

**DURHAM COUNTY COUNCIL COUNTY PLAN CORE STRATEGY  
MINERALS TECHNICAL PAPERS CONSULTATION – TECHNICAL REPORT  
“NEW MINERALS AND WASTE SITES IN COUNTY DURHAM”.**

**Report of the Deputy Chief Executive.**

**1.0 Purpose of report**

- 1.1 This report informs the committee of Durham County Council's consultation on a series of mineral technical reports which will support and provide evidence for the preparation of the County Council's Local Development Framework.

**2.0 Background**

- 2.1 Between June and August 2010, Durham County Council undertook consultation into the first statutory stage of its Core Strategy, the “Issues and Options” Draft. The Core Strategy will provide the overarching planning strategy for County Durham to 2030 and will sit at the heart of its Local Development Framework (LDF). In response, this Council made comments on the issues raised which were reported to this Committee in September 2010.

- 2.2 Durham County Council is now undertaking consultation on a suite of Technical Reports to support the preparation of both its Core Strategy and its Allocations Development Plan Document (that will set out site specific allocations for a variety of land uses), including four mineral related technical reports :

- Towards a Minerals Delivery Strategy for County Durham
- Energy Minerals in County Durham
- New Minerals and Waste Sites in County Durham
- Safeguarding Mineral Resources for the Future

- 2.3 Of relevance to this report is the issue of surface mining and consideration within the emerging County Durham Core Strategy of allocating strategic sites. National policy requires Core Strategies in the main to be non-site specific (*ie* they should provide broad land use policies regarding the overall distribution of new development). However it is permissible to consider the allocation sites that are strategically significant and central to the delivery of Core Strategies. This issue of surface mining and strategic sites is discussed in the Technical Report “New Minerals and Waste sites in County Durham”. The closing date for comments was 11<sup>th</sup> February 2011. Sunderland City Council was belatedly notified of these consultations. A holding letter has therefore been submitted pending the views of this Committee.

**Technical Report “New Minerals and Waste sites in County Durham”**

- 2.4 The approach taken by Durham County Council in its Technical Report to surface mining reflects Government guidance in that they cannot quantify the scale of surface mined coal extraction that could occur over the life of

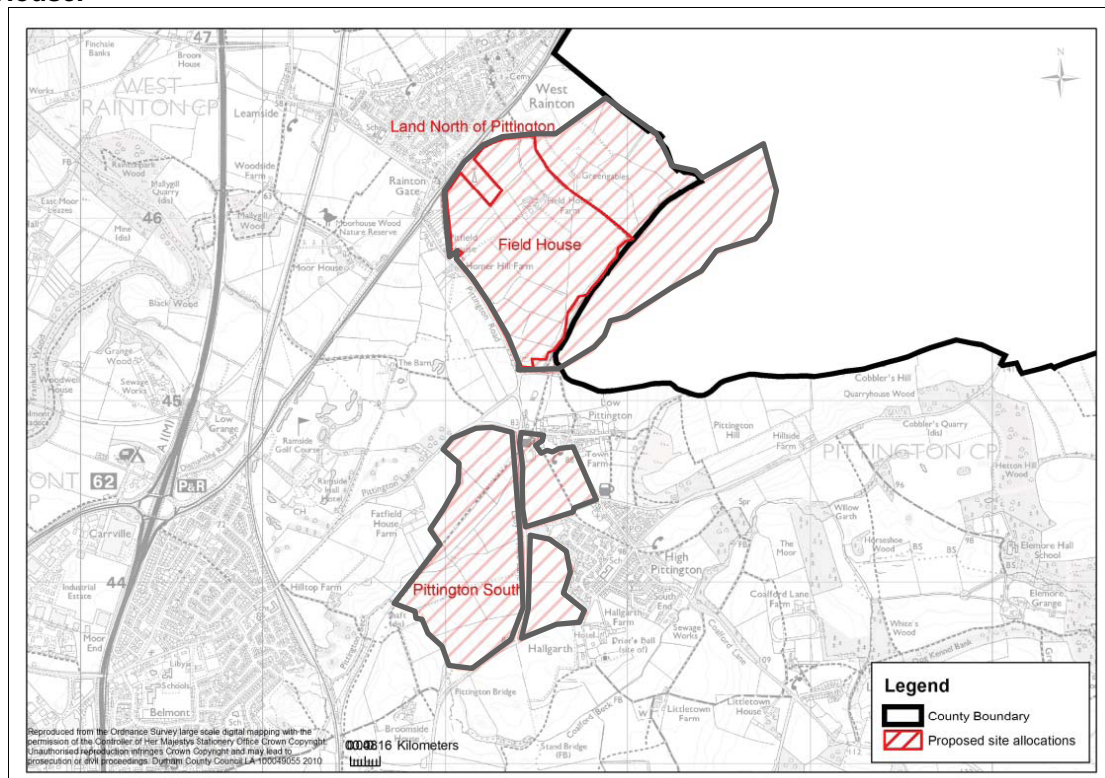
the County Durham Plan. The Government in Minerals Planning Guidance Note 3 makes its clear that :

*"It is not for the planning system to seek to set limits on or targets for any particular source or level of energy supply; nor to predetermine the appropriate levels of coal to be produced by underground or opencast mining. It is for individual operators to determine the level of output they wish to aim for in the light of market conditions, and for MPAs to determine the acceptability of individual projects in accordance with the principles of the land use planning system having regard to policies and all other material considerations".*

2.5 Within this context of national policy, as part of the preparation for its LDF, Durham County Council previously requested representations for new minerals sites from minerals operators which could be considered through the LDF process. In December 2009, 8 new surface coal mine sites were submitted. The site summaries of each site are contained in the Technical Report "New Minerals and Waste sites in County Durham". Of relevance to Sunderland are three sites shown on Diagram 1. These are :

- Pittington South promoted by ATH Resources
- Pittington North which straddles the local authority administrative boundary with Sunderland promoted by ATH Resources
- Field House which forms a smaller element of the Pittington North site promoted by UK Coal.

**Diagram 1 : Proposed Surface Mining sites at Pittington North and South, and Field House.**



- 2.6 The Pittington North proposed by ATH Resources is located to the north of Low Pittington, with High Moorsley to the east and West Rainton to the North West, separated by the A690. It totals some 195 hectares in area of which 47 hectares lies within Sunderland. There are landscape, ecological and heritage interests in the area of the site including Moorsley Banks SSSI.
- 2.7 ATH Resources indicate that the Pittington North site covers 1.6 km<sup>2</sup> has potential reserves of 2.5 million tonnes of coal and estimated 5.5 year working life. Pittington South covers 0.9 km<sup>2</sup> and has potential reserves of 800,000 tonnes of coal and estimated 3.5 year working life. It is understood that the coal would likely supply existing power stations in Yorkshire and Nottinghamshire, as well as major employers in the North East of England. ATH Resources claim that this would reduce the U.K's dependence on imports and that the Pittington North and South sites would provide employment opportunities directly and indirectly for up to 70 people.
- 2.8 Coal would be transported off site by road via the A689 to junction 60 of the A1(M), but there is potential for links into the national rail network. No indication has been given regarding the number of lorry movements.
- 2.9 ATH Resources are therefore contending that both sites should therefore be allocated as strategic site within the emerging County Durham Core Strategy, although as made clear elsewhere in this report, no approach has been made to this Council regarding that part of the Pittington North site which falls within the boundary of Sunderland City Council.
- 2.10 Within part of the Pittington North site, is a smaller proposed site known as Field House. This site lies solely within Durham, and is also subject to a proposal for surface mining by UK Coal and pre-application discussions have already commenced. The 0.72 km<sup>2</sup> site has potential reserves of 500,000 tonnes of coal and estimated 2.5 year working life.
- 2.11 Within the Technical Report, Durham County Council has commented upon the merits of allocating strategic minerals sites with its emerging Core Strategy.
- 2.12 In response to the proposal from ATH Resources, Durham County Council considers that the Core Strategy should only allocate new mineral sites where they are of strategic significance and central to the delivery of the Core Strategy. Whilst, the sites contain large quantities of coal they will be mined over a relatively short period in relation to the life of the Core Strategy. PPS 12 makes the point that Core Strategies should not include site specific detail which can date quickly. In these circumstances if the sites were to progress they should be considered through an Allocations Development Plan Document, or through the submission of a planning application. It is understood that further assessments are to be undertaken for each site to consider their appropriateness for inclusion within the future Allocations Development Plan Document. As part of the consultation into this Technical Report, Durham County Council has requested views as to its conclusions on the treatment of these sites.

### 3.0 Commentary

- 3.1 It should be noted that as part of the preparation of the Sunderland's LDF, no similar proposals have been received from ATH Resources or other operators for the surface mining of the Pitlington North Site.
- 3.2 The consultation from Durham County Council is directed at the allocation of strategic sites for minerals operations within its emerging Core Strategy. The conclusions reached by Durham County Council to resist the allocation of these sites within the Core Strategy are considered to be appropriate and it is recommended that its position should be supported.
- 3.3 Given that Durham County Council intends to undertake further assessments to allocate surface mining sites within its emerging Allocations Development Plan Document, the following sets out the initial observations regarding the principle of the Pitlington North site for surface mining :
- Given the Pitlington North site straddles the administrative boundaries of Sunderland and Durham, the progression of any allocation through the LDF system or a planning application would operationally need to be considered jointly between the two Council's. Separate planning applications would be required for consideration for any development that straddles the boundary between Sunderland and County Durham. Equally neither authority would be able to make LDF allocations with the other authority's boundary.
  - The part of the Pitlington North site which lies within the Sunderland administrative boundary is not identified as an area of mineral extraction within Sunderland's Unitary Development Plan (1998).
  - Should it come forward either as an allocated site in the Allocations Development Plan Document or via a planning application, it would need to be assessed on its merits and against the policy tests within Policy 44 of the Regional Spatial Strategy<sup>1</sup>, saved policies M5, M7, and M8 of the Unitary Development Plan and Minerals Policy Guidance note 3. These tests require that there should normally be a presumption against open cast coal extraction unless the proposal is environmentally acceptable or can be made so by planning conditions or obligations, or if the proposal can provide community or local benefits which clearly outweigh the likely impacts. Furthermore, Sunderland's emerging Core Strategy policy will seek to conserve and enhance the environment through a criteria led approach requiring proposals to consider a range of factors including the conservation and enhancement of the natural and built environment, protection of the amenity to residents and businesses, and arrangements for environmental restoration and aftercare.

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<sup>1</sup> The Regional Spatial Strategy forms as part of the statutory development plan for the city, though it is to be abolished under the Localism Bill. Until enactment of the Bill, expected towards the end of 2011, the scrapping of Regional Strategy can itself be a 'material consideration' which can be considered by local planning authorities and planning inspectors when making decisions.

- Also, influencing these considerations would be the acceptability of the principle of the development, the impact of the proposal on visual and residential amenity, highways, ecology, and heritage. The UDP does identify designations close to the proposed site including Great North Forest, wildlife corridors, multi user route, as well as close proximity to a site of nature conservation interest.

#### **4.0 Conclusion**

- 4.1 For the reasons, set out in this Report, it is considered that the Sites at Pitlington North and South should not be considered as a Strategic sites with County Durham's emerging Core Strategy. However, any allocation in the Allocations Development Plan Document would require significant consultation and involvement with this Authority. Due to the environmental sensitivities of the sites, these would need careful examination of any proposal to surface mine coal.

#### **5.0 Recommendation**

- 5.1 Committee is requested to:
- i) Endorse the officer comments as detailed within this report and make any comments considered appropriate;
  - ii) Authorise officers to forward a copy of this report to Durham County Council as the City Council's formal response to the Technical Report "New Minerals and Waste sites in County Durham".

#### **6.0 Relevant consultations/ considerations**

- a) **Financial Implications** – No direct costs associated with this consultation. However, costs will likely arise from progressing any allocation or planning application of the North Pitlington site, where Sunderland City Council may wish to be represented at any formal examination.
- b) **Legal Implications** – Durham County Council is consulting on technical papers which will inform the preparation of its LDF in accordance with regulations .
- c) **Policy Implications** - The proposal for the North Pitlington site as a strategic site will need to be assessed against national and local planning policy.

#### **7.0 BACKGROUND PAPERS**

Regional Spatial Strategy July 2008  
 MPG 3 Coal Mining and colliery spoil disposal March 1999  
 Sunderland City Council UDP 1998  
 Durham County Council (November 2010) Technical Papers:  
 Towards a Minerals Delivery Strategy for County Durham.  
 Energy Minerals in County Durham.  
 New Minerals and Waste sites in County Durham.  
 Safeguarding Mineral Resources for the future.

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