

PLANNING AND HIGHWAYS COMMITTEE 16 APRIL 2014

CONSULTATION FROM A NEIGHBOURING COUNCIL ON A PLANNING APPLICATION

REPORT OF THE DEPUTY CHIEF EXECUTIVE

1.0 PURPOSE OF THE REPORT

- 1.1 To seek the Committee's agreement to the response to be made to a consultation from a neighbouring authority regarding a planning application affecting a site within proximity to the boundary of Sunderland City Council (SCC).

2.0 BACKGROUND

- 2.1 Where the Council is consulted by a neighbouring authority, in this case Durham County Council (DCC) on planning applications that are not within its administrative boundary but which may have an impact on Sunderland's interests, the approval of Planning and Highway's Committee is obtained to agree the content of the Council's response. Within this context Sunderland City Council is only a consultee and therefore all statutory duties associated with the application, including its determination, are the responsibility of DCC as the competent Mineral Planning Authority.

3.0 APPLICATION DETAILS

- 3.1 **Notifying Authority:** Durham County Council
Application Number: CMA/4/107
Applicant: Hargreaves Surface Mining Ltd
Proposal: Field House surface mine scheme involving surface mining operations for the winning and working of 514,000 tonnes of coal and up to 83,000 tonnes of fireclay, ancillary site operations with progressive restoration and aftercare to agriculture, broadleaved woodland, hedgerows, water bodies, wetland and low nutrient grassland over a 3 year period.
Application site: Land at Field House Farm to the south of Robin Lane, to the south east of West Rainton, north of Low Pitlington and west of High Moorsley.
- 3.2 In accordance with the requirements of The Town and Country Planning (Environment Impact Assessment) Regulations the application was supported by an extensive Environmental Statement. This substantial document details and considers issues relating to landscaping and visual amenity, noise, archaeology, ecology, land contamination, dust, mine gases and transportation.

4.0 CONSULTATION

- 4.1 The Council's Network Management, Natural Heritage and Pollution Control sections were consulted as part of this neighbouring authority consultation request and their responses and observations form part of this report
- 4.2 Members should note that DCC has undertaken an extensive public consultation exercise as part of the planning application. DCC has confirmed that all residents within 1km of the application site were consulted and as such residents in Sunderland were directly notified. Furthermore, and on each occasion, 2 or 3 site notices were erected in East Rainton, High Moorsley and Hetton le Hole. Press notices were also placed in the Northern Echo and Sunderland Echo in order to ensure wide coverage throughout the Durham and Sunderland areas, while Hetton Town Council and Hetton School were consulted and have both made representation to DCC directly.
- 4.3 Concerning this neighbouring authority consultation request, a representation has also been received from Cllr Blackburn. The Cllr's comments detail local Member concerns about the disruption to this rural area of the City. Concerns relate to the potential for dust and scarring to the landscape. Cllr Blackburn also highlighted the tangible mental stress being caused to many residents and wanted this to be conveyed to DCC.
- 4.4 Two letters from Sunderland residents objecting to the development have also been submitted to SCC. Concerns relate to the disruption of peace and quiet, as well as noise, dust and increased traffic impacts arising from the development. The objections also express concern about views and recreation impacts. The letters also state that local residents were not informed of the planning application, however in this respect, Members may wish to review and note paragraphs 2.1 and 4.2 of this report.

5.0 PROPOSED SCHEME

- 5.1 The planning boundary for the Scheme covers 55.9 hectares, located to the south east of the settlement of West Rainton and the A690, south of Robin Lane.
- 5.2 The proposed Scheme involves surface mining operations for the winning and working of 514,000 tonnes of coal and up to 83,000 tonnes of fireclay, ancillary Site operations, with progressive restoration and aftercare to agriculture, broadleaved woodland, hedgerows, water bodies, wetland, and low nutrient grassland. All to occur over a 3 year period. Within this timescale Site excavation operations would be completed within an estimated 2 year and 3 month period (including coal and fireclay extraction over a 2 year and 2 month period). The

Scheme also provides for early ecological enhancement works in the off-site area to the north and north-west of the Site.

- 5.3 The Site operations would be restricted to a single shift basis with all soil handling, overburden excavation and coal and ancillary fireclay extraction operations, including coal cleaning, haulage from the cut, processing, loading and overburden backfill and restoration works to be carried out between 0700 and 1900 hours Monday to Friday and 0700 to 1300 hours on Saturday. It is also proposed that no such operations would be carried out on Sundays, Bank or Public Holidays. Coal and fireclay HGVs would transport products from the Site during the above hours of operation.
- 5.4 Site drainage operations and any pumping, where necessary, would take place 24 hours per day 7 days per week. It is also proposed that operations for maintenance of plant and vehicles will be carried out on the Site between 0700 to 2100 hours Monday to Friday, 0700 to 1700 hours on Saturday and 0800 and 1600 hours on Sunday.
- 5.5 In terms of restoration the scheme has been designed to closely follow the key characteristics of the existing Site i.e. to replicate the existing undulating south facing landform. The restoration scheme would also provide enhancement measures to support local biodiversity including a network of new ponds and ditches set within grassy margins and larger areas of permanent grassland.

6.0 CONSULTATION RESPONSES AND CONSIDERATIONS

6.1. Strategic Policy considerations

- 6.1.1 The application site abuts SCC's administrative boundary as its south eastern boundary adjoins the extreme south western boundary of Hetton, to the south east of High Moorsley. The predominant land use policy within this area is allocated under Unitary Development Plan (UDP) policy EN10. This policy identifies those areas where the existing land use pattern is considered to be satisfactory and should be maintained. In this context this area of the City is largely associated with arable farmland, wildlife corridors and the Great North Forest.
- 6.1.2 Reviewing the Council's Core Strategy (Preferred Options), which is currently out for consultation and is the document which sets out how the City will move towards its planning vision for the future, it is clear that no areas earmarked for either Economic Prosperity, Thriving Communities or Locations for Major Development will be impacted by the proposed development.
- 6.1.3 As such, it is considered that there are no strategic planning policy considerations which exist that give rise to concern either in respect of the UDP, or going forward in terms of the emerging Core Strategy.

6.1.4 Nevertheless, given the nature of the development proposal the following sections consider the development proposal in terms of public health, highway engineering, ecology and visual amenity. However, it is important to re-iterate paragraph 2.1 of this report i.e. SCC is only consultee and that all statutory duties associated with the application, including its determination and balancing of relevant material considerations, will ultimately be the responsibility for DCC as the competent Mineral Planning Authority.

6.2 Public Health Considerations

Colleagues in the Council's Pollution Control Section have been consulted and have responded by stating that provided the applicant complies with all relevant regulatory requirements, maintain control measures detailed in the submitted documentation, and operate under the terms of any Environmental Permit issued under the Environmental Permitting Regulations (2010), they have no comment to make to the development proposal.

6.3 Network Management

Comments received from Colleagues in Network management were informed by the proposals as described in the Transport Statement (incorporated in the Environmental Statement as Appendix 12.1). The Transport Statement has been prepared by the applicant's traffic consultants, in accordance with national guidelines for transport assessments. The main issue in the document relates to HGV routing.

6.3.1 HGV Trips

The proposed development will extract and export over a 26 month period. Average HGV movements are anticipated to be 74 (37in/ 37out) per day, in the order of 6 (3in/ 3out) per hour.

6.3.2 Traffic Management Plan – Proposed HGV Haul Route

The proposals include the following restrictions on HGV movements:-

For outbound coal and fireclay HGVs the proposed route will involve the use of Robin Lane and the A690, thereby providing access via the A690/ A1(M) Interchange to market. There will be no HGV traffic turning right from Robin Lane onto the A690 or the stretch of Robin Lane to the east of the Site access.

For inbound HGVs the local highway authority i.e. DCC, has stated that no HGV traffic should turn right from the A690 onto Robin Lane. As a consequence, from the perspective of the A1(M), it is proposed that the coal and fireclay route will utilise the A690 (eastbound), the B1284 junctions at Rainton Meadows/ Four Lane Ends, Durham Road and the A690 (westbound). It is also noted that the movement of plant and

machinery to and from the site on HGVs will be subject to these route restrictions.

6.3.3 Highway Engineering Conclusion

It is understood that the proposal to restrict right turn movements at the junction of the A690/ Robin Lane has been introduced in the interests of road safety. The consequence is that unladen HGVs travelling eastbound on the A690 will need to travel further to the B1284 Rainton Meadows/ Four Lane Ends junction, in order to turn back onto the A690 westbound. In light of the proposed use of small stretches of the City's road network the applicant's traffic consultant was requested by Network Management to clarify that overall exposure to (predicted) risk would be reduced.

The applicant's traffic consultant has subsequently explained that consideration was given to the specific junctions. Their assessments confirmed that there is no historical evidence to suggest that any significant, inherent road safety issues exist on the chosen road network. It is considered that the level of increase in traffic as a result of the development will not have a material impact on road safety.

On assessing the additional submission, Network Management consider that it provides relevant evidence the proposals will not have a material impact on road safety, and on this basis have no further observations or comments to make in this respect. Network Management has nevertheless recommended that all HGV movements are specifically excluded from all roads within the East Rainton 30mph zone and also from Hazard Lane. In response, the applicant's traffic consultant has confirmed that HGVs will be specifically excluded from these roads, stating that it is their understanding the chosen Routing Strategy will form part of a planning condition, should DCC be minded to approve the application.

6.4 Ecology

6.4.1 It appears to Colleagues in the Council's Natural Heritage that the applicant has dealt with all potential concerns regarding biodiversity and that the development proposal offers a restoration scheme appropriate to the nature and location of the site. As such there are no major objections to the proposal subject to the applicant addressing the following:-

6.4.2 All of the recommended species and habitat mitigation and enhancement measures are implemented in full and the measures are extended to similar habitat outwith the site, in particular the wildlife corridor (wetland and grassland habitats) along Bridleway 25/ the former railway line and Robin House and Moorsley Marsh Local Wildlife Site.

6.4.3 Ensure that the hydrology and wetland habitats of the Moorsley Burn catchment to the north-east of the site are not adversely affected by the development and opportunities to improve water quality and flow, and habitats, are implemented as part of the scheme wherever possible.

6.4.4 Planning approval must be subject to a comprehensive management plan that ensures species, habitat and landscape mitigation and enhancement measures are sustained in perpetuity; including monitoring and modification where necessary to retain and improve biodiversity gain associated with species such as water vole, bats and amphibians.

6.5 Visual and residential amenity

6.5.1 A Landscape and Visual Impact Assessment was submitted as part of the planning application. The visual impact aspect of this assessment considered residents, users of public rights of way, roads, recreational facilities as well as cultural heritage features.

6.5.2 The visual impact analysis considers that during the mining phase of the development only, a substantial adverse impact will be placed on the Great North Forest trail, part of which runs through SCC's boundary, along with a moderate impact on Moorsley Road itself, where it adjoins the application site's southern boundary, to the north of Pitlington.

6.5.3 However, given the location of the application site and the undulating nature of the surrounding area, the visual impact analysis has only earmarked The Fold, which is a residential property situated on the western side of Moorsley Road in High Moorsley, as being moderately adversely impacted by the proposal, again this is during the mining phase.

6.5.4 In light of the fact that the Scheme's proposed operations will include the formation of substantial screening bunds, including grassed embankments on the outward facing slopes, the applicant's submitted Noise Assessment considers that noise associated with the scheme would not cause unacceptable adverse impact at the nearest residential properties.

7.0 CONCLUSION

7.1 As it is considered unlikely the proposal would prejudice the interests of the City of Sunderland, it is recommended that Sunderland City Council advise Durham County Council that it does not have any objections to make with regards to the proposal.

7.2 However, and as detailed above, it is considered that when responding to DCC it is important to emphasise the comments made in respect of the HGVs being prohibited from using East Rainton 30mph zone or

Hazard Lane; and that the scheme should be subject to a comprehensive ecological management plan, whilst also highlighting those comments received from Cllr Blackburn and the two representations from local residents.

- 7.3 The Committee is therefore recommended to agree the above, which will then be sent to Durham County Council in relation to application no. CMA/4/107 (SCC ref. 13/02559/CAA).