

**Mitchell,Don (Environmental Services)**

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**From:** Mitchell,Don (Environmental Services)  
**Sent:** 05 March 2012 13:43  
**To:** 'Christian Smith'  
**Subject:** RE: Hill Top Farm Scoping Opinion DRAFT

Hi Chris,

Thanks for your comments. I have added a note for each below.

I have now made the changes that I consider to be appropriate and will be passing it on to the North Team Leader with a view to getting it issued in the next few days.

Regards,  
 Don.

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**From:** Christian Smith [mailto:chris@cjsplanning.com]  
**Sent:** 01 March 2012 14:04  
**To:** Mitchell,Don (Environmental Services)  
**Subject:** Hill Top Farm Scoping Opinion DRAFT

Hello Don,

Thank you for consulting Provectus on the draft Scoping Opinion. We are broadly happy with the content of the document but would make the following comments, which largely relate to technical and factual points for your consideration under the relevant headings.

Submitted Details of the Proposal

The final paragraph on Page 2 describes the site as being divided into 8 cuts or phases. The site will, however, be worked in 7 cuts as shown on the submitted plan with the Scoping Opinion request (this was a typographical mistake in the document I submitted). We would appreciate this correction in the final Scoping Opinion document.

Appropriate changes made to the scoping opinion.

Soil Resources

We indicated in our report (the Scoping Opinion request to the MPA) that the Environmental Statement (ES) would include an assessment of soil resources. I note from reading the MPAs draft Scoping Opinion Report that Natural England (see Page 5 and 6) welcomes a "full assessment of soil resources". The inclusion of a soil resources assessment, however, does not feature under the heading of "Topics for inclusion under the Environmental Statement". This maybe a simple omission but we welcome your feedback on this matter.

The scoping opinion sets out what the applicant considers should be included in the EIA/ES, what consultees consider should be included, and what the MPA considers should be included. In order to avoid repetition or duplication the first paragraph under *Topics for Inclusion* ... states that:

"...the submitted Request for a Scoping Opinion appears to identify the range of main environmental impacts and features that are likely to be affected by the

development. There are, however, some elements of the proposed scope of the ES which require careful further attention and consideration for expansion, these are set out below."

Therefore the section only refers to topics that require particular attention or greater focus; if a topic is not referred to in this section this does not mean that it should not be covered, merely that the approach suggested by the applicant is considered to be appropriate and so does not warrant further discussion in the scoping opinion. It does not mean that the MPA does not wish to see the topic included in the scoping opinion (see paragraph 'b' of the final *Opinion* section).

#### Historic Environment

On page 7 (3<sup>rd</sup> paragraph), English Heritage comment by stating that the line of Ryknield Street "passes through the development site". It is our understanding that the site lies to the west of Ryknield Street as confirmed on page 13 at line 3 where the site is said to lie 'immediately to the west of the route of Ryknield St'. We would welcome clarification of this in the Scoping Opinion document.

As stated in the consultation email, the MPA does not consider the scoping consultation to be an appropriate platform for the applicant to challenge the comments of consultees. The applicant can address any such issues in the ES.

#### Blasting & Vibration

We note that the topic of "Blasting and Vibration" is included under the heading of "Topics for inclusion under the Environmental Statement". The likelihood of the need for blasting as part of the proposed operations is minimal and we request that this topic is removed from the Scoping Opinion. Its inclusion could raise unnecessary concerns for the local community. The impact of vibration would be considered as part of the assessment of noise.

On the basis that planning permission is granted, and there becomes a need to carry out blasting as part of the mineral extraction programme, Provectus would be happy that a planning condition is imposed prohibiting blasting until such time as an appropriate assessment has taken place, which demonstrates and satisfies the MPA that the potential impacts would be kept within accepted limits. We would be pleased to receive your thoughts on this.

Unless an applicant completely discounts the possibility, the MPA will include blasting and vibration as topics to be considered in an EIA/ES. However I have added some text which i think addresses your concerns.

"The ES should provide an assessment of the effects of blasting, such as vibration and air overpressure, affecting sensitive receptors. Where blasting is unlikely to be necessary but can not be completely discounted, the applicant should set out the form of an appropriate assessment that would be undertaken and the measures that would be taken to ensure the effects would be within acceptable limits. "

#### The Environmental Features Likely to be Affected

On page 9 at paragraph 6, it suggested that there would be "dwelling buildings within 50 metres of the coaling operations". As you may be aware, Provectus have sought preliminary advice from a noise consultant in regard to the proposed coaling operations. The minimum separation distance of dwellings from the proposed coaling operations would be approximately 100 metres. This is, of course, subject to more detailed noise calculations. We would therefore be grateful if this statement is amended to reflect the Company's current intentions.

I have changed this to:

"dwelling buildings within 50 metres of the operational areas of the site"

Whilst coaling operations may not be this close, other activities such as soil stripping and storage mound and bund formation are likely to be. The documents submitted so far do not provide sufficient detail for an accurate assessment, however the ES should be absolutely clear on the proximity of particular operations to dwellings.

#### Planning Policy and Policy Advice

As you will be aware, the principal policy governing coal extraction is Policy MP27 of Derbyshire Minerals Local Plan. This is omitted from the relevant section on Page 15 under the heading of "Planning Policy and Policy Advice". We would welcome clarification of this in the Scoping Opinion.

#### Appropriate changes made to the scoping opinion.

We trust our comments are helpful and we look forward to receiving your response to the above points before issuing the Scoping Opinion. In the meantime, please do not hesitate to give me a call should you wish to discuss any points above.

Regards,

Christian Smith, (MRTPI)  
Chartered Planning Consultant



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**From:** Mitchell, Don (Environmental Services) [<mailto:Don.Mitchell@derbyshire.gov.uk>]

**Sent:** 27 February 2012 16:14

**To:** 'chris@cjsplanning.com'

**Subject:** Hill Top Farm Scoping Opinion DRAFT

Hello Chris,

I am drawing up the scoping opinion for Hill Top Farm. The EIA Regulations require that the applicant is consulted. We consider that the most useful point to carry this out is when the scoping opinion is at the final draft stage to enable the applicant to correct any technical or factual errors, (but not to question or challenge the opinions put forward by consultees or the planning authority).

Like all aspects of the scoping opinion process this is extremely time constrained. I have attached the current draft and would be grateful for any comment you may have by Thursday this week.

Unfortunately I am still awaiting some consultee responses, however I still hope to be able to issue the scoping opinion by the end of the week. If it becomes necessary I will contact you regarding an extension of time.

Regards,  
Don.

**Don Mitchell | Senior Planner**  
**Planning Control**

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