley Residents Group, Sheffield ,
Skelmansthorpe Action Group, Kirklees
Shortwood Farm Opencast Opposition, Nottinghamshire,
West Hallum Environment Group, Derbyshire,
Smalley Action Group, Derbyshire,
Hilltop Action Group, Derbyshire,
Minorca Opencast Protest Group, Leicestershire,
Campaign Against Great Oak Opencast, Staffordshire,
Stop Opencast at Sharlston, Wakefield and
Alumwell Action Group. Walsall
Just Say No to Lignite, N Ireland,
Coal Action Scotland
Mining and Environment Group, East Ayrshire
Saline Parish Hub, Fife
Stop Cauldhall Opencast, Midlothian