

SHEFFIELD CITY COUNCIL

Report Of The Head Of Planning  
To The West and North Planning And Highways Committee  
Date Of Meeting: 08/01/2013

LIST OF PLANNING APPLICATIONS FOR DECISION OR INFORMATION

\*NOTE\* Under the heading "Representations" a Brief Summary of Representations received up to a week before the Committee date is given (later representations will be reported verbally). The main points only are given for ease of reference. The full letters are on the application file, which is available to members and the public and will be at the meeting.

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Case Number	12/01946/FUL (Formerly PP-02035023)
Application Type	Full Planning Application
Proposal	Coal Recovery and Restoration Scheme (Town and Country Planning (EIA) Regulations 2011 Schedule 2 proposal)
Location	Former Hesley Wood Tip Smithy Wood Road Chapelton Sheffield S61 2SE
Date Received	29/06/2012
Team	NORTH & WEST
Applicant/Agent	Wardell-Armstrong
Recommendation	GRA GC subject to Legal Agreement

Subject to:

- 1 The development shall be begun not later than the expiration of three years from the date of this decision.

In order to comply with the requirements of the Town and Country Planning Act.

- 2 The development must be carried out in complete accordance with the following approved documents:

Application Boundary (SH10565-008), Site Location Plan (SH10565-053),  
Zone of Theoretical Visibility (SH10565-019) Photoview Location Plan

(SH10565-024), Public Rights of Way Plan (SH10565-020), Restoration Proposals (SH10565-045), Extent of Coal Extraction (SH10565-009), Site set up - Phase 1 Site Mobilisation and Initial Box Cuts (SH10565-010), Coal Extraction and Washing - Phase 2 - Cuts 1 to 5 (SH10565-011), Coal Extraction and Washing - Phase 2 - Cuts 6 to 7 (SH10565-012), Coal Extraction and Washing - Phase 2 - Cuts 8 to 9 (SH10565-013), Extended Phase 1 Habitat Survey Plan (SH10565-012), Breeding Bird Survey (SH10565-014), Bat Activity Survey (SH10565-023), Location of Reptile Refugia Plan (SH10565-028), Heritage Assets (SH10565-033), Sewer Plan (SH10565-055), Noise Monitoring Plan (SH10565-038), Noise Assessment Phase 1 (SH10565-46), Noise Assessment Phase 1 and Phase 2a (Cut 1 and 2) (Daytime) (SH10565-47), Noise Assessment Phase 2b (Cut 3-5) (Daytime) (SH10565-48), Noise Assessment Phase 2d (Cut 8-9) (Daytime) (SH10565-050), Noise Assessment Phase 2e (Cut 10 and feed stockpile) (Daytime) (SH10565-051), Noise Assessment Phase 2a to 2e (Nighttime) (SH10565-052), Air Quality Assessment, Dust Receptor Locations (SH10565-036), Air Quality Assessment, Dry Days wind rose for Bingley Meteorological station (SH10565-037), Air Quality Assessment, Site Mobilisation, 5 months Duration (SH10565-040), Air Quality Assessment, Working Phase, 36 Month Duration (SH10565-042), Air Quality Assessment, Restoration, 6 Month Duration (SH10565-043), Soil Auger Locations (SH10565-057), Investigation Location Plan (SH10565-018), Site Plan Showing Elevated Soil Concentrations (SH10565-039), Approximate Locations of Shafts and Adits (SH10565-054) and Highway Access (SH10565-022) received 2nd July 2012 unless otherwise authorised in writing by the Local Planning Authority.

unless otherwise authorised in writing by the Local Planning Authority.

In order to define the permission.

- 3 Prior to the installation of the plant required for the washing process within Phase 1, further details of the positioning and scale and height of the plant within the area defined for plant on Plan SH10565-010 shall be submitted to and approved in writing by the Local Planning Authority. No plant shall exceed 14.2 metres at the highest point unless otherwise approved in writing by the Local Planning Authority. The plant shall then be implemented in accordance with the approved details and thereafter retained until the coal recovery process is complete. Within three months of the coal recovery phase being completed, the plant required for the washing process shall be dismantled and the amenity grassed restored to its former state.

In the interests of the visual amenities of the locality.

- 4 No works shall commence on site until full details of measures to protect the existing trees to be retained within the application boundary have been submitted to and approved in writing by the Local Planning Authority and the approved measures have thereafter been implemented. These measures

shall include a construction methodology statement and plan showing accurate root protection areas and the location and details of protective fencing and signs. Protection of trees shall be in accordance with BS 5837, 2005 (or its replacement) and the protected areas shall not be disturbed, compacted or used for any type of storage or fire, nor shall the retained trees, shrubs or hedge be damaged in any way.

In the interests of the visual amenities of the locality.

- 5 In addition to Condition 4 above, prior to the commencement of any works on site, the Ancient Woodland shall be securely fenced, the details of which shall be submitted to and approved in writing by the Local Planning Authority. This shall include a buffer zone of at least 15 metres in width to be maintained between the Ancient Woodland and development boundary and the details shall include a plan to indicate the buffer zone and shall have reference to Natural England's Standing Advice for Ancient Woodland dated 30th May 2012. The buffer zone shall not be used at any time for the storage of materials. The Local Planning Authority shall be notified in writing when the protection measures are in place and the protection shall not be removed until the completion of the development unless otherwise approved.

In the interests of the visual amenities of the locality.

- 6 The removal of any vegetation within the site must be cleared outside of the bird breeding season (1st March to 31st July). If any vegetation removal is undertaken within this period then a suitably qualified ecologist must be present on site to check vegetation prior to clearance.

In the interests of biodiversity.

- 7 Disturbance to bats within the vicinity of the site shall be kept to a minimum throughout the life of the development hereby permitted through the adoption of the following precautions:

- (a) Lighting shall be restricted to those areas where it is absolutely necessary for health and safety and security;
- (b) The use of low pressure sodium lamps instead of high pressure sodium lamps or mercury lamps. If mercury lamps are used, they shall be fitted with UV filters and the brightness shall be as low as legally possible;
- (c) Lighting shall be directed to where it is needed to avoid light spillage using light hoods/shields as necessary to direct the light below the horizontal plane at an angle less than 70 degrees;
- (d) Lighting shall be timed to provide some dark periods.

In the interests of biodiversity.

- 8 Prior to the commencement of the creation of any soil stockpiles on site, a method statement shall be provided to outline how the soil will be kept in good condition during this storage period. The stockpiling shall then be

implemented in accordance with the details hereby approved and thereafter maintained.

In the interests of the amenities of the locality.

- 9 Prior to the commencement of development, details of a method statement to be established for all contractors on site in the event that wildlife is encountered during the course of the works shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a 'toolbox talk' by an ecological consultant. The method statement shall be implemented by the contractors on site for the duration of the works.

In the interests of biodiversity.

- 10 Notwithstanding the approved plans, prior to the commencement of any new planting (except grass seed) as part of the landscaping and restoration of the site (Phase 3: Restoration Phase) the following further details shall be submitted to and approved in writing:

(i) Final details of site contours to include site sections of the existing (prior to works commencing) and proposed site contours;

(ii) Details of all new tree planting to include details for the location of new tree planting, species, size of tree to be planted, which shall include the planting of at least 10% of trees at semi-mature size in locations to be agreed with the Local Planning Authority;

(iii) Details of all other planting to include plants to enhance the ecological value of the site.

(iv) Details of 'street furniture and signage' to be placed within the site;

(v) Details of an interpretation board to be located in a position to be agreed to outline the history of the site.

The restoration phase shall then be implemented in accordance with the details hereby approved. Thereafter the landscaped areas shall be retained and they shall be cultivated and maintained for a period of 5 years from the date of implementation and any plant failures within that five year period shall be replaced unless otherwise approved by the Local Planning Authority.

In the interests of the visual amenities of the locality.

- 11 The colliery spoil excavation, on-site transport and off-site export of product will only take place between 0700 hours and 1900 hours Mondays to Fridays and between 0800 and 1400 hours on Saturdays and at no time on Sundays and Bank Holidays. The operations involving the use of the wash plant, press house and one loading shovel will only take place for the hours

commencing 0700 hours on Mondays and ceasing 1300 hours on Saturdays. As far as practicable any emergency works shall be agreed in advance with the Local Planning Authority and the Liaison Group to be established in accordance with Condition 24.

In the interests of the amenities of the locality and occupiers of adjoining property.

- 12 With the exception of works to remove the existing trees on site that are permitted for removal, the development hereby approved shall not be commenced until such time as a scheme to of dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved in accordance with a timescale to be approved by the Local Planning Authority and thereafter retained.

To reduce the risk of pollution of the water environment.

- 13 With the exception of works to remove the existing trees on site that are permitted for removal, the development hereby approved shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved prior to the first working phase commencing. The working phase commences with extraction cuts 1-5 as defined within the application submission.

To reduce the risk of pollution of the water environment by ensuring suspended solids are removed from any waters draining from the site.

- 14 The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system has been submitted to, and approved in writing by the local planning authority. The scheme shall include details of a means to identify and protect any drainage outfalls from the site. The scheme shall be fully implemented prior to the working phase commencing (Cuts 1-5) and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period that may be agreed, in writing by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 15 Unless otherwise authorised in writing by the Local Planning Authority, surface water discharge from the completed development site shall be restricted to a maximum flow rate of 5 litres per second per hectare. Before the use of the development is commenced, a validation test to demonstrate that the necessary equipment has been installed and that the above flow rate has been achieved shall have been carried out and the results submitted to and approved in writing by the Local Planning Authority.

In order to control surface water run off from the site and mitigate against the risk of flooding.

- 16 Prior to the commencement of works on the storage and settlement ponds, further details of the size of the ponds and the means of construction shall be submitted to and approved in writing by the Local Planning Authority. The ponds shall then be implemented in accordance with the approved details and thereafter retained and maintained for the duration of the works.

In the interests of the amenity of adjoining occupiers.

- 17 Within one month of completion of the storage and settlement ponds, the applicant shall provide an analysis of the chemical content of the ponds with the details to be provided to the Local Planning Authority within one month of the test occurring. . Further testing shall occur at three monthly intervals or in accordance with an alternative timescale to be agreed with the Local Planning Authority.

In the interests of the amenity of adjoining occupiers.

- 18 Noise from site operations (when measured as a free field 1 hour LAeq) shall not exceed background noise levels at noise sensitive properties (as detailed in the Environmental Statement Ref. Wardell Armstrong 2012) by more than 10dBA subject to a maximum free field limit of 55dB (LAeq 1 hour) between 0700 and 1900 hours Monday to Friday and 0700 and 1300 hours on Saturdays.

In the interests of the amenities of the adjoining occupiers.

- 19 Noise from temporary site operations shall not exceed a maximum free field limit of 70dB (LAeq 1 hour) at noise sensitive properties between 0700 and 1900 hours Monday to Friday and 0700 and 1300 hours on Saturdays. These noise levels shall not exceed a total of 8 weeks in any period of 12 months throughout the duration of the development.

In the interests of the amenities of the adjoining occupiers.

- 20 The best available quiet mobile plant and equipment shall be used on site and shall be maintained and operated within the manufacturer's specifications.  
All mobile plant used on site shall be fitted with white noise reversing alarms.

In the interests of the amenities of the adjoining occupiers.

- 21 Measures shall be taken to minimise the generation of dust from all operations at the site. These shall include but not necessarily be limited to, any or all of the following steps as appropriate:

- (i) The use of water bowsers to dampen haul roads, coal stockpiles, exposed spoil material and other operational areas of the site;
- (ii) The regular regrading of internal haul roads;
- (iii) All mobile plant and machinery shall be fitted with upward facing exhausts:
- (iv) The seeding and storage of all soil storage mounds
- (v) The minimisation of exposed surfaces on the soil mound, both the working area and the area being restored;
- (vi) The minimisation of drop heights during loading operations;
- (vii) Upon request of the Local Planning Authority, the temporary suspension of mineral extraction and soil movements during periods of dry or windy conditions;
- (viii) During periods of dry and windy conditions the operator shall carry out the 'adverse weather' control measures as identified in the Dust Action Plan (ref Wardell-Armstrong, June 2012);
- (ix) All vehicles carrying potentially dust generating materials from the site shall be covered with suitable sheeting;
- (x) Daily visual inspections of dust emissions shall be carried out at the site boundary and recorded in a log book;
- (xi) All operational staff shall receive training on the Dust Control Strategy for the site.

In the interests of the amenities of the adjoining occupiers.

- 22 The monitoring of dust and the recording of dust monitoring results shall be carried out in accordance with the RecyCoal 'Air Quality Management Scheme'. This shall include a 'Frisbee gauge' for dust mass deposition an 'Adhesive Strip' for monitoring directional dust deposition and a 'PM10 Topaz Monitor' for monitoring suspended dust at monitoring locations agreed with the LPA. The 'PM10 Topaz' monitoring shall commence at least 3 months before coal washing starts and the 'Monitor' shall have live access to the results via an internet link.

In the interests of the amenities of the adjoining occupiers.

- 23 In the event of monitored excessive dust emissions from the site and or where monitored PM10 concentrations are greater than 10% of the 3 months background average the applicant shall on the request of the LPA submit a further 'Air Quality Management Scheme' for approval that includes additional dust monitoring equipment with real time dust monitoring facilities.

In the interests of the amenities of the adjoining occupiers.

- 24 With the exception of works to remove the existing trees on site that are permitted for removal, the working phase of coal recovery or any other groundworks shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority have confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.

- 25 Within three months of first commencement of works on site, details shall be provided to the Local Planning Authority of the means to establish a Liaison Group with local residents. Details shall include the following:

- (i) The composition of the liaison group and means to elect members to the group;
- (ii) Details of the purpose of the group;
- (iii) Details of the timescales for Liaison Group to meet and the date of the first meeting of the group;
- (iv) Details for the processes for the applicant to feedback and respond to the matters raised by the liaison group.

A report of the issues and outcomes of the Liaison Group shall be provided to the Local Planning Authority on a six monthly basis starting from the first meeting of the Liaison Group.

In the interest of ensuring the local community have a forum for raising and resolving any issues affecting residents arising from the carrying out of operations hereby approved with the applicants.

- 26 An investigation and risk assessment of near surface strata shall be undertaken in the two areas identified on drawing no. SH10565-011 (Figure 7.7) as Ancient Woodland and a report shall have been submitted to and approved in writing by the Local Planning Authority prior to any on-site operations being commenced in or immediately adjacent to that area. The report shall be prepared in accordance with Contaminated Land Report CLR 11 (Environment Agency 2004).



In order to ensure that any contamination of the land is properly dealt with.

- 27 Any remediation works recommended in the Phase II Intrusive Site Investigation Reports shall be the subject of a Remediation Strategy Report which shall have been submitted to and approved in writing by the Local Planning Authority prior to any on-site operations being commenced. The Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures.

In order to ensure that any contamination of the land is properly dealt with.

- 28 All development and associated remediation shall proceed in accordance with the recommendations of the approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy, or unexpected contamination is encountered at any stage of the development process, works should cease and the Local Planning Authority and Environmental Protection Service (Tel: 0114 273 4651) should be contacted immediately. Revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority. Works shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

In order to ensure that any contamination of the land is properly dealt with.

- 29 Upon completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the Local Planning Authority. The development or any part thereof shall not be brought into use until the Validation Report has been approved in writing by the Local Planning Authority. The Validation Report shall be prepared in accordance with Contaminated Land Report CLR11 (Environment Agency 2004) and Local Planning Authority policies relating to validation of capping measures and validation of gas protection measures.

In order to ensure that any contamination of the land is properly dealt with.

- 30 The surfacing of the site access roads shall be maintained in a solid bound material and repaired as necessary and the access and all internal roads shall be kept clean and free of mud and other debris until completion of the site restoration, landscaping and aftercare.

In the interests of highway safety and the amenities of the locality.

- 31 No work on site shall commence unless equipment is provided for the effective cleaning of the wheels and bodies of vehicles leaving the site so as to prevent the depositing of mud and waste on the highway. Full details of the proposed cleaning equipment shall be approved in writing by the Local

Planning Authority before it is installed and shall thereafter be retained for the duration of the works on site.

In the interests of the safety of road users.

- 32 Notwithstanding the approved plans, in advance of 3 months from completion of the coal recovery phase, full details for the site as a whole of the network of public footpaths, cycle tracks and bridleways to include the following:

- (i) Connections to existing routes;
- (ii) Details of K-frames/barriers;
- (iii) Horizontal and vertical alignments;
- (iv) Details of signage;
- (v) Specifications for the footpaths to include widths and materials

Shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details, to the full satisfaction of the Local Planning Authority, and thereafter retained/maintained for the sole purpose intended.

In the interests of delivering sustainable forms of transport, in accordance with the Transport Policies in the adopted Unitary Development Plan for Sheffield (and/or Core Strategy).

- 33 Heavy Goods Vehicle deliveries shall be limited to a maximum of 60 vehicles per day for the duration project unless otherwise approved in writing by the Local Planning Authority. Details of the commencement of delivery shall be submitted in writing to the Local Planning Authority within one month of such commencement.

In the interests of highway safety and the amenities of the locality.

- 34 The sole means of Heavy Goods Vehicle ingress to and egress from the site shall be gained in accordance with the submitted details and routing, which is via Smithy Wood Road, Cowley Hill and the M1 at Junction 35)

In the interests of highway safety and the amenities of the locality.

- 35 Prior to the commencement of development, further details of proposed signage for construction vehicles accessing and egressing the site to and from the M1 Motorway, which shall form the sole route for vehicles engaged in project, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the form and location of the signage. The signs shall be erected in advance of the commencement of coal recovery in accordance with the above-mentioned approved details and shall be retained and maintained for the duration of the development hereby approved.

In the interests of highway safety and the amenities of the locality.

- 36 All testing and importation of soil and soil making material to the site shall be undertaken in accordance with a procedure to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of Phase 3: Restoration Phase. Upon completion of such procedures, a written validation report shall be prepared and submitted for approval to the Local Planning Authority. The validation report shall be in accordance with an approved method statement, and document all such testing and importation procedures undertaken. The site shall not be brought into public use until the validation report has been approved in writing by the Local Planning Authority.

To ensure an appropriate quality of material and in order to protect the health and safety of future occupiers and users of the site.

- 37 Following the completion of the Phase 3 Restoration Phase, there shall be no vehicular access to the site via Smithy Wood Road other than for site maintenance or for vehicles associated with the Hesley Wood Scout Camp.

In order to ensure an appropriate quality of development.

Attention is drawn to the following justifications:

1. The decision to grant permission and impose any conditions has been taken having regard to the relevant policies and proposals from the Sheffield Development Framework and the Unitary Development Plan set out below. The Local Planning Authority has worked with the applicant in a positive and proactive manner to seek solutions to problems arising in relation to dealing with this planning application.

BE16 - Development in Conservation Areas  
BE19 - Development affecting Listed Buildings  
BE22 - Archaeological Sites and Monuments  
GE1 - Development in the Green Belt  
GE2 - Protection and Improvement of the Green Belt Landscape  
GE3 - New Building in the Green Belt  
GE4 - Development and the Green Belt Environment  
GE10 - Green Network  
GE11 - Nature Conservation and Development  
GE14 - South Yorkshire Forest  
GE15 - Trees and Woodland  
GE23 - Air Pollution

of the Sheffield Adopted Unitary Development Plan

CS53 - Management of Demand of Travel  
CS55 - Cycling Routes  
CS66 - Air Quality  
CS73 - The strategic Green Network

of the SDF Core Strategy and guidance within the NPPF.

Although sited on an area of designated open space, the development of this informal open space will not result in a quantitative shortage of open space in the locality. Whilst below the recommended density levels, it is considered to achieve good design and reflect the character of an area. It is also not considered to give rise to any unacceptable consequences to the environment, community or other public interests of acknowledged importance.

This explanation is only intended as a summary of the reasons for grant of planning permission. For further detail on the decision please see the application report at [www.sheffield.gov.uk/planningonline](http://www.sheffield.gov.uk/planningonline) or by calling the Planning Help Line at (0114) 273 4215.

Attention is drawn to the following directives:

1. Prior to the development commencing, the applicant is advised to contact Lisa Blakemore (0114 273 5106) SCC Highways Co-ordination, to discuss the temporary Traffic Regulation Order (waiting restrictions) on Smithy Wood Road, at an approximate cost of £2,000.
2. To ensure that the road and/or footpaths on this development are constructed in accordance with the approved plans and specifications, the work will be inspected by representatives of the City Council. An inspection fee will be payable on commencement of the works. The fee is based on the rates used by the City Council, under the Advance Payments Code of the Highways Act 1980.

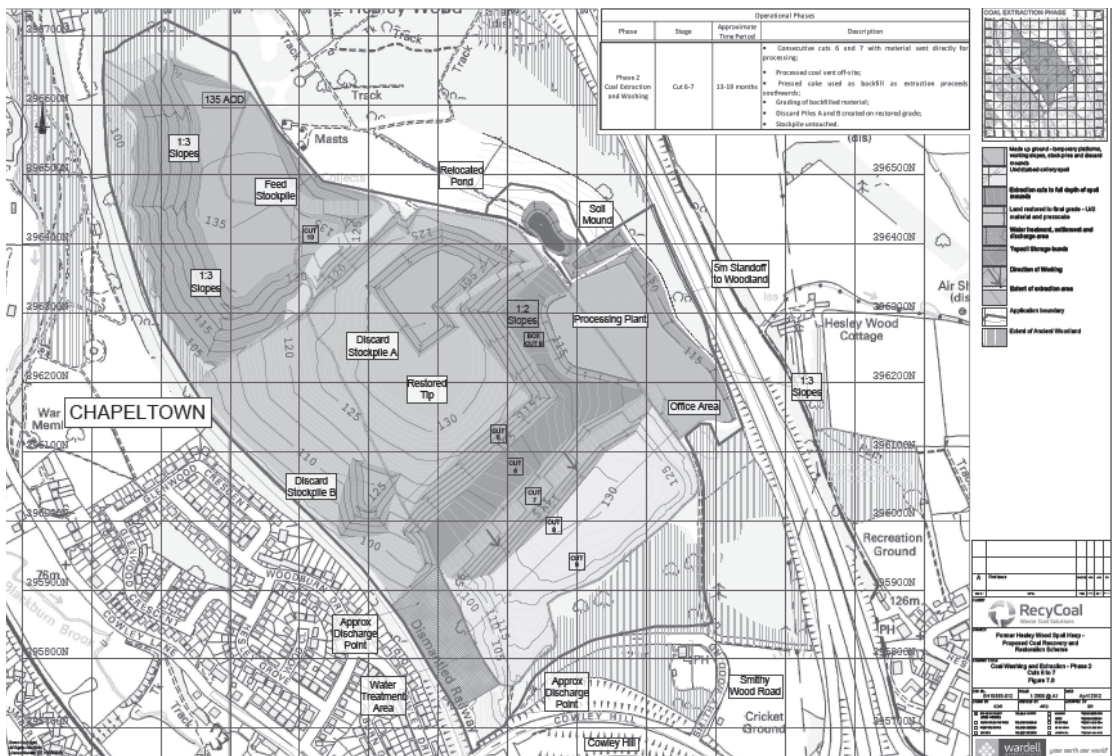
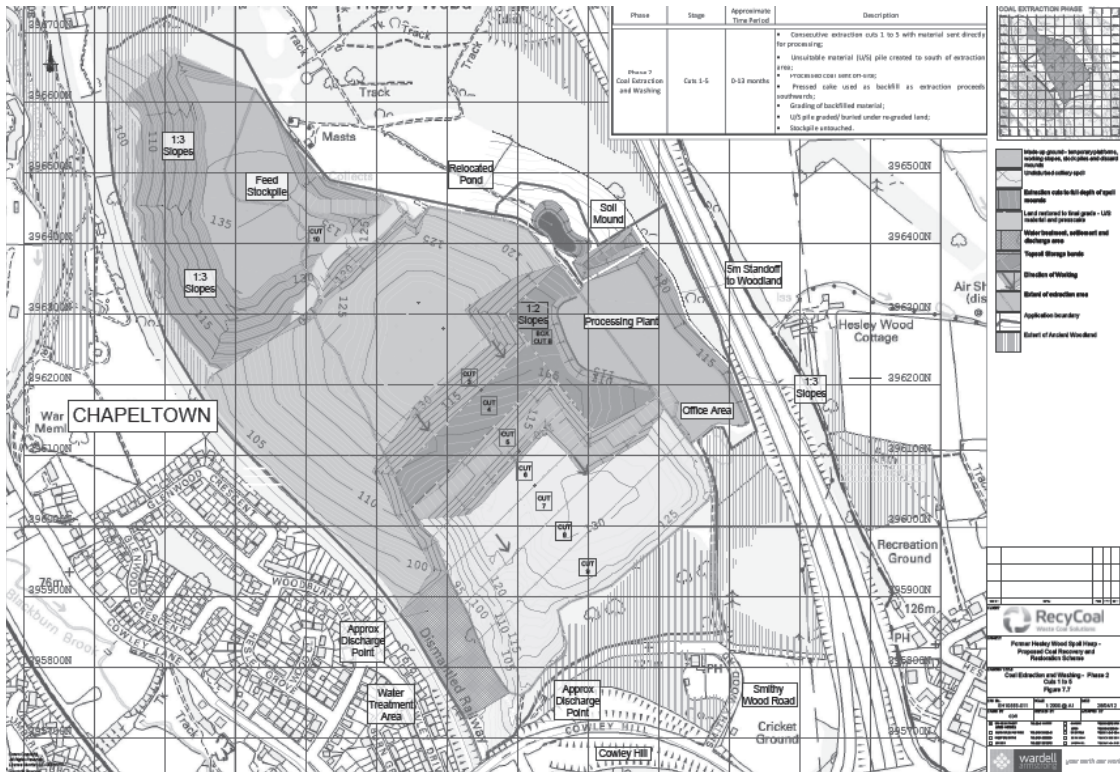
If you require any further information please contact Mr S A Turner on Sheffield (0114) 2734383.

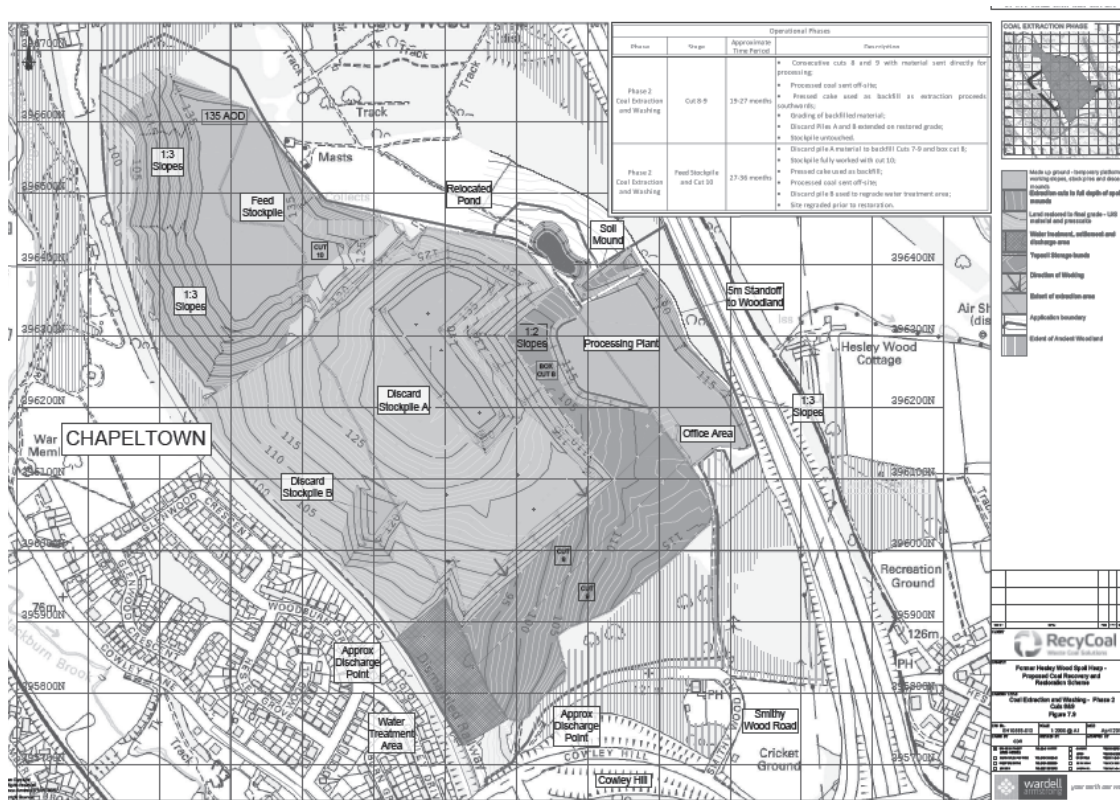
3. Before the development is commenced, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which agreed in writing with the Local Planning Authority. Any deterioration in the condition of the highway attributable to the construction works shall be rectified in accordance with a scheme of work to be agreed with the Local Planning Authority.

## Site Location



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## LOCATION AND PROPOSAL

The application site extends to an area of approximately 50 hectares and is located on the site of the former Hesley Wood Spoil Heap. The western boundary of the site is defined by a disused railway line beyond this are the rear gardens of properties on Glenwood Crescent, Woodburn Drive and Cowley Drive, which form part of the Cowley Estate as well as Chapeltown Park. The eastern boundary is defined by an area of grazing and beyond this lies the M1 Motorway. To the north is the Hesley Wood Scout Camp and the residential properties on Coppice Rise, which are accessed from White Lane whilst to the south, the site is bounded by Cowley Hill (A629) and Smithy Wood Road and the Travellers Rest Public House.

The site is predominantly the former Hesley Wood Spoil Heap, which was used for the disposal of colliery waste from the Smithy Wood Colliery between 1938 and 1972. It is understood that the mine closed in 1972 at which time British Coal owned it. Following the privatisation process, the site was transferred in 1997 to The Coal Authority. In 2000, it was then transferred from the Coal Authority to English Partnerships and then to Yorkshire Forward in 2005. In 2011, when Yorkshire Forward ceased to exist, the site transferred to the Homes and Communities Agency (HCA) from whom RecyCoal purchased the site in 2012.

Of the 50 hectares within the red line boundary of the application site, the tipped part of the site comprises approximately 38 hectares with the remaining area comprising woodland and scrubland. An additional 3 hectares is included within the red line boundary to facilitate the washing plant and effluent treatment plant, which is positioned to the eastern edge of the site, adjacent to the M1. The site is

privately owned and there is no formal access to it at the present time. Furthermore, there are no public rights of way within the site itself although within the vicinity, there are numerous footpaths with the closest (FP127) running approximately 50m to the west. No cycleway currently exist within the site boundary although National Route 67 (Trans Pennine Trail (TPT)) circumvents the site.

Part of the site is located within the boundary of Hesley Tip Local Wildlife Site (LWS). Two further LWS sites at Hesley Wood and Chapelton Park and Smithy Wood are located adjacent to the site boundary. These sites are of district importance although the Ancient Woodland habitat within them is of national importance. Hesley Wood is part of the South Yorkshire Forest.

The application states that the main area of tipping is roughly rectangular in form and extends 600 metres northwest to southeast and 350 – 400 metres southwest to northeast. It is advised that extending 300 metres northwestwards from this area is a narrow ridge of tipping, which merges into the original ground profile. The spoil heap has a maximum height of about 30m at the western side where the flanks of the tip are steep with gradients greater than 1 in 2. The application confirms that as the spoil heap is built on the sloping valley side, the height of the slope to the east is much less; being typically 10 -12m in height. Given that it has been a significant amount of time since the site operated as a Spoil Heap and it is now disused, some parts of the site have re-vegetated and now support some scrub and self-setting regrowth. The application also notes that there is an area of impounded water present on the eastern side of the site; it is understood that this area of ponding has been in existence since 1971 when the last of the tip culverts became blocked. There is no outfall from the pond and the level varies seasonally with rainfall, evaporation and infiltration.

Vehicular access to the site is presently achieved via the northern end of Smithy Wood Road off the A629 Cowley Hill, which has direct access onto Junction 35 of the M1.

The surrounding area is mixed in character. The nearest land use is residential, comprising the houses within the Cowley Estate to the west and Coppice Rise to the north. To the south lies the Smithy Wood Business Park, which is in the process of phased development comprising a range of warehouse, office and industrial units. To the east, beyond the M1, are further areas of housing within Thorpe Hesley at Hesley Bar and Hesley Way as well as some isolated residential properties such as Hesley Wood Cottage.

## PROPOSAL

The application proposes a Coal Recovery and Restoration Scheme to recover 395,000 tonnes of coal over a three-year washing period (plus six months of setup and removal of wash plant and restoration). The application clarifies that this is not a proposal for opencast mining but it is rather a coal recovery and restoration scheme. The coal recovery process differs from open cast mining in that it is a 'wet process' – the application advises that when excavated, spoil has an inherent moisture content and it is then transported and introduced to the washing process



where water is added and becomes the medium for separating the coal from the spoil.

The coal washing process can broadly be summarised as follows:

The coal washing will take place on the eastern side of the site on an area of land currently owned by the Scouts Association adjacent to the M1 Motorway. The application advises that the washery and press house will be located on purpose built concrete foundations.

The process operates in a closed circuit with an effluent treatment plant, which negates the need for lagoons and also ensures that there are no liquid discharges from the site and minimal use of water. It is understood that the washery and press plant processes are standard techniques which have been developed by the applicant and the wash plant is designed to treat up to 350 tonnes of spoil per hour.

The application advises that the material excavated from the spoil heap will be brought to the mineral processing area during the day shift. Approximately 50% of the feed brought to the wash plant is then tipped directly into the feed hopper whilst the remainder is stockpiled to be fed into the wash during the night shift. From the feed hopper the spoil heap material is fed onto a slow-moving 'picking belt' where material such as wood and concrete are removed. The material is then fed through a sizer where the particle size of the spoil is reduced to a maximum of 150mm before passing to the barrel feeder launder. An overhead magnet removes 'Tramp iron'. The process is based on the fact that coal (being less dense than the shale discard) floats through the barrel, and then passes over a vibrating de-watering and sizing screen. The screen separates the coal with the >35mm coal passing through a crusher and it is then reintroduced to the sub 35mm coal which is then forwarded to a cyclone feed tank. The <35mm coal is pumped to a primary and secondary cyclone system that further separates remaining shale from the coal.

The sized feedstock is flushed along the barrel feeder launder into the barrel using a natural (water based) slurry medium. The barrel, which is 2.4m diameter and 10.9m long, produces a primary separation using the natural slurry medium. An internal Archimedes screw removes shale through a dewatering cone to a vibrating dewatering screen to separate media prior to the discard being placed in a stockpile ready for loading into dump trucks to be returned to the spoil heap.

The coal from the cyclones is 'dewatered' on a vibrating screen before passing to a dewatering centrifuge where the moisture level is further reduced to the minimum practical level. This is then conveyed to a final product stockpile. This stockpile is sufficiently large to contain up to 5 days production. If required the coal can be further mixed and blended to the required quality before dispatch to the customer.

The coal is transported off site by articulated lorries, which will pass through the wheelwash before leaving the site in order to ensure that mud and dust are not deposited on the highway.

The <35mm shale from the cyclones is dewatered by a vibrating screen and is then mixed with the coarse discard from the barrel and deposited in the new landform.

Surplus waste is pumped to a purpose-built thickener into which a synthetic substance is added to settle the solids to the bottom of the tank with the clarified water being recovered at its top for re-use. The sludge in the bottom of the tank is fed via buffer tanks to an array of filter presses housed in a stand-alone enclosed press house. Each bank of presses consists of 120 chambers lined with fine mesh cloth to retain the solids in the sludge whilst the water returns to the plant via the closed circuit system. The sludge in the press is pressurized to 170psi to create a stable 'cake' in the chambers. When each press cycle is completed, the press chambers are opened to allow the cake to fall to a conveyor, which takes the cake to a stockpile before transportation to the new landform. This method of dewatering is the alternative to slurry lagoons on the spoil heap. The press cake is then accommodated within the new landform in specifically prepared areas.

The use of water is an integral part of the coal washing and treatment process, and the effluent treatment plant has a water requirement of about 25m<sup>3</sup>/hr. The applicant advises that the source of the water is anticipated to be from borehole sources.

#### Phases of development

In its entirety, the application indicates that from commencement to completion the project will take an estimated 47 months comprising 5 months for set up, 36 months for the coal recovery and washing and an additional 6 months for restoration. The application identifies three principal phases and although there is some overlap within these phases, they can broadly be defined as the following:

- Phase 1: Preparatory works and site set-up (0-5 months) plus;
- Phase 2: Working Phase (0-36 months) plus;
- Phase 3: Restoration Phase (36-42 months) (6 months in total).

The works involved within each phase will broadly comprise the following:

#### Phase 1: Preparatory Works (0-5 months)

Phase 1 comprises seven key elements:

- (i) Preparatory site works
- (ii) Installation of the plant required for the washing process;
- (iii) Plant mobilisation;
- (iv) Extraction Cuts - Stages A and B (Box Cut A and B);
- (v) Creation of the stockpile;
- (vi) Hydro-seeding of the stockpile;
- (vii) Profiling to the relocated scout pond and drainage feed.

Dealing with each in turn:

- (i) The preparatory site works are understood to comprise the following:

Soil will be stripped and peripheral screening mounds will be formed where required. These mounds will extend to a maximum height of 5 metres. The application advises that all further soils that are stripped in line with the phasing proposals will be spread, where possible, on areas of spoil that have been backfilled and re-graded toward the final restoration levels. The applicant advises that this progressive method of working and restoration will reduce the need for temporary stockpiling of soils for any significant period of time.

Sampling of the spoil in the final 1.0m layers on the restored areas will be undertaken to ascertain its chemical status. This will enable the rates of ameliorants (soil conditioner) required for incorporation into the spoil to be calculated at an early stage. If required, the 'soils' for the restoration areas will be treated using ameliorants and liming agents at rates to suit the type of after-use of those particular areas.

Any drainage outfalls from the site will be identified and protected for the duration of site operations. De-silting or other maintenance works will be carried out as required.

#### (ii) Installation of the plant

The washing plant comprises a Dual Density Natural Medium (DDNM) washing plant and effluent treatment plant as detailed above, which will be installed into the processing plant area identified to the west of the site, adjacent to the M1.

The plant comprises a wash plant, a presshouse, a topsoil storage bund, an area for night feed stockpile and an area for coal stocks. There is also an area for an office, car park and welfare facilities. The plant extends to the following size:

**Presshouse:** The Presshouse extends to a height of 13.9 metres to ridge and extends to a length of approximately 57 metres.

**Wash Plant:** The Wash Plant comprises a series of conveyors, centrifuge, crusher and barrels and extends to a maximum height of 14.2 metres to the top of the guard screen with the plant itself extending to 13.3 metres in height.

In addition, there will be an area for fuel storage tanks, which are located above ground on a concrete base and double skinned in accordance with current legislation and good practice. The enclosed area will provide an emergency storage equivalent to a minimum of 110% of the fuel tank capacity

#### (iii) Plant mobilisation

The coal recovery operations, including excavation, transportation, loading, stockpiling and grading require the use of mobile plant and the application indicates that this will comprise the following:

- 1 no. 45 tonne excavator used to excavate the colliery spoil and load the dump trucks at the tip face;

- 5 no. 40 tonne ADT dump trucks for transport of spoil to the washery and washed discard back to the deposition areas;
- 1 no. CAT 14G grader for forming and maintaining site roads;
- 1 no. CAT D6 bulldozer for spreading discard to create the proposed landform;
- 1 no. 5m<sup>3</sup> loading shovel for loading dump trucks with washery discard and for loading the washery at night;
- 1 no. 4m<sup>3</sup> loading shovel for loading lorries with coal product for disposal off site and;
- An agricultural tractor with water bowser unit of sufficient capacity for dust suppression is to be available on site as required.

The application confirms that transport of the recovered coal off site will be undertaken using articulated lorries (HGVs) with a maximum 30 tonne capacity.

(iv) Stages A and B (Box Cut A and B)

Phase 1 will include the first areas of excavation, which will comprise extraction cuts to the full depth of the spoil mounds. Box Cut A will be made in an area at the northern end of the spoil tip in an area that extends to approximately 50 metres x 260 metres in length at the longest point. This is at a distance of approximately 212 metres from the rear boundary of the rear gardens of the nearest properties on Glenwood Crescent. Box Cut B adjoins the area of the processing plant at a distance of more than 400 metres from the rear boundary of the rear gardens of properties on Glenwood Crescent/Woodburn Drive.

(v) Creation of the stockpile

The main long term stockpile in this phase is to be created to the north of the application site in an area to the north-east of Glenwood Crescent. The stockpiles comprise materials to be used for soil feed stock as well as discard materials and unsuitable materials. This main area of stockpile is the material to be removed from the initial box cut for the wash plant area; this material will be processed towards the end of the washing period with the discard returned to site for final profiling. The applicant has advised that the existing contour profile in this area has a maximum height of 135m AOD and the feed stockpile has been designed so that it is no higher than 135 AOD; this is achieved because the material which is removed for the box cut will be placed in this area and contoured so as to be placed against the existing slope and will be no higher than the highest point now. Two discard stockpiles will also be created – one to the south of properties at 44 to 58 Woodburn Drive and a second to the north-east of the processing plant within the spoil area.

A further area of unusable material stockpile, which will generally comprise press cake from previous operations and red shale to be used for haul road building and maintenance, will be created in an area to the north of Glenwood Crescent and Woodburn Drive at a distance of approximately 60 metres from their rear boundary at the closest point at 50-52 Woodburn Drive. This material stockpile will have a maximum height of 5 metres.

(vi) Hydro-seeding of the stockpile

It is proposed that the long term feed stockpile to the north of site will be hydro-seeded in this phase to reduce the opportunity for wind erosion and generation of dust.

(vii) Profiling to the relocated scout pond and drainage feed.

The Scout Pond, which presently lies within the area to be used for the processing plant, will be fully drained and the pond is to be relocated to an area further to the north of the processing plant. The re-profiling of the new pond will be undertaken within this preparatory phase

Phase 2: Working Phase (0-36 months)

The application confirms that the working phase will consist of a series of ten extraction stages (referred to in the application as box cuts) and also the processing of the feed stockpile. This phase is broken down into four further phases, which relate to the stages of work on site and the position of the box-cuts as follows:

0-13 months: Extraction cuts 1-5 with the material sent directly for processing. Extraction cuts 1-5 are located in an area that is approximately parallel to Nos: 46 Glenwood Crescent to 46 Woodburn Drive with the edge of the box cut at a distance of 120 metres from the rear boundary of these dwellings at the nearest point. The application confirms that unsuitable material will be placed in a pile created to the south of the extraction area with the processed coal taken directly off-site. Course discard and 'pressed cake', which are the remnants of the process, will be used as backfill as the extraction proceeds southwards and the backfilled areas will be graded. At this stage in the process, the stockpile to the north is untouched.

13-19 months: This stage relates to consecutive extraction cuts 6 and 7 with the material sent directly for processing and the processed coal taken directly off-site. Box cuts 6 and 7 are located in an area that is approximately parallel to Nos: 50 Woodburn Drive to 38 Cowley Drive with the edge of the box cut at a distance of 110 metres from the rear boundary of these dwellings at the nearest point. Again, the coursed discard and pressed cake are used as backfill as extraction proceeds southwards and the grading of backfilled material takes place. Two discard stockpiles will also be created – one to the south of properties at 44 to 58 Woodburn Drive and a second to the north-east of the processing plant within the spoil area.

19-27 months: This stage relates to consecutive extraction cuts 8 and 9 with the material again sent directly for processing and the processed coal taken directly off-site. Box cuts 8 and 9 are located in an area that is approximately parallel to Nos 38 and 12 Cowley Drive with the edge of the box cut at a distance of 90 metres from the rear boundary of these dwellings at the nearest point. Again, the coursed discard and pressed cake are used as backfill as extraction proceeds southwards and the grading of backfilled material take place. Discard Piles A and B

are extended on the restored grade but the stockpile to the north remains untouched.

27-36 months: This phase relates to the stockpile and cut 10, which is situated within the area of the feed stockpile to the north of the site at a distance of more than 360 metres from the nearest properties on Glenwood Crescent. At this stage, discard pile A material is used to backfill cuts 7-9 and box cut B and the stockpile is fully worked with cut 10. The processed coal is sent off site and the coarse discard and pressed cake are again used for backfill. The discard pile B is used to re-grade the water treatment area and the site is also re-graded for restoration.

### Phase 3: Restoration (36-42 months)

This stage comprises the removal of all site/plant and de-mobilisation of plant, the restoration of the plant platform, importation of soil making material, creation of paths and the drainage network, planting of new trees/plants and the maintenance of the landscape works.

Upon completion of the phased coal recovery land will be graded to the contours indicated on the attached restoration plan. The extent of existing soil materials will be determined, and if required soil making material will be imported, stored on site and gradually incorporated into the existing base material to create a suitable growing media to support restoration. Material such as green waste compost, lake dredgings and development subsoils have previously been used in similar restoration projects by RecyCoal Limited.

The application advises that the restoration will comprise the following:

- 22 ha of new woodland and scrub planting;
- The planting of circa 41,000 trees (16.4 hectares);
- 23.6 ha of dry grassland and wetland;
- Retention of existing trees (4.6 ha); and
- The creation of a network of footpaths for public access.

The current scheme for the site proposes a mosaic of woodland and grassland with the initial restoration proposal indicating a graded landform to a single high point of c.128m AOD within the application boundary. The applicant has advised that the phased approach to the reclamation process will enable a gradual restoration of the site to a landscape suitable for passive recreation; including walking, dog walking and recreational cycling.

The proposed footpath network will provide links through and across the site to provide recreational use of the restored area. It is intended that reclaimed burnt shale will form the base and wearing course to the paths, which will be wet, rolled to create a solid and hardwearing surface.

The application states that there is also currently an aspiration to create a section of the SusTrans cycle network along the disused rail line running adjacent to the western boundary of the site. This would provide a traffic free section to the existing National Route 67 (Trans Pennine Route). Following public concern over

the use of the railway cutting, the restoration scheme has the ability to provide a safer option by potentially rerouting the cycleway along a 3m wide link through the site from the Cowley Hill entrance at the south corner of the site through the restored landscape, exiting into Chapeltown Park (c. 1km long) and linking to the existing network.

#### Operational matters

On-site haul roads will be formed as required for the excavation and landform formation operations. The main haul routes are on the east side of the spoil heap to mitigate the impact to properties to the west.

With regard to the proposed hours of operation, the application states that the colliery spoil excavation, on-site transport and off-site export of product will operate during a single 12 hour shift (Monday to Friday) at the site on a standard 5.5 day week based on the following times:

Monday – Friday: 0700hrs to 1900hrs

Saturday: 0700hrs to 1300hrs

Sunday: No working

The application confirms that operations involving the use of the wash plant, press house and one loading shovel working in the close vicinity of the wash plant will continue for 24 hours per day commencing 0700 hours on Mondays and ceasing 1300 hours on Saturdays. The applicant also advises that plant maintenance and emergency works may take place on a 24 hour, 7 days per week basis, but that would usually be confined to the normal working hours of the site as listed above. The site will be manned 24 hours a day, 365 days a year by either operational staff or security personnel outside normal operational hours. It is understood that a manager will be appointed to the site who will report to the senior management of the company, who will have responsibility for the day-to-day site operations.

In terms of employment, the application states that there will be approximately 26 operatives on site during the day, with a shift change at 1900 hours. Only 9 operatives are employed during the night with a shift change at 0700 hours. It also states that wherever possible on-site staff will be recruited from the local community.

In accordance with the Town and Country Planning (EIA) Regulations 2011, this application was deemed to require a full Environmental Impact Assessment in accordance with Schedule 2 of the above regulations such that this application is supported by an EIA submission.

#### RELEVANT PLANNING HISTORY

The most relevant applications are summarised below:

07/04872/FUL: Importation of soil making material for site restoration.  
Approved 13th August 2008

This application was submitted by Yorkshire Forward on behalf of English Partnerships, who owned the site at that time. The application proposed to import approximately 170,000 cubic metres of soil and re-grade the application site to enable its future restoration. It is understood that this permission was partially implemented and Yorkshire Forward did import a limited amount of soil.

87/1001P: Application for extraction, separation and washing of coal deposits and tipping, re-contouring and landscaping of the site.  
Refused 13th September 1987

This application was refused for the following reasons:

The Local Planning Authority consider that the physical characteristics of the site, whereby the spoil tip rises steeply above and close to residential property, do not lend themselves to the form of development proposed. No convincing proposals have been put forward to demonstrate that noise, dust and visual intrusion for adjoining residents will not be at unacceptable levels. These problems would be exacerbated by the long and imprecise duration of the proposed development. The above considerations are not outweighed by the benefits of reclamation and no pressing or overriding need to reclaim the coal deposits has been established.

79/7335P: Reclamation and restoration of Colliery Spoil Heap  
Approved: 4th March 1980

## SUMMARY OF REPRESENTATIONS

The application was advertised by means of direct neighbour notification and by site and press notices as an application requiring an EIA.

A total of 203 written representations from local residents, businesses and interested parties have been received comprising 194 letters of objection, 5 letters of support and 3 letters that remain neutral towards the proposal. It is noted that some representatives have written multiple representations but for the purpose of the above, a single representation has been counted.

Of the representations received from members of the public and interested parties, the following represents a summary of the representations:

The letters of support for the proposal were, in some cases, expressing qualified support as summarised below:

- Qualified support subject to an insurance bond that the tip would be restored as per plan in the event of default by RecyCoal to include consultation about the proposal to build a cycle path on the disused cutting. There should also be a forum made up of a cross-section of the community with whom RecyCoal would hold regular meetings. There should also be a robust action plan to identify the various wildlife habitats that presently exist on site and make provision to relocate them. The resident notes that the site is currently inaccessible (legally) to the public and this is an opportunity to create a lasting and properly landscaped area for the whole of Chapeltown.



- The only feasible way to convert the site into a useful space would seem to be by exploiting its commercially viable aspects. The resident is therefore supportive subject to RecyCoal nominating a liaison officer to be available to local residents directly, a Council officer to oversee the works and that the timescale is adhered to.
- When completed, the park will be a 'wonderful new facility for the people of Chapelton instead of the current area, which can only be accessed by illegal motorbikes.
- The area in question is little more than wasteland contaminated by previous mining activity and anything that can be done to improve it must be for the long term benefit of the local community, even if there may be 3 to 4 years upheaval to achieve the end result – an area free of coal contamination and available for public use. The resident is experienced in Environmental Management and has read the supporting documents and considers them to be thorough. The resident appreciates that RecyCoal will gain from the scheme but considers that the community will also.
- The resident is sad to see the trees removed but is writing in support of the application because most of the tip is like a moon landscape at present and can only be improved by the planned work. The resident's only plea is that RecyCoal plant less trees after the coal is removed – fewer but bigger trees have less chance of being vandalised and will quickly reach maturity;
- Resident is neutral but considers that doing nothing is not an option but there are a few matters of concern – off-roaders will be displaced, who will own the reclaimed site? The existing plans could be treated to increase biodiversity – the resident welcomes the series of water bodies amongst the woodland but considers that there is space and scope for increasing the size of the Scout Pond to allow for a reedy area on the southern shore to enable water birds to nest and to replicate the existing pond margins. The resident also sees an opportunity to create marshy areas at the Scout Pond outflow and it is also suggested that some areas are left bare to see what happens?

The neutral representations that neither expressed support nor objected to the development raised the following matters:

- The resident considers that the possibility of hazardous chemicals being released is not evidenced from other similar sites.
- Increased traffic causing queues to the M1 does also not seem to be borne by the submission, which claims it will generate three lorries per hour.
- A resident noted that the Sheffield Wildlife Trust was not unduly concerned and wildlife would be sufficiently mobile to move into the safety of the mature fringes if/when disturbed. Plant life will spread back naturally when the area is re-contoured.

- The Council need to ensure that the new drainage system will cater for a worse case scenario.
- Some objections suggest that the area is good for walking and leisure; during periods of dry weather this is partly true but there are large flat expanses that are not due to mud etc.
- With regard to economic viability, the representation notes that this is a commercial venture and is surely a matter of concern for the companies involved rather than a Council issue?
- The resident concludes that the points are viewed differently depending on perspective.

The following represents a summary of the objections received.

In the course of the application process, a residents' action group was formed the CRAG (Cowley Residents' Action Group). The following is a summary of their concerns:

- The contribution of the volume of coal to be extracted represents only 0.4% of the annual requirement for power generation and as such, it cannot be described as an essential and significant contribution to the UK demand for coal.
- It is not supporting the transition to a low carbon future as there will be an increased carbon footprint for the site with the addition of vehicles and wash plant for extractive purposes as well as the loss of an extensive area of mature trees that are part of the natural regeneration of the site over 40 years.
- The statement that the proposal will provide an economic impact for Chapeltown with the creation of 35 jobs and the consequential increased spending must be subject to serious scrutiny and a high proportion of the jobs will be specialist and will normally be filled by re-deployment.
- The claim that Hesley Wood deters inward investment is questioned as there has been significant investment at both Newton Chambers Thorncliffe Industrial and Smithywood Coking plan.
- CRAG refer to the NPPF Paragraph 124 that planning policies should sustain compliance with and contribute towards the EU limit values or national objectives for pollutants. They also refer to the fact that Chapeltown, Ecclesfield and the surrounding area are part of the Sheffield Air Quality Action Zone set up in 2003 to improve air quality in Sheffield. They note that European Law requires air quality objectives of 40 ug/m3 to be achieved by 2015.

- CRAG refers to the Sheffield Air Quality Action Plan 2015 and highlight that Sheffield City Council declared an Air Quality Management Area across the whole of the urban area for Nitrogen Dioxide (NO<sub>2</sub>) and fine particles (PM<sub>10</sub>) in March 2010. They also highlight that the AQAP notes that there is potential for the UK to be fined if EU limit values are exceeded if they can show that the UK government had not taken appropriate steps to comply with EU law. If the proposal goes ahead, CRAG suggest that RecyCoal will be using heavy machinery using agricultural diesel and putting the NO<sub>2</sub> levels in the air above the levels already breaching. The two nearest Air Quality stations are at Warren Lane and Ecclesfield Road and although the levels at Warren Lane are below 40ug/m<sup>3</sup> (the EU target), any extra HGV activity on the site would, in the view of CRAG, take it over the 40 level. The levels at Ecclesfield are already above EU levels so the target for 2015 will again be breached.
- The Action Plan advises that the Council should aim to improve areas where air pollution is elevated and this proposal will not do that and will, in fact, push it up.
- CRAG highlight traffic movement on the M1 and note that the traffic movement will result in a further 19,424 HGV vehicles per year, which does not take into account the heavy machinery that would be on site. The AQAP also notes that 81% of all road traffic emissions for NO<sub>2</sub> are attributed to diesel vehicles with the remaining 19% attributed to petrol vehicles. So, CRAG maintain that should the Council be giving planning permission to a scheme that increases NO<sub>2</sub> levels in the area for the next 5 years.? This is not complying with and contributing towards EU limit values or national objectives for pollutants.
- If the scheme goes ahead, what added cost would it be towards the National Health Service?
- RecyCoal has done no monitoring of PM<sub>10</sub>, PM<sub>2.5</sub> or PM<sub>1</sub> particles and there is no mention of NO<sub>2</sub> emissions from vehicles so they are only monitoring the dust that you can see.
- CRAG refers to the Council's Air Quality Action Plan, which notes that action to manage and improve air quality is required by EU legislation. They note that the 2008 ambient air quality directive sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health including particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and NO<sub>2</sub>. They also highlight RecyCoal's application, which states that smaller particles (less than 10um (PM<sub>10</sub>) can travel in excess of 1km from the point of release but particles in this size range are only released in significant quantities where the material is subject to secondary processing e.g. roadstone coating. From this CRAG advise that it is well publicized that breathing in particles below PM 2.5 particles can cause many illnesses. CRAG suggests that from their research, these tiny particles can be released into the atmosphere even if the system is a wet one. They claim that these very tiny particles will still be released into the atmosphere and will travel for up to 3 miles from the

site depending on the wind and spraying with water cannot completely remove these particles. This is based on research by Van Steenis around Coking Works in Derbyshire where he looked at four schools around Avenue Coking Work developments and had monitors for PM2.5 particles put into them. They were all 1-2 miles from the coking works and the PM2.5 levels were well above the safe level of around 10 micrograms per m<sup>3</sup> ranging from between 56 micrograms per m<sup>3</sup> to 137 micrograms per m<sup>3</sup>. Dr Van Steenis argues that experience gained at Arkwright proves that the alleged ability to control dust by open-casters is a fallacy.

- There are no monitoring results to show what the PM levels would be or the NO<sub>2</sub> levels from the heavy equipment and HGVs.
- CRAG highlight the impact on health and the wealth of scientific research to show the health risks posed by open cast mining. They note the Douglasdale Report, which states that 'surface mining disturbs land creating dust known as Particulate Matter. Coal dust can be picked up by winds. PM matter is also released by diesel powered construction mining equipment.
- CRAG highlight the objectives of the AQAP and the commitment of Sheffield City Council to address local air pollutants by 2015 to help contribute to key objectives such as (i) better health and wellbeing, (ii) an environmental responsive City and (iii) a great place to live. CRAG argues that Chapelton and the surrounding area will not be a great place to live for about 5 years. The trees are soaking up the pollutants and protecting people at the moment. They argue that this scheme does not implement or support actions that make a positive contribution to improving air quality and in fact, it does quite the opposite and would have an unacceptable adverse impact on human health from SCC's own evidence within the AQAP.
- CRAG consider that there is no monitoring of Particulate size so their monitoring procedures are totally unacceptable as it is the dust that you cannot see that causes the damage. CRAG argue that RecyCoal say that visual inspections of dust raised will be made and all observations will be logged and that wind speed and direction will be taken into account – CRAG identify that they are relying on a weather station in Bingley and that sampling procedures for monitoring dust are all reactive when the damage has been done using the sticky pad method or the Frisbee type deposit gauge. CRAG note that this will tell us what came out of the air but not what type of particles they are?
- CRAG refer extensively to the Air Quality Action Plan including reference to Paragraph 6.23 of the Action Plan – continued control of industrial emissions should progressively reduce fine particle emissions from industry with nitrogen dioxide being maintained, and reference to Paragraph 10.6 of the AQAP, which highlights that the number of hospital admissions rises with increased concentrations of fine particles. They also highlight Paragraph 10.9, which notes that a study in London determined that reducing fine particles by 1 microgram per m<sup>3</sup> would gain 400,000 years of life for the current population of London (7.6 million) – their references highlight the

particular concern of CRAG in relation to fine particles and the impact on human health. In particular, CRAG highlight concerns about asthma and the number of emergency admissions for asthma within Sheffield (647 in 2008/9) with reference to Sue Thackray of the Public Health Department of the NHS who advise that Tinsley, the area of Sheffield most exposed to air pollution from the M1, has a particularly high level of hospital admissions of Chronic Obstructive Pulmonary Disorder and Asthma. CRAG conclude that all this evidence of the effects that NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> particles means that there will be unacceptable adverse impacts on human health in the Chapeltown area and that RecyCoal have done no proper monitoring to show that they will not create these air pollutants as well as logs of evidence to prove that they will increase air pollution.

- In relation to Noise, CRAG highlights Paragraph 123 of the NPPF that planning policies should avoid noise giving rise to significant adverse impacts on health and quality of life. CRAG consider that RecyCoal's supporting information on noise is minimal and acts only to satisfy the most basic of assessments of the potential impact on the major residential areas associated with this application. They note that the noise monitoring was conducted on a day when the estate was visited by refuse vehicles and this is considered as typical level of noise. Similarly, the areas of Cowley Drive, Woodburn Drive and Glenwood Crescent have no assessment for background noise before 0815 or after neither 1701 thus taking little account of the likely affects nor any account of night time operation. It does identify the tranquillity of parts of the site.
- CRAG raise concerns about the validity of some of the ES reports as these reports all took place in 2011 and in the majority of cases, all surveys (including Bat, Bird, Invertebrate Reports) are considered by CRAG to have a finite lifespan and within concluding recommendations that they should be repeated if work does not commence within 12 months of then being conducted. CRAG note that the authors of the reports comment upon the limitations of the survey methodology – notably, time of year and that this could distort the actual ecology of the site and consequently these surveys should be repeated at the correct time of year to ensure that no species of interest have been missed. They refer, for example, to Appendix 8.5 (invertebrates), which notes that the ideal period for surveying is April to September, with most species active in May. This survey would have missed many of the species that would be active during these months as it was undertaken in August and September.
- CRAG raises the issue of adders and note that the application states that the habitat is unlikely to support adders. However, CRAG note that the Forestry Commission describes a habitat very similar to that found on the fringes of the site and in particular, the areas adjacent to Glenwood Crescent – they also comment upon the large distances between breeding and hibernating habitats, which has not been considered by the ecologist.
- CRAG highlight that nowhere within the RecyCoal submission is there an assessment of the environmental impact of the proposed wheel washing

facility or a discussion of how the wash medium will be treated and disposed of. The purpose of the wheel wash is, in their view, to stop road contamination by vehicles leaving the site – however, the wash will also remove contaminants present on vehicles. RecyCoal have not undertaken any assessment of the contaminants likely to be present and/or filtration systems to be applied and CRAG consider that this omission represents a serious breach in Health and Safety considerations for the site and the area.

- CRAG believe that parts of the area are classified as a medium probability for flood risk and following the floods in 2007 the area has before sensitised to the risk of flooding and the area has suffered localised flooding since (August 2012). The outflow water from the tip is culverted under properties on Woodburn Drive and the increased flow of water after the removal of trees from the site and the disturbance to the current site surface will increase the risk of flooding of Blackburn Brook, which is the discharge point for the culvert. CRAG consider that even after the operation the threat will not diminish significantly as it is RecyCoal's intention to use the culvert as a major outflow route for surface water from the site.
- With reference to traffic, CRAG consider that the TA is based on data that makes little or no reference to the increased traffic flow resulting from the development of the Smithywood site and the modified junctions at Cowley Lane/Cowley Hill and Cowley Lane/Nether Lane. In particular, they consider that it does not take account of recently approved applications on this site include a mail depot. CRAG also advise that there is an unofficial car share parking area on Smithywood Road and if this application takes place, these vehicles will be displaced resulting in further congestion on Cowley Lane or the residential area of Woodburn Drive.
- CRAG has also advised that should the application be approved, they wish the following conditions to be applied:
  - To limited HGV vehicle movements to be 0930 to 1430 Monday to Friday to reflect traffic flows and volumes at peak periods, 0830 to 1200 Saturday, and no site access on Sunday and Public Holidays. Site vehicle movement and extractive operation to be limited to 0830 to 1800 Monday to Friday, 0830 to 1300 Saturdays and no operations on Sunday and Public Holidays.
  - Wash plant to operate 0830 Monday to 1300 Saturday giving total operational time of 126.5 hours per week.
  - RecyCoal's area of operation be reduced to provide a minimum distance from the properties on Glenwood Crescent, Woodburn Drive, Cowley Drive and Coppice Rise of 150 metres. This would provide the added benefit of reducing the volume of vegetation/trees requiring clearing and removing from the site. In addition the retained trees would add to the mitigation of water run-off from the site and provide additional noise screening for the residents. CRAG note that in Scotland, they require a buffer zone of 500 metres away from residential properties for any open cast mining;

- Reduction in the surface area of the proposed settlement pond(s) by 50% from 3000m<sup>2</sup> to 1500m<sup>2</sup>, which recognises the reduced water excess by the increased areas of retained trees on site. Any single storage/settlement pond should also be limited in size to 500m<sup>2</sup> or 25m by 20m with 2.5m high fencing around the perimeter with a maximum mesh size of 30mm<sup>2</sup> and additional safety provision from suitable lining materials to ensure no egress of contained water and/or contaminants into the land mass adjacent to residential properties. Additionally, CRAG would wish to see outflow water flow rate monitoring at point of discharge and at the exit of the watercourse at - Cowley Lane, these flow rates to be continuously monitored and publicly available on a dedicated monitoring website.
- Real-time monitoring of dust and noise levels be used and monitored independently with dust monitors of EU standard and residents should have access to this data.
- Background monitoring of air quality (PM<sub>10</sub>, PM<sub>2.5</sub> and PM<sub>1</sub>) for at least 6 months prior to any activity on the site.
- The use of foam or similar, as used in the USA, to reduce dust emissions by 80%;
- RecyCoal should use ordinary diesel or carbon offset diesel rather than Red Diesel which is known to release emissions harmful to the environment and also have filters fitted to the exhausts of the heavy machinery to reduce those emissions. As they are in an AQM area, CRAG see this as essential.
- Independent monitoring of noise levels daily.
- All ecological reports to be repeated at appropriate times by independent ecologists in particular those identified by their authors as not conducted at optimum times.
- Additional environmental assessments of the wheel wash facility be conducted and guarantees on the effectiveness of the wash and the proposals for processing the contaminants removed from HGVs exiting the site. They also wish to see independent monitoring of the ecology and environment which would also be reported to the appropriate agencies, e.g. Wildlife Trust, Environment Agency and Air Quality?
- That the site operation be reviewed on a monthly basis for the first 12 months and then quarterly basis by a liaison committee comprising at least 4 members of CRAG, the Parish Council, the Local authority, The Environment Agency and other groups.
- That following restoration, no vehicle access be allowed via Smithy Wood Road other than for site maintenance and in particular that no vehicle access be allowed to the Hesley Wood Scout Activity Centre via the restored site.

- The quality of the restoration should be determined by the liaison group and that a minimum size of replanted trees, preferably 1.5m to 1.8m tall, be implemented in order that the site has an immediate aesthetic for residents and wider community even if this requires a smaller volume of trees be replanted on the site.
- That the site be secured in perpetuity as a community amenity only and that no further development or remediation of the site be allowed for a minimum of 999 years.
- That RecyCoal and/or Sheffield City Council provide a guarantee or bond of adequate value to provide for the restoration of the site to a suitable condition should RecyCoal default in any way during or after the reclamation phases of the site. The value of any such guarantee/bond should be determined by a suitably recognised independent organisation.

A second Action Group – the Cowley Health and Environment Group (CHEG) have also objected to the development, with the objections summarised below:

- CHEG are ‘totally opposed’ to the application because of the known and well-documented effects on health and life of residents. They note that some 125,000 people live within a 3 mile radius of the site and that children are also amongst those at risk with some 24 schools in the area.
- CHEG consider that the true effects of coal spoil removal and opencast coal mining on the health of human beings are well documented in international (including WHO), Australian and United States Government reports, as well as numerous United Kingdom reports, for example: “Coal opencasting and health” by Dr. Dick van Steenis; Coal Health Study – Douglasdale Edition, Ver.2, Dec. 2010: “The True Cost of Coal to Communities”; They note that other objectors to this proposal have listed numerous documents they have consulted and included in their submissions.
- CHEG note that the WHO air quality and health” Factsheet 313 Updated Sept. 2011 states: “Air pollution is a major environmental risk to health...respiratory infections, heart disease, and lung cancer’.
- CHEG consider that existing contamination will not be removed but will stay as a risk for present and future generations.
- CHEG consider that there will be harmful air-borne dust pollution from:
  - (a) cutting (digging and removing) the spoil when Particulate Matter 2.5 and PM1 dust (which cannot be seen) will rise, stay in the air for up to a week and land within a 3 mile radius.
  - (b) diesel exhaust fumes (including nitrogen dioxide, carbon dioxide, tiny toxic diesel engine exhaust particles) from bulldozers, diggers, off-road machinery and the washing plant, etc. which use carcinogenic inferior quality agricultural (red) diesel or mixed fuel;
  - (c) exhaust fumes from increased road traffic and from thousands of lorries carrying outwards 395,000 tonnes of coal and incoming lorries, cars, heavy goods vehicles, etc. during the site’s operation for about 4 years and



landscaping over a further 5 years; (d) deforestation of most of the 50 ha site with the loss of trees which currently absorb carbon dioxide. Consequently, CHEG believe that air quality will not only deteriorate during the 9 years of coal recovery and landscaping but will only improve slowly and partially as the (many fewer) replacement trees grow during the following 40 years.

- CHEG consider that there will also be noise pollution 24/7 from plant and 6.5 days a week from heavy machinery, chainsaws, diggers and 4 ton lorries close to homes for 4-5 years - noise which can seriously affect health, especially of the elderly and sick who are more susceptible to noise disturbance.
- Serious risk of increased flooding and damage to property.
- CHEG considers that there will be a huge contamination risk for future generations in the form of a massive tank of contaminated sludge and slurry to be situated directly behind properties. CHEG consider that with climate change and earthquakes this could be catastrophic; and existing trees have been soaking up contamination but no bore holes have been made in the trunks of trees to be deforested to evaluate the level of tree contamination. Yet, RecyCoal said at a recent meeting with some residents that they could not sell the cut trees so they would leave them on site, adding further contamination to existing known contamination (asbestos, arsenic, PAHs, etc).
- Increased road traffic and congestion on the M1, local roads and intersection and a higher accident risk.
- Destruction of a large variety of wildlife, habitat and flora, etc. CHEG consider that partial recovery will take about 40 years but, as the site will be lowered some 4 metres in height and only a small part is to be replanted there will be poorer air quality and increased noise from the M1 for ever. Replanting by RecyCoal seen elsewhere is considered by CHEG to be sparse and poor in quality.
- CHEG consider that the scar on the landscape will depress the local economy for many years and the cost to the NHS, to the local economy in lost work-years and for community care is going to be enormous.
- - CHEG consider that the Government's move away from coal use, the drop in the price of coal in the US and the forthcoming European Tax on Coal also make this proposal uneconomic. They ask who is going to pay for future site maintenance? What about the fines for failing European air quality targets?
- CHEG are of the view that the coal from the site will only feed one power station for about one month yet they argue that the elderly and sick could face lower life expectancy and children and vulnerable people could be blighted with health problems all their lives.

- CHEG raise Article 2 of the European Convention on Human Rights, which is the right to life and health which, they believe will be denied if this planning proposal goes ahead. They also make reference to paragraph 144 of the National Planning Policy Framework, which states that Local Planning Authorities must “ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health ... and take into account the cumulative effect of multiple impacts from individual sites ...”.
- CHEG have also provided a list of conditions that they believe should be imposed should the application be approved. This includes:
  - a minimum distance of 150 metres between working on site and residents’ gardens.
  - Foaming with GE DusTreat DC9112E, as used in the USA, instead of water treatment because foaming is (they believe) 80% more effective in reducing pollution from coal dust.
  - A request that plant and machinery should not use “red” agricultural diesel or mixed fuel but instead should use ordinary “city” diesel and all exhausts should be fitted with appropriate catalysers/filters to reduce harmful carcinogenic contamination and consequent health damage and reduced air quality.
  - A request that a suitable noise barrier be erected between the M1 and the site once the bund has been lowered by 4 metres during coal extraction, so as not to leave residents with increased motorway noise and air-borne pollution from the motorway in future.
  - The very latest and most efficient monitors, to European standard to be used for PM1 and PM2.5 dust monitoring, which should be independently serviced and monitored with regular public notification of daily readings.
  - Appropriate and approved noise monitors to be independently monitored with regular public reporting of results, with consideration given to the elderly and sick living nearby.
  - If contamination after coal washing is not removed from the site, then the proposed tank of contaminated slurry and sludge should be reduced in size, placed further away from residences, properly and securely enclosed on all six sides.
  - Trees cut down which prove to be contaminated must be removed from the site because to shred them and leave them to disintegrate to dust will release contamination into the air.

- No contaminated water should leave the site via Blackburn Brook or any culvert under Woodburn Drive or elsewhere because these, eventually, drain into the River Don and the pollution would kill off fish and wildlife.
- Working hours should be reduced and there should be no Sunday or bank holiday working, without any increase in the length of duration of work on the site.
- There should be monitoring of, and penalties for, non-compliance with restrictions on wheel and under-chassis washing of heavy goods vehicles and also covering of contents on heavy goods vehicles leaving the site.
- No further applications for coal or other extraction should be approved.
- There should be no future approval of housing or building on the site.
- The site should to be designated for recreational use in perpetuity.
- Reforestation and landscaping should include the planting of larger trees (minimum 1.8 metres in height) with a greater variety of trees (especially English evergreens) and varied under-planting to encourage regeneration of wildlife and flora as quickly as possible.
- A liaison committee should be established to meet monthly during the first 12-18 months and thereafter, say, quarterly, or more often as needed. Local residents and members of all interested and appropriate local groups should be included.
- Either Sheffield Council or RecyCoal should provide an adequate insurance bond for the complete and suitable restoration of the site for community use in the event of RecyCoal defaulting for any reason at any time.
- A suitable compensation fund should be established by Sheffield Council or RecyCoal for residents in the event of damage to them or their property.

The following additional objections have been received:

A petition has been received with 21 signatures (only postcode and house number typically provided) from residents in S35, S4, S5, S6, S70, S1 and S74. The petition sets out the nature of the proposal and raises the following particular issues:

- With the loss of all the trees, fauna and flora, what is left to stop the water run-off and the noise from the M1?
- The noise from the motorway will, in their view, get worse for Chapeltown.
- RecyCoal will be planting 41,000 saplings to replace the trees to be lost and the intend to bring in green waste and pond dredgings but no soil – the objectors question whether they will have to wait 40 years for the site to regenerate. They also note that the Grimesthorpe site was completed in 2008 and the trees have died or not grown.

- The objectors question what difference to the motorway, Thorpe Hesley and Chapeltown will this scheme make in terms of traffic congestion?
- The petition notes that the applicant has not tested for PM2.5 and this dust can travel for up to 3 miles and stay airborne for a week. PM2.5 and PM1 cannot be seen and can be inhaled and cause respiratory problems. The petitioner considers that this is not just happening in Chapeltown but up and down the whole of the UK and it needs stopping.

A further petition with 38 signatures (4 have submitted individual objections) has been submitted raising the following objections:

- long term noise for the area in excess of background noise levels;
- heavy plant operation for sustained periods during the day in close proximity to residential properties;
- dust from extractive processes;
- dust from spoil storage;
- traffic fumes from site plant;
- flood risk;
- ecological impact;
- parking of vehicles displaced from Smithy Wood Road;
- Volume of HGV vehicles;
- Coal extracted over three years is less than 1% used annually by power generators;
- Local jobs?
- 5 years after restoration, what will happen then?

A third petition with 108 signatures has been submitted registering objection to the scheme on a range of grounds including noise, air pollution, timescale, flood risk, ecological impact, traffic, contribution to national energy policy and economic and the long term future in terms of how will it be managed after 5 years and what then.

Finally, a petition with approximately 5,150 signatures has been received objecting to the development on the following grounds:

Environmental Impact – Noise, air pollution, timescale and flood risk;  
 Ecological Impact – Animals and birds, woodland, flora and fauna and traffic;  
 Contribution to National Energy Policy and Economy – 3 years extraction for less than 1% used annually by power generators;  
 Poor Landscaping – no soil. What are we losing? What are we gaining?  
 Long term future – 5 years management – what then?

The remaining objections raise fairly similar concerns with the following representing a summary of the main issues:

Objections relating to the principle of development:

- The proposed amount of coal to be extractable is approximately 400K Tons. With an average coal-fired power station being 500MW, running at 35% efficiency, the resulting power required to produce 500MW of electricity is 1429MW. The energy mass from the coal needs to be considered as there

are many different types but for general purpose, assuming 37MJ/kg will be used the mass of coal burnt per second would be 38.6kg/s. Thus, per day, 3337 tons of coal is burnt. As such, this scheme would only produce enough coal to allow the power station to run for 120 days and the resident objects on the grounds of such a minimal return for so much disruption.

- The coal, which will take three years to process, will only produce enough coal to run Drax Power Station for 13 days as this power station is 35% efficient and is Britani's biggest emitter of carbon dioxide – 22,000,000 tonners a year. It is more important to develop greener options.
- Chapeltown is a very pleasant place to live and the resident is 'shocked and stunned' that coal recovery is being applied for.
- Over the years Hesley Wood Tip has transformed itself into a beautiful wooded area supporting a wealth of wildlife and this needless destruction should be avoided.
- It will only result in enough coal to run a power station for about two weeks;
- The site is too close to housing – no other RecyCoal site has operated at the end of residents' gardens.
- The impact of this proposal on the quality of life of local residents is too great, particularly for the elderly residents who may not gain any benefits from the scheme but have the disadvantages of dust, pollution and noise for three to four years.
- Chapeltown Park is very popular and it is a real shame to allow these facilities to be polluted by dust and noise and to see the trees, wildlife and plants destroyed for monetary gain.
- The benefits of this scheme are purely financial to RecyCoal and there are no possible benefits to the adjacent community as there will be increased noise, dust, and traffic. There is already a very good park so why is this needed – a restoration scheme for 5 years and then what – commercial, housing left to deteriorate?
- Objector would hope that the area could be left untouched after so long – nature has fought back and the objector states that it makes a lovely place for walks and leisure time in the country. This application will dig up the waste and replant what is there already for enough power for a couple of weeks – if everyone switched to energy saving bulbs we would not need the extra energy?
- The actual contribution of this development to UK coal supplies would be 0.31% annually so how can a three-year provision of washed coal be considered sustainable?
- The actual annual contribution from the Hesley wood scheme would be 0.082% of coal imported for power producer usage so Hesley Wood is not

significant and does not give a justifiable reason to claim it meets the requirements of the National Energy Policy.

- The whole idea goes against carbon reduction targets.
- The extraction of coal cannot be used either morally or in keeping with section 10 of the NPPF in a modern, low carbon energy generation set up.
- The objector considers that the Climate Change case put forward in the ES is unconvincing. Creating new sources of supply tends to reduce price and it is well established that a reduction in coal costs relative to gas increases its use in electricity generation in the UK, which in the objectors view, would lead to greater carbon emissions given that Carbon Capture and Storage on coal fired power stations has yet to be demonstrated, let alone rolled out.
- The objector considers that if the scheme will take over three years plus to extract to supply one power station for less than three weeks, it does not justify the devastation and disruption to health, noise and wildlife etc.
- Coal is an outmoded energy source that brings Nineteenth Century attitudes into the 21st Century.
- Planning permission was refused 32 years ago when the woodland was in the early years of growth – now it is almost 60 years old and no-one would know that it is a spoil heap – Sheffield City Council once again have it in their power to preserve or destroy.
- The coal extracted will provide at best 22 days of coal for a 4 and a half year nuisance and will be creating an eyesore for all of the motorists on the M1 creating a bad impression of the City.
- There have been better proposals for the site including the previous application for soil importation. The resident suggests that there have also been proposals for wind farms, which offer a longer contribution to the nations energy supply and local people would support these proposals;
- Open cast mining and extraction processes such as those used by RecyCoal should not be allowed to exist within such close proximity to residential communities due to the potential threats associated with it and the loss of wildlife and landscape.
- Open cast mining is known to create major health problems both in the short and long-term; the local residents will get nothing but the airborne pollution and no company can guarantee that this will not happen.

Objections relating to wildlife and biodiversity:

- General widespread concern about the loss of wildlife and trees.

- A view that the local wildlife and beauty should be looked after and maintained and 'not destroyed for financial gain by a company offering a sugar coated cover up plan to landscape after use',
- The area has a diverse ecology including bats, owls, woodpeckers and grass snakes and their habitat will be lost as a result of this proposal.
- The application states that nothing will be planted that exceeds 60cm, which means saplings so the 41,000 trees that will be planted will take around 25 years to grow back to the current state, assuming the ground conditions are right.
- The decimation of the current maturing woodland will have a massive impact on current wildlife, which includes some rare species.
- The whole area is teeming with wildlife so why spend 3 years destroying it when it has taken ten times that long to reclaim it?
- The Ecological information presented does not seem to truly represent the diversity of wildlife that now exists and there are some anecdotal references to additional species e.g. adders. Do the Council therefore intend to carry out its own ecological survey and if not, why and how can this be justified?
- The grassland and trees that RecyCoal are proposing will take another 30 years to mature to the current level of planting on the site.
- Regularly see pheasants, tree creepers, woodpeckers, owls and a sparrow hawk and the loss of mature trees will mean a loss of wildlife.
- The ES diminishes and underplays the value of the area to wildlife and indigenous plants that have colonised the area over the last 30-40 years. The existing mature trees on the lower slopes of the spoil heap should be retained at all costs.
- Several omissions in the analyses of habitat and wildlife – the area is rich in fungi especially in Autumn so what steps were taken to evaluate the local fungi?
- The ES report states that Kestrels did not appear to be nesting on site but Kestrels have been nesting on the site in previous years but their nest on one of the communication masts was removed in early 2012;
- Other mammals not reported in the supporting documents include squirrel and hedgehog – the objector has also seen adders on the track to the Scout Pond. Such diversity of wildlife will be lost temporarily if not permanently;
- If the wood is cut down, where will all the existing wildlife go?
- Between the Ancient Woodland and adjacent to the motorway is a large meadow that is to be part of the scheme. This has a great diversity of wild

flowers and apart from being very beautiful, is alive with butterflies and bees. Toads are breeding in the ponds although not in recent years – but concern about general loss of wildlife;

- All the wildlife and woodland is to be killed and cut down just for greed;
- What about bluebells – these will all be destroyed;
- RecyCoal maintains that the damage to the local habitat can be considered to be negligible and potentially beneficial but potentially is not sufficient justification to destroy existing habitats and displace species for financial gain;

#### Objections relating to trees:

- Loss of mature trees around the boundary of the site, which will mean the loss of cover for all sorts of wildlife;
- The applicant will fell every tree on the site so the residents will be left with a lunar landscape for a good number of years;
- The mature woodland masks the sound of nearby traffic on Cowley Hill and the motorway;
- The removal of trees will have a negative impact on the appearance of the area and the established trees create the woodland that is there to enjoy when walking and cycling through the area;
- The trees that will replace those lost will be smaller that will not give the same noise barrier to the M1;
- Objector remains unclear about the precise area of the Ancient Woodland and objector seeking assurance that no Ancient Woodland will be damaged, particularly as many mature trees felled unnecessarily at Smith Wood;
- Several statements on the documents about how great a gap is need between the canopy of the Ancient Woodland and any development – proposed gaps ranged from between 2 metres (ES 8.4.36) to 5 metres (ES 7.9.8) – both of these fall short of the 15 metres cited by Natural England's Standing Advice for Ancient Woodland and the buffer zone for restoration work (ES 8.6.16). The objector seeks clarification that Natural England's Standing Advice of 15 metres will be observed for all phases of the development and restoration as no part of the Ancient Woodland should be lost, damaged or threatened.
- The ES states that existing mature trees bordering the estate are to be left in situ – does this refer to both sides of the former railway line or solely the side that borders the estate and Chapelton Park?



- The claim that numerous trees are dying throughout the site is unfounded – there are some silver birches that do not reach full maturity, as this species is successful in self-seeding and some saplings will inevitably fail but this is the natural patten and the proposal would impair natural development;
- The site already forms part of the habitat and RecyCoal’s plans will never be able to replace the same by planting trees and grassland – Chapeltown already has a park and this site offers a more diverse area full or flora and fauna;
- The birch scrub is only the first stage of regenerating of rough ground and this is already been replaced by oak, ash and sycamore, which will continue to grow and replace the birch. RecyCoal states that it contains important species but considers them to be of low ecological value but some species were omitted form the survey;
- The destruction of 38 hectares of trees and the replacement with only 14,000 trees is unacceptable and the replacement seems insufficient. Also, the height and density will not be the same as now;
- Will the saplings grow on the newly disturbed shale? What species will be lost in the meantime?
- The loss of trees and wildlife will decrease the quality of life for residents of the Cowley Estate and have wider impact on the local community for a much longer time than the 3-4 years of the project;
- Trees renew our carbon footprint by absorbing carbon dioxide and every year one tree produces nearly 260 pounds of oxygen as well as preventing erosion;
- The City Council should delay any decision until an independent body such as the Woodland Trust can survey the site and confirm that Ancient and mature woodland is protected. The state restoration will only leave approximately 9% of the total area of existing trees and 20% of the remaining area will be planted with trees. Experience has shown that this so called restoration will not match the pre-existing natural diversity of species;
- ES paragraphs 8.4.12 and 8.4.17 describe a large variety of tree and plant species and demonstrate that the area is not the barren landscape described in RecyCoal’s literature. Many of the plants are very important food sources for insects, their larvae, birds and bees;
- Paragraph 8.4.15 refers to areas of barren spoil and tracks free of vegetation; the objector notes that random tracks add to the diversity and charm of the area – RecyCoal’s proposals offer long paths in continuous lines. RecyCoal’s designs offer fewer species of trees planted with all the same species together with a few wild flower species. The young saplings on site are already bigger than the ones offered by RecyCoal;

- The site at Grimesthorpe is not an improvement on the application site.

Objections relating to visual impact:

- The loss of so many mature trees will leave a rather ugly view rather than the present woodland and the replacements will take many years to grow;
- The loss of the panorama of trees is considered a detrimental impact of the scheme and the cost to the environment appears very high when weighed against the projected amount of fuel.

Objections raising general pollution issues:

- Concern about fumes from vehicles working constantly on site;
- Is there any risk of gases escaping as the site used to be a tip?
- There are evidently a lot of disused mine shafts in Thorpe Hesley including one running adjacent to Hesley Bar. What affect will this development have on the foundations of people's houses at Hesley Bar?
- Concern about the carbon dioxide emitted when the coal is burnt?
- Many elderly residents in the locality who should not have their peace and quiet shattered and their homes devalued;
- No other RecyCoal site has operated so close to housing at the end of residents' gardens;
- The proposal for extraction is undermined by the methods used and the times data has been collected to quantify the environmental impact of extraction;
- A concern about the lack of independent evaluation of the health and environmental impact of extraction;
- Objector visited Grimesthorpe and the families advised that the site was of no benefit to them and of no use – they said it was just mud and only some dog walkers used it, Clearly insufficient top soil and nutrients in that case;
- Objector asked RecyCoal if local residents would have an input into the proposed project and the objector claims that she was told that they would not and decisions would be taken by those who did not live on the estate;
- The application states that any felled trees will be used as Biomass, causing further atmospheric pollution.

Objections relating to noise impact:

- General concern about noise impact from many residents;
- Objection on the grounds of increased noise levels for 12 hours per day, 5 and a half days per week for three to four years, which residents consider unacceptable;
- Serious doubts that noise levels will be low as at night, residents on Glenwood Crescent can hear the motorway and the proposed site is in front of that;
- Is the noise pollution going to be monitored continually for 24 hours a day and work halted if it exceeds set levels? The noise levels indicated for normal working on the site have been reported at 50-60db, which is similar to a washing machine and a lawn mower, although if this is for 12 hours a day, 5 days a week and 5 hours on Saturday; this is a concern;
- Objector considers that removing 3500 trees along the boundary will result in the noise being much louder as the cushioning/dampening effects of the trees will be gone; resident suggest they will be as high as 120dB, which can damage hearing;
- Objector considers that not only are the noise levels unacceptable but the working hours themselves (7am to 7pm Weekdays and 7am to 1pm Saturdays for three of four years will mean there is no respite from increased noise levels;
- The noise levels will be above European Guidelines;
- The previous 2007 application noted that the nearest residents were 230 meters away and the site was restricted to working between the hours of 0800 and 1800 Monday to Friday with no work at weekends or bank holidays. Given that this scheme is much closer, would similar or more stringent hours of working requirement be considered for this application? The potential for disturbance is much greater as the work is much closer to residents. There is also no clear statement in respect of public holidays?
- The noise assessment states that most of the work is over 50 decibels and some of the noise quite close to houses is over 85 decibels. Eight hours exposure at this level can cause hearing loss so what will 64 hours a week for months do?
- No assessment of the possible increase in noise from the motorway as a result of the tree loss and the lowering in height of the spoil heap by 5 metres;
- The noise assessment locations at points 4 and 5 do not take into account the properties in the middle of these two locations as these are away from the main road and generally quieter. The assessments were also done on a refuse collection day and only for three periods of 20 minutes at the busiest times. No measurements were taken at the quieter evening or other times;

- Relentless noise from the diggers and excavators extracting spoil and loading it on to 30-ton lorries. As well as the noise of chainsaws taking down the trees, some of which is within a few hundred metres of people's homes;
- Continuous mechanical noise 24 hours a day for some 31 months from loading spoil onto the plant and from the plant's operation and washing of 350 tons of spoil per hour;
- No rest from the noise even on Saturdays;
- Resident considers that the initial background noise checks have been done on a limited scale and measurements for 15/20 minutes 3 times a day is not enough. One hour sampling 3 times a day and night would be necessary to give realistic background noise levels;
- Average figures are quoted with no timescales and hard to believe that close to working areas a 40 tonne digger will make less noise than songbirds;
- Maps show expected noise levels of +50dB on Glenwood Crescent, which is unacceptable and gives a noise increase of nearly 10dB – the real sound levels will be higher;
- The WHO has issued a report on the effect of annoyance factors such as noise – elevates health risks;
- Concern that the noise levels were taken on a refuse collection day such that the maximum noise levels were noted at 60.7db and 72.1db whereas the minimum was 34.4 and 36.3 – the objector considers that the maximum noise levels occurred only for a few minutes such that for the majority of the day, the noise level is at the lower levels;
- More than 50% of residents on the Cowley Estate are over 60 and some with breathing problems. The objector feels that they will be at high risk from this proposal as the WHO studies conclude that an increase in noise near to residential areas will result in increases in illnesses and the less young appear to suffer most;
- The current height of the landscaped tip acts as a noise barrier to keep the noise of the M1 from residents at the Chapeltown side of the site – the proposed works will remove this and the operations will generate noise pollution at a level higher than existing levels;
- The true cost to people's mental state having permanent noise leading to anxiety and depression is a cost too far.

Objections relating to dust and air quality

- General extensive concern about dust impact from many residents in relation to air quality;
- RecyCoal state that the majority of dust emissions are expected to be large particles that generally do not propagate more than 100 metres but to take account of small particle emissions; properties within 300 metres of the site have been considered as dust sensitive. They state that under normal meteorological conditions, the distance between the site operations and residential properties will allow the dust to be deposited naturally before it reaches the properties. The resident notes that the boundary of the proposed project comes as close as 40 metres from the properties on the Cowley Estate, which is well within the 100 metres and could mean 3 to 5 years of dust;
- Will dust be monitored 24 hours a day?
- The work will be within 40 metres of the objectors home, which they believe will inevitably create dust, which would exacerbate health conditions;
- The analysis of soil contaminants reports the presence of several poisons and there is concern that these will enter the air in dust particles and pose a threat to residents or make local grown vegetables and fruit unsafe to eat;
- Will any of the dust have corrosive qualities?
- No independent monitoring of dust or airborne contaminants is proposed and who will monitor dust levels?
- The Dust Action Plan refers to further measures – what are these and why can they not be introduced in the first place?
- Section 5 of ES makes it clear that operations will be suspended if dust levels are high but who makes that decision?
- Objector is puzzled by the assertion that there are no asbestos fibres in the three zones as this would appear to contradict the full chemical analysis at 14.6.45, which states that asbestos is present;
- Particular concern about the impact of dust on the health of residents locally and a number has identified a specific concern, as they are asthmatic, particularly if the contaminants found in the spoil are released. Concern about the schooling impact on asthmatic children if they become ill;
- Dust will prevent homeowners putting washing out and windows will be constantly dirty;
- Nothing will stop the dust in adverse weather;
- RecyCoal will be moving contaminants from east to west across the site, which is nearer to the houses;

- Children at local schools in Thorpe Hesley could be affected;
- Concern from the Chair of Governors at High Green Primary School about the particulates produced during this type of operation, let alone emissions from the plant and machinery. The Chair considers that the particulates will likely cause new cases of asthma in children and adults and exacerbate the condition for those that have it. It is considered a retrograde step by introducing a new industrial process and the right to clean and unpolluted area in the local area should be upheld;
- Resident is amazed that the Council will consider a project that is potentially damaging to the health of all residents in Chapeltown;
- The resident lives less than 100m from the site, which is, in the objector's view, totally unacceptable and they should not be able to excavate so near to houses;
- Significant concern about PM1 and PM25 being released into the air and drifting up to 300 metres as they can contribute to a wide range of diseases;
- Residents note that there is compelling evidence that disturbance of contaminants on the spoil heaps has a detrimental effect on the health of residents up to a 3 mile radius of the site, causing increased asthma, COPD, cancer and premature death, Accordingly the development will cause stress and anxiety to several communities;

Objection relating to odour:

- Will there be a smell from the area of stagnant, potentially contaminated water (in the ponds)?

Objections relating to Flooding:

- Concern that disturbance of land will lead to flooding;
- The scheme will have several ponds for water off the land to drain in to and the resident considers that wherever you have drainage ponds, you have the possibility of flooding, plus the fact that children are drawn to water, which is an additional risk;
- RecyCoal have stated that to keep the land damp to control dust – they need to build a 3000m<sup>2</sup> (3.9 metres deep) water treatment pond that will feed directly into Blackburn Brook. They have stated that the flow will be limited to not increase the risk of flooding from the Brook although could not guarantee that the pond would not flood as the risk is calculated using the risk of the last 100 years rainfall – maybe this risk should be calculated

using the last 5 years taking into account that most of the trees that soak up the water will be removed?

- The water treatment site will be nothing more than a huge slurry/settlement pit, which RecyCoal has the intention of draining via a culvert under the Cowley Estate emptying into Blackburn Brook. The resident questions RecyCoal statement that no more water will be running off the site than present as the plants (which absorb water) on the disused railway are to be removed;
- RecyCoal has only based their study on the average rainfall over 100 years and the resident considers that extra water/rainfall has been taken lightly?
- After the flooding in 2007, the introduction of 8 drainage ponds very close to residents on Cowley Drive is of concern, as the risk of flooding will be increased;
- 212 Cowley Lane is shown as being in the path of the Overland Flow, which is incorrect as the house is uphill of the path and only the lower part of the garden is at risk rather than the whole house – this is erroneous information;
- Objector has had water flooding through their front gates and across the lower part of the garden at times of exceptional rain when the gulleys cannot cope. Whilst the ES states that there is anecdotal evidence of standing water and the EA states that flooding has not been reported here, the objector has photographs of flooding at the bottom of Woodburn Drive in the 1950s. SCC have made some improvements to the gulleys on Cowley Lane but those preparing the flood report have not contacted local residents or perhaps the Council and therefore have not fully investigated the risk of flooding;
- The 'ordinary watercourse' that carries water from the culvert to Woodburn Drive runs through the objector's (212 Cowley Lane) garden, which makes in subject to flooding;
- Proposals about run-off are unclear in terms of how extra water will affect local properties. The ES only gives a vague overview – in addition, Appendix 7.6 (Restoration Overview) explains that the water will flow via the drain on Cowley Hill and the culvert on Woodburn Drive, which converge on the watercourse through the garden f 212 Cowley Lane. The Restoration Proposal map shows a discharge point on Cowley Hill but where will this run?
- When the thousands of trees are removed the water will flow into Blackburn Brook, which overflowed into Chapeltown in 2007 and again in 2012. RecyCoal say that they will build holding tanks, but will this be enough?
- Sheffield City Council have advised that the flood risk assessment for Blackburn Brook has been raised from moderate to moderate/high and that the overland flow maps only give a rough indication of where the water

might flow. The ES document states that there will be an increase in the volume of water when the trees are felled and the siting of the ponds on the site will be higher than the residential properties. As a result, is there a risk of contaminated water entering gardens?

- Concern that the increased level of run-off for the 36 month duration of the process could compromise the amenities by increasing the volume of water beyond the capacity of Blackburn Brook and Charlton Brook, which have burst their banks in recent years and caused local flooding;
- Concern about increased flooding in Ecclesfield due to the deforestation and increased water flowing into the Brooks.
- Concern that all the chemicals that will be present in the tip will drain down into the ponds, which is close to the residents on Cowley Drive;
- Concern about the creation of ponds behind people's homes on Cowley Drive and the potential for flooding;
- Concern about Cowley Lane, which has flooded in the past and caused residents difficulty in leaving and entering the Estate;
- The objector notes that during recent flooding, man hole covers were forced off and the road sank and cracked at the junction of Woodburn Drive and Hesley Grove; therefore removing many mature trees will make the problem worse.

Objections relating to contamination:

- RecyCoal has carried out test drilling and the land shows high levels of contaminants of which a high percentage are carcinogenic with the obvious risks. RecyCoal have said that they will not mine these areas and will cap the contaminants – does this mean they will test every part of the site?
- No detailed controls about how RecyCoal will deal with pockets of hazardous material during excavations;
- How will water borne contaminants be prevented from polluting the surrounding area and watercourses?
- How dangerous are the contaminants to aquatic life?
- Concerns about the implication of disturbing even small quantities of contaminants that are evident on site. Whilst RecyCoal have said that where significant concentrations of contaminants were identified, these will not be disturbed but capped, the resident finds it hard to believe that there



will not be some release into the atmosphere, which will be detrimental to public health;

- RecyCoal have admitted that there is very contamination in certain areas near to houses but they are happy to build a water storage tank adjacent to that area directly at the back of resident's gardens;
- Understood that there is asbestos and arsenic on the site and wonder why the City Council has not dealt with this before now;
- Concern that disturbing the soil will release various poisons into local groundwater and on into local watercourses, such as the one through the objector's garden;
- The objector considers that the ES downplays the risk to Blackburn Brook – Coal Washing and Extraction (Figures 7.7 and 7.8) shows water from water treatment and discharge flowing in to the Woodburn Drive and Cowley Hill areas – the ES states that Blackburn Brook will not be affected either directly or indirectly but the culvert running via Blackburn Drive under Cowley Lane runs into Blackburn Brook, as does the drain running down Cowley Hill;
- How will water used to clean the trucks as they leave the site be disposed of?
- RecyCoal has identified numerous contaminants, which they intend to cap where there are significant concentrations because it is too dangerous to excavate them. Given the size of the site, it would seem that there is a possibility of such contaminants being found in other areas of the site and unwittingly released during operations, causing huge implications to the health of local residents;
- From where will the washing process water be obtained and when spent, how will it be disposed of?
- Capping should be sufficient to withstand climate change and earthquakes (some locally in recent years);
- In the application RecyCoal state that some contaminants are identified in the spoil heap and processing the soil is likely to reduce the concentrations of at least some of them such that the materials will be suitable for re-use on site. The objector considers that reducing the concentrations is not good enough – they also consider that it is not sufficient to cap significant amounts of contaminants;
- The stockpiling of materials behind the houses is also of concern – if there is an adverse amount of rainfall during this time there is risk of landslip into the back of the gardens;

- The objector considers that there is a likelihood of toxic gas release from the site;
- Where will all the contaminated water washed from the reclaimed coal end up?
- Resident attended a talk by a Doctor from Northern General who gave a speech about his fears regarding the closeness of the site and the increased risk of excavating the harmful chemicals on site including Arsenic, Benzamine and many more, which may cause serious health risk;
- Paragraph 14.6.39 of the ES states that PAH's in the spoil heap of Zone 2 are unlikely to present a significant risk to long term human health – however, Paragraph 14.6.8 states that there are high PAH's in that zone and 1 sample of benzo(a) pyrene was over the recommended limit by 2 and a half times. Similarly, the results of maximum concentration of arsenic are almost 2 and a half times over the recommended limit. The objector considers that as material will be moved around, there is more than a minimal risk of arsenic and PAH exposure to residents.

Objections relating to site restoration:

- RecyCoal have advised that no soil will be imported, which means that the landscape will only change by smoothing the current contours – this will mean that planting will again struggle to develop. Ameliorants appear to be manure/organic waste, which have a lingering smell;
- In the previous 2007 application for the importation of soil making material for site restoration (07/04872/FUL) the application stated that to allow a sustainable restoration, there would need to be the importation of 170,000 cubic metres of soil making materials as there were considered to be no significant areas of useable material on site for restoration. Why is it that RecyCoal therefore state that they need to determine the extent of existing soil materials that need to be imported (if any) – is it that RecyCoal have never taken on such as large scale reclamation and restoration of a site within existing vegetation?
- Within the 2007 application, there were clear controls on the quality of imported soil; compare this within RecyCoal's proposed soil making process, which states that the extent of soil materials will be determined and if required, soil making material will be imported, stored in windrows on site and gradually incorporated to create a suitable growing material to support restoration and this may include green waste. How will RecyCoal be controlled on the quality and volume of material they import? Is this importation of green waste a possible income stream for RecyCoal by the creation of a waste disposal site disguised as soil making materials?
- RecyCoal have underestimated the amount of restoration work and materials that are required and have failed to demonstrate that they can restore the site for amenity and community use – this inability to quantify

future site requirements could lead to them completing the extractive process and then walking away from the site and leaving it in a much worse condition than at present. Their 'do-nothing' scenario, which they claim cannot be allowed to happen, would actually be the preferred option;

- If permission is granted, local residents directly affected should be allowed input into the operation of the country park and a liaison officer is needed;
- The plans do not guarantee long lasting benefits.

#### Objections relating to traffic:

- The scheme will not doubt result in restrictions on Smithy Wood Road and Cowley Hill, which car sharers use for parking. They may try to use the St Paul's site but this will impact on car sharers who are trying to reduce carbon emissions;
- The on-site parking for 30 cars does not seem to allow for delivery or visitors to the site;
- Plans need to be made for the knock-on impact of closing well-used parking areas such that the parking arrangements are inadequate;
- The documentation provides assurances that heavy and mobile plant will only use the M1 and Cowley Hill but other traffic may access the site through Chapelton and along Cowley Lane but Cowley Lane is already busy and residential and road surfaces through the village would experience greater wear and tear;
- Road spillage from Smith Wood development caused punctures and spillage from lorries onto the M1 could cause further punctures;
- Accidents not involving injury do not get reported so the low number of accidents is misleading;
- The ES is incorrect at paragraph 15.3.10 – there are frequent tailbacks of vehicles from Cowley Lane up Cowley Hill at peak rush hour;
- Concern about the way the numbers of heavy trucks are represented as the ES states 1 truck every 20-30 minutes is low frequency but the method of counting of return trips as 1 trip minimises the apparent level of traffic. The true level will therefore be a total of 6 trucks per hour (3 in and 3 out) – another document states 27 trucks a day so the objector does not understand how the figures are calculated if the site is operational for 12 hours a day – another example of how the company is presenting a misleading image of the negative impacts of their operations;
- Two to three ton lorries leaving the site and the same number returning will cause traffic congestion on Cowley Hill, especially at peak times and when the lorries are trying to turn right into Smithy Wood Road;

- There must be no site access off Station Road;
- Cowley Hill is a main trunk road and heavy goods vehicles entering the site would cause a major road safety issue, especially in the winter months when visibility from the site access road to and from the motorway would be restricted;
- This is not the kind of road that one should even consider in terms of providing access as it has an extremely off-camber and a 30 tonne lorry in this situation is not a good idea. The roads at White lane and Coppice Rise are quite narrow throughout. Please do not consider using Coppice Rise as a thoroughfare?
- The increase in vehicles will raise the risk of accidents.

Objections relating to economic impact:

- The creation of 35 employees is much overstated as RecyCoal will inevitably bring in fully employed skilled workers and the only local staff will be to fill unskilled positions;
- No local jobs will be created as RecyCoal have admitted they will be redeploying staff;
- Terminology for local employment opportunities is confusing and appears to suggest long-term employment when it will only be short term and not permanent;
- No information to say what range of jobs will be offered for local people?
- The majority of people working on the development will not be spending their earnings locally but there will be costs on the NHS and Sheffield City Council, who cannot afford to look after Chapeltown Park and Swimming Baths.

Objections relating to Heritage:

- Cowley Manor and Cowley Manor Farm Barn are listed and are 280 metres from the site – objector would question the assumptions that the operations will not negatively impact on these Listed properties;
- The birch scrubland at the top of the current spoil heap is visible from the Listed property at Cowley Manor such that the setting will be affected - also be impacted by noise and dust.
- Increase in traffic on Cowley Hill and Cowley Lane may affect the structure and fabric of the house from vibration and traffic grime.

Objections relating to land ownership:

- RecyCoal has said that they will only guarantee ownership for 5 years – what happens then? Can the Council guarantee that this site will continue as Woodland/nature Park for public use or might it be sold at a later date and put to another use?
- Chapeltown may gain a park for 5 years but the land will no doubt then be sold off to developers;
- Resident seeks guarantees that the area will be used solely as a country park or freely accessible public open space and that public rights of way will be agreed through normal processes and none of the land will be sold for development;
- An insurance bond was mentioned to guarantee completion of the reclamation and restoration of the site should RecyCoal encounter any difficulties, which should be secured, as well as compensation for local residents.

Objections relating to timescales:

- There should be penalties if the operation takes more than three years;
- The ES states at Table 4.9 that the restoration will last three years, which conflicts with the 6 months stated in the Appendix 7.6 (Restoration Overview), which says 6 months – which is correct?
- What guarantees are there that full restoration will be completed and in what timescale?

Objections relating to consultation:

- The resident was unaware of the proposal until it was mentioned in election literature in May – they have received no leaflets, unlike others on the Cowley Estate and therefore do not agree with the applicant's claim to have carried out adequate community consultation;
- Information in the wider area has been nil even though there will be a big impact, which the objector questions as underhand;
- Councillor Wilson suggested the Council only knew about the plan in April but RecyCoal advises that they had been speaking to the Council for 18 months and the Parish Council knew in November 2011 so the last people to know were the residents affected by it;
- The resident considers that there has not been effective communication in relation to this site and the resident has not had the opportunity to get full facts to inform their comments;

- The whole project seems to be pushed ahead – the resident considers that it was 18 months in the planning yet residents were only consulted in May;

There was only one exhibition on one day when many people were working. Furthermore, only people on the estate were informed of the exhibition – the objector believes that communication was the bare minimum and much better communication is required before a final decision is made;

Paces Community Campus consider that the consultation process was poor – poorly timed as it started in the summer holidays and not effective in engaging local people. They consider that the residents most affected were advised very late in the process when the applicant had already had many discussions with the local community, which has resulted in residents not having enough time to gather as much evidence as is potentially available.

Objections in relation to general issues:

- Impact on house prices; (Note: this is not a material planning consideration).
- Concerns from a resident that the Scouting Association have not taken into account the potential risk to children from contamination, noise and dust;
- The siting of the water treatment works is likely to have implications for insurance costs for nearby residents on the Estate;
- In the 1980s, a similar proposal was turned down and since then the Hesley Wood Spoil Heap has matured into an urban nature reserve and should be left as it is so that residents can live in peace;
- The whole project seems to have pushed ahead – 18 months in the planning and residents were only consulted in May;
- It seems a crime that the potential of any decrease in value to property cannot be considered since it is a crime for one person to take something from another so to allow an organisation to carry at work that will without doubt decrease the value of their homes, should not be allowed to happen;
- The map in Extraction of Coal (Figure 7.5) shows that most of the coal is in the uppermost area of the spoil heap – this is mostly above the regenerated woodland. Has any consideration been given to reclaiming coal at this top area only? If not – why not and why has this option not been presented to residents?
- A resident of Hesley Bar already has a large crack on one side of the property, which cost a significant amount to repair so there is the concern about the proposed development on properties;
- Sheffield should be supporting alternative cleaner sustainable energy sources and not out-dated hazardous ones like this;

- RecyCoal has only been in existence for two years since a management buyout and has no completed scheme in their portfolio so is it possible for them to deliver what they have promised?
- The noise will scare the dogs at Hesley Wood Boarding Kennels, which is a new business venture for the objector that will be jeopardised by the development;
- What will happen to the timber that is felled – will it be sold to make money?
- What happened to the £1Million grant from the National Regeneration Agency Partnership for the construction of a wildlife park on the site?
- The ES confirms that residents facing the west slope of the tip will be substantially adversely affected during the site operations and receive the most adverse visual impact and the lowest benefit on completion. Such residents will be unable to move as no one will want to buy their property;
- How much concrete will be imported into the site for foundations and will this be buried afterwards;
- Loss of Green Belt is unacceptable;
- Is RecyCoal's remit only to remove and recycle the tip or is the excavation of new surface coal seams on the agenda?
- Local residents should be given notice of start and finish dates to allow them to prepare;
- Why do RecyCoal need to include a 3 metre wide track linking Smithy Wood Road to Coppice Rise? Is this the preparation for future residential development?
- Concern about death from drowning at the planned water run-off lake. There are young families in Coppice Rise and it would not take much for this to occur. A second resident queries how they will make these safe;
- One resident makes reference to the Aberfan disaster in South Wales, which was caused by water under a coal spoil heap;
- The friends of Chapelton Park have recently installed a wonderful playground to encourage health and activity and the tip removal will endanger many of the local children;
- This application is about a company wanting to make a profit and not about the long term future of the site – the resident asks that the Council refuse the application so they can 'enjoy in peace [their] remaining few years';
- Helsey Wood is presently enjoyed by elderly people and to allow the destruction of the area will not only destroy the abundance of wildlife but will

deny many local people enjoyment of the beautiful landscape – similar projects elsewhere have resulted in areas that are featureless, devoid of wildlife and no longer used by those living around;

- The resident objects very strongly to the development and has attached a BBC report entitled 'Life in the Shadow of a Coal Mine' that relates to the Ffos-y-Ffan open cast mine in South Wales and details the health concerns of residents who live in close proximity to the site;
- The proposal should be turned down and any future proposals should be a minimum of 500 metres from any residential or publicly used property;
- The development is so close to residents and one resident points out that the back of her house at 46 Glenwood Crescent is 8 metres to the boundary of the railway cutting, which she considers to be unacceptably close;
- Open Water Dredging UK who operates from 4 Park Square has raised concerns as to the impact on the business as well as the impact on individuals. They are concerned about the impact on the health of employees and also about additional noise and traffic.
- Paces Community Campus have written to raise general concerns about negative health impacts from noise and dust and questions the impact on the economy and whether the ecological surveys are sufficiently up-to-date.
- What is to stop this company wanting to extend the period after 3 years?
- What compensation is being considered for the people living on the Cowley Estate? (Note: this is not a material planning consideration).
- What will happen to the foundations of houses as a result of vibrations caused by heavy machinery on the site? Bell pits are known to be on the site and could have an impact on the land and foundations?
- The claims that the application includes a track for the Trans Pennine Trail now appear to be in some doubt as it was recently stated by Sustrans that it would not be ready until 2018;
- Some other claims made in the Sustainability Appraisal (e.g. number of local jobs) appear to be flawed. RecyCoal admitted at a meeting that only up to 10 jobs will be local and these are the lower paid jobs – it also admits that the majority of the area is in the 51-80% band of the IMD (Least deprived). The cumulative effects of the development will have long term effects on the community;
- Presto Tools, who occupy a unit on the Thorncliffe Park Estate, have raised concerns about the negative impact of the project on the area as well as putting their employees health at risk from the pollution created.



Sheffield Friends of the Earth have objected to the development on the following grounds:

It is opposed to Section 10 of the NPPF, which states that because of climate change, coal has no role to play in a low carbon energy future and in Paragraph 93 that Planning's role should be in helping to secure radical reductions in greenhouse gas emissions, which they consider will not be achieved by using the coal from this spoil heap as a fuel. Friends of the Earth consider that keeping the carbon locked in will mean that it will not contribute to climate change. Whilst welcoming RecyCoal's efforts to restore the site and preserve Ancient Woodland, safeguards need to be in place to ensure that there is no long-term detrimental effect on the environment. A surety to complete restoration work is needed in cases the process becomes uneconomic and insufficient funds are available for the final stages. Chapeltown will be left with an eyesore if the restoration work is not completed at the end of the project.

A Professor of Paediatric Respiratory Medicine at Sheffield Children's Hospital has written to advise that he is concerned about the extraction of coal and toxins in the Chapeltown area as he is currently looking after a young lady with severe asthma and whose house is less than 50 metres from the proposed development. The Professor considers that the high levels of dust and potential toxins will be seriously detrimental to her respiratory health and he is surprised that the application is even being considered. A similar letter has been received from Professor Whyte with reference to the same patient.

The Director of Public Health of NHS Sheffield has provided the following response:

This application presents a number of potential negative and positive health impacts and NHS Sheffield are writing to reinforce the need to consider these and their impact on the local population in the decision making process.

NHS Sheffield acknowledge that the phase of extracting coal may cause potential health impacts on the local population through noise, air pollution and the impact of traffic movements. The documents submitted by the applicant aim to outline the mitigation measures that will be taken and the NHS urge that if the Planning Authority agree to this planning application that the Council ensure that the assessments are accurate and that all steps are taken to minimise the impact of noise, poor air quality and traffic movements.

NHS Sheffield note that if the planning application were granted, a positive impact could be the opportunity for employment on the site and they would encourage that if planning permission is granted, the Council request that the developer aim to recruit from the local community.

NHS Sheffield also note that if the planning application were granted they recognise the opportunity for increased public amenity green space to be made available and they ask that the Council reassure ourselves that this action of the developer would be fully implemented so that the local community could use this facility for physical activity, play and leisure. NHS Sheffield advises that they are

consultees in the Environmental Permit application so that if permission is granted, they will also comment at this time.

Angela Smith MP has written to express concern on behalf of her constituents in relation to the following:

- Appearance of the site, as residents consider the site should be left untouched;
- Flooding – the application site holds a significant volume of water resulting in a delay of transfer of water to nearby housing areas and a resultant reduction in the extent of flooding during heavy rainfall. She also understands that it is proposed that a large settlement tank is to be constructed and there is a concern that this may impact upon the likelihood of flooding. It is therefore imperative that there is no negative impact on the neighbourhood in terms of the effectiveness of the local water management system;
- Noise – Angela Smith understands that if approved, work to reclaim the coal and re-landscape the site will take place over a significant length of time; it is therefore important that proper controls are put in place to protect the quality of life of local people and that these controls should be based on accurate noise reports;
- Transport – a suitable assessment must be provided with regard to the extent to which vehicles would be displaced during the development of the site. It is also asked that the assessment include an estimate of the increase in traffic flow and, if necessary, arrangements made to monitor compliance with restrictions on hours of operation;
- Pollution – many residents have expressed concern with regard to contaminants and particulates. Angela Smith would ask that the Council obtains a comprehensive and current environmental health assessment to ensure that any disturbed material does not expel hazardous particles into the air or leak water soluble contaminants into the drainage system. If the relevant reports indicate concerns then approval should not be recommended;
- Constituents contend that the RecyCoal proposals for the testing and monitoring of particulates are not adequate as the equipment cannot detect particles smaller than 75 microns (PM10). Angela Smith also understands that there is a wheel wash facility and constituents express concern that this has not been the subject of an ES assessment. Angela Smith asks whether the Council have given consideration to a foam based process as opposed to the water based process, which she understands is used in the USA alongside advanced monitoring techniques;
- Constituents have expressed concern about proximity to housing, which is as close as 44 metres. Consideration needs to be given as to whether it is reasonable to recommend approval given this proximity;

- It is understood that there are currently no plans to introduce additional soil to the site as part of the development and Angela Smith would ask that if the proposal were approved, an appropriate quality and composition of soil is bought on to assist with re-greening the area;
- It is understood that some of the wildlife reports submitted with the application are out or were completed at a time of year that gave unrepresentative impressions of bio-diversity. It is also understood that the ecological reports submitted in support of the Renaissance South Yorkshire application in 2007 seemed to give a different impression of the habitat. Both the constituents and Angela Smith would expect the Council to use its own ecological expertise to make an accurate assessment of the site.

Local Councillor Steve Wilson has also written to on behalf of a number of his constituents who have contacted him to express their concerns about this application and he highlights the following points:

(i) Appearance of site: many residents in the area consider that site around the former Hesley Wood Colliery spoil has, over the last 40 years part naturally regenerated and is now viewed as part of the 'natural landscape' of Chapelton. They consider the plans contained within this application will be very destructive to that appearance;

(ii) Noise: a major concern amongst residents, especially in the immediate vicinity is the issue of noise and the fact that the work to reclaim coal and re-landscape the site would take place over a significant length of time. Councillor Wilson considers it important that before any permission is granted proper controls are put in place to control noise levels, which may include not allowing extraction close to houses and tight controls on hours worked when near the nearby properties;

(iii) Flooding: Councillor Wilson has been informed that the site in question understand can hold a significant volume of water, resulting in a delay of transfer of water to nearby housing areas and a resultant reduction in the extent of flooding during heavy rainfall. There is a fear that the changes being proposed could affect this putting at risk residential areas to flooding. He also understands that a large settlement tank is proposed to be constructed and local people have expressed concern that this may have an impact upon the likelihood of flooding. Accordingly, Council Wilson advises that it is imperative therefore that a recommendation for approval should only be made if the relevant experts are satisfied that there will be no negative impact on the neighbourhood in terms of the effectiveness of the local water management system.

(iv) Pollution: Councillor Wilson notes that a major concern of residents both within the vicinity and further afield is the level of possible air pollution, with particular regard to contaminants and particulates which may be released as part of the processing of the site. He therefore ask that the planning authority obtains a comprehensive and current environmental health

assessment and is fully content that any disturbed material does not expel hazardous particles into the air or leak water-soluble contaminants into the drainage system. He also advises that constituents in the vicinity would like to see the testing and monitoring of particulates throughout the process of removal of coal and this equipment should be able to detect particles smaller than 75 microns (PM10). Councillor Wilson asks whether it would it not be better if the planning authority considered insisting upon the use of a foam-based process, as opposed to the proposed water-based procedure for washing coal; his understanding is that such techniques are used in the USA alongside advanced monitoring techniques, and are able to bind and trap the hazardous PM1 and PM2.5 particles.

(v) Councillor Wilson advises that he has been informed that there is a proposed wheel-wash facility to prevent contaminants leaving the site on vehicles; however his constituents have expressed a concern that there has not been an environmental impact assessment of such a facility and he considers that one should be carried out.

(vi) Highways – Councillor Wilson asks that prior to making a decision on this application, a suitable assessment is provided with regard to the extent to which vehicles would be displaced during the development of the site. This assessment includes an estimate of the increase in traffic flow and, if necessary, arrangements made to monitor compliance with restrictions on hours of operation;

(vii) Proximity to housing - another major concern amongst local residents is the proximity of the proposed works to housing and Councillor Wilson understands that this may be as close as 44m away from residential gardens. Accordingly, Councillor Wilson advises that his constituents firmly believe that because of this closeness, consideration needs to be given to whether or not it is reasonable to recommend approval. Alternatively, if approval is recommended, consideration could be given to limiting development to certain areas and not extending the operation closer to properties unless there is a good reason for doing so and evidence is provided that local people will not be adversely affected;

(viii) Councillor Wilson understands that there are currently no plans to introduce additional soil to the site as part of the redevelopment and he asks that if the proposal were to be approved, an appropriate quantity and composition of soil is brought on site to assist with the re-greening of the area;

(ix) With regard to ecology, Councillor Wilson understands that some of the wildlife reports submitted with the application are out of date or were completed at a time of year which gave unrepresentative impressions of the biodiversity on site. He also understands that the ecological report submitted in support of the Renaissance South Yorkshire application in 2007 seemed to give a different impression of the habitat to that which was submitted in support of the RecyCoal application. His constituents expect

that the planning authority to use its own ecological expertise to make an accurate assessment of the site.

Finally, Councillor Wilson asks that the Planning and Highway Committee satisfy itself that these points have been adequately addressed by the applicants before granting approval to the proposed development. In the absence of a full range of satisfactory reports and/or any necessary amendments as required by relevant experts, then of course the application should not be given the green light.

The Sheffield Wildlife Trust have advise that in light of the ecology report and in response to concerns that some surveys were not carried out at the optimum time of year, they would recommend a winter bird survey is carried out and a winter badger survey. They also recommend a phased approach to the works to enable invertebrates to survive on patches of suitable habitat. They also recommend a late Spring/early summer entomology survey to confirm the best areas of the site for invertebrates. They recommend that the City's Ecologist is consulted about whether repeat surveys/checks are necessary prior to works commencing.

A letter has been received from Godfrey Bloom MEP who advises that he has been asked to visit the site by euro-constituents who are concerned about their rights under ECHR Section Protocol 1, Article 1 ECHR 2001. Also, first rule Sporong and Lonroth v Sweden Judgement of 23rd September 1982 Series A No.52. Mr Bloom advises that prima facie it would appear that there is a potential case to be taken into consideration based on material provided by Dr van Steenis on the health implications. There are the added potential implications of the lake residue being at sea level higher than the villages. Mr Bloom advises that he might be duty bound to support their procedure in a European Court though his observations are made without prejudice.

For Members information, Protocol 1 Art.1 of the European Convention on Human Rights provides:

(1) Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

(2) The preceding provisions shall not, however, in any way impair the right of a state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

The European Court of Human Rights has indicated that this Article contains three distinct rules of which two are highlighted by Mr Bloom: ((1) Sporong (2) Lonroth v Sweden (1982) 5 EHRR 85)):

The general principle of peaceful enjoyment of property (first sentence of the first paragraph);

The rule that any deprivation of possessions should be subject to certain conditions (second sentence, first paragraph);

It is understood that most of the disputes in Article 1 Protocol 1 claims turn on the test of proportionality since the right to enjoyment of property is subject to many provisos and exceptions “in the public interest” (Source: <http://ukhumanrightsblog.com/incorporated-rights/articles-index/protocol-1-article-1/>)

Finally, Rotherham Metropolitan Borough Council has written to advise that they have no objections to the proposals. However, they would like to make Sheffield City Council aware of the air quality management area along the A629 Upper Wortley Road and access for HGV’s along this road should be discouraged.

It is also advised that the application submission includes details of a Public Exhibition held at Hesley Wood Scout Activity Centre on Tuesday 22nd May between 12pm and 7pm. The application states that the Exhibition attracted over 100 people with 47 submitted response cards. Of these 47, in response to the aspect of the proposal that represented the greatest benefit, 32 considered it to be the restoration of the spoil heap, 21 the access to the site following restoration, 7 the local jobs, and 3 the investment in the local economy. In terms of the areas of concern, 26 were concerned about noise/dust, 13 about ecology, 9 about transport, 5 about the visual landscape impact and 1 raising other issues.

## PLANNING ASSESSMENT

This is an application for coal recovery and restoration to recover 395,000 tonnes of coal from the Hesley Wood Spoil tip over a three-year washing period (plus setup and removal of wash plant) and to then re-landscape the site for public access in the following six months. The application clarifies that this is not a proposal for open cast mining and the coal recovery process differs from open cast mining in that it is a ‘wet process’.

The main issues to consider in the determination of this application include the following:

- (i) Principle of development;
- (ii) Dust and Air Quality
- (iii) Noise
- (iv) Visual Impact
- (v) Landscape and Ecology
- (vi) Transport
- (vii) Flood Risk and Drainage

The Council is also required to considered representations received as a result of the public consultation exercise.

Principle of development

With regard to National Planning Policy, the National Planning Policy Framework (NPPF) was published on 27th March 2012.

Paragraph 11 of the NPPF confirms that Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At Paragraph 12, it is confirmed that the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision-making. It states that 'proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise'. Accordingly the National Planning Policy Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

Paragraph 14 of the NPPF clarifies that at the heart of the document is a presumption in favour of sustainable development, which, for decision-making, means approving development proposals that accord with the development plan without delay. Paragraph 6 of the NPPF states that the Government's view as to what constitutes sustainable development is set out in Paragraphs 18-219 of the NPPF (i.e. taken as a whole) but has economic, social and environmental dimensions. With regard to the economic role, it relates to contributing to a strong, responsive and competitive economy by ensuring that 'sufficient land of the right type is available in the right places and at the right times to support growth'. The social role relates to the need to support 'strong, vibrant and healthy communities by providing the supply of housing to meet the needs of present and future generations and by creating a high quality environment with access to local services'. Finally, the environmental role is to protect and enhance the natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and mitigate and adapt to climate change, including moving to a local carbon economy.

The application site relates to an area of approximately 50 hectares, which is primarily on the site of the former Hesley Wood Spoil Heap. Within the Adopted Unitary Development Plan Proposals Map, which forms the most up-to-date proposals map at the present time, the application site is designated as Green Belt.

The NPPF confirms at Paragraph 79 that the Government attaches great importance to the Green Belt and confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It also confirms that the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 of the NPPF clarifies that Green Belt serves five purposes:

- (i) To check the unrestricted sprawl of large built-up areas;
- (ii) To prevent neighbouring towns merging into one another;
- (iii) To assist in safeguarding the countryside from encroachment;
- (iv) To preserve the setting and special character of historic towns; and
- (v) To assist in urban regeneration, by encouraging the recycling of derelict

and other urban land.

Paragraph 87 of the NPPF advises that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 then advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. It states that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

In general, new buildings are deemed to be inappropriate within the Green Belt but Paragraph 90 of the NPPF clarifies that certain other forms of development are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt; these exceptions include mineral extraction and engineering operations.

Within the Unitary Development Plan, which remains part of the Development Plan Documents, Policy GE1 of the UDP relates to development in the Green Belt and advises that in the Green Belt, development will not be permitted, except in very special circumstances, where it would:

- a. Lead to unrestricted growth of the built-up area; or
- b. Contribute towards merging of existing settlements; or
- c. Lead to encroachment of urban development into the countryside; or
- d. Compromise urban regeneration.

The justification for the policy advises that the use of land in Green Belts has a positive role to play in preserving areas of open land extending into the urban areas, which have existing or potential recreational value. It is also intended to preserve easy access to open countryside for outdoor recreation.

Policy GE2 of the UDP relates to the protection and improvement of the Green Belt and states that in the Green Belt, measures will be taken to:

- a. Maintain and enhance those areas with a generally high landscape value; and
- b. Improve poor landscapes in priority areas.

The justification for this policy is that much of the Green Belt looks very attractive and should be protected and enhanced. However, the UDP acknowledges that there are certain areas where the landscape is spoilt by land dereliction, waste disposal, river pollution and fly tipping. Policy GE2 is therefore proposing that priority is given to those areas.

Policy GE3 of the UDP relates specifically to new building in the Green Belt; no permanent buildings are proposed within this application and it is therefore not considered relevant to this application.



Finally, Policy GE4 of the UDP advises more generally on development and the Green Belt environment and states that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. The justification to this Policy makes it clear that the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt.

In assessing this proposal, there are two elements to the development; the recovery of coal and the subsequent restoration and landscaping of the site. The first is temporary in nature, extending to a period of approximately 3.5 years with the restoration and formal landscaping of the site for public access comprising the long-term outcome.

With regard to the former, it is acknowledged that the principle of mineral extraction and engineering operations can be considered as an exception to inappropriate development within the Green Belt in principle, in accordance with Paragraph 90 of the NPPF such that it can conversely be acceptable in principle provided that it does not conflict with the purposes of including land within the Green Belt. In this case, it is concluded that the proposal does not conflict with the main functions of the Green Belt, which are set out both within the NPPF and Policy GE1 of the UDP for the reasons set out below:

It is determined that the proposed development will not lead to unrestricted growth of built up areas on the grounds that whilst the coal recovery will have some visual impact on the Green Belt environment in the short-term, the long-term proposal of landscaping and public access is wholly consistent with the function of the Green Belt to protect urban sprawl and to remain as open land that is not developed. The land will retain its designation as Green Belt such that it will continue to safeguard the countryside from urban development and urban encroachment and will ensure that the neighbouring urban areas of Sheffield and Rotherham do not merge into one another. The recovery of coal in the short term will not detract from the long term function of this site as Green Belt and open space. It is therefore consistent with the objectives of the NPPF and Policy GE1 of the UDP.

With regard to Policy GE2 of the UDP, which relates to the protection and improvement of the Green Belt and states that in the Green Belt, measures will be taken to maintain and enhance those areas with a generally high landscape value and improve poor landscapes in priority areas. In this case, the application site clearly comprises a former Spoil Heap and whilst it is acknowledged that there have been significant areas of self-seeding there are still areas of bare ground such that the area is not deemed to be one of high landscape value albeit that it clearly has a visual amenity value at present to the local community. Beyond the short-term impact of the coal recovery, the long-term restoration of the site will deliver a newly landscaped site comprising re-contoured land and new woodland and planting to replace those trees lost as a result of the development and new footpaths with public access, which is an asset from which the community do not currently benefit. Whilst taking some time to mature, this will improve the poor landscape quality of the Green Belt in this location such that the application is considered to accord to the principles of Policy GE2.

With reference to Policy GE4 of the UDP, it is again necessary to consider the two aspects of this proposal – the initial coal recovery process and the subsequent site restoration. Whilst the coal recovery itself will have some impact on the landscape and it is not strictly in keeping with the area, the NPPF acknowledges that mineral extraction can be acceptable within the Green Belt and it is clearly a temporary activity with the long-term and resultant plan being the restoration of the site to a re-landscaped and re-contoured site with public access. The latter is clearly in keeping with the area and will, in the long-term, enhance the landscape and natural environment with new planting that will eliminate the areas of bare ground that presently exist. The provision of public access should also conserve the site and its function as a public asset for the community. Once re-landscaped and taking a longer term view, the Green Belt in this location will not be injured by the proposed development and it is therefore considered to accord with the objectives of Policy GE4.

In summary, with regard to the principle of coal recovery and restoration in relation to the designation of the site as Green Belt, it is concluded that the coal recovery process is a temporary impact on the Green Belt and the NPPF acknowledges in any event that certain forms of development, including mineral extraction and engineering operations, are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. In this case, the recovery of the coal will then enable the restoration and re-landscaping of the site, which will preserve the openness of the Green Belt. Furthermore, the provision of public access will enhance its function as Green Belt and protect its role for the future as a means to prevent urban sprawl or the merging of settlements. On the basis of the above, it is concluded that the principle of mineral extraction and engineering operations is not contrary to the NPPF and the restoration of the site will meet the objectives for Green Belt land and will preserve its future function and status as Green Belt. The proposal is therefore in accordance with the NPPF and Policies GE1-GE4 of the UDP.

A further matter in respect of the principle of development is the principle of coal recovery itself.

It is noted that a number of representations make reference to the viability of the coal recovery project in that it will recover only 395,000 tonnes of coal. The objectors have submitted a range of calculations as to how long the coal produced on this site would allow a power station to run for ranging from an estimate of 13 days to 22 days to 120 days with other representations suggesting that the actual contribution of this development to UK coal supplies would be 0.31% and the actual annual contribution from the Hesley wood scheme would be 0.082% of coal imported for power producer usage such that, in their view, Hesley Wood is not significant and does not give a justifiable reason to claim it meets the requirements of the National Energy Policy or for the residents to experience such disruption for such a minimal return.

In response to these representations, the applicant advises that it is difficult to put an accurate figure on the length of time that the amount of coal to be extracted from Hesley Wood would 'feed' a power station due to a number of factors

including which power station (size) and time of year etc. They also consider that such an assessment is not relevant and it is not used anywhere as a basis for the production of coal. Within the application submission, the applicant makes reference to the need for coal, which according to their figures, accounted in 2010 (the latest year in which statistics are available) for 108 TWh (Tera Watt hours) of the total UK electricity generation of 381 TWh, or 28.3%. The application also highlights that in 2010, 39% (16 million tonnes) of coal consumed by major power producers was from imports (steam coal) with 37% (9.75 million tonnes) imported from Russia and another 54% (14.2 million tonnes) from Colombia, USA and Australia. In this regard, the applicant has submitted a comparison between the modes of transport and CO<sub>2</sub> emissions from a typical journey of imported coal to a UK power station, as against the transport of coal from Hesley Wood to Eggborough Power Station. This indicates that the distance from the Kuznetsk Region of Russia to Drax Power Station in Hull is a total distance of 7,100 miles, with a total gCO<sub>2</sub> per Tonne output of 133,075 gCO<sub>2</sub> per tonne. In comparison, the distance between Hesley Wood and Eggborough Power Station is 64 miles with a gCO<sub>2</sub> per tonne of 88.5 creating a total of 5664 gCO<sub>2</sub> per tonne, which is clearly significantly lower than Importing from Russia. The appellant therefore argues that the proposed development would contribute 395,000 tonnes to UK coal supplies used in coal-fired power stations, directly offsetting the use of comparable imports from overseas such that the proposed Hesley Wood scheme represents a more sustainable source of coal. Finally, the applicant also makes reference to the Energy White Paper, 'Planning our electric future' published in July 2011 with a primary purpose to stimulate investment to meet the future challenges of ensuring secure, low carbon and affordable electricity. The application states that the Paper aims to put the UK on track to meet its 80% carbon reduction target by 2050 from a 1990 baseline and states that 'coal and gas fired plants will continue to play an important role as the UK makes the transition to a low carbon economy'. It is also noted that the most recent Annual Energy Statement published by the Government in November 2012 also confirms that coal still an important part of the electricity mix and in 2011 accounted for 30% of overall electricity generated although it does acknowledge that coal is more carbon intensive than other forms of fossil generation such that the UK cannot sustain investment in new unabated coal plants if it is to meet its decarbonisation objectives.

Whilst acknowledging the concerns of local residents and also acknowledging the applicant's response, in determining this application, it is advised that there is no formal requirement within planning policy for the applicant to demonstrate a need for coal. It is also considered that the viability of the project in its entirety is not a planning issue per se but it is rather a matter for the applicant to determine whether it is viable to recover the coal to enable the restoration of the site. As such, in determining the proposal it is appropriate to primarily have regard to guidance within the most up-to-date planning document; the NPPF and particularly the presumption in favour of sustainable development and the three dimensions of sustainable development noted within the NPPF, which includes the economic, social and environment role, the latter including the prudent use of natural resources minimising waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. The issue of pollution is considered further in the report below but with regard to the role of coal and moving to a low carbon economy, the following is noted:

The NPPF both acknowledges that Planning has a key role to play in providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and a low carbon future whilst also facilitating the sustainable use of minerals and materials. Paragraph 18 of the NPPF notes that 'The Government is committed to [...] meeting the twin challenges of global competition and of a low carbon future' whilst Paragraph 19 confirms that 'the planning system does everything it can to support sustainable economic growth'. In terms of meeting the challenge of climate change, Paragraph 93 at Section 10 of the NPPF confirms that:

'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure'

Section 10 also clarifies that to support the move to a low carbon future, local planning authorities should plan for new development in locations and ways that reduce greenhouse gas emissions, actively support energy efficiency improvements to existing buildings and consider the local requirement for building's sustainability in a way that is consistent with the Government's zero carbon policy. It states that local planning authorities should have a positive strategy to promoting energy from renewable and low carbon sources in the context of recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources to increase the use and supply of renewable and low carbon energy.

However, the NPPF also addresses the issue of the sustainable use of materials and acknowledges at Paragraph 142 that 'minerals are essential to support sustainable economic growth and our quality of life'. In particular, Paragraph 144 of the NPPF advises that when determining planning applications, local planning authorities should (as relevant to this application):

- (i) Give great weight to the benefits of the mineral extraction, including to the economy;
- (ii) Ensure that in granting planning permission for mineral development, there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- (iii) Ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- (iv) Provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;

With specific regard to coal, Paragraph 149 of the NPPF also confirms that 'Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission'.

The supporting 'Technical Guidance to the National Planning Policy Framework' published in March 2012 acknowledges at Paragraph 20 that residents living close to mineral workings may be exposed to a number of environmental effects and particular care should be taken in respect of any conditions they attach to a grant of permission for working in proximity to communities. It advises that a programme of work should be agreed which takes account, as far as is practicable, of the potential impacts on the local community over the expected duration of operations. At Paragraph 22, the Guidance acknowledges that in some circumstances, new or extended permissions for minerals extraction close to residential property may not provide adequate protection. In such cases, it may be justified to consider adequate separation distances. Any such distance should be effective but reasonable, taking into account:

- (i) The nature of the mineral extraction activity (including its duration);
- (ii) The need to avoid undue sterilisation of mineral resources, location and topography;
- (iii) The characteristics of the various environmental effects likely to arise; and
- (iv) The various amelioration measures that can be applied.

It also states that 'working in proximity to residential property may be necessary where there are clear, specific achievable objectives such as the removal of instability and preparing land for subsequent development. Such working should be for a limited and specified period, without scope for extension'.

The environmental impacts of the development are assessed in detail in the report below but with regard to the principle of development, it is considered that the NPPF does not preclude the extraction of coal where the impact can be mitigated and it is environmentally acceptable or where it provides local or community benefits that outweigh the likely impacts. Furthermore, it is also the case that even though the transition to a low carbon economy is clearly encouraged within the NPPF, there is recognition of the need for mineral extraction at the present time and there is no lower limit on the size of site from which minerals can be extracted. In this case, it must also be acknowledged that this application seeks the recovery of coal and the subsequent restoration and landscaping of the site to provide a publicly accessible area of green open space; it is likely that such restoration could not occur in isolation and the resultant landscaped site, which it will take time to mature, will provide public access that is not available at present and on these grounds, could be considered to be of benefit to the local residents and the wider community of Chapeltown. On the basis of the above, it is concluded that the principle of coal recovery from the site is not precluded by guidance within the NPPF such that the proposal cannot be considered contrary to it as long as the proposal is environmentally acceptable and there are no unacceptable adverse

impacts on the natural and historic environment or on human health, which is assessed fully in the report below.

Overall, the principle of coal recovery and the restoration of the site for green space accessible to the public, which will remain within the Green Belt and continue to serve the Green Belt is not deemed contrary to current government guidance such that the proposal is considered to accord with up-to-date planning guidance within the NPPF and the UDP and is therefore acceptable in principle.

#### Dust and Air Quality

The application is supported by a full Environmental Impact Assessment, which includes an air quality assessment for the works with specific regard to the potential for nuisance dust emissions resulting from onsite operations. The ES also provides information on the existing baseline conditions in the vicinity of the site and it outlines preventative and mitigation measures which may be used in order to minimise any potential adverse impacts and risk associated with onsite operations. The assessment then considers whether adverse dust impacts are likely to arise and identifies the level of significance of these impacts. It is noted that the assessment does not include an analysis of the potential impacts of road traffic emissions on the air quality of the area around the site on the grounds that the Council's trigger for the requirement of an Air Quality Assessment of road traffic emissions for a use such as coal recovery is 60 vehicles per hour and the proposed development anticipates a level of traffic of 54 HGV movements per day (27 lorries arriving and leaving the site). However, the submitted assessment does relate to the potential for dust generated by the activity of coal recovery; this is a primary concern for local residents with particular regard to small particulate matter.

The planning policy context is established in both National and Local Planning Policy. Within the NPPF, Paragraph 124 advises that:

'Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan'.

The Technical Guidance to the NPPF makes it clear that unavoidable dust emissions are controlled, mitigated or removed at source and sets out the appropriate process for a Dust Assessment, to which the ES submission makes reference. The Guidance identifies residential properties and schools to be of medium sensitivity when assessing dust with hospitals and high tech industries listed as examples of high sensitivity sites. It also states that additional measures to control PM<sub>10</sub> (Particles that are less than or equal to (= ) 10 µm in diameter) might be necessary if, within a site, the actual source of emission (e.g. the haul roads, crushers, stockpiles etc.) is within 1,000m of any residential property or other sensitive use although it acknowledges that this may vary according to local circumstances.

Within the UDP, Policy GE23: Air Pollution determines that development will be permitted where it would not locate sensitive uses (which includes residential) where they would be adversely affected by sources of air pollution. In addition, Policy CS66 of the SDF Core Strategy, which is more up-to-date, advises that action to protect air quality will be taken in all areas of the City and further action will be taken across the built-up area, and particularly where residents in road corridors with high levels of traffic are directly exposed to levels of pollution above national targets. In this context it is relevant to note that air quality in Sheffield meets all but one of the Government's targets; at various locations across the city, nitrogen dioxide (NO<sub>2</sub>) is above the UK annual average objective of 40 µg<sub>m</sub><sup>-3</sup> such that the whole of the urban area of Sheffield is an Air Quality Management Area.

The submitted ES provides the following assessment in relation to dust and air quality:

With regard to the baseline situation, the ES notes that the site is located in a semi-rural setting, with woodland and farmland surrounding the site. It is also partially bordered to the east by the M1 with farmland beyond. Existing dust sources in the vicinity of the site are identified to include:

- Road traffic – exhaust particulates and emissions from the road surface;
- Domestic fuel burning; and
- Agricultural activities at nearby farms.

To provide information on how dust deposition might be affected by local weather conditions, the applicant states that wind speed, wind direction and rainfall data have been obtained from the Met Office for the most recent ten year period 2002-2011. These have been obtained from the Bingley recording station, which is situated approximately 47 km from the proposed site at 262 m above sea level. Although not the nearest station, the Bingley recording station is located at a higher altitude than the site, its relative position to the Pennines is similar in nature to the application site. The closest recording station to the site is located at Church Fenton; however this is located at a much lower altitude than the site (8m AOD compared to 120m AOD) and is therefore not considered representative of meteorological conditions at the site.

The Assessment acknowledges that there are existing sensitive receptors lying in all directions from the site boundary. Winds from all directions therefore have the potential to carry dust towards one or more of the sensitive areas

In terms of receptors, the ES notes that severe or continual concerns about dust are most likely to be experienced near to significant dust sources, generally within 100m. This distance can, however, vary considerably depending on the nature of the dust source and weather conditions. Particles in the size range of 10-30µm make up only a minor proportion of dust from mineral sites, but these tend to fall out of the atmosphere within 250m of the point of release. Taking these factors into account, the ES concludes that properties within 300m of proposed reclamation

operations have been considered as potentially sensitive receptors and nine properties are specifically identified for the purpose of the assessment.

With regard to dust sources, the applicant identifies the following:

- Surface stripping and the handling of soils;
- Mechanical handling operations, including crushing and grading processes; -- Haulage of material, both on the site, and to and from the site; and
- Storage of material including stockpiles.

It also notes that the erosive action of vehicle traffic on site haul routes is also a major potential source of dust.

In terms of the impact assessment, the ES identifies that there is potential for the generation of dust emissions due to site activities. However, it notes that the frequency of such emissions is likely to vary throughout the life of the project if generated at all. It is also highlighted that the processing of the spoil (wash plant and press house) is a wet activity such that dust will not be generated from the plant area. It states that the excavated material will have a moisture content of approximately 3-5%; the coarse discard material will have a moisture content of 14 to 18%; the fine discard material will have a moisture content of 22 to 25%; and the coal which is produced will have a moisture content of circa 11-12%. Therefore, both the excavated material and the material handled from the washing process will be wet.

The dust assessment considers 3 phases of the scheme comprising the site mobilisation works, the working phases and restoration and reaches the following conclusion:

During the site mobilisation phase, 4 of the 9 sensitive receptors (Hesley Bar, Smithy wood Lane, Cowley Drive and Woodburn Drive) will all be situated at more than 250m from site operations. On this basis, it is deemed likely that larger particles of dust (greater than 30µm) and dust of a medium particle size will have been deposited before reaching any of the receptors. One of the receptors at Hesley Wood Cottages is 165m from the site and separated from the site by the M1 motorway, which has tree belts to the edges of both carriageways, providing moderate dust attenuation. The Assessment considers that with the proposed mitigation measures, the dust impact magnitude will be negligible with an impact significance of insignificant. Three of the receptors at Glenwood Crescent, Coppice Rise and land to the rear of Station Road are located 123m, 132m and 203m from the feed stockpile respectively. The prevailing winds are from the west and therefore tend to blow from these receptors towards the site. Therefore despite the proximity to site, the ES concludes that there is limited potential for dust deposition from the site and the impact magnitude is considered to be negligible with an impact significance of insignificant. The final receptor is an amenity site (Hesley Wood Scout Centre) and is therefore considered to be of low sensitivity. It is located 106m from site at the closest point meaning that without dust mitigation measures in operation there is potential for site dust to reach it. This potential will



be reduced by the mitigation measures and therefore the impact magnitude is considered to be negligible with an impact significance of insignificant.

During the working phase, two of the receptors (Hesley Wood Cottage and Hesley Bar) are situated at more than 250m from site operations such that it is considered therefore likely that larger particles of dust (greater than 30µm) and dust of a medium particle size will have been deposited before reaching any of the receptors.

The Travellers Inn at Smithy Wood Road is 157m from site operations at the closest point and could potentially be influenced by the extraction, backfill and grading activities at cuts 7 -9 and the grading of the water treatment area. However, it is separated from site by mature trees, which will provide substantial dust attenuation. This, combined with the proposed mitigation, means that when operations are at their closest point the impact magnitude is considered negligible with an impact significance of insignificant.

Receptors at Cowley Drive, Glenwood Crescent and Woodburn Drive are within 45m to 50m of site operations at the closest point (grading of the western most area including the water treatment area). They are separated from the site by a narrow tree belt, providing moderate dust attenuation. The proposed dust mitigation measures will be in place and the prevailing wind direction is away from the receptors towards the site. In addition, the grading activities at these close distances are short term within the overall working phase but due to the proximity of operations the potential impact magnitude on these properties is considered to be minor with an overall impact significance of minor adverse. Longer term operations will be at a greater distance e.g. excavation and associated backfill and grading activities for cuts 1 -9 will be undertaken at distances of at least 117m to 213m from the properties that are identified as the nearest sensitive receptors. It is therefore considered that for the majority of the duration of the working phase the impact magnitude can be lowered to negligible with an impact significance of insignificant.

Receptors at Coppice Rise, land to the rear of Station Road and the Scout Activity Centre are 130m, 203m and 107m from the closest site operations respectively. All 3 receptors are separated from the site by mature woodland, which provides substantial dust attenuation. Therefore, even without mitigation there is limited potential for dust from the site to reach these receptors. This is further reduced by the proposed mitigation such that the impact magnitude is considered negligible with an impact significance of insignificant

During the final restoration phase, the areas of excavation will all be graded in advance of restoration and the majority of the restoration phase will be for planting and landscaping and general aftercare, which have very limited potential to create dust. The ES does acknowledge that the placing of soils has the potential to generate dust; however this is a temporary operation and will not be concentrated in one area of site for long periods. It adds that mitigation measures such as preventing working in unsuitable weather conditions will reduce any potential impacts. It is therefore considered that although all receptors could be influenced,

the short-term nature of the potentially dust generating activities renders the impact magnitude as negligible and the impact significance as insignificant.

In terms of mitigation, the ES includes a Dust Mitigation Strategy, which provides details of the dust control measures which would be implemented at the proposed site, including trigger levels and actions to be taken with regards to critical weather conditions. The dust mitigation strategy includes the following key principles:

(i) Dust control measures: The application states that soils on the site generally have a significant inherent moisture content and this will reduce the amount of dust which could be generated during materials handling activities such as excavation, loading/unloading, stockpiling, backfill, grading and restoration activities. However, control measures for reducing dust emissions will be based on best management practice and will include a water bowser on site at all times to suppress dust during periods of dry and/or windy weather, the installation of a meteorological station to monitor wind direction and speed and daily logs kept of weather and site conditions and visual inspections of dust with the observations all logged;

(ii) All site plant will have upward facing exhausts and radiator cowls to reduce the generation of dust

(iii) Soil storage areas and topsoil bunds will be seeded, as soon as practical, with grass to prevent wind erosion of soils;

(iv) The access road and other hard surfaced areas and roads will be kept clean at all times and regularly sprayed with water during dry conditions and the dump trucks will run on designated haul routes to and from the working area and will make maximum use of routes that are furthest from sensitive receptors;

(v) Dust monitoring will be undertaken at locations at Woodburn Drive and Coppice Rise. Woodburn Drive is between Cowley Drive and Glenwood Crescent and is considered representative of properties to the west of site and the Coppice Rise is the next closest residential receptor. It is understood that sticky pads will be used to assess the impact of dust deposition, giving a directional element to the monitoring. A Frisbee type deposit gauge will also be used to collect dust and the contents will be analysed every month by an independent accredited laboratory for pH, electro-conductivity, dissolved and undissolved solids following best practice guidance.

(vi) The processed coal will be transported off site using a fleet of heavy goods vehicles (HGVs), which will be fitted with secure sheeting systems which are quick and easy to operate and greatly reduce the potential for dust blow-off from transported materials.

The ES Air Quality Assessment concludes that the majority of dust emissions from the site are expected to be large particles (>30µm) which do not generally propagate more than 100m. However, to account for smaller particle emission, all

properties within 300m of site have been considered potentially dust-sensitive. Without the use of mitigation measures, it is predicted that dust impacts could occur at some residential properties in the vicinity of the site. It is considered that under normal meteorological conditions, the proposed distances between the site operations and the residential properties will allow the dust to be deposited naturally before it reaches the properties. However, it is the conclusion of the ES that effective implementation of the proposed dust mitigation measures as outlined in this report and the Dust Management Plan will ensure that dust generated at the site will be properly controlled and that any residual impact at residential properties will be negligible.

Following an analysis of the submitted Air Quality Assessment, the Council conclude that the scheme's impact on local air quality with respect to fine particles (PM10) is likely to be a low priority consideration because the annual average health based objective is not likely to be breached, provided that the site is operated in accordance with the mechanisms and mitigation measures outlined within the application. However, it has been suggested to the applicant that some pre-operation monitoring take place as a precautionary measure. To this end, it is advised that there is no statutory requirement for six months of pre-operation monitoring and such a requirement would unduly impact upon the scheme as there is a need to undertake certain works at particular times of the year for ecological reasons. Accordingly, following discussions with the applicant, it has been agreed that some pre-commencement monitoring take place, as far as practicable so that there is some pre-operation data in place.

As a consequence of discussions with Officers, the Dust Management Strategy in relation to Air Quality has been amended so that the monitoring of air quality will now utilize three types of monitoring equipment;

- (i) A 'Frisbee Gauge' for dust mass deposition monitoring (BS1747-1:1969);
- (ii) An 'Adhesive Strip' for monitoring directional dust deposition.
- (iii) A 'PM10 TOPAS' monitor for monitoring suspended dust.

There will be 2/3 dust monitoring locations located at sites to be agreed with Officers, which will be selected to provide a suitable assessment of dust generated from site based activities. The equipment will be sited at these locations for the duration of operations.

The TOPAS (Turnkey Optical Particle Analysis System) fixed Station Monitor is designed to continuously record environmental TSP, PM10 and PM particles. Information from this system will provided by email on a weekly basis to the local authority. Results will include the location of the monitor, daily 24 hour average of PM10 and the number of daily exceedances of  $50\mu\text{g}/\text{m}^3$  for that week, which is a standard set out within the Air Quality Objectives for England and Wales informed by Directive 1999/30/EC. If there are any exceedances, there will be the provision to carry out analysis of the dust filters. Results shall be expressed as heavy metals in  $\text{mg}/\text{m}^3$  and reported within a week of collecting the sample.

It is noted that the Cowley Residents' Action Group (CRAG) requested that a BAM monitor be utilised instead of a TOPAS monitor on the grounds that CRAG

consider a Beta-attenuation PM10 particulate monitor (BAM) to be to EU standards. However, it is advised that a TOPAS monitor will be adequate for the purpose and TOPAZ also offers the possibility of simultaneously seeing the concentrations of particles such as PM2.5 and PM1, which a single BAM could not such that the use of a TOPAS monitor is not unreasonable.

The revised Air Quality strategy advises that after an analysis of any sample that breaches the agreed trigger levels, investigations will be made as to the possible cause, and appropriate action taken to mitigate against contaminants leaving the site. The results shall be reported to the local authority as soon as practicable, including details of any investigations and actions taken.

The collection, replacement and analysis of the 'Frisbee gauge' samples will take place every 4 weeks with results being reported to the local authority within 2 weeks of collection. The contents of the bottle will again be analysed by an independent accredited if required. The 'adhesive strips' are an integrated feature of the Frisbee gauges monitoring station and they are wrapped around a barrel to give a directional component. They will be inspected on a regular basis to keep a check on dust deposition. The adhesive strips will be changed on a fortnightly basis and the strips sent to an approved laboratory for analysis whereby the laboratory will analyze the strips.

The Air Quality Management scheme advises that the site operations will be progressed in accordance with the method of working as detailed in the Environmental Statement with the trigger levels set at 200mg/m<sup>2</sup>/day for the Frisbee Gauges and 2.5%EAC/day for the adhesive strips. In the event of any exceedance, the mitigation measures outlined in the report above will be implemented immediately and the Site Manager will consider the need for additional dust control measures such as reducing speed limits on site, additional use of dust suppression.

On the basis of the above and following discussions between the applicant and Officers, it is concluded that despite concerns from local residents that the development will result in exceedances, the scheme has not been shown to cause a breach of any of the health based limit values for any pollutant. Whilst also noting that residents were concerned that the extra HGV activity on the site would take air pollution levels, in particular NO<sub>2</sub> and PM<sub>10</sub>, over their EU limit. In the Council's view, it is unlikely, given the predicted number of vehicle movements, that the extra HGV activity on the site would take air pollution levels, in particular NO<sub>2</sub> and PM<sub>10</sub>, over their EU limit. Current background NO<sub>2</sub> and PM<sub>10</sub> concentrations in the area are less than 80% of the EU limit. Furthermore, whilst residents have also raised concern that there is no monitoring of Particulate Size so the applicant's monitoring procedures are unacceptable as it is the dust that you can see that causes the damage, it is advised that particle size can be monitored and the TOPAS noted above, which now forms part of the Dust Monitoring Strategy, is capable of monitoring PM<sub>10</sub>, PM<sub>2.5</sub> and TSP (total suspended particulate matter: PM<sub>1</sub> to PM<sub>30</sub>).

It is also noted that the majority of the concerns in relation to air quality raised by the local community relate to particles below PM 2.5, which they consider can lead

to many illnesses if breathed in. The Cowley Residents Action Groups suggests that from their research, these tiny particles can be released into the atmosphere even if the system is a wet one. They claim that these very tiny particles will still be released into the atmosphere and will travel for up to 3 miles from the site depending on the wind and spraying with water cannot completely remove these particles. This is based on research by Dr Van Steenis around Coking Works in Derbyshire. Some residents also refer to health concerns in relation to the Ffos-y-Ffan open cast mine in South Wales and detail the health concerns of residents who live in close proximity to it. With regard to the latter, it is relevant to note that Ffos-y-Ffan is open cast mining rather than a wet coal recovery process and is at a scale of production of 10 million tonnes of coal over 15 years rather than 395,000 tonnes such that the Hesley Wood site represents 0.0395% of production of Ffos-y-Ffan. The site at Arkwright that is referenced within the work of Dr Van Steenis was also an open cast mine of a different scale and form to the application proposal. In this case, a determination must be made based upon the evidence submitted by the applicant, which has been reviewed by specialist Officers within the Council in accordance with current planning policy.

It is therefore concluded that in accordance with the revised Air Quality Management Strategy, the proposed development will not result in a breach of any of the health based limit values for any pollutant such that it is not contrary to the objectives of the NPPF, to ensure that new development in Air Quality Management Areas is consistent with the local air quality action plan'. Nor will it expose residents to pollution above national targets or result in any undue adverse affects by sources of air pollution such that it is in accordance with Policy GE23 of the UDP and Policy CS66 of the SDF Core Strategy. This assessment is on the basis of an agreed mitigation strategy, which will form a condition of this permission.

## Noise

The NPPF confirms at Paragraph 144 that when determining planning applications in relation to mineral extraction, local planning authorities should ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties. Paragraph 30 of the Technical Guidance to the NPPF notes that subject to a maximum of 55dB(A)LAeq, 1h (free field), planning authorities should aim to establish a noise limit at the noise-sensitive property that does not exceed the background level by more than 10dB(A) In such cases, the limit set should be as near that level as practicable during normal working hours (0700-1900) and should not exceed 55dB(A) LAeq, 1h (free field). Evening (1900-2200) limits should not exceed background level by more than 10dB(A) and night-time limits should not exceed 42dB(A) LAeq,1h (free field) at noise-sensitive dwellings without imposing unreasonable burdens on the mineral operator.

Paragraph 31 of the Technical Guidance recognises that all mineral operations will have some particularly noisy short-term activities that cannot meet the limits set for normal operations. Examples include soil-stripping, the construction and removal of baffle mounds, soil storage mounds and spoil heaps, construction of new

permanent landforms and aspects of site road construction and maintenance. However, the NPPG guidance considers that these activities can bring longer-term environmental benefits. Accordingly, it states that Increased temporary daytime noise limits of up to 70dB(A) LAeq 1h (free field) for periods of up to 8 weeks in a year at specified noise-sensitive properties should be considered to facilitate essential site preparation and restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs. Where work is likely to take longer than 8 weeks, a lower limit over a longer period should be considered. It also states that in some wholly exceptional cases, where there is no viable alternative, a higher limit for a very limited period may be appropriate in order to attain the environmental benefits. Within this framework, the 70 dB(A) LAeq 1h (free field) should be regarded as the normal maximum.

The ES comprises a Noise and Vibration Assessment, which seeks to determine the potential noise impact and categorises them as either negligible, minor/slight adverse, moderate adverse or major adverse consistent with ES procedure. The noise predictions calculated for this assessment consider all potential sources on the site.

To establish a baseline, a noise survey was undertaken from six receptors that were deemed to represent the worst case impact i.e. if noise levels are acceptable at these receptors, the noise impact level at those receptors at a greater distance from the operation will also be acceptable. These six receptors were Hesley Wood Cottages, Hesley Lane/Hesley Bar, the Travellers Rest at Smithy Wood Road, properties on Cowley Drive/Woodburn Drive, Glenwood Crescent/Woodburn Drive and Coppice Rise. An assessment of the background noise levels at the noise sensitive receptors. included a roving noise survey, which involved the measurements over a series of 20 minute periods at each location spread over a single day (0700 – 1900) to take a sample of ambient noise conditions were undertaken. Night time background levels were monitored at Hesley Wood Cottages and Smithy Wood Road that are ) closest to the only night time activity; the processing plant. Measurements were taken during the quietest time of the night (0200-0300) obtaining 30 minutes worth of monitoring for each location. The Noise Assessment confirms that dominant background noise at all locations was birdsong and road traffic from the surrounding road network. Secondary noise sources influencing the background noise measurements, included intermittent barking and banging noise; distant emergency vehicle sirens and aircraft noise.

The noise emissions from the onsite operations have been modelled using environmental noise prediction software. The surrounding topography was included in the model. In summary, the predicted noise levels demonstrate that during the daytime the noise levels at each sensitive receptor would be below the criterion LA90,T+10, where appropriate, but in any case below the 55 dB LAeq, 1h (free field) limit specified by the Technical Guidance to the NPPF for all phases such that full compliance can be demonstrated. The Environmental Statement adds that as the assessment considers operations at their closest proximity to properties, the overall noise impact is considered to be negligible with increasing distance and as operations progress.

With regard to night time activities, the predicted operational noise levels are below the 42dB LAeq, 1h (free field) limit level at all receptors except Hesley Wood Cottages. However, the assessment notes that the night time ambient and background noise levels measured at this location were higher than the predicted operational noise levels such that the overall impact is considered by the applicant to be negligible.

With regard to process and following discussions with Officers, the applicant has submitted further information in respect of a noise monitoring scheme, which confirms the following:

(i) Noise limits will be agreed with the local authority and will be observed at all times, including those set for short term noisy activities

(ii) Noise monitoring shall take place using a meter that conforms to British Standards), which is capable of measuring LAeq and shall be calibrated before and after use;

(iv) Monitoring locations will be selected to be utilized for the duration of operations. The noise monitoring locations selected for the purposes of this scheme will be agreed with the local authority (specified within the list of recommended conditions);

(v) Standard noise parameters will be measured for a period of one hour (4 x 15 minute measurements) during the normal operational day (07.00 – 19.00 hrs Mon-Fri, 07.00hrs – 13:00hrs Sat) at each location and night time monitoring will commence for a duration of 20 minutes (4 x 5 minutes) at each location during the night time period 22.00 – 07.00hrs);

(vi) Noise monitoring will be undertaken every month during the first 3 months of operation at agreed locations;

(vii) The duration and frequency shall be reviewed at the end of the first 3 months of operations. If the review identifies that noise levels are satisfactory, monitoring will be reduced to quarterly monitoring for the duration of operations and all results will be reported to the Local Authority;

(viii) Any complaints concerning noise, including those from the Local Authority will be investigated at the first available opportunity and steps taken to address any problems identified including further monitoring where necessary. Records of all complaints and the actions taken shall be kept in a log and made available for the local authorities' inspection on request. In addition, in the event of noise problems arising, local residents will be able to telephone an emergency number to contact the site manager or operations manager directly;

On the basis of the proposed mitigation, the ES concludes that the site can operate without causing any unacceptable loss of amenity due to noise at any sensitive receptor.

The Council have considered the applicant's submitted Noise Assessment and in response to the submitted information, it is the Council's view that the baseline noise survey undertaken by the applicant is acceptable in accordance with relevant guidance and confirms that the site location is dominated by traffic noise from the M1 Motorway and Cowley Hill.

With regard to predicted noise levels, Members are advised that Officers are satisfied with the methodology used for modelling predicted noise levels from the site as outlined within Environmental Statement. The predicted noise levels given within the Environmental Statement also demonstrate that during the daytime, noise levels at each sensitive monitoring location will be below the criterion level specified in the NPPF. The report also shows that all predicted noise levels for night time operations meet the NPPF criterion level at all receptors except for Hesley Wood Cottages.

Overall, on the basis of the ES submission, the Council are satisfied that with suitable noise mitigation measures employed on site as outlined above, the operator will be able to meet the noise criteria levels recommended in the NPPF for the daytime. It is noted, however, that the noise levels given in the NPPF do allow 10dB above background noise at the nearest sensitive locations and therefore it is likely that some site noise will be audible at residential properties but this would still in accordance with up-to-date national planning guidance within the NPPF. With regard to Hesley Wood Cottages, a condition is proposed to address the fact that the predicted noise levels for night-time operations exceed the NPPF criterion level; this condition will require the applicant to undertake further mitigation to ensure that the NPPF levels are met. In all other locations, the operator will be able to meet the noise criteria levels recommended in the NPPF for the night-time.

Finally, with regard to working hours on site, it must be acknowledged that Section 30 of the NPPF Technical Guidance states that normal working hours for mineral processes should be 0700 to 1900 on Monday to Friday and 0700 to 1300 on Saturdays. However, in this instance, the Council consider that a later starting time on Saturdays would be appropriate and a condition is therefore recommended in this regard proposing 0700 to 1900 during the week and 0800 and 1400 on Saturdays with no working on Sundays or Bank Holidays.

In conclusion, Officers consider that the baseline noise assessment has been appropriately conducted within the Environmental Statement. It is also accepted that the applicant will be able to meet the noise criteria levels recommended in the NPPF for the daytime and that all predicted noise levels for night time operations meet the NPPF criterion level at all receptors except for Hesley Wood Cottages, for which a condition is proposed to establish appropriate noise limits. Accordingly, subject to the imposition of appropriate conditions to ensure that a noise monitoring scheme is implemented, that the mitigation outlined within the ES is implemented and that the above hours of operation are accorded with, it is considered that the proposed development will not result in any undue impact as a result of noise such that the proposed development is not contrary to guidance within the NPPF in this regard.

Visual Impact



The key policy consideration in relation to the visual impact of the development is the impact upon the Green Belt. In this regard, Policy GE4 of the UDP advises more generally on development and states that the scale and character of any development which is permitted in the Green Belt, or would be conspicuous from it, should be in keeping with the area and, wherever possible, conserve and enhance the landscape and natural environment. Furthermore, advice within the NPPF advises at Paragraph 88 that when considering any planning application within the Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

In this case, there are clearly two aspects to the proposed development; the temporary period of coal recovery and the long-term restoration and landscaping of the site. Accordingly, as part of the application submission, the Environmental Statement analyses the landscape and visual impact that would potentially be generated by the proposed working and restoration of the site. This analysis has been undertaken in accordance with established guidance on the preparation of visual landscape assessments and it initially included a desk-based assessment to identify a 'Zone of Theoretical Visibility (ZTV)'; this is intended to establish key viewpoints for the future assessment and to identify important and sensitive visual receptors such as footpaths and residential properties. A total of 15 viewpoints were selected including short views such as the view from properties on Wentworth Close (Thorpe Hesley), Cowley Hill, Smithy Wood Road and views from the Scout Land to areas that are further away such as Westwood Country Park (Worsbrough), the Trans Pennine Trail along the edge of Greno Wood and the public open space at Concord Park. The Assessment then follows established ES guidelines by identifying thresholds of impact significance as a way of standardising the assessment – this include an assessment of minor to significantly adverse or minor to significantly or substantially beneficial.

The Environmental Statement Visual and Landscape Assessment highlight a number of key points in respect of the existing landform:

(i) The existing colliery spoil heap forms an incongruous series of steep sided terraces on the valley slope running down towards Blackburn Brook. The processing of the spoil, and reprofiling of the site would re-contour the extent of the spoil mound and terraces and result in an evenly graded landform. Regrading of the landform following the processing of the spoil would have a 'Substantial Adverse' impact during construction due to the location of the temporary feeder mound reducing to 'Moderate Adverse' upon completion of the coal recovery and a 'Moderate Beneficial' impact following the increase in tree cover at 10 years post restoration.

(ii) The Ancient Woodland to the north, west and south of the development will be protected and remain untouched during the extraction stage of the works. In this regard, the applicant has confirmed a 15 metre buffer to the Ancient Woodland, in accordance with best practice, which will be secured by means of a planning condition. The ES advises that upon completion, a footpath network and cycleway will be developed to link to the wider landscape and routes through the edges of the western extent of Ancient

woodland will be developed, but located to avoid significant trees in the woodland. The ES therefore concludes that there will be a slight beneficial effect resulting from the inclusion of the existing woodland into the restoration proposals.

(iii) The existing woodland within the M1 corridor is identified as forming an established belt of linked Ancient Woodland blocks to the north eastern boundary of Sheffield. It is acknowledged that the loss of regenerating woodland on the colliery spoil will have an initial slight adverse impact upon the landscape character of the area. However, it is considered that as the mitigation planting establishes and links Smithy Wood to the south with Hesley Wood to the north the proposals will result in a substantial beneficial impact.

(iv) It is considered that the existing topography, settlement and woodland limit the extent of the views of the scheme. The landform created by the colliery spoil adds to the enclosure created by the sloping valley side to the east of Blackburn Brook such that views towards the site are from the west. It is acknowledged that the feeder stockpile at the north end of the development will temporarily increase the enclosure adjacent to Chapeltown Park resulting in a slight to moderate adverse effect during the works. It is also noted that the proposed restoration landform would retain a high point at the centre of the site and cause minimal impact upon the existing sense of enclosure. Accordingly, it is concluded that the effects would be slightly beneficial upon completion of the restoration

(v) The Environmental Statement notes that the visual impacts upon residential settlements will primarily be upon Chapeltown to the west of Hesley Wood and the most significant impacts will be on those properties with uninterrupted views towards the site. As such, it is acknowledged that in the short-term, the magnitude of change will be medium to high with the significance of effect being substantial to very substantial adverse during the coal recovery phase but as the restoration proposals establish themselves, the impacts will reduce and result in a substantial beneficial impact.

(vi) From Chapeltown there will be glimpsed views across rooflines from properties within Chapeltown that are higher up the valley sides. However, it is considered that the sloping nature and distribution of housing within the centre and west of Chapeltown will afford only glimpsed views towards the site such that there will be a negligible to slightly adverse impact during the works reducing to slight beneficial impact as the restoration begins to establish

(vii) From the valley bottom, adjacent to the western boundary, the closest residential receptors associated with the scheme are the properties on Glenwood Crescent, Woodside Drive and Cowley Drive. However, these will be screened from the site by an established belt of mature trees, which will be left in situ. However, as a result of the proximity of these properties, it is accepted that there will be a moderate to slight adverse impact reducing to moderate beneficial once the restoration works are complete.

(viii) From views towards the site from Thorpe Hesley to the east of the M1 motorway, it is considered that screening created by existing woodland belts and blocks to either side of the motorway will significantly reduce views of the site. Where there are potential views of the upper levels of the processing plant beside the motorway, it is determined that the significance of the effect would be slight to negligible adverse, reducing to negligible to slight beneficial once the works are completed and the woodland planting begins to establish itself;

(ix) From Ecclesfield, which is located to the south west of the site, the northern extent of Ecclesfield will have some views towards the development but it will be a negligible adverse impact initially to slight beneficial once the works are completed as above.

(x) Hesley Wood Cottage and Hesley Hall Farm to the east of the M1 are located closest to the processing plant. However, it is concluded within the ES that the existing woodland belts beside the motorway substantially screens views towards the site, offering only seasonal glimpsed views through the trees. It is therefore concluded that the development will result in a negligible to low magnitude of change and therefore negligible to slight adverse impact whilst upon completion of the works, the impacts would be negligible beneficial.

(xi) The north bound carriageway of the M1 motorway runs immediately adjacent to the eastern edge of the application boundary but the majority of the motorway embankment is screened from the site by existing established tree belts. However views into the site do open up for a short stretch in the vicinity of the proposed location for the processing plant, car park and office facilities. However given the assumed speed at which this view would be experienced, the ES concludes that it is a slight adverse impact during the works but it will become a slight beneficial impact upon restoration.

(xii) Looking at views that will be experienced by users of the northbound carriageway of Chapelton Road driving towards Chapelton from the north, the ES determines that the visibility of the proposed clearance and extraction works would cause a medium magnitude of change resulting in a moderate adverse significance of effect but as the restoration scheme becomes established, the impacts would reduce resulting in a moderate beneficial significance.

(xiii) Some distant views of the site will be evident from the A61 Penistone Road and the ES determines that there would be distant glimpsed views through roadside trees, which will result in a negligible to slight adverse significance that will reduce to a negligible beneficial impact as the restoration works are completed.

The Visual Assessment within the Environmental Statement also considers the visual impact of the proposal upon nearby Public Rights of Way. The closest footpath runs parallel to the application boundary through Chapelton Park (127).

However, in relation to this footpath, it is noted that a mature belt of deciduous trees located beside the disused rail line will be retained and will help to screen the site. It is noted that the extent of extraction from the spoil mound is approximately 150m from the boundary with the area in between being used for storage of any unsuitable materials during the early phases of the extraction should it be required. As the extraction works proceed to the south, the land to the rear of the screening belt will be re-graded in preparation for restoration works.

In views from the north west of the site, from open land that is crossed by rights of way, the view is from the head of the valley, looking southwards over the wooded east facing slopes parallel to the M1. In this circumstance, distant views of the site within the broader belt of woodland would be visible beyond Chapeltown. It is determined that the loss of birch scrub and the establishment of the feeder stockpile would be visible along with hazard lights of the extraction plant; however, it would be seen in the wider context of the surrounding woodland and Chapeltown such that the proposal is considered to have a slight adverse effect.

From the extensive network of paths and bridleways within the woodland and agricultural land to the west and south west of Chapeltown, it is the case that the land rises up the valley side such that Hesley Wood falls below the skyline of the opposite valley side. The regenerating birch scrub across the extent of the colliery spoil will be removed during the formation of the feeder stockpile and during the extraction process such that re-graded waste and processed spoil would be visible within the wider extent of the woodland within the view. However, given the distances between the two areas it is considered that this would reduce the magnitude of the impact resulting in a significance of moderately adverse. It is determined that this would reduce to moderate beneficial as the restoration planting establishes to link with the existing tree cover on the opposite valley side.

Overall, the Visual and Landscape Assessment within the submitted Environmental Statement concludes that the overall impacts upon the character of the area would be the loss of the colliery spoil landscape and the emerging birch scrub, which currently significantly contributes to the woodland cover within the application boundary and this is deemed to have a moderate to substantial adverse effect during the works. However, this would change to a substantial beneficial impact as the restoration proposals become established. It is concluded that existing woodland and development to the north, south and east of the site provide substantial screening towards the application site, with the more significant views of the site being from the west. Impacts on receptors to the north, east and south of the site are generally summarised to be negligible adverse to nil.

Those residents with a view of the west facing slope of the existing spoil heap will experience the most significant visual effects ranging from slight to very substantial adverse with the loss of the emerging birch scrub, the development of the feeder stockpile and the ongoing extraction cuts. However, the Environmental Statement concludes that the location of the processing plant and office facilities, adjacent to the M1 will greatly reduce its visibility and impacts on the wider landscape and, significantly, the proposed rolling scheme of restoration for the site will greatly reduce the impact of the extraction works. It is also noted within the application that the re-grading works will follow immediately after the extraction cut, which will

lessen the impacts of the works with the subsequent replanting and landscape works to the site resulting in substantial beneficial effects.

The key outcome of the visual assessment undertaken within the Environmental Statement is that the two elements of this proposal, the coal recovery and the restoration process clearly have very different visual impacts on the landscape and the surrounding area. The recovery process will obviously have some negative visual impacts on both short and long distance views into the site in the short-term due to the very nature of the proposal and also as a result of the loss of the self-seeded scrub and planting that has naturally regenerated; this will have a moderate to substantially adverse effect for the duration of the works for those areas where there is a clear view into the site such as from some locations within Chapeltown that presently have an uninterrupted view of the site. The visual impact of the coal recovery works on those nearer the site, such as the properties on Glenwood Crescent, Woodside Drive and Cowley Drive is actually lessened because these properties will be screened from the site by an established belt of mature trees, which will be left in situ. A similar belt of trees is in place along the M1 to screen the development from the east whilst the Ancient Woodland to the north, west and south of the development will also be protected and remain untouched for the duration of the works. However, this short-term impact must be balanced against the long-term restoration of the site and although acknowledging that the restoration proposals will take some time to reach maturity, it is considered that the coal recovery will enable the restoration works to be completed for perpetuity with the re-landscaping of the site providing positive and long-lasting benefits in terms of visual impact. Thus, overall, it is considered that the proposed development will have a temporary short-term impact on views from and into the Green Belt but the long term strategy to re-landscape the site for public access will ensure that the landscape and natural environment of the Green Belt in this location is conserved and enhanced in accordance with Policy GE4 such that the development will not cause any undue harm to the Green Belt in accordance with guidance within the NPPF. On this basis, the proposed development is considered acceptable.

## Ecology

One of the key considerations in the assessment of this application is the impact on ecology. In this regard, it is noted that part of the site is located within the boundary of Hesley Tip Local Wildlife Site (LWS) and two further LWS sites at Hesley Wood and Chapeltown Park and Smithy Wood are located adjacent to the site boundary. These sites are of district importance although the Ancient Woodland habitat within them is of national importance. Hesley Wood is also part of the South Yorkshire Forest.

With reference to local planning policy it is advised that Policy GE10 of the UDP relates to Green Networks and advises that a network of Green Corridors and Green Links will be:

- (a) Protected from development, which would detract from their mainly green and open character or which would cause serious ecological damage;
- and

- (b) Enhanced by encouraging development which increases their value for wildlife and recreation; and
- (c) Extended by creating new open space in areas of Desired Green Links.”

Policy GE11 of the UDP relates to Nature Conservation and Development and advises that “the natural environment will be protected and enhanced. The design, siting and landscaping of development should respect and promote nature conservation and include measures to reduce any potentially harmful effects of development on natural features of value.”

Furthermore, Policy GE14 relates to the South Yorkshire Forest and states that “Support will be given for the creation of part of the South Yorkshire Forest on the northern and eastern sides of the City.” Finally, Policy GE15 of the UDP, which relates to Trees and Woodland, advises that trees and woodland will be encouraged and protected by:

- (a) Planting, managing and establishing trees and woodland, particularly in the South Yorkshire Forest; and
- (b) Requiring developers to retain mature trees, copses and hedgerows, wherever possible, and replace any trees which are lost; and
- (c) Not permitting development which would damage existing mature and ancient woodlands.”

Within the SDF Core Strategy, Policy CS73 relates to the Strategic Green Network and notes that (as relevant to this application):

“Within and close to the urban areas, a Strategic Green Network will be maintained and where possible enhanced, which will follow the rivers and streams of the main valleys including:

m. Blackburn Brook Valley and its tributaries.....

These Green Corridors will be complemented by a network of more local Green Links and Desired Green Links.”

Finally, within the NPPF, Paragraph 109 advises that the planning system should contribute to and enhance the natural environment by (as relevant to this application) by:

- Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

The Environmental Statement includes an impact assessment with specific regard to landscape and ecology. It confirms that the zone of ecological influence for the site occupies the area within the red line boundary but it also extends 30 metres to include areas which may be indirectly impacted as a result of the proposed

activities. The ES also confirms that there are no statutory designated sites located within 2km of the site or Non-statutory Designated Sites for Nature Conservation. However, there are thirteen Local Wildlife Sites (LWS) located within 2km of the site including the three noted above.

The ES identifies the following activities to have impacts on the ecology of the site:

- Site Preparation (vegetation clearance/stripping);
- Operational Phase (lighting, vehicle movement and pollution); and
- Progressive Restoration and Future Use.

It states that the ES is based upon a desk study and field surveys, which have been reported in accordance with the Institute of Ecology and Environmental Management (IEEM) guidance on Ecological Impact Assessment (EcIA)

The ES reports that the desk study incorporates a variety of methods including a study of aerial photography, Ordnance Survey mapping, a review of appropriate planning documents, conservation strategies, Regional and National Biodiversity Action Plans. In addition, an Extended Phase 1 Habitat Survey of the site was undertaken on 2nd August 2011 and signs of a number of protected species were searched for including bats, badgers, water vole, breeding birds and reptiles.

In addition, following the results of the Habitat Survey, a number of further surveys were undertaken including bat activity surveys, invertebrate studies and breeding bird surveys. A full breeding bird survey was undertaken within the site between April and June 2011, which is the peak breeding season. In addition, a Great Crested Newt survey was undertaken in Spring 2011 with at least two surveys carried out between mid-April and mid-May. Surveys for reptiles were undertaken in August and September 2011.

A Phase 2 woodland flora survey was undertaken within the woodland on and directly adjacent to the site and the main habitats within the site are identified as the following:

- (i) Scrub comprising semi-mature naturally regenerating scrub dominated by silver birch along the slopes of the former spoil heap. Other species present include ash, oak, dog rose, sycamore and hawthorn;
- (ii) Broadleaved woodland – this is located in the northern, western and southern parts of the site with areas to the north/north-west and south identified as Ancient Woodland. Woody species present include English elm hawthorn, sycamore, and silver birch.
- (iii) Bareground - Areas of barren spoil and tracks, free of vegetation, are frequent throughout the site
- (iii) Short perennial vegetation - areas of spoil and rubble where a range of species including common bent, common ragwort are frequent;

(iv) Semi-improved grassland to the east – this is identified as an area of species poor semi-improved grassland and includes species such as ryegrass, buttercup, ribwort.

(v) Woodland - Hesley Wood is listed as coppice woods in the Earl of Shrewsbury's inventory of around 1600 which suggests that the woodland is ancient in origin. The report advises that the quality of the woodland in general has been much reduced by previous site use, major disturbance and subsequent lack of management. Dutch elm disease (DED) is also present on the site.

With regard to fauna, the surveys reveal no evidence of Badgers within the site. With reference to Bats, the surveys conclude that there are no features within the site considered suitable to support roosting bats although the regenerating birch scrub, broadleaved woodland and pond are habitats considered suitable to support foraging bats. The bat activity survey within the site and 30m zone of influence identified "moderate" levels of activity with species identified being common pipistrelle (*Pipistrellus pipistrellus*) and noctule (*Nyctalus noctula*).

In terms of the breeding birds, an initial scoping survey identified that the site has the potential to support a wide range of breeding bird species and therefore a full breeding bird survey was undertaken as noted above. Although no Schedule 1 listed species were identified on site, the Assessment determines that it does support assemblages of declining birds including birds species of conservation concern. A total of 53 species were identified with 37 confirmed as breeding on the site or within the 30 metres of influence boundary. This includes 6 species that are on the UK Biodiversity Action Plan list (including Dunnock, Song Thrush, Grey Partridge and House Sparrow) of which 5 were breeding and a further four species that are listed as red on the date of birds of conservation concern with a further 15 on the amber listed birds of conservation concern, which does highlight the diversity of bird species within the site and its importance at the local level. Some scope for the site to support over-wintering birds is also identified.

With regard to Great Crested Newts, no evidence of this species was identified within the site nor was any suitable habitat identified for water vole, otters or white-clawed crayfish.

With regard to Invertebrates fauna, following a scoping assessment, the habitats present within the site were considered to be of local importance to invertebrates. However, no nationally significant invertebrate species of conservation concern were identified within the site. Moreover, whilst the survey reveals that the ideal period for surveying many of the invertebrate groups important in assessing site quality is April to September with most species, especially those of woodland, active in May or June such that the survey may have missed many of the species that would be active during these months, it concludes that even considering the limited sampling that has taken place, the low species richness results from this survey suggest that the site is of limited interest for its invertebrate fauna.



The ES identifies that habitats that will be lost as a result of the coal recovery activities are the regenerating birch scrub, broadleaved woodland, bare ground, waterbody and ephemeral/short perennial vegetation

The mature broadleaved woodland and areas identified as Ancient Woodland have been identified from an early stage in the development process and will be protected and retained. Natural England's Standing Advice for Ancient Woodland recommends that any development should have a minimum 15m buffer zone between retained areas of ancient woodland and the development boundary. Given the highly modified nature of the site (and its woodland areas), relatively low species richness, lack of ancient woodland archaeological or historical features and the fact that there are no ancient trees present, a buffer zone of 2m from the canopy edge is considered adequate in this case.

The construction of the coal washing plant, site accommodation, noise baffle mound and car park to the east of the site will result in the temporary loss of species-poor semi-improved grassland

In terms of the impacts on ecology, the Environmental Statement identifies the following:

(i) The loss of the woodland and scrub as a result of the proposed coal recovery without mitigation is considered to be significantly adverse for bats within the zone of influence;

(ii) For Breeding Birds, the loss of habitats suitable to support breeding birds is considered to be significantly adverse at a local level without mitigation;

(iii) With regard to Invertebrates, the loss of habitats suitable to support invertebrates is considered to be significantly adverse a local level without mitigation;

(iv) Construction activities during the operational phase (and during site preparation) have the potential to harm/kills animals if present on site.

(v) The removal of broadleaved woodland and scrub will result in a loss of bat foraging and commuting habitat. Given the temporary nature of the loss, the extent of habitat that will remain and the similar habitats adjacent, this impact is assessed as not significant.

(vi) With regard to invertebrates, the stripping of ephemeral/short perennial vegetation may have the potential to temporarily displace dingy skipper butterflies. The coal recovery operations also have the potential to displace other invertebrate fauna associated with the early successional habitats to be lost resulting in a temporary negative impact at local level

To address the potential ecological impacts above, the Environmental Statement identifies the following mitigation measures:

(i) With regard to the construction of a presshouse, washery and associated plant and the impact on ecology, it is considered that this will result in the temporary loss of semi-improved grassland, which is of low ecological value and this part of the development will therefore have a negligible impact. Moreover, the area of scrub and carr (wet) woodland located to the south of the waterbody will be retained;

(ii) In relation to vegetation stripping and habitat clearance, it is determined that the progressive restoration of the site will take place, which will include the creation of 22 hectares of woodland and scrub/heath and 23.6 hectares of grassland and wetland. Furthermore, the proposed new woodland will be planted to extend the areas of Ancient Woodland located adjacent to the site to bolster the corridor between Sheffield and Barnsley with the remaining open space planted to provide heath, perennials and grassland such that the loss of the vegetation during the coal recovery period will be negative in the short term but beneficial in the long-term;

(iii) With regard to the waterbody within the site, it is proposed that the pond towards the east of the site be removed to facilitate the construction of a presshouse, washery and associated plant. However, the building of a replacement pond to the north will be undertaken as part of the site preparation operations prior to the infilling of the existing pond such that the impact is neutral.

(iv) With regard to bats, the removal of the woodland and scrub will remove the foraging and commuting habitat in the short-term. However, this loss is clearly temporary and given the extent of habitat that will remain and the similar habitats that are adjacent it is considered that the impact of the removal of woodland and scrub will not be significant. It is also determined that the creation of additional habitats and the strengthening of the woodland as part of the restoration proposals will result in a beneficial impact in the long term.

(v) With regard to breeding birds, all vegetation clearance will be undertaken outside of the breeding birds season (March to August inclusive). Again, given the temporary nature of the loss of woodland and scrub and given the extent of habitat that will remain as well as similar habitats that are adjacent to the site, the impact is not deemed to be significant. Again, the restoration plan includes the strengthening of existing woodland and creation of additional habitats, which will increase opportunities for bird species. This will result in an impact that is deemed beneficial in the long-term.

(vi) With regard to invertebrates, it is accepted that the stripping of the vegetation may have the potential to displace dingy skipper butterflies in the short term but this species has also been recorded at the Smithy Wood Local Wildlife Site and it is determined that any colony present on the application site could temporarily disperse to Smithy Wood. The restoration process will result in active management of the site and the mosaic of

habitats therein, a long-term beneficial impact on a wide range of invertebrate species is anticipated.

(vii) All excavations will be suitably fenced and a means of escape provided for the duration of the operational phase to reduce any threat of entrapment with machinery;

(viii) The coal recovery and transportation will be undertaken between 0700 and 1900, which will minimise the need for additional lighting and light pollution. Where it will be required, low level or directional lighting will be used to minimise light spill such that the impact from lighting is not considered significant;

(ix) With regard to the Ancient Woodland, whilst the applicant initially identified that a 2 metre buffer to the canopy would, in their view, be sufficient, it has now been agreed that they will comply with Natural England's Standing Advice for Ancient Woodland, which recommends that any development should have a minimum 15m buffer zone between retained areas of ancient woodland and the development boundary. This will be secured by means of a planning condition.

(x) The Restoration Plan includes details such as an herbaceous flora-free buffer of 15m from the existing ancient woodland to allow natural colonisation, the inclusion of dingy skipper larval food plant on south facing slopes, the planting of heath (a local Biodiversity Action Plan habitat) on higher, poorly drained ground and the planting of locally appropriate woodland communities. The restoration proposals will also include the planting of 41,000 trees to replace trees that will be lost as a result of vegetation clearance and to enhance the South Yorkshire Forest

The ES concludes that the habitats that will be lost within the Hesley Tip LWS boundary are early successional, easily re-instated and will be restored in a phased manner during the coal recovery process. Additionally, it is considered that the vegetation and habitats within the red line boundary are not considered to play a significant role in maintaining the ecological integrity of the ancient woodland areas within these wildlife sites. Thus, while the impact on Hesley Tip LWS will be negative in the short term, the impact after completion of the restoration proposals is considered to be negligible and potentially beneficial.

Following concerns by local residents about the length of time since the ecological surveys were undertaken, which vary between August 2011 and March 2012, further advice was sought from the Council's Ecology Unit as to whether further updated surveys were required. The Ecology Unit has advised that unless the site has changed significantly, which is not considered to be the case in relation to the application site, it is determined that surveys would not need to be redone unless it is recommended by the applicant's ecological consultant.

In any event, the applicant has undertaken a further updated walkover of the site by a qualified ecologist to update the Phase 1 Habitat Survey carried out in August 2011. The purpose of the survey was to assess the current status of habitats

within and adjacent to the site and to confirm if updated protected species surveys are required, particularly in relation to reported sightings of an adder. The scope of the survey was agreed with the Council's Ecology Unit. The survey confirms that the extent and character of habitats is unchanged from the time of the original August 2011 survey, which is not unexpected given the compacted nature of substrate across the site, which has resulted in extensive areas of bare ground that are very slow to colonise.

The walkover survey advises that the slopes of the former tip comprise naturally regenerating scrub dominated by silver birch whilst the northern, southern and western boundaries of the site comprise semi-natural Ancient Woodland. There is also an area of semi-improved grassland and a large open water body in the eastern part of the site, which at the time of the survey contained extensive open water in contrast to the August 2011 survey when there were only small areas of standing water.

The further information confirms that the original Habitat Survey in August 2011 and the further detailed surveys undertaken subsequently conclude that the site supports a diverse range of woodland and farmland breeding bird species, a moderate level of bat foraging activity and a broad assemblage of invertebrate fauna. However, no evidence of badgers, reptiles or great crested newts was recorded. It is also confirmed that all protected species surveys were undertaken within the optimal survey window and following best practice survey methods.

It is noted that the applicant's ecologist has given a shelf-life of the Breeding Bird Survey of 1 year which has expired. They have also advised that a spring survey of the woodland needs to be carried out as the woodland was surveyed at a sub-optimal time of year. However, it is advised that the Environmental Statement confirms that any vegetation clearance must be undertaken outside of the breeding birds season, which will mitigate the impact on any species within the site who also have the opportunity to utilise the habitat that will remain as well as similar habitats that are adjacent to the site such that whilst a further survey is a recommendation, it is not considered to be a requirement due to the timing of the works.

The Council's Ecology Unit has considered the Environmental Statement and the result of the surveys undertaken by the applicant as well as the additional information provided and has raised no objections to either the methodology or the finding of the ES.

Nevertheless, conditions are recommended to ensure that the mitigation measures outlined within the Environmental Statement are implemented as well as additional conditions to protect the Ancient Woodland. A condition is also proposed to require the applicant have a framework in place for the contractors in the event that wildlife turns up on site as well as recommending a 'toolbox talk' by the applicant's ecological consultant about what to do if wildlife is encountered on site. In any event, it must also be recognised that any species protected under the Wildlife and Countryside Act 1981 are protected under that legislation rather than planning policy and the applicant will need to be mindful of operations on site.

It is noted that a number of representations have raised specific concerns about the impact on the ecology of the area and the following is advised:

(i) In response to concerns that adders were present on site, a local resident forwarded a photograph of what she believed to be an adder. The Council's Ecologist identified it as a grass snake, which was confirmed with an expert in reptiles and amphibians. No adders were recorded within the surveys and it is considered unlikely that they are present on site.

(ii) With regard to a suggestion from the Sheffield Wildlife Trust that a winter badger survey should be carried out, the Council's Ecologist has advised that the badger survey was carried out in November and no badgers were found, so unless the site has changed significantly, which the Council do not believe it has, there is deemed to be no need to repeat it.

(iii) A winter bird survey is usually a survey for specific species for conservation concern during the period October – March. It is the Council's view that the site is unlikely to support a wintering bird assemblage of note such that a wintering bird survey is not required.

It is also considered of benefit that the proposed recovery and restoration programme is phased and overlapping such that some of the site restoration, including the re-grading and re-seeding of the site will occur whilst coal recovery is occurring on other phases. This will help species re-locate and therefore be protected. It is also noted and welcomed that the mature broadleaved woodland and areas identified as Ancient Woodland will be protected and retained.

Overall, whilst acknowledging some negative impact on the ecology of the site in the short-term, on the basis that the clearance works are undertaken at the appropriate time of year (outside the bird breeding season for example) and on the basis that an extent of the existing habitat that will remain (which includes 4.6 hectares of existing woodland) and there are also similar habitats that are adjacent to which existing wildlife can migrate, it is considered that the impact of the removal of woodland and scrub will not be significant. Moreover, it is continued that the subsequent restoration of the site to create a managed landscape, which will include enhancing the Ancient Woodland to strengthen the South Yorkshire Forest will be of overall benefit to habitats within the Local Wildlife Site. On this basis it is considered that the long-term plan for the site as a publicly accessible landscaped site will protect the open character of the area and ensure that there is no serious ecological damage, enhance the value of the site for wildlife and recreation, promote nature conservation and promote the value of South Yorkshire Forest in accordance with Policies GE10, GE11 and GE14 of the UDP, Policy CS73 of the SDF Core Strategy and guidance within the NPPF.

## Transport

Within the SDF Core Strategy, Policy CS53 relates to the management of the demand for travel and advises that increasing demand for travel in all parts of the City will be managed to meet the different needs of particular areas through a range of measures including broadening the choice of modes for travel and

managing car park demand as well as the use of Travel Plans. With specific regard to the local area of the application site, Policy CS55 of the SDF Core Strategy, which relates 'Cycling Routes' identifies the need for improvement and development of the cycle network through the Blackburn Valley, extending through Smithy Wood and Hesley Wood to Chapeltown and the Tran Pennine Trail (CS55f).

Within the NPPF, Paragraph 32 advises that 'all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- (i) The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- (ii) Safe and suitable access to the site can be achieved for all people; and
- (iii) Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The Environmental Statement includes the submission of a Transport Statement, which has been prepared in accordance with the Department for Transport's Guidance on Transport Assessment – March 2008 and the Council's Guidelines for the Preparation of Transport Assessments and Travel Plans. It considers the traffic generated by the proposed operation and future use and assesses its effect on Smithy Wood Road, Cowley Hill and Junction 35 of the M1 Motorway.

Vehicular access will be as existing, off the northern end of Smithy Wood Road and via the junction with Cowley Hill to the M1 motorway at Junction 35, as shown on Figure 15.1. This access point is currently gated and will continue to be so during the construction period. After completion of the restoration, this entrance will continue to be gated but an A-frame barrier will be incorporated to permit access for pedestrians and cyclists, while providing effective protection against trespass by off-road motorcyclists. There will be two other access points for pedestrians and cyclists only, one at Cowley Hill and the other in Chapeltown Park, both similarly protected by A frame barriers. In association with Sustrans, it is also proposed to extend the Tran Pennine Trail through the site to Chapeltown Park within the final restoration. The application clarifies that there will be no car parking provided within the completed country park. Visitors arriving by car will be able to park on Smithy Wood Road

In terms of existing conditions, the ES notes that the local road network is dominated by the M1 Motorway running north-south to the east of the site. The A629 Cowley Hill connects to the M1 at Junction 35 to the south-east of the site. It also note that the original road into the site extends some 300m to the west of the Travellers' Inn to a cul-de-sac but it is presently closed off by fencing just to the west of the Inn. Smithy Wood Road therefore serves only the Travellers' Inn and the Thorpe Hesley Cricket Club although it is noted that this lack of use and its proximity to the motorway junction means that the road lends itself to 'car pool'

parking and tends to be fully occupied by about 30 parked cars along its eastern side throughout the working day. It is determined that existing traffic flows on Smithy Wood Road, comprising only those associated with the 'car pool' parking, the Travellers' Inn and the Thorpe Hesley Cricket Club are very low.

In terms of traffic generation, the Transport Statement advises that it is proposed to export coal from the site using 30 tonne payload HGVs at the rate of 27 trips per day (54 No 2-way trips). Over the proposed 12 hour shift (0700 – 1900 on Monday to Friday and 0700 – 1300 on Saturday), this will equate to 2–3 HGVs departing and 2-3 HGVs arriving at the site every hour or one every 20-30 minutes. It is advised that the loaded HGVs will be directed to turn left from Smithy Wood Road onto Cowley Hill and straight onto the M1 motorway via Junction 35. Returning empty vehicles will exit the M1 motorway onto Cowley Hill and turn right into Smithy Wood Road thus avoiding Chapeltown. Other construction traffic will consist of morning arrivals and evening departures by workers (26 operatives on daytime production and 9 operatives on night-time maintenance), who are deemed most likely to arrive by private car although some may use public transport and/or cycling or walking. It is noted that there will also be occasional plant and material deliveries throughout the day, some of which may arrive from Chapeltown and the west.

The Transport Statement concludes that the impact of the coal delivery HGVs will be limited to one vehicle every 20 or 30 minutes throughout the day turning left out of Smithy Wood Road onto Cowley Hill and one returning vehicle turning right from the Cowley Hill right turn lane into Smithy Wood Road at the same frequency. It is noted that these turning movements will be greatly facilitated by gaps in the eastbound traffic on Cowley Hill being created by the traffic signalised junction at Nether Lane, 400m to the west. It is also noted that the excellent standard of visibility at the Cowley Hill/Smithy Wood Road junction will allow safe and rapid turning movements. As such, it is concluded that the combination of low frequency trips, very high standard of highway geometry and the short distance along the designated route to the motorway network means that the impact of the coal delivery operation on the local highway network will be very low and these few movements per day will not have any material effect on the local highway network.

The Council concur with the view that there is no reason to believe that the development proposal will cause any highway safety or congestion issues on the local road network given the low frequency of traffic generated. It is the case that the traffic generated by the Smithy Wood Business Park development has not been considered in either the Transport Statement or the Council's Assessment on the basis that traffic flows from this development are predicted to be so low as not to warrant any junction capacity analysis. The day time shift will be 26 people whilst the night time shift is only 9 people, which will generate a very small percentage increase in trips compared to existing flows along Cowley Hill. As noted above, the HGV movements are also very low and are deemed to be manageable without any detriment to queues/delays/congestion. This is on the basis of confirming the routing of HGV traffic via Cowley Hill to the M1 to avoid Chapeltown, which can be secured by means of a planning condition.

With regard to existing car parking on Smithy Wood Road, it is noted that this is presently used by commuters and there may be a need to introduce a Temporary Suspension of Parking Order covering the length of Smithy Wood Road between the site gates and Cowley Lane for the 3 year development period. Whilst accepting that this parking may be displaced into the locality, it is not considered to be of such a scale as to be problematic and could be accommodated within the wider area without detriment to highway safety.

With regard to the proposed restoration of the site, this also does not give rise to any highway objections. It is considered that future country park traffic flow will be very low with only a few movements per day which will not have any material effect on the local highway network. The potential to introduce a new cycle track through the site is also welcomed; it is noted that the proposed route would pull the cycle track away from the disused railway line to the rear of properties on the Cowley Estate, which is the present proposed route for the TPT; whilst it is accepted that the delivery of a cycle track on this site is more than 3 and a half years away, it is still welcomed in principle and noted that the applicant has held discussions with Sustrans in terms of providing a route that is acceptable to them as part of a National Cycle Network. Further details will be necessary in respect of the proposed K-barriers as well as details of the footpaths and cycle route to be included as part of the restoration phase, which can be secured by means of a planning condition.

It is concluded that the level of traffic to be generated by this development, which will comprise 1 HGV arriving and 1 HGV departing approximately every 20 minutes during the proposed 12 hour shift (0700 – 1900 on Monday to Friday and 0700 – 1300 (to be 0800-1400) on Saturday with additional traffic generated by staff during the morning and evening (maximum of 27 vehicles) comprises a low level of traffic generation that can be accommodated on the local road network without detriment to traffic flow or safety. It is also considered that the traffic to be generated by the public park that will emerge from this development will be readily accommodated by the local highway network such that the impact of traffic is acceptable and does not give rise to highway concerns subject to appropriate conditions as outlined above in accordance with Policies CS53 and CS55 of the SDF Core Strategy and guidance within the NPPF.

#### Flood Risk and Drainage

Policy CS67 of the SDF Core Strategy relates to flood risk management and seeks to reduce the extent and impact of flooding through a range of measures including (a) requiring that all developments significantly limit surface water run-off; (b) the use of Sustainable Drainage Systems or sustainable drainage techniques on all sites where feasible and practicable; (d) not culverting and not building over watercourses wherever practicable and (e) encouraging the removal of existing culverting. The NPPF also advises at Paragraph 103 that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere.



The Environment Statement submission includes a Flood Risk Assessment, which the application confirms has been undertaken in accordance with the Department for Communities and Local Government's (DCLG) National Planning Policy Framework (NPPF) and associated Technical Guidance.

First and foremost, the document confirms that the site and the adjacent residential area are located in Flood Zone 1 where the likelihood of flooding is low (greater than 1 in 1000 years). Areas at a great risk of flooding within Flood Zones 2 and 3 are limited to the area around the Blackburn Brook, which are outside the red line boundary of the application site.

Nevertheless, the Environmental Statement examines the flood risk at the site and the surface water run-off generated by the proposed operation and future use and its effect on the surrounding land.

The Environmental Statement considers the existing baseline drainage conditions. It notes that the spoil heap is located on the hillside, which falls towards the south-west. The north-east side of the spoil heap drains to the valley created on that side adjacent to the M1 motorway. It is advised that previously, this valley drained to the south-west via culverts beneath the spoil heap but these are no longer operational and runoff now collects in a large pond.

The south-west side of the spoil heap falls towards the disused railway track on the boundary. There is also no formal drainage system in this area and run-off is assumed to be mainly taken up by the thick vegetation.

Prior to the 1960s when residential development is understood to have started on the Cowley Estate, an open watercourse flowed from the south-western edge of the spoil heap, beneath the railway in culvert and down the field in an open channel to Cowley Lane, which it crossed in a culvert before joining the Blackburn Brook. As the houses were developed, the watercourse was culverted through the gardens of the new properties, whilst continuing to drain the spoil heap. Accordingly, between Cowley Lane and the Blackburn Brook, the watercourse flows partly in an open channel and partly in a culvert; it is understood that the Council is the drainage authority for this watercourse.

It is also the case that Yorkshire Water Services operates a public surface water sewer system in the housing estate which connects via a 300mm diameter pipe to the culverted watercourse. However, in considering this application, regard must be had to the formal designation of the site as lying within Flood Zone 1 with a low likelihood of flooding.

With regard to existing flooding, the applicant confirms that the Environment Agency have no records of flooding at the site. Neither are there any references to flooding having occurred remote from the Blackburn Brook flood zones in the Council's Strategic Flood Risk Assessment (SFRA) although there is anecdotal evidence of standing water at the junction of Cowley Lane and Woodburn Drive.

In assessing the impacts, the Environment Statement confirms that the surface water drainage system will be designed so as to avoid the potential for run-off to flow from the site onto the land, roads and properties on the southwest (downhill)

side. This will apply during the operational phase and after the completion of restoration.

The ES considers that surface water flooding, either in the form of overland flow or standing water, could be caused by allowing water to flow directly off the site onto the adjoining land or by overloading the drainage system to the point where it will surcharge. It is considered that the present site drainage situation is relatively stable, but it is acknowledged that it will be disrupted by the works which will concentrate the run-off at one point, thereby potentially increasing the risk of flooding. It is also the case that once the existing vegetation has been removed, there will be consequentially less water uptake from plants and trees so that the rate of run-off will be higher.

With regard the operation process, it is noted that the use of water is an integral part of the coal washing and treatment process, and the treatment plant has a water requirement of about 25m<sup>3</sup>/hr. The source of water is anticipated to be from borehole sources. The ES notes that the process is very efficient and designed to minimise water use and stop all waste water discharge, with process water maintained in a closed circuit, being constantly re-circulated and re-used. On-site drainage from the process plant is fed to a large sump from where it is recycled.

The Environment Statement identifies a range of mitigation measures to address issues relating to run-off control, attenuation storage and off-site discharge, which are summarised below:

(i) In relation to run-off control, it is advised that run-off from the site will be controlled by a series of ditches, which intercept surface flows and direct the water towards a pond in the south-western area of the site. During the operational phase, the ES states that the run-off factor will be higher than 30% but the excavations will be arranged such that rainwater will be retained within them and subsequently pumped out slowly or used for dust suppression. In the final restored condition, the ditches will be supplemented by SuDS features such as swales and on-line ponds which provide most of the necessary storage, making the final pond less critical.

(ii) The drainage system will be designed to adequately carry the run-off from a 1 in 30 year event. Any local flooding which may occur during a 1 in 100 year event will therefore be prevented from affecting adjacent property;

(iii) During the operational phase, when there will be less vegetation on the site and surface water will tend to pick up silt from the excavation areas, the flow will be retained in the excavation voids and the Scout Pond as much as possible with the surplus directed via cut-off drains to a storage and the settlement pond located in the south-western area of the site. The storage and settlement pond will be 3,000 m<sup>2</sup> in area and 3.9m deep. It will provide 5,350m<sup>3</sup> of attenuation storage which is sufficient to reduce the final discharge to 30 l/s, less than the reduced Greenfield rate of 44 l/s. A single pond would have nominal dimensions of 120m long and 25m wide, but it is likely that during the actual works a series of smaller ponds will be provided

with equivalent combined capacity. Water quality discharged off-site will be protected during the operational phase by the use of this settlement pond;

(iv) Off-site discharge will be limited to the reduced existing Greenfield run-off rate of 44 l/s in the final restoration condition and will be further reduced to 30 l/s during the operational phase to optimise sedimentation. The discharge will be directed to the existing culverted watercourse on the northeast side of the old railway track from where it will flow to the Blackburn Brook.

(v) The mean annual flood flow rate for the site has been calculated to allow for climate change and the applicant's assessment considers that allowing for the climate change, a volume of 950 m<sup>3</sup> may be discharged off-site. The required storage volume is derived by subtracting this figure from the total volume generated by the storm, i.e. 6,000 m<sup>3</sup>, leaving a volume of 5,050 m<sup>3</sup>. Surface water will therefore be stored on site so as to ensure that the off-site discharge is limited to the reduced flow which allows for climate change.

(vi) Within the restoration phase, the volume of 5,050 m<sup>3</sup>, as calculated above, will be stored in a series of SuDS-type swales and ponds along the drainage runs throughout the site, including the Scout Pond on the northern side. The final storage pond will be relatively small and located near the discharge point in the south-western area of the site, where the outflow will be attenuated by a flow control device such as a Hydrobrake

The Environment Statement concludes that the development will not be at risk of flooding and that it will not increase the risk of flooding elsewhere.

The Flood Risk Assessment has been considered by the Environment Agency (EA), who advises that they have no objection to the proposed development subject to a number of conditions. It is also noted that the applicant will be required to discuss any Environmental Permit requirements with the EA at the earliest opportunity, which is a separate process to planning permission.

With regard to pollution prevention, the EA note that under the Water Framework Directive (WFD), Blackburn Brook is classed as having 'moderate' chemical quality. The objectives of the WFD include raising the quality status of waterbodies to 'good' and ensuring that no further deterioration in quality occurs. As such, the EA recommend a condition requiring further details of the means to dispose of foul and surface water to reduce the risk of pollution of the water environment, including details of how the impact of any ochreous (iron rich) run off from the site will be mitigated, most likely through the use of a reed bed treatment system. A condition requiring further detail of a scheme to treat and remove suspended solids from surface water run-off during construction works is also sought. Finally, with regard to flood risk, the EA have no objection subject to a condition that the development does not commence until such a scheme to improve the existing surface water disposal system has approved by the local planning authority and then fully implemented and maintained.

In summary, during the operational phase, surface water run-off will be directed towards the south-western area of the site where it will be stored in a pond and treated to remove suspended solids. The overflow from the pond will discharge into the existing off-site culverted watercourse at this location. After completion of the restoration, surface water run-off will be collected and stored in a series of ditches, swales and ponds throughout the site. The overflows from these SuDS features will cascade to the south-western area of the site where they will be collected in a final pond, the overflow from which will discharge into the existing off-site culverted watercourse. The Council accept the findings of the Environmental Statement and note also that the Environment Agency raise no objection to the development based on the submission of the ES and subject to a number of recommended conditions such that there is no reason to conclude that the proposed development will be at risk of flooding or increase the risk of flooding elsewhere. The proposal is therefore considered to comply with the requirements of Policy CS67 of the SDF Core Strategy and guidance within the NPPF.

#### Archaeology and Cultural Heritage

The submitted Environmental Impact Assessment includes an assessment of Archaeology and Cultural Heritage. In this regard, it is noted that Paragraph 9 of the NPPF defines the role of the planning system as to promote and achieve sustainable development and involves 'seeking positive improvements in the quality of the built, natural and historic environment. Moreover, the NPPF advises that where heritage assets are to be affected by development, local authorities should require the applicant to describe the significance of the assets affected (including the contribution made to the significance of the asset by its setting)

In determining applications, the NPPF advises at Paragraph 132 that 'great weight' should be given to the assets conservation and that substantial harm to or loss of a Grade II listed Building should be exceptional whilst substantial harm to or loss of assets of highest significance most notably Scheduled Monuments and Grade I and II\* Parks and Gardens should be wholly exceptional. At Paragraph 141, the NPPF also requires developers to 'record and advance understanding of the significance of any heritage assets to be lost' through archaeological excavations and reporting.

Within the UDP, Policy BE19 relates to Development affecting Listed Buildings and advises that (as relevant to this case) 'Proposals for development within the cartilage of a building or affecting its setting, will be expected to preserve the character and appearance of the building and its setting'.

With regard to Archaeological Sites and Monuments, Policy BE22 advises that 'Scheduled Ancient Monuments and their settings and other sites of archaeological interest will be preserved, protected and enhanced. Development will not normally be allowed which would damage or destroy significant archaeological sites and their settings.

The baseline information provided within the ES confirms that within 1km of the site (the search area) there are 31 heritage assets but there are no Scheduled Monuments. There are no Listed Buildings within the boundary of the site but there

are 11 Grade II Listed Buildings within the search area, the nearest of which comprises a nineteenth century milepost located 210m west of the site boundary. These listed buildings also include Hesley Hall and Moat, Cowley Manor and Barn, Housely Hall and Greenfield House. The site is not located within a Conservation Area and there are no Conservation Areas within the search area. With regard to archaeological activity, the ES reports that there is no evidence for prehistoric activity within the site nor is there any evidence of Roman or Iron Age activity or Anglo Saxon activity. During the Medieval period, it is believed that the site was still heavily wooded. From c.1950s onwards the site was used as tip site for spoil from Smithy Wood Colliery, located to the south-west of the site.

With regard to the impact on the Grade II Listed Buildings, the ES considers each in turn but in each case, the impact is considered neutral on the grounds that the proposed works will not directly affect the setting of the buildings and it is also likely that the land within the site boundary is not inter-visible with the building. The impact is therefore deemed to be neutral. This assessment is accepted.

With regard to the archaeological potential for the site in the post-medieval period, it is acknowledged that ground disturbance as a result of the development could remove or truncate any potential archaeological remains. However, the likelihood of remains is not considered significant.

On this basis, subject to conditions requiring the submission of a Written Statement of Investigation (WSI) prior to commencement of works, the proposal is considered to comply with relevant guidance within the NPPF and Policies BE16 and BE19 of the UDP.

#### Geology, Ground Conditions and Potential Contamination

Within the NPPF, in relation to conserving and enhancing the natural environment, guidance is provided in relation to contaminated land. Paragraph 109 of the NPPF confirms that the planning system should contribute to 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'. Paragraph 120 also confirms that 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

Furthermore, Paragraph 121 confirms that planning policies and decisions should also ensure that:

'The site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation; After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; adequate site investigation information, prepared by a competent person, is presented.

The submitted Environmental Statement includes an assessment of general ground conditions, the presence of contamination and the possibility of mining instability. It notes that the NPPF makes reference to the Environmental Protection Act 1990 Part IIA, which was introduced into the EPA by the Environment Act 1995 to help deal with the substantial legacy of contaminated land. Within Part IIA, contaminated land is defined as: “any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on, or under the land that (a) significant harm is being caused or there is a significant possibility of such harm being caused; or (b) significant pollution of controlled waters is being caused or there is a significant possibility of such pollution being caused.

The ES notes that Part IIA also addresses “unacceptable risk”. The approach is based upon the principles of risk assessment, including the concept of a contaminant, a receptor and a pathway, which, if combined, form a pollutant linkage.

The ES reports that based upon previous investigations carried out on the site and recent site investigations, these have confirmed that contamination is present in areas of the site. For the purposes of the investigation undertaken as part of the ES, the site was divided into three zones:

- Zone 1 – Western woodland area (likely former cokes works stocking areas)
- Zone 2 – Main spoil heap in the south and central area of the site
- Zone 3 – Area of the scout camp to be used for plant.

In terms of ground conditions, the ES notes that made Ground was present in all boreholes and trial pits locations on the site. It states that the made ground on site was very homogenous and varied in thickness from 0.70m and 11.20m.

The observations of contamination noted within the ES comprise the following:

#### Zone 1

- None of the samples contained concentrations of cadmium, chromium, inorganic mercury, nickel or selenium that are elevated with respects to an acute lethal dose although no acute lethal dose value is given for lead. It is therefore considered that the concentrations of these substances in soil within Zone 1 do not present a significant risk to long-term human health.
- The concentrations of arsenic (up to 165mg/kg) within Zone 1 could be significant with respect to an acute lethal dose. Appropriate Personal Protective Equipment (PPE) and good practice should be employed by construction workers to minimise soil ingestion in this area. Concentrations of some PAH's (a hydrocarbon compound) are very high and may pose a risk to construction workers during earthworks in this area such that suitable PPE should be worn when handling soils.

- No visual evidence of asbestos was recorded during site investigation works. However, seventeen samples were screened for asbestos and fibres were detected in five samples.

## Zone 2

- As with Zone 1, none of the samples contained concentrations of cadmium, chromium, inorganic mercury, nickel or selenium that are elevated with respect to an acute lethal dose although no acute lethal dose value is given for lead. It is therefore considered that the concentrations of these substances in soil within Zone 1 do not present a significant risk to long-term human health.
- The maximum concentration of Arsenic in this area was 77mg/kg, which is on the threshold of being a potential risk to construction workers such that it is considered prudent to wear appropriate PPE when handling soil in this area. Similarly, levels of PAH's are relatively high in this area and it is recommended that PPE should be worn to reduce any risk.
- No visual evidence of asbestos was recorded during site investigation works. Six samples were screened for asbestos and no fibres were detected.

## Zone 3

- None of the samples contained concentrations of arsenic, cadmium, chromium, inorganic mercury, nickel or selenium that are elevated with respect to an acute lethal dose. No acute lethal dose value is given for lead. In addition, none of the samples contained PAH concentrations which are likely to pose a risk of acute lethal dose.

In terms of the risk to surrounding water receptors, the ES determines that

Although there is a soil contamination source at the site and there is a surface water receptor, the pathway between them is not considered significant and therefore the soil contamination is not considered to pose a significant risk to controlled waters because:

- The relatively thick unsaturated zone presents a large medium of attenuation and reduced contaminant flow to groundwater;
- The aquifer is a low permeability mudstone with no recorded groundwater abstractions; and
- The vertical and horizontal pathway distances from the source to the Blackburn Brook are relatively long.

The Environmental Statement then considers a site specific assessment for the use of the site for Public Open Space. As noted above, the initial generic risk assessment has identified arsenic, TPH and PAH's as the contaminants of concern on the site. It is noted that following completion of the earthworks, in order to prepare the site for public open space a suitable thickness of clean cover will be

required in landscaped areas. This will further reduce the risk to human health from the re-worked made ground by blocking the soil ingestion, inhalation of soil-derived dusts, dermal contact and plant uptake pathways.

Having regard to the presence of contaminants on site, the ES proposes the following mitigation measures:

(i) Within the spoil heap, areas of the spoil heap are known to contain contamination. However, these concentrations are not likely to pose a risk either to long term human health (public open space) or in terms of an acute lethal dose for construction workers. It is noted that disturbance of contaminated material during the preliminary works may increase the risk of mobilisation of contaminants to groundwater or surface water via infiltration or runoff. However, given the contaminants present, their topographical level above the groundwater, the low permeability of the spoil heap material and the lateral distance to the watercourse, it is concluded that the increased risk to both groundwater and surface water is considered to be minimal.

(ii) During the site operation phase it is noted that Zone 1 (the woodland) will be used a stock piling area for coal recovery in other parts of the site. The site investigation has identified concentrations of arsenic, TPH and PAH's in this area at concentrations likely to pose a risk to both long term human health and as an acute lethal dose. In addition, it is noted that asbestos has been identified in a number of locations in this area. Due to the contamination present, this area will not be disturbed during the site operation.

(iii) Within the spoil heap area (Zone 2), which will be subject to coal recovery contamination has been identified in areas of the spoil heap. However, concentrations are unlikely to pose a risk to human health. Disturbance of contaminated material during site operation may increase the risk of mobilisation of contaminants to groundwater or surface water via infiltration or runoff. However, given the contaminants present, topographical level above the groundwater, the low permeability of the spoil heap material and the lateral distance to the watercourse, the increased risk to both groundwater and surface water is considered to be minimal.

(iv) Once operational the proposed wash plant operates as a closed-circuit system and no ground contamination potential is anticipated

(v) Following completion of the coal recovery operation, the Zone 1 part of the site will be restored for public open space. The risk assessment has determined that levels of contamination in this area pose a risk to site users and the most contaminated part of the site such that action is required in this area to mitigate this risk. The ES advises that the contaminants of concern in Zone 1 are typically those that are either nonbiodegradable (asbestos) or have very low biodegradation potential (benzo(a)pyrene) and are not practically treatable. A cover system (to a thickness of at least 600mm) will be installed in this area to mitigate the risk to long term human health from the contamination in this area. Although this material will be left in-situ, it is



considered that the risk to controlled waters in the area will be minimal due to the presence of the cover system, reduced infiltration as a result of compaction within the cover system, a thick unsaturated zone beneath the site and the lateral distance to the Blackburn Brook.

Overall, this part of the ES concludes that the proposed development will provide betterment of the site in terms of contamination and ground conditions and the site will be suitable for public open space end use following completion of the coal recovery operation.

The Council's Environmental Protection Service has considered the Environmental Statement with regard to ground conditions and contamination and advise that the vast majority of the site within the planning application boundary has been investigated and satisfactorily characterised, identifying some areas where elevated concentrations of contaminants will require remedial works to render the site suitable for the intended end-use. It is noted that two relatively small areas, identified as ancient woodland, have either not been investigated at all (in respect of the north-western area) or have only had minimal investigation (in respect of the south-eastern area). As both of these areas will have an end-use of public open space, it is concluded that appropriate, sensitive investigation will be required to inform any necessary remedial requirements prior to the first use of the site as open space, which is an matter than can be conditioned.

There is therefore no objection to the development on the grounds that it is not being appropriately remediated such that it can be considered that the proposed development will suitably remediate the site and secure a safe future use subject in accordance with guidance within the NPPF.

#### Socio-economic effects

It is a requirement of an Environmental Statement to consider the socio-economic effects of a development, which is also consistent with guidance within the NPPF, which notes at Paragraph 6 states that the Governments view as to what constitutes sustainable development is set out in Paragraphs 18-219 of the NPPF (i.e. taken as a whole) but has economic, social and environmental dimensions.

The Environmental Statement notes that there is no currently established best practice ES methodology for the assessment of socio-economic impacts such that the applicant's report is based on professional experience of assessing similar schemes.

The ES confirms that the restoration of the site will secure environmental improvements through the removal of dereliction and planting of new woodland and grassland. Whilst there are clearly short-term impacts, which are highlighted in the report above, the proposed restoration scheme will create beneficial public access and improve accessibility and recreational space in the local area. The ES notes that improved access to public footpaths and a cycleway will all form an integral element of the restoration design such that the scheme will have a major beneficial impact on amenity, accessibility and recreation.

With regard to employment levels, the ES records that RecyCoal Limited currently employs in the region of 100 people nationally at colliery spoil reclamation sites and workshops.. Approximately 35 people will be employed on the this scheme and whilst it is acknowledged that some of the jobs will not necessarily be new jobs, as some jobs are likely to replace those which have ceased at worked-out sites elsewhere, it is argued that they represent the continuation of an important industry within South Yorkshire. It is advised that any extra jobs at the scheme will be sourced locally in line with current practice. Assuming the scheme provides jobs for 35 employees, the ES estimates that over £1 million will be paid directly in salaries per annum for the duration of the scheme. On the basis of over half of employees will live within 10 miles, a large proportion of this income will therefore enter the local economy and further expenditure will be paid to local suppliers for goods and services required by the operational site

The ES also notes that there are indirect local employment prospects sustained by the money spent in connection with the project, including subcontractors, suppliers of plant and construction materials, drainage contractors and office and suppliers and RecyCoal Limited has a policy of competitive tendering for the provision of such supplies including where applicable locally-based companies.

Finally, as part of their socio-economic analysis, the applicant notes that the reclamation and restoration of this site using RecyCoal's technology represents a 'Once and for all' solution to soil heap restoration which will mitigate potential combustion and land contamination issues for the future and lead to the reclamation of 38 Hectares of despoilt and derelict land to create a long-term sustainable use.

The above information is provided for Member's benefit as a comprehensive representation of the applicant's submission. Whilst it is acknowledged that the scheme will not generate a significant number of jobs and not all of the 35 jobs will be new, it is appropriate to accept that the creation of any new jobs is of benefit and there will be some indirect expenditure benefits to the wider economy. More significantly, this development will lead to the creation of a new green space for Chapeltown and the wider area and will result in public access to an area that is presently a spoil tip with no public access. Accordingly, it is considered that some socio-economic benefit will be derived from the development, which clearly needs to be balanced against the other social, economic and physical impacts identified in the report above.

#### Future Use

A key element of this application is the fact that the recovery of 395,000 tonnes of coal from the application site will enable the restoration of the land to provide a publicly accessible open space. The site will remain within the Green Belt designation within the Sheffield Development Plan such that any new uses such as new housing will remain inappropriate and contrary to both National and Local Planning Policy and no exceptional circumstances can be foreseen at this time. Accordingly, the future openness of the Green Belt is protected and enhanced.

The application states that the proposed restoration of the spoil heap is designed to create a landform that is more in keeping with the surrounding area and that also addresses the slope and drainage issues associated with the site.

The scheme essentially comprises a mosaic of woodland and grassland with the landscape to be graded to a single high point of c.128m AOD within the centre of the site. The phased approach to the reclamation process will enable a gradual restoration of the site and upon completion of the phased coal recovery, land will be graded to the contours.

A footpath network is proposed, which will provide links through and across the site for recreation use. The footpaths will extend to circa 3km in length across the site and will be built to provide internal access across the site and access to the proposed high point in the centre where distant views towards the Pennines and across the M1 will be possible. The applicant notes that the path networks will offer the opportunity to walk through both open grassland and deciduous woodland. The application states that it is intended that reclaimed burnt shale will form the base and wearing course to the footpaths which will be wet rolled to create a solid and hard wearing surface. They will be 2 metres in width.

There has long been an aspiration to create a section of the SusTrans cycle network along the disused rail line running adjacent to the western boundary of the site to provide a traffic free section to the existing National Route 67 (Trans Pennine Route). This has recently been the subject of a funding bid by the Council. However, prior to the submission of the bid, there had previously been some public concern over the use of the railway cutting such that this application does provide the opportunity for a second 3m wide access track (c. 1.5km long along the line of the eastern site boundary), which would link Smithy Wood Road to the south through to Coppice Rise at the north-west corner of the site. It is the case that the delivery of this route would be at the end of the recovery and restoration period (circa 41-47 months), which is beyond the desirable timeframe set within the Local Transport Plan but in the event that railway line route does not prove viable, this alternative proposal is a welcomed option that has been discussed with SusTrans such that it could fit within their wider network.

As part of the restoration proposals, it is also advised that 16.4hectares of proposed woodland will be planted to extend the areas of existing ancient woodland located on the fringes of the site and contribute to the continuous sweep of woodlands which dominate this part of the City. The proposed coal washing operation will require the clearance of trees from the working area, which will be undertaken prior to the commencement to each working phase, and with appropriate safeguarding to ecological guidelines, a total of 41,000 new trees will be planted throughout the restoration process. Whilst the applicant does not indicate that these will be mature or semi-mature species, which has been raised as matter of concern for some local residents, it is advised that the Council's Ecologist is of the view that if the soil type is fairly poor then whips (60cm trees) will actually get away better than planting heavy standard trees as they establish more quickly and in a few years, catch up with the standard trees in any event. It is advised that the bigger the root ball the harder it is for a tree to get established. It is also noted that the large volume of trees 41,000 will have a built in failure rate

which is inevitable and will probably need thinning in a few years in any event such that the planting of whips is not considered unduly problematic in any event.

With regard to soil quality, the applicant advises that the extent of existing soil materials will be determined, and, if required, soil making material will be imported, stored on site and gradually incorporated into the existing base material, creating a suitable growing media to support restoration. It is important that the composition of any imported soils is understood and thus, the extent of soil imports forms a condition of this recommendation.

The applicant also notes that these represent the initial proposals and the applicant wishes the restoration to become an iterative, community led exercise, which listens to and involves local ideas and choices. Through discussion with stakeholders the intention would be to develop the initial restoration proposals and tailor it to suit local requirement. Development of outdoor classrooms, trim trails, measured walking and cycling circuits could be developed to ensure the protection and use of this local asset.

With regard to long-term management, a number of representations question what will happen after 5 years. It is the case that RecyCoal own the site and will continue to manage it for the foreseeable future unless an alternative solution (such as community ownership) should emerge. The reference to 5 years is more closely aligned to the typical requirement in planning applications for landscape works to be maintained for a period of 5 years with any plants that die within that period having to be replaced. In addition, the applicant is agreeable to a bond being placed with a reputable company to facilitate the completion of the works should anything happen to RecyCoal. Details of the insurance bond are being clarified and will form part of a Unilateral Agreement under Section 106 of the Town and Country Planning Act. This will provide security that the works will be completed as proposed. In addition, the Section 106 will provide details of a community fund, to deliver small pockets of funding to local groups.

Finally, a number of residents have also suggested that the site should be left as it is. The applicant has considered this 'do nothing' scenario and considers the following:

- (i) The site would remain with continued potential combustion and land contamination issues;
- (ii) It would provide limited potential for future beneficial use of the site by the local community;
- (iii) It would not contribute to employment/ inward investment in the local area; and;
- (iv) It could become a safety hazard.

The Council have considered the proposed restoration and have no objection in principle; the proposed new public access to the site is also welcomed. It is considered that further details will be required in terms of creating larger woodland areas, or additional planting adjacent to the Ancient Woodland on the northern boundary to maximise ecological benefit but such details would fit with the applicant's desire to liaise with the local community in the preparation of the final

restoration programme. Accordingly, it is considered acceptable that such details form a condition of this recommendation.

## RESPONSE TO REPRESENTATIONS

In response to the concerns raised by CRAG, the following is advised:

- With regard to the principle of coal extraction and the viability of the project, this is fully addressed in the report above.
- With regard to the creation of jobs, this is fully addressed in the report above.
- In response to the concerns that CRAG raise in relation to Air Quality, these are primarily addressed within the report above.

CRAG maintain that should the Council be giving planning permission to a scheme that increases NO<sub>2</sub> levels in the area for the next 5 years? This is not complying with and contributing towards EU limit values or national objectives for pollutants. The Council's analysis of the application concludes that the annual average health based objectives in relation to Air Quality are not likely to be breached as a result of this development, provided it is operated in accordance with the mitigation measures proposed, which will form a condition of this recommendation.

If the scheme goes ahead, what added cost would it be towards the National Health Service? The Council will be satisfied as outlined in the report, that the proposal will not give rise to undue impacts in relation to Air Quality to the extent that the application should be recommended for refusal;

RecyCoal has done no monitoring of PM<sub>10</sub>, PM<sub>2.5</sub> or PM<sub>1</sub> particles and there is no mention of NO<sub>2</sub> emissions from vehicles so they are only monitoring the dust that you can see; in the course of the application, the dust monitoring strategy has been amended in accordance with discussions held with the Local Planning Authority and a dust monitoring strategy is proposed as a condition of the recommendation such that there will be continuous dust monitoring. Moreover, it is advised that particle size noted by CRAG above can be monitored. The TOPAS monitoring machine, which forms part of the Dust Monitoring Strategy, is capable of monitoring PM<sub>10</sub>, PM<sub>2.5</sub> and TSP (total suspended particulate matter: PM<sub>1</sub> to PM<sub>30</sub>).

CRAG refers to the research by Van Steenis around Coking Works in Derbyshire where he looked at four schools around Avenue Coking Work developments and had monitors for PM<sub>2.5</sub> particles put into them. They were all 1-2 miles from the coking works and the PM<sub>2.5</sub> levels were well above the safe level of around 10 micrograms per m<sup>3</sup> ranging from between 56 micrograms per m<sup>3</sup> to 137 micrograms per m<sup>3</sup>. RecyCoal say that their system is a wet one but from Dr Van Steenis's research, these very tiny particles will still be released into the atmosphere and will travel up to 3 miles from the site and spraying with water cannot completely remove these particles. Van Steenis argues that experience gained at Arkwright proves that the alleged ability to control dust by open-casters if

a fallacy; This scheme differs from the site at Arkwright in that the application proposal is not an open cast mine and RecyCoal's process is a wet process rather than open cast and the Environmental Impact Assessment does not bear out the concerns of residents above.

There are no monitoring results to show what the PM levels would be or the NO<sub>2</sub> levels from the heavy equipment and HGVs; The level of HGV movements from this site are considered to be low and the Council are of the view that it is unlikely, given the predicted number of vehicle movements, that the extra HGV activity on the site would take air pollution levels, in particular NO<sub>2</sub> and PM<sub>10</sub>, over their EU limit. Current background NO<sub>2</sub> and PM<sub>10</sub> concentrations in the area are less than 80% of the EU limit.

CRAG note the 2008 ambient air quality directive sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health including particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) and NO<sub>2</sub> - they argue that this scheme does not implement or support actions that make a positive contribution to improving air quality and in fact, it does quite the opposite and would have an unacceptable adverse impact on human health from SCC's own evidence within the AQAP – It is the case that the 2008 ambient air quality directive, 2008/50/EC sets legally binding limit for concentrations in outdoor air of major air pollutants that impact public health, PM<sub>10</sub>, PM<sub>2.5</sub> and NO<sub>2</sub> included. However, the scheme has not been shown to cause a breach of any of the health based limit values for any pollutant. It is not sufficient to stop a development only on the basis that it produces some pollutants; it has to be determined in terms of relevant Planning Policy and in this case, the NPPF requires the Local Planning Authority to ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source, which can be achieved by means of the planning conditions.

CRAG highlights the impact on health and the wealth of scientific research to show the health risks posed by open cast mining. They note the Douglasdale Report, which states that 'surface mining disturbs land creating dust known as Particulate Matter. Coal dust can be picked up by winds. PM matter is also released by diesel powered construction mining equipment. As noted above, this is not an application for open-cast mining and the scheme has not been shown to cause a breach of any of the health based limit values for any pollutants.

CRAG considers that there is no monitoring of Particulate size so their monitoring procedures are totally unacceptable; as noted in the report, the TOPAS dust monitors are capable of monitoring particulates and this will form part of the dust mitigation strategy. There is no formal requirement for pre-application monitoring but it is anticipated that before works on site commence, some baseline monitoring will occur and these results will be provided to the Local Planning Authority prior to the coal recovery commencing.

CRAG raise concerns about the validity of some of the ES reports; as noted in the report above, the Sheffield Ecology Unit consider that the need to carry out updated surveys should be assessed on a survey by survey basis. Since site conditions are unlikely to have changed significantly and given that the 2011

surveys are only just over 12 months old, it was considered unnecessary to carry out further surveys in this case.

CRAG highlight that nowhere within the RecyCoal submission is there an assessment of the environmental impact of the proposed wheel washing facility or a discussion of how the wash medium will be treated and disposed of. The wheel washing facility is a very small component of the development overall and there is no requirement to undertake an ES of a wheel wash on its own when the entire development has been subject to an ES. In addition, the wheel wash will operate within a closed system such that there is no water to be disposed of.

CRAG believes that parts of the area are classified as a medium probability for flood risk; In accordance with Government guidelines, the risk of flooding is based on a 1 in 100 year statistical probability. As noted in the report above, the application site falls within Zone 1, which is at a low risk of flooding.

The increased flow of water after the removal of trees from the site and the disturbance to the current site surface will increase the risk of flooding of Blackburn Brook, which is the discharge point for the culvert. CRAG consider that even after the operation the threat will not diminish significantly as it is RecyCoal's intention to use the culvert as a major outflow route for surface water from the site. It is advised that the removal of trees has been allowed for in estimating the rate of run-off and this forms part of the Environmental Impact Assessment in relation to flood risk.

In response to the set of conditions recommended by CRAG and CHEG, the following is noted:

- To limited HGV vehicle movements to be 0930 to 1430 Monday to Friday to reflect traffic flows and volumes at peak periods, 0830 to 1200 Saturday, and no site access on Sunday and Public Holidays. Site vehicle movement and extractive operation to be limited to 0830 to 1800 Monday to Friday, 0830 to 1300 Saturdays and no operations on Sunday and Public Holidays. The proposed hours of operation are consistent with the NPPF during the week and given that no undue impact is considered to arise from the development if the proposed mitigation is put in place, there is deemed to be no specific justification to amend the hours to those recommended by CRAG although the Council have negotiated that working should not commence until 0800 on Saturdays. Working is not proposed on Sundays and Bank Holidays, which is secured by means of a planning condition.

Wash plant to operate 0830 Monday to 1300 Saturday giving total operational time of 126.5 hours per week. As above.

RecyCoal's area of operation be reduced to provide a minimum distance from the properties on Glenwood Crescent, Woodburn Drive, Cowley Drive and Coppice Rise of 150 metres. CRAG note that in Scotland, they require a buffer zone of 500 metres away from residential properties for any open cast mining; This is not an application for open cast mining and the impacts generated by the development do not justify a reduction in operational area;

Reduction in the surface area of the proposed settlement pond(s) by 50% from 3000m<sup>2</sup> to 1500m<sup>2</sup> which recognises the reduced water excess by the increased areas of retained trees on site. Any single storage/settlement pond should also be limited in size to 500m<sup>2</sup> or 25m by 20m with 2.5m high fencing around the perimeter with a maximum mesh size of 30mm<sup>2</sup> and additional safety provision from suitable lining materials to ensure no egress of contained water and/or contaminants into the land mass adjacent to residential properties. Additionally they would wish to see outflow water flow rate monitoring at point of discharge and at the exit of the watercourse at - Cowley Lane, these flow rates to be continuously monitored and publicly available on a dedicated monitoring website; Based on the submitted information in relation to flood risk, there is no justification for reducing the size of the settlement ponds in planning terms. The ponds are part of the site drainage system and are located outside areas of significant contamination such that they are unlikely to contain significant contamination although it is proposed that this be monitored during the course of the coal recovery process and beyond. Water entering the ponds will be surface water run off only.

Real-time monitoring of dust and noise levels be used and monitored independently with dust monitors of EU standard and residents should have access to this data. Dust levels will be continuously monitored and noise levels will be monitored on a regular basis and the results will be accessible by Council Officers who can assess the data and determine whether there are any undue impacts contrary to current legislation.

Background monitoring of air quality (PM<sub>10</sub>, PM<sub>2.5</sub> and PM<sub>1</sub>) for at least 6 months prior to any activity on the site. There is no formal requirement within planning legislation to see 6 months of background monitoring.

The use of foam or similar, as used in the USA, to reduce dust emissions by 80%; The Council have to consider the application submitted to them and it must also be noted that no undue dust emissions are predicted due to the nature of the coal recovery process.

RecyCoal should use ordinary diesel or carbon offset diesel rather than Red Diesel which is known to release emissions harmful to the environment and also have filters fitted to the exhausts of the heavy machinery to reduce those emissions; The Air Quality Management Scheme advises that all earthmoving equipment will be fitted with the exhaust systems that cannot be emitted in a downward direction. It is also advised that Red dye diesel fuel is understood to have the same chemical composition as diesel with the exception that red pigment has been added;

Independent monitoring of noise levels daily; the noise monitoring will be undertaken by an independent company and the results provided to the LPA for analysis. It is proposed that monitoring be undertaken every month during the first 3 months of operation at agreed locations and then in accordance with a timescale to be agreed. In the event that a noise complaint was submitted to the Local Planning Authority, it would need to be investigated at any time in addition to the proposed noise monitoring.



All ecological reports to be repeated at appropriate times by independent ecologists in particular those identified by their authors as not conducted at optimum times. This is considered in the report.

Additional environmental assessments of the wheel wash facility be conducted; this is considered above.

That the site operation be reviewed on a monthly basis for the first 12 months and then quarterly basis by a liaison committee comprising at least 4 members of CRAG, the Parish Council, the Local authority, The Environment Agency and other groups. Details of a liaison group are proposed as a condition of this application.

That following restoration, no vehicle access be allowed via Smithy Wood Road other than for site maintenance and in particular that no vehicle access be allowed to the Hesley Wood Scout Activity Centre via the restored site. The restriction of vehicular access can be secured by means of a planning condition although it must be advised that the Scouts already have a legal right to use the access from Smithy Wood Road and thereafter use the old concrete road that exists down to their land.

The quality of the restoration should be determined by the liaison group and that a minimum size of replanted trees, preferably 1.5m to 1.8m tall, be implemented in order that the site has an immediate aesthetic for residents and wider community even if this requires a smaller volume of trees be replanted on the site. This is addressed in the report above.

That the site be secured in perpetuity as a community amenity only and that no further development or remediation of the site be allowed for a minimum of 999 years. The application site is designated as Green Belt and any future proposals will have to be considered on their merits in accordance with Green Belt policy. It is not feasible to enforce a condition in the manner suggested by CRAG as it would not be reasonable or enforceable given the timescale of 999 years proposed.

That RecyCoal and/or Sheffield City Council provide a guarantee or bond of adequate value to provide for the restoration of the site to a suitable condition should RecyCoal default in any way during or after the reclamation phases of the site. An Insurance Bond is proposed and will be secured by means of a Section 106 agreement.

CRAG refers to an increase in the risk of flooding of the Blackburn Brook: The applicant has confirmed that surface water run-off will be stored to attenuate the flows to Greenfield run-off rates with allowance for climate change. Consequently, the flows down the Woodburn Drive culvert and/or the Cowley Lane drain will not exceed the existing rates and the Blackburn Brook will not be affected. This will be the case both during the works and after completion.

In response to the other objections received (i.e. non CRAG) the following response is advised:

With regard to objections that relate to the principle of development, the viability of the project and the contribution it would make to UK coal supplies, this is fully addressed in the report above.

With regard to the objections relating to wildlife and biodiversity, the majority of concerns are addressed fully in the report above. A response to the remaining representations is summarised below:

The decimation of the current maturing woodland will have a massive impact on current wildlife, which includes some rare species; As noted in the report above, it is concluded that there will be no significant impact on wildlife as a result of this development and in any event, rare species as well as a whole range of other species are protected under the Wildlife and Countryside Act and the applicant will need to abide by national legislation to protect such species.

The Ecological information presented does not seem to truly represent the diversity of wildlife that now exists and there is some anecdotal references to additional species e.g. adders. Do the Council therefore intend to carry out its own ecological survey and if not, why and how can this be justified? In determining planning applications, it is not for the Council to undertake their own ecological surveys but to be satisfied that the applicant has properly undertaken ecological surveys in accordance with national guidance. In this case, the Council's Ecology Unit is satisfied that the ecology surveys submitted as part of the Environmental Statement have been properly undertaken by suitably qualified ecologists.

The grassland and trees that RecyCoal are proposing will take another 30 years to mature to the current level of planting on the site; It is the case that the landscaping will take some time to mature but it is the coal recovery that will enable the reclamation and re-use of the site as a publicly accessible green space.

The ES diminishes and underplays the value of the area to wildlife and indigenous plants that have colonised the area over the last 30-40 years. The existing mature trees on the lower slopes of the spoil heap should be retained at all costs. It is the Council's view that the Environmental Statement has been undertaken in accordance with guidance on such Statements and does acknowledge the wide range of species on the site. It is also the case that the Ancient Woodland around the boundary of the site will all be retained and protected.

Several omissions in the analyses of habitat and wildlife – the area is rich in fungi especially in Autumn so what steps were taken to evaluate the local fungi? There is no specific requirement to analyse fungi.

The ES report states that Kestrels did not appear to be nesting on site but Kestrels have been nesting on the site in previous years but their nest on one of the communication masts was removed in early 2012; Kestrels are protected under The Wildlife and Countryside Act (1981) and if any nests are removed, this is a matter for the Police.

Other mammals not reported in the supporting documents include squirrel and hedgehog – the objector has also seen adders on the track to the Scout Pond.

Such diversity of wildlife will be lost temporarily if not permanently; Squirrels and hedgehogs are not protected species such that the Council cannot specifically protect them although it is hoped that the clearance can be undertaken slowly to enable species to move away'

If the wood is cut down, where will all the existing wildlife go? As noted in the report above, there is an extent of habitat that will remain and the similar habitats adjacent to which existing wildlife can migrate;

What about bluebells – these will all be destroyed; It is not unlawful for the applicant to remove bluebells in this instance but it may be appropriate to include the planting of bluebells within the restoration plan.

With regard to the objections relating to trees, the majority of objections in relation to the loss of trees and the timescales for the site reaching majority following the loss of existing trees on site are addressed in the report above. In relation to the remaining objections, the following is advised:

Loss of mature trees around the boundary of the site, which will mean the loss of cover for all sorts of wildlife; the Ancient Woodland around the boundary of the site is to be retained.

The applicant will fell every tree on the site so the residents will be left with a lunar landscape for a good number of years; it is acknowledged that a significant number of trees will be removed but an extent of woodland around the site, including the Ancient Woodland will be retained.

Removing trees will increase the noise from the motorway and will take the privacy from the resident's house on Cowley Drive; The Environmental Protection Service have advised that it is very difficult to reduce traffic noise as it generally travels upwards and has a wide range of noise frequencies from higher pitch motorbikes to lower pitch HGVs. Only a solid barrier near to the road would have any significant impact on noise reduction and even these have limited benefit (e.g. the barriers at M1 Junction 34 have proved to be of marginal benefit at protecting Tinsley School from motorway noise). Dense evergreen shrubbery can provide a few decibels reduction but generally the gaps between trees allow noise to penetrate through therefore reducing the acoustic performance. Accordingly, the removal of trees will not make a significant difference to the traffic noise levels. Objector remains unclear about the precise area of the Ancient Woodland and objector seeking assurance that no Ancient Woodland will be damaged, particularly as many mature trees felled unnecessarily at Smithy Wood; It can be confirmed that no Ancient Woodland will be damaged as a result of the development and a condition is proposed to that effect.

Several statements on the documents about how great a gap is need between the canopy of the Ancient Woodland and any development – proposed gaps ranged from between 2 metres (ES 8.4.36) to 5 metres (ES 7.9.8) – both of these fall short of the 15 metres cited by Natural England's Standing Advice for Ancient Woodland. This matter has been discussed with the applicant and a 15 metre buffer will be

provided throughout the site, which will be secured by means of a planning condition.

The ES states that existing mature trees bordering the estate are to be left in situ – does this refer to both sides of the former railway line or solely the side that borders the estate and Chapeltown Park?

The birch scrub is only the first stage of regenerating of rough ground and this is already been replaced by oak, ash and sycamore, which will continue to grow and replace the birch. RecyCoal states that it contains important species but considers them to be of low ecological value but some species were omitted from the survey; Residents do not clarify which species they consider to be missing but the Council are satisfied with the Ecological Surveys. With regard to the birch scrub, it is the case that if it were left in situ, it will continue to grow and development but the Council must consider the planning proposal submitted and there is no justification on ecological grounds to recommend refusal.

The destruction of 38 hectares of trees and the replacement with only 14,000 trees is unacceptable and the replacement seems insufficient. Also, the height and density will not be the same as now; it is the case that the applicant proposes to plant 41,000 trees in a managed way. The Council's Ecology Unit has advised that in planting such a large volume of trees, there will be a built in failure rate which is inevitable and in a few years they will probably need thinning but it is considered that the site will be properly managed in achieving the end result of a landscaped public space.

Will the saplings grow on the newly disturbed shale? What species will be lost in the meantime; as noted in the report, it is considered that whips will establish more quickly if the soil is poor and the application also allows for the importation of soil if the soil quality is so poor and a condition to this effect will be required.

The City Council should delay any decision until an independent body such as the Woodland Trust can survey the site and confirm that Ancient and mature woodland is protected. The Ancient Woodland will be protected by means of a planning condition.

ES paragraphs 8.4.12 and 8.4.17 describe a large variety of tree and plant species and demonstrate that the area is not the barren landscape described in RecyCoal's literature. Many of the plants are very important food sources for insects, their larvae, birds and bees; it is considered that there are barren areas on site but it is also concluded that the Ecological Surveys do appropriately record the wide range of species on site.

The site at Grimesthorpe is not an improvement on the application site; it is considered that this is a personal view of an objector but this application must be considered in accordance with National Planning Policy.

With regard to objections relating to noise impact, the majority of concerns are considered in the report above but in response to further objections, the following is advised:

Is the noise pollution going to be monitored continually for 24 hours a day and work halted if it exceeds set levels? The noise levels indicated of normal working on the site have been reported at 50-60db, which is similar to a washing machine and a lawn mower, although if this is for 12 hours a day, 5 days a week and 5 hours on Saturday, this is a concern; The background noise levels recorded on the Cowley estate range from 37 to 46 decibels, the NPPF guidance allows 10 decibels above background levels to a maximum of 55, with also a maximum of 70 decibels permitted for an 8 week period. The noise will not be monitored continually for 24 hours a day but routine measurements will be undertaken by the applicant and as part of a noise monitoring scheme to be secured by means of a planning condition.

Objector considers that not only are the noise levels unacceptable but the working hours themselves (7am to 7pm Weekdays and 7am to 1pm Saturdays for three of four years) will mean there is no respite from increased noise levels. The working hours accord with guidance with the National Planning Policy Framework as set out in the report above;

The noise levels will be above European Guidelines; as above. The Council is unclear as to which European Guidelines the objectors refer to as the Council are not aware of any European Guideline noise levels that are directly related to this type of activity unlike guidance within the NPPF.

The previous 2007 application noted that the nearest residents were 230 meters away and the site was restricted to working between the hours of 0800 and 1800 Monday to Friday with no work at weekends or bank holidays. Given that this scheme is much closer, would similar or more stringent hours of working requirement be considered for this application? The potential for disturbance is much greater as the work is much closer to residents. There is also no clear statement in respect of public holidays? As noted above, the working hours accord with the NPPF although the Council have sought to amend the Saturday hours from the 0700 start 'permitted' by the NPPF to 0800 hours. It is proposed that there will be no working on Sundays and Bank Holidays and this will be controlled by means of a planning condition.

The noise assessment locations at points 4 and 5 do not take into account the properties in the middle of these two locations as these are away from the main road and generally quieter. The assessments were also done on a refuse collection day and only for three periods of 20 minutes at the busiest times. No measurements were taken at the quieter evening or other times; It is possible that the refuse vehicle increased the maximum noise levels. However, the background noise levels are measured by the L90 method which removes the loudest 10% of noise readings so they do not unduly affect the overall figure. This method of measurement would remove any loud impact noise events from the refuse vehicles. The Council have taken some noise readings around the site to check on the RecyCoal noise figures and Officers are satisfied that the levels in the report are representative of the noise levels experienced by residents around the site. Resident considers that the initial background noise checks have been done on a limited scale and measurements for 15/20 minutes 3 times a day is not enough. One hour sampling 3 times a day and night would be necessary to give realistic

background noise levels; The Council are satisfied that the Noise Monitoring has been undertaken in accordance with relevant guidance;

Maps show expected noise levels of +50dB on Glenwood Crescent, which is unacceptable and gives a noise increase of nearly 10dB – the real sound levels will be higher; As above, the NPPF guidance allows 10 decibels above background levels to a maximum of 55, with also a maximum of 70 decibels permitted for an 8 week period

RecyCoal are predicting noise levels near the objector's house (Glenwood Crescent) at 51.3db of constant noise for 12 hours a day – this is totally unacceptable when the WHO Guidelines for community noise state that 55db is a serious annoyance; as above, NPPF guidance allows 10 decibels above background levels to a maximum of 55, with also a maximum of 70 decibels permitted for an 8 week period

The current height of the landscaped tip acts as a noise barrier to keep the noise of the M1 from residents at the Chapeltown side of the site – the proposed works will remove this and the operations will generate noise pollution at a level higher than existing levels; It is agreed that the landscaped tip provides a solid barrier for noise reduction from road traffic on the motorway and Cowley Hill. However, it is understood that the actual coal removed from the tip only accounts for 7% of the material excavated and with the import of some materials for restoration the level of the tip will not be altered significantly following the completion of the development.

A resident suggests they (noise levels) will be as high as 120dB, which can damage hearing? The operator is required to adhere to the National Planning Policy Framework guideline levels which allow 10 decibels above the background noise levels to a maximum level of 55 decibels (averaged over a 1 hour period) and the noise level predictions for the Cowley estate are generally below this level. The guidance also allows a temporary level of 70 decibels for a maximum period of 8 weeks for any short term works that generate higher noise levels. The works would not reach a level 120 decibels which is extremely high and similar to noise levels experienced at a rock concert.

With regard to objections relating to dust and air quality, the majority are addressed in the report above. However, in response to matters not specifically addressed, the following is advised:

The analysis of soil contaminants reports the presence of several poisons and there is concern that these will enter the air in dust particles and pose a threat to residents or make local grown vegetables and fruit unsafe to eat; The applicant notes that contaminants present within the spoil heap itself are at low levels and the risk to human health is calculated to be low, as set out within the ES. The ES also notes that higher levels of contamination are present in an area of the woodland in the south west of the site but this area will not be subject to coal washing and will be left undisturbed during the operation of the site; moreover, it will also be capped by at least 600mm of clean inert material in order to increase the depth to the soil contamination and minimise the risk to future users by

blocking the soil ingestion and inhalation of soil-derived dusts, dermal contact and plant uptake pathways.

Will any of the dust have corrosive qualities? It is advised that the type of materials that will be excavated, handled, transported, washed and placed back are not known to contain corrosive materials and no additional materials will be introduced to site as part of the above operations. This will be the same for the soils and ameliorants that are required as part of the restoration of the site.

No independent monitoring of dust or airborne contaminants is proposed and who will monitor dust levels? Dust monitoring will occur throughout the coal recovery process in accordance with a dust management strategy to be agreed with the Local Planning Authority by means of a planning condition.

The Dust Action Plan refers to further measures – what are these and why can they not be introduced in the first place? It has been clarified with the applicant that the additional measures referred to would only be required if abnormal meteorological conditions prevail. These additional measures comprise bringing in additional bowsers, moving working areas away from receptors while conditions are bad, or in extreme circumstances suspending operations completely until conditions improve, which is a mechanism that will be incorporated within a Dust Management Strategy to be agreed by condition.

Section 5 of ES makes it clear that operations will be suspended if dust levels are high but who makes that decision? The applicant advises that the site manager would make that decision in the first instance; however, in the event that the Council receive dust complaints, appropriate mitigation action would need to be considered both in the short-term and longer-term.

Objector is puzzled by the assertion that there are no asbestos fibres in the three zones as this would appear to contradict the full chemical analysis at 14.6.45, which states that asbestos is present; It is advised that the chemical analysis of soil samples has indicated that asbestos is present within the soil in the area of woodland (Zone1) in the south west of the site. However, in accordance with best practice for dealing with asbestos in soil, this area is to be left undisturbed during the operation of the site and thus no asbestos fibres will be released. Previous investigations on site identified asbestos in one sample on the spoil heap (zone 2). However, more extensive testing in 2012 found no asbestos in this area. It is possible that asbestos may be present within the spoil heap but quantities are likely to be very small such that the applicant has confirmed that best practice techniques for handling soil that may contain asbestos fibres will be used as a precaution.

Particular concern about the impact of dust on the health of residents locally and a number has identified a specific concern, as they are asthmatic, particularly if the contaminants found in the spoil are released. Concern about the schooling impact on asthmatic children if they become ill; This is considered fully in the report above in that this is not an application for open cast mining but a proposal for coal recovery, which is a wet process such that particulates are not released in the

same manner. It is also the case that the scheme has not been shown to cause a breach of any of the health based limit values for any pollutants.

Residents note that there is compelling evidence that disturbance of contaminants on the spoil heaps has a detrimental effect on the health of residents up to a 3 mile radius of the site, causing increased asthma, COPD, cancer and premature death, Accordingly the development will cause stress and anxiety to several communities; As above.

With regard to the objections relating to flooding, the matter of drainage is considered fully in the report above. However, in response to matters not specifically addressed, the following is advised:

The scheme will have several ponds for water off the land to drain in to and the resident considers that wherever you have drainage ponds, you have the possibility of flooding, plus the fact that children are drawn to water, which is an additional risk; The issue of flooding is considered fully in the report above. With regard to fencing ponds, it is clearly the case that not every watercourse can or should be fenced and there is a personal responsibility in this regard.

RecyCoal have stated that to keep the land damp to control dust – they need to build a 3000m<sup>2</sup> (3.9 metres deep) water treatment pond that will feed directly into Blackburn Brook. They have stated that the flow will be limited to not increase the risk of flooding from the Brook although could not guarantee that the pond would not flood as the risk is calculated using the risk of the last 100 years rainfall – maybe this risk should be calculated using the last 5 years taking into account that most of the trees that soak up the water will be removed? On-site storage volumes have been undertaken in accordance with Government guidance, which are based on the 1 in 100 year probability flood event such that the assessment has been carried out appropriately.

The 'ordinary watercourse' that carries water from the culvert to Woodburn Drive runs through the objector's (212 Cowley Lane) garden, which makes in subject to flooding; Overland flowpaths from the Council's SFRA are diagrammatic only; the applicant has accepted that the flowpath shown to the north-west of Woodburn Drive and apparently affecting 212 Cowley Lane should more realistically be shown along the valley of the culverted watercourse to the south-east of Woodburn Drive

The Restoration Proposal map shows a discharge point on Cowley Hill but where will this run? It is understood that if used, the flow from the discharge point shown on the Restoration Proposal Map would run down the existing drain in Cowley Hill/Cowley Lane.

Sheffield City Council have advised that the flood risk assessment for Blackburn Brook has been raised from moderate to moderate/high and that the overland flow maps only give a rough indication of where the water might flow. It is noted within the application that discharge to the Blackburn Brook will be restricted to the existing Greenfield run-off rate with a further 30% reduction to allow for climate change, i.e. 30 litres per second. This is a low flow which, it is considered, will not cause increased flooding.



With regard to the objections relating to contamination, the matter is considered fully in the report above. However, in response to matters not specifically addressed, the following is advised:

Are there any risk of gases escaping as the site used to be a tip? The applicant confirms that six rounds of gas monitoring have been carried out at the site in accordance; four of these visits were carried out under low/falling atmospheric conditions which are optimum for gas mobilisation. The results show low levels of gas generation and the site can be considered to be low risk in terms of ground gas such that site processes are not likely to increase mobilisation of any gas present.

RecyCoal have carried out test drilling and the land shows high levels of contaminants of which a high percentage are carcinogenic with the obvious risks. RecyCoal have said that they will not mine these areas and will cap the contaminants – does this mean they will test every part of the site? Some limited contamination has been identified in the woodland area in the south west of the site. The applicant confirms that the site has been tested extensively during a number of site investigations over the past few years and the area of contaminated material is well delineated. It is also noted that this area will not be affected by the soil washing activities on site and will be left undisturbed with a capping layer to increase the depth to contaminants and remove the pathway to identified receptors. On the remainder of the site, levels of contamination were much lower and the risk to human health is calculated to be low using approved methodology. Following the soil washing process the material will be tested prior to replacement to ensure that it is suitable for re-use on the site.

No detailed controls about how RecyCoal will deal with pockets of hazardous material during excavations; As noted above, the main areas of contamination have been identified during the detailed site investigation work undertaken for the planning application and these areas will be left in-situ and will not be disturbed during RecyCoal's activities. If any unexpected contamination is encountered on the tip and agreed procedure will be put in place to deal with these in the most appropriate manner and this will be secured by means of a planning condition.

How will water borne contaminants be prevented from polluting the surrounding area and watercourses? It is advised that the water used in the processing of the spoil material is retained within a closed loop system and will not be discharged. As noted above, with regard to the most contaminated parts of the site, a capping layer will be laid to cover the identified area of contamination risk, which will assist in reducing the infiltration of rainwater and provide betterment from the current situation.

RecyCoal have admitted that there is very contamination in certain areas near to houses but they are happy to build a water storage tank adjacent to that area directly at the back of resident's gardens; It is advised that a number of site investigations have defined the area of contamination and the water storage ponds have been located outside these areas. Should any further contamination be encountered during works on site outside these areas, it will be investigated as

appropriate and measures will be taken to limit the impact on any identified receptors in accordance with details to be agreed with the Council and secured by means of a planning condition. ;

Understood that there is asbestos and arsenic on the site and wonder why the City Council has not dealt with this before now; The Council do not own the site and it is not the Council's responsibility to remove them.

How will water used to clean the trucks as they leave the site be disposed of? The water used for cleaning the trucks as they leave the site will be recycled in a closed loop system and will not be discharged.

Why are RecyCoal moving contaminated material from the east to the west of the site and dumping it near residential properties? The applicant has advised that contaminated material will not be moved across the site as levels of contamination within the spoil heap (which will be subject to processing) are low and this material will be processed and re-used on site. Testing will be carried out following processing to ensure it is suitable for re-use on the site.

An area of more contaminated material is present in the south west of the site but this will not be disturbed.

From where will the washing process water be obtained and when spent, how will it be disposed of? The water for the washing process will be obtained from a borehole. It will be contained within a closed loop system and will not be discharged.

The objector considers that there is a likelihood of toxic gas release from the site; There is no evidence within the Environmental Impact Assessment as noted above.

Paragraph 14.6.39 of the ES states that PAH's in the spoil heap of Zone 2 are unlikely to present a significant risk to long term human health – however, Paragraph 14.6.8 states that there are high PAH's in that zone and 1 sample of benzo(a) pyrene was over the recommended limit by 2 and a half times. Similarly, the results of maximum concentration of arsenic are almost 2 and a half times over the recommended limit. The objector considers that as material will be moved around, there is more than a minimal risk of arsenic and PAH exposure to residents: the applicant advises that the confusion arises from the way in which the risk assessment calculation works. Whilst individual samples of any particular contaminant (in this case Arsenic and an individual PAH, benzo(a)pyrene) might exceed a Generic Assessment Criteria value, the assessment of the level of risk and the need or otherwise for remediation is based on the upper 95% confidence limit for the whole set of samples for that zone. This allows the zone to be viewed as a whole rather than on individual samples. Therefore, the zone as a whole can be demonstrated not to require remediation and the risks are shown to be low.

With regard to objections relating to soil importation, these are primarily dealt within the report above but in response to remaining concerns, the following is advised:

RecyCoal have advised that no soil will be imported, which means that the landscape will only change by smoothing the current contours – this will mean that planting will again struggle to develop; RecyCoal have advised that an assessment as to whether soils need to be imported based upon evidence of existing material on site coupled with the different needs of various restoration areas. This information will also be the subject of a planning condition.

In the previous 2007 application for the importation of soil making material for site restoration (07/04872/FUL) the application stated that to allow a sustainable restoration, there would need to be the importation of 170,000 cubic metres of soil making materials as there were considered to be no significant areas of useable material on site for restoration. Why is it that RecyCoal therefore state that they need to determine the extent of existing soil materials that need to be imported (if any) – is it that RecyCoal have never taken on such as large scale reclamation and restoration of a site within existing vegetation? RecyCoal have undertaken reclamation and restoration of sites similar to the application site but it is the case that they are seeking to minimise the amount of imported material. However, further details of the quality of the remaining material will be required by means of a planning condition to ensure that it will be sufficient to support a sustainable restoration.

Within the 2007 application, there were clear controls on the quality of imported soil; compare this within RecyCoal's proposed soil making process, which states that the extent of soil materials will be determined and if required, soil making material will be imported, stored in windrows on site and gradually incorporated to create a suitable growing material to support restoration and this may include green waste. How will RecyCoal be controlled on the quality and volume of material they import? The quality of imported soil will also be subject to a planning condition as per the 2007 permission and permit will be also required from the Environment Agency, which will detail the controls and testing requirements for any imported material.

Objections relating to traffic:

The on-site parking for 30 cars does not seem to allow for delivery or visitors to the site; The Council is satisfied that the site can accommodate the needs of workers and visitors.

The documentation provides assurances that heavy and mobile plant will only use the M1 and Cowley Hill but other traffic may access the site through Chapelton and along Cowley Lane but Cowley Lane is already busy and residential and road surfaces through the village would experience greater wear and tear; As noted in the report, a traffic management plan will be agreed by condition with the Council, which will direct all heavy traffic onto the M1 motorway;

Road spillage from Smith Wood development caused punctures and spillage from lorries onto the M1 could cause further punctures; there is no evidence for such an assertion.

Concern about the way the numbers of heavy trucks are represented as the ES states 1 truck every 20-30 minutes is low frequency but the method of counting of return trips as 1 trip minimises the apparent level of traffic. The true level will therefore be a total of 6 trucks per hour (3 in and 3 out) – another document states 27 trucks a day so the objector does not understand how the figures are calculated if the site is operational for 12 hours a day – another example of how the company is presenting a misleading image of the negative impacts of their operations; The applicant has advised that over the proposed 12 hour shift there will be 27 HGVs departing and the same 27 HGVs arriving, making a total of 54 No 2-way trips and an average of 4.5 No 2-way trips per hour. This equates to an average of 2.25 No (say, 2-3) 1-way trips per hour departing and 2.25 No (say, 2-3) 1-way trips per hour arriving.

There must be no site access off Station Road; there is no site access off Station Road.

The objections relating to economic impact and land ownership are considered fully in the report above. The objections relating to timescales and the completion of the project are also fully addressed above.

Finally, in relation to general objections that have not been considered above, the following is advised:

The map in Extraction of Coal (Figure 7.5) shows that most of the coal is in the uppermost area of the spoil heap – this is mostly above the regenerated woodland. Has any consideration been given to reclaiming coal at this top area only? If not – why not and why has this option not been presented to residents? This application has to be considered as submitted.

The noise will scare the dogs at Hesley Wood Boarding Kennels, which is a new business venture for the objector that will be jeopardised by the development; The issue of noise is fully considered in the report above.

What will happen to the timber that is felled – will it be sold to make money? This is a matter for the applicant.

What happened to the £1 Million grant from the National Regeneration Agency Partnership for the construction of a wildlife park on the site? On the basis that this proposal did not proceed, it is assumed that the funds were reallocated.

Why do RecyCoal need to include a 3 metre wide track linking Smithy Wood Road to Coppice Rise? Is this the preparation for future residential development? The 3 metre wide track to Coppice Rise forms part of the proposal to extend the Trans-Pennine Trail (Sustrans Route No 67) through the site and the 3m width is determined by the requirements of SUSTRANS for a multi-user track; it is not preparation for future residential use.

With regard to reference to residents' rights under Human Rights Protocol 1, Article 1 ECHR 2001, it is advised that this application must be determined in accordance

with National and Local Planning Policy as noted in the report above and this forms the basis of the recommendation.

## SUMMARY AND RECOMMENDATION

This is an application for coal recovery and restoration to recover 395,000 tonnes of coal from the Hesley Wood Spoil tip over a three-year washing period (plus setup and removal of wash plant) and to then re-landscape the site for public access in the following six months. The application clarifies that this is not a proposal for open cast mining and the coal recovery process differs from open cast mining in that it is a 'wet process' rather than excavation through rock strata to reach the coal. It is also relevant to highlight that there are two elements to the development; the recovery of coal and the restoration and landscaping of the tip. The first is temporary in nature with the restoration and formal landscaping of the site for public access comprising the long-term outcome. The project will take an estimated 47 months comprising 5 months for set up, 36 months for the coal recovery and washing and an additional 6 months for restoration.

With regard to the principle of development, the application site is located within the Green Belt, as defined within the Unitary Development Plan and it will remain so following the site restoration. Within the National Planning Policy Framework (NPPF), the principle of mineral extraction and engineering operations can be considered as an exception to inappropriate development within the Green Belt in accordance with Paragraph 90 of the NPPF provided that it does not conflict with the purposes of including land in Green Belt. In this case, it is concluded that the proposal does not conflict with the main functions of the Green Belt on the grounds that the recovery of the coal will enable the restoration and re-landscaping of the site, which will preserve the openness of the Green Belt. Furthermore, the provision of public access will enhance its function as Green Belt and protect its role for the future as a means to prevent urban sprawl or the merging of settlements. On the basis of the above, it is concluded that the principle of mineral extraction and engineering operations is not contrary to the NPPF and the restoration of the site will meet the objectives for Green Belt land and will preserve its future function and status as Green Belt. The proposal is therefore in accordance with the NPPF and Policies GE1-GE4 of the UDP.

With regard to the principle of coal recovery itself, it is noted that a number of representations make reference to the viability of the coal recovery project in that it will recover only 395,000 tonnes of coal. In response, the applicant advises that it is difficult to put an accurate figure on the length of time that the amount of coal to be extracted from Hesley Wood would 'feed' a power station due to a number of factors including which power station (size) and time of year etc. They also consider that such an assessment is not relevant and it is not used anywhere as a basis for the production of coal. It is also advised that there is no formal requirement within planning policy for the applicant to demonstrate a need for coal. However, with regard to the role of coal and moving to a low carbon economy, whilst the NPPF supports the delivery of renewable and low carbon energy and a low carbon future, it also facilitates the sustainable use of minerals and materials and gives great weight to the benefits of mineral extraction, including to the economy as long as there are no unacceptable adverse impacts on the natural and

historic environment or human health. Accordingly, the NPPF does not preclude the extraction of coal where the impact can be mitigated and it is environmentally acceptable or where it provides local or community benefits that outweigh the likely impacts. In this case, it must also be acknowledged that this application seeks the recovery of coal and the subsequent restoration and landscaping of the site to provide a publicly accessible area of green open space; it is likely that such restoration could not occur in isolation and the resultant landscaped site, which it will take time to mature, will provide public access that is not available at present and on these grounds, could be considered to be of benefit to the local residents and the wider community of Chapelton. On the basis of the above, it is concluded that mineral extraction and engineering operations are not contrary to the NPPF in principle.

With regard to Dust and Air Quality, the application is supported by a full Environmental Impact Assessment, which includes an air quality assessment for the works with specific regard to the potential for nuisance dust emissions resulting from onsite operations. The Technical Guidance to the NPPF makes it clear that unavoidable dust emissions must be controlled, mitigated or removed at source and it sets out the appropriate process for a Dust Assessment. The Dust Impact Assessment concludes that there is potential for the generation of dust emissions due to site activities. However, it notes that the frequency of such emissions is likely to vary throughout the life of the project if generated at all. It is also highlighted that the processing of the spoil (wash plant and press house) is a wet activity such that dust will not be generated from the plant area and both the excavated material and the material handled from the washing process will be wet. Throughout the working phase, due to nature of the works and the prevailing westerly winds, the impact on the main receptors identified for the Impact Assessment is concluded to be negligible. With specific regard to receptors at Cowley Drive, Glenwood Crescent and Woodburn Drive, which are within 45m to 50m of site operations at the closest point, it is noted that they are separated from site by a narrow tree belt, providing moderate dust attenuation and with dust mitigation measures in place and the prevailing wind direction away from the receptors towards the site it is concluded that for the majority of the duration of the working phase the impact will be negligible. This is also true for the residents of Coppice Rise. The dust mitigation will be secured by condition as part of a Dust Mitigation Strategy and include continuous dust monitoring, a water bowser on site at all times to suppress dust during periods of dry and/or windy weather, the installation of a meteorological station to monitor wind direction and speed and daily logs kept of weather and site conditions and visual inspections of dust with the observations all logged, the fitting of all site plant with upward facing exhausts and radiator cowls to reduce the generation of dust, the seeding of all soil storage areas and topsoil bunds with grass as soon as practical with grass to prevent wind erosion and the cleaning of all access and haulage roads at all times and confirmation that they will be regularly sprayed with water during dry conditions as well as continuous dust monitoring through the coal recovery process. On the basis of the submitted ES and proposed mitigation measures, it is the view of Officers that the scheme has not been shown to cause a breach of any of the health based limit values for any pollutant. Whilst also noting that residents were concerned that the extra HGV activity on the site would take air pollution levels, in particular NO<sub>2</sub> and PM<sub>10</sub>, over their EU limit, in the Council's view, it is unlikely,

given the predicted number of vehicle movements, that the extra HGV activity on the site would take air pollution levels, in particular NO<sub>2</sub> and PM<sub>10</sub>, over their EU limit particularly as current background NO<sub>2</sub> and PM<sub>10</sub> concentrations in the area are less than 80% of the EU limit. It is therefore concluded that the proposed development is not contrary to the objectives of either the NPPF, to ensure that new development in Air Quality Management Areas is consistent with the local air quality action plan' nor will it expose residents to pollution above national targets or result in any undue adverse affects by sources of air pollution such that it is in accordance with Policy GE23 of the UDP and Policy CS66 of the SDF Core Strategy and guidance within the NPPF on the basis of an agreed mitigation strategy, which will form a condition of this permission.

With regard to noise impact, the application includes a full Noise and Vibration Assessment, which seeks to determine the potential noise and impact and considers all potential sources on the site. The predicted noise levels demonstrate that during the daytime the noise levels at each sensitive receptor identified within the Impact Assessment would be below the 55 dB LAeq, 1h (free field) limit specified by the Technical Guidance to the NPPF for all phases such that full compliance can be demonstrated. The Environmental Statement adds that as the assessment considers operations at their closest proximity to properties, the overall noise impact is considered to be negligible with increasing distance and as operations progress. With regard to night time activities, the predicted operational noise levels are below the 42dB LAeq, 1h (free field) limit level at all receptors except Hesley Wood Cottages. However, the assessment notes that the night time ambient and background noise levels measured at this location were higher than the predicted operational noise levels such that the overall impact is considered by the applicant to be negligible. However, a condition is proposed requiring the submission of a noise monitoring scheme, which will comprise a range of mitigation measures including the noise limits agreed with the Local Planning Authority to be observed at all times, including those set for short term noisy activities, noise monitoring to take place in accordance with an agreed strategy using a meter that conforms to British Standards; it is presently proposed that noise monitoring be undertaken every month during the first 3 months of operation at agreed locations and that this be reviewed at the end of the first 3 months of operations. The applicant also commits to a strategy that any complaints concerning noise, including those from the Local Authority will be investigated at the first available opportunity and steps taken to address any problems identified including further monitoring where necessary. It is the Council's view that the Noise Impact Assessment has been appropriately undertaken and that predicted noise levels given within the Environmental Statement also demonstrate that during the daytime, noise levels at each sensitive monitoring location will be below the criterion level specified in the NPPF. The report also shows that all predicted noise levels for night time operations meet the NPPF criterion level at all receptors except for Hesley Wood Cottages but the latter can be addressed by means of a planning condition requiring further mitigation to ensure that the NPPF levels are met. With regard to working hours on site, Section 30 of the NPPF Technical Guidance states that normal working hours for mineral processes should be 0700 to 1900 on Monday to Friday and 0700 to 1300 on Saturdays although in this instance, the Council consider that a later starting time on Saturdays would be appropriate and a condition is therefore recommended in this regard proposing

0700 to 1900 during the week and 0800 and 1400 on Saturdays with no working on Sundays or Bank Holidays. In conclusion, subject to the imposition of appropriate conditions to ensure that a noise monitoring scheme is implemented, that the mitigation outlined within the Environmental Statement is implemented and that the above hours of operation are accorded with, it is considered that the proposed development will not result in any undue impact as a result of noise such that the proposed development is not contrary to guidance within the NPPF in this regard. The visual impact of the development has been fully considered in the report above where it is concluded that there are clearly two elements of this proposal, the coal recovery and the restoration process, which will have very different visual impacts on the landscape and the surrounding area. The recovery process will obviously have some negative visual impacts on both short and long distance views into the site in the short-term due to the very nature of the proposal and also as a result of the loss of the self-seeded scrub and planting that has naturally regenerated; this will have a moderate to substantially adverse effect for the duration of the works for those areas where there is a clear view into the site such as from some locations within Chapeltown that presently have an uninterrupted view of the site. The visual impact of the coal recovery works on those nearer the site, such as the properties on Glenwood Crescent, Woodside Drive and Cowley Drive is actually lessened because these properties will be screened from the site by an established belt of mature trees, which will be left in situ. A similar belt of trees is in place along the M1 to screen the development from the east whilst the Ancient Woodland to the north, west and south of the development will also be protected and remain untouched for the duration of the works. However, this short-term impact must be balanced against the long-term restoration of the site and although acknowledging that the restoration proposals will take some time to reach maturity, it is considered that the coal recovery will enable the restoration works to be completed for perpetuity with the re-landscaping of the site providing positive and long-lasting benefits in terms of visual impact. Thus, overall, it is considered that the proposed development will have a temporary short-term impact on views from and into the Green Belt but the long term strategy to re-landscape the site for public access will ensure that the landscape and natural environment of the Green Belt in this location is conserved and enhanced in accordance with Policy GE4 such that the development will not cause any undue harm to the Green Belt in accordance with guidance within the NPPF.

With regard to the ecological impact of the development, the Environmental Statement submitted with the application includes a full assessment of the impact on landscape and ecology. The ES concludes that the habitats that will be lost within the Hesley Tip LWS boundary are early successional habitats that can be easily re-instated and it will be restored in a phased manner during the coal recovery process. Additionally, it is considered that the vegetation and habitats within the red line boundary are not considered to play a significant role in maintaining the ecological integrity of the ancient woodland areas within these wildlife sites. Thus, while the impact on Hesley Tip LWS will be negative in the short term the impact after completion of the restoration proposals is considered to be negligible and potentially beneficial.

Following concerns by local residents about the length of time since the ecological surveys were undertaken, which vary between August 2011 and March 2012, further advice was sought from the Council's Ecology Unit as to whether further



updated surveys were required. The Ecology Unit has advised that unless the site has changed significantly, which is not considered to be the case in relation to the application site, it is determined that surveys would not need to be redone unless it is recommended by the applicant's ecological consultant. In any event, the applicant has undertaken a further updated walkover of the site by a qualified ecologist to update the Phase 1 Habitat Survey carried out in August 2011. The purpose of the survey was to assess the current status of habitats within and adjacent to the site and to confirm if updated protected species surveys are required, particularly in relation to reported sightings of an adder; this survey confirms that the extent and character of habitats is unchanged from the time of the original August 2011 survey, which is not unexpected given the compacted nature of substrate across the site, which has resulted in extensive areas of bare ground that are very slow to colonise. Overall, whilst acknowledging some negative impact on the ecology of the site in the short-term, on the basis that the clearance works are undertaken at the appropriate time of year (outside the bird breeding season for example) and on the basis that an extent of the existing habitat that will remain (which includes 4.6 hectares of existing woodland) and there are also similar habitats that are adjacent to which existing wildlife can migrate, it is considered that the impact of the removal of woodland and scrub will not be significant. Moreover, it is considered that the subsequent restoration of the site to create a managed landscape, which will include enhancing the Ancient Woodland to strengthen the South Yorkshire Forest, will be of overall benefit to habitats within the Local Wildlife Site. On this basis it is considered that the long-term plan for the site as a publicly accessible landscaped site will protect the open character of the area and ensure that there is no serious ecological damage, enhance the value of the site for wildlife and recreation, promote nature conservation and promote the value of South Yorkshire Forest in accordance with Policies GE10, GE11 and GE14 of the UDP, Policy CS73 of the SDF Core Strategy and guidance within the NPPF.

The impact of traffic arising from the proposed development has also been fully considered. In summary, it is the case that vehicular access will be as existing, off the northern end of Smithy Wood Road and via the junction with Cowley Hill to the M1 motorway at Junction 35, as shown on Figure 15.1. This access point is currently gated and will continue to be so during the construction period. After completion of the restoration, this entrance will continue to be gated but an A-frame barrier will be incorporated to permit access for pedestrians and cyclists, while providing effective protection against trespass by off-road motorcyclists. There will be two other access points for pedestrians and cyclists only, one at Cowley Hill and the other in Chapeltown Park, both similarly protected by A frame barriers. In terms of traffic generation, the Transport Statement advises that over the proposed 12 hour shift (0700 – 1900 on Monday to Friday and 0700 – 1300 on Saturday), there will be the equivalent of 2–3 HGVs departing and 2-3 HGVs arriving at the site every hour or one every 20-30 minutes. These loaded HGVs will be directed to turn left from Smithy Wood Road onto Cowley Hill and straight onto the M1 motorway via Junction 35 and returning empty vehicles will exit the M1 motorway onto Cowley Hill and turn right into Smithy Wood Road thus avoiding Chapeltown. Other construction traffic will consist of morning arrivals and evening departures by workers (26 operatives on daytime production and 9 operatives on night-time maintenance), who are deemed most likely to arrive by private car although some

may use public transport and/or cycling or walking. It is noted that there will also be occasional plant and material deliveries throughout the day, some of which may arrive from Chapeltown and the west as long as they are not HGVs. It is the Council's view that given the low frequency of traffic generated, there is no reason to believe that the development proposal will cause any highway safety or congestion issues on the local road network and the proposal does not give rise to any highway objections subject to appropriate conditions, including the need to secure an agreed HGV traffic route and details in respect of the proposed K-barriers in accordance with Policy CS53 of the SDF Core Strategy.

The matter of flood risk and drainage has been fully considered in the assessment of this application, which includes a Flood Risk Assessment. The FRA confirms that the red line boundary of the application site and the adjacent residential area are located in Flood Zone 1 where the likelihood of flooding is low (greater than 1 in 1000 years). The Environment Statement also confirms that the surface water drainage system will be designed so as to avoid the potential for run-off to flow from the site onto the land, roads and properties on the southwest (downhill) side and that this will apply during the operational phase and after the completion of restoration. In relation to run-off control, it is advised that run-off from the site will be controlled by a series of ditches which intercept surface flows and direct the water towards a pond in the south-western area of the site. During the operational phase, the ES states that the run-off factor will be higher than 30% but the excavations will be arranged such that rainwater will be retained within them and subsequently pumped out slowly or used for dust suppression. It is also acknowledged within the ES that as a result of less vegetation on the site, the surface water will tend to pick up silt from the excavation areas but it is advised that this flow will be retained in the excavation voids and the Scout Pond as much as possible with the surplus directed via cut-off drains to the storage and the settlement pond located in the south-western area of the site. It is also noted that off-site discharge will be limited to the reduced existing Greenfield run-off rate of 44 l/s in the final restoration condition and will be further reduced to 30 l/s during the operational phase to optimise sedimentation. The discharge will be directed to the existing culverted watercourse on the northeast side of the old railway track from where it will flow to the Blackburn Brook as agreed with the Environment Agency. The Environment Statement concludes that the development will not be at risk of flooding and will not increase the risk of flooding elsewhere. The Flood Risk Assessment has been considered by the Environment Agency, who advises that they have no objection to the proposed development subject to a number of conditions, which form part of this recommendation. As a result, it is concluded that there is no reason to conclude that the proposed development will be at risk of flooding or increase the risk of flooding elsewhere such that the proposal is considered to comply with the requirements of Policy CS67 of the SDF Core Strategy and guidance within the NPPF.

With reference to Archaeology and Cultural Heritage it is considered that given the distance between the nearest Listed Buildings and the development site in excess of 250 metres, the impact of the works on the Listed Buildings is considered neutral on the grounds that the proposed works will not directly affect the setting of the buildings and it is also likely that the land within the site boundary is not inter-visible with the building. With regard to the archaeological potential for the site in

the post-medieval period, it is acknowledged that ground disturbance as a result of the development could remove or truncate any potential archaeological remains. However, the likelihood of remains is not considered significant and subject to conditions requiring the submission of a Written Statement of Investigation (WSI) prior to commencement of works, the proposal is considered to comply with relevant guidance within the NPPF and Policies BE16 and BE19 of the UDP.

With regard to the issue of contamination, the NPPF confirms that the planning system should contribute to 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate'. In this case, the application includes an assessment of general ground conditions, the presence of contamination and the possibility of mining instability. In summary, it is advised that the most contaminated part of the site lies within the woodland to the west of the site where the contaminants, including Arsenic, are at concentrations likely to pose a risk to both long term human health and as an acute lethal dose. In addition, it is noted that asbestos has been identified in a number of locations in this area. However, due to the contamination present, this area will not be disturbed during the site operation. Following the operational phase, it is noted within the application that the contaminants of concern in this area are typically those that are either non-biodegradable or have very low bio-degradation potential such that they are not practically treatable. Accordingly, it is proposed that a cover system to a thickness of at least 600mm be installed in this area to mitigate the risk to long term human health from the contamination in this area. It is considered that the risk to controlled waters in the area will be minimal due to the presence of the cover system, reduced infiltration as a result of compaction within the cover system, a thick unsaturated zone beneath the site and the lateral distance to the Blackburn Brook. Within the spoil heap area, which will be subject to coal recovery, contamination has been identified in areas of the spoil heap but at concentrations that are considered unlikely to pose a risk to human health. Furthermore, given the contaminants present, topographical level above the groundwater, the low permeability of the spoil heap material and the lateral distance to the watercourse, the increased risk to both groundwater and surface water is also considered to be minimal. Overall, the ES concludes that the proposed development will provide betterment of the site in terms of contamination and ground conditions and the site will be suitable for public open space end use following completion of the coal recovery operation. In response, the Council are satisfied that the vast majority of the site within the planning application boundary has been investigated and satisfactorily characterised, identifying some areas where elevated concentrations of contaminants will require remedial works to render the site suitable for the intended end-use. It is noted that two relatively small areas, identified as ancient woodland, have either not been investigated at all (in respect of the north-western area) or have only had minimal investigation (in respect of the south-eastern area). As both of these areas will have an end-use of public open space, it is concluded that appropriate, sensitive investigation will be required to inform any necessary remedial requirements prior to the first use of the site as open space, which is a matter that can be conditioned. There is therefore no objection to the development on the grounds that it is not being appropriately remediated such that it can be considered that the proposed development will suitably remediate the site and secure a safe future use subject in accordance with guidance within the NPPF.

With reference to socio-economic benefits arising from the development, it is acknowledged that the scheme will not generate a significant number of jobs and not all of the 35 jobs will be new but it is appropriate to accept that the creation of any new jobs is of benefit and there will be some indirect expenditure benefits to the wider economy. It is also accepted that the reclamation and restoration of this site is a 'once and for all' solution to soil heap restoration which will mitigate potential land contamination issues and lead to the reclamation of 38 Hectares of spoil and derelict land to create a long-term sustainable use.

Finally, with regard to the future use of the site, it is the case that the recovery of 395,000 tonnes of coal from the application site will enable the restoration of the land to provide a publicly accessible open space. This site will remain within the Green Belt designation within the Sheffield Development Plan such that any new uses such as housing will remain inappropriate and contrary to both National and Local Planning Policy and no exceptional circumstances can be foreseen at this time. Accordingly, the future openness of the Green Belt is protected and enhanced. The resultant landscaping scheme will comprise a mosaic of woodland and grassland with the landscape to be graded to a single high point of c.128m AOD within the centre of the site. A total of 16.4 hectares of new woodland will be planted to extend the areas of existing ancient woodland located on the fringes of the site and contribute to the continuous sweep of woodlands which dominate this part of the City. Whilst the applicant does not indicate that these will be mature or semi-mature species, which has been raised as matter of concern for some local residents, it is advised that the Council's Ecologist is of the view that if the soil type is fairly poor then whips (60cm trees) will actually 'get away better' than planting heavy standard trees as they establish more quickly and in a few years, catch up with the standard trees in any event. However, a condition is proposed to review the tree standards to be used with the intention that some semi-mature tree planting is included within areas that are most visible to local residents to be agreed with the Local Planning Authority. With regard to soil quality, the applicant advises that the extent of existing soil materials will be determined, and if required soil making material will be imported, stored in windrows on site and gradually incorporated into the existing base material, creating a suitable growing media to support restoration. It is important that the composition of any imported soils is understood and thus, the extent of soil imports forms a condition of this recommendation. The applicant also notes that these represent the initial proposals and the applicant wishes the restoration to become a community led exercise. With regard to long-term management, RecyCoal own the site and will continue to manage it for the foreseeable future unless an alternative solution (such as community ownership) should emerge. In addition, the applicant is agreeable to a bond being placed with a reputable company to facilitate the completion of the works should anything happen to RecyCoal and details of the insurance bond will form part of a Unilateral Agreement under Section 106 of the Town and Country Planning Act

Overall, the application for coal recovery and restoration and been fully considered and it is determined that the Council can ensure that in granting planning permission for the coal recovery process, there are no unacceptable adverse impacts on the natural and historic environment, human health subject to

appropriate mitigation measures and conditions. It is also the case that the reclamation and recovery of the coal will enable the restoration and landscaping of this site for public use with certainty provided by means of the insurance bond secured via a Section 106 agreement. It is therefore concluded that the proposed development accords with up-to-date planning policy and there are no material considerations to indicate that the application should be refused such that in accordance with Paragraph 12 of the NPPF, it is recommended for approval subject to conditions and subject to a Section 106 legal agreement to secure an Insurance Bond and a Community Fund.

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