

My Ref: PGL/CJS/Hill Top Farm 24.1.12

Your Ref:

F.A.O. Mr R. Murfin

Head of Planning Services
Derbyshire County Council
Planning & Environment
Shand House,
Dale Road South
Matlock,
DE4 3RY

24th January 2012

Dear Mr Murfin,

REQUEST FOR PRE-APPLICATION ADVICE – PROVECTUS

**PROPOSED SURFACE COAL MINING SCHEME ON LAND WEST OF THE
A61, HILL TOP FARM, NEAR CLAY CROSS, DERBYSHIRE**

I refer to our meeting with Steve Langford and Bryn Hopkinson of Provectus at your offices on the 9th December 2011 and my recent telephone conversation with your colleague, David Arnold, regarding the above.

From my discussions with you and David I am aware that the Mineral Planning Authority (MPA) is in the process of adopting a new pre-application service, which is intended to provide early feedback to potential applicants on mineral and waste development proposals. As you know, Provectus are currently undertaking a feasibility study with a view to potentially preparing a Planning Application (with accompanying Environmental Statement) for a surface coal mining development on land off the A61 to the north of Clay Cross (adjacent to Hill Top Farm). In the light of the above, Provectus wish to purchase the MPAs new formal pre-application service in respect of the proposed development and I enclose a cheque for £600 (£500 + VAT) for your attention to cover the Council's costs.

To assist the MPA, I have attached a short report, which introduces the proposal, provides a description of the site and its setting and an outline description of the proposed development. I also enclose drawing number 100759-OC Rev A, which shows the full extent of the potential development

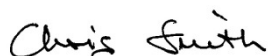
area (edged in red) and an outline of how the proposed coaling operations would take place in 8 phases. This drawing also shows the proposed access point into the site and the main elements of the scheme.

Following our initial meeting on the 9th December 2011 it was clear that the environmental acceptability of the proposed scheme will be an important issue. The proximity of nearby residential development highlighted the need for careful consideration of the potential local amenity impacts (such as noise). In this regard, we have obtained preliminary noise advice from Dr Paul Cockcroft of Walker Beak Mason (Consultants in Noise & Vibration), which has helped the Company gauge how the proposal is likely to accord (or otherwise) with the guidance contained in Minerals Planning Statement 2 (MPS2) "Controlling and Mitigating the Environmental Effects of Mineral Extraction in England" Annex 2: Noise and where stand-offs from noise sensitive locations is likely to be needed. The technical noise advice has not involved background noise monitoring or detailed noise calculations at this stage. As a starting point though, it has provided a useful indication of the potential noise acceptability of the scheme and has enabled the Company to adjust the scale of the proposed coaling operations accordingly (as shown on drawing number 100759-OC Rev A).

As part of the formal pre-application process, Provectus would welcome the opportunity to present the proposed development to Members of the Planning Committee. I understand from my discussions with David that a schedule of dates has been arranged for perspective developers, the first of which is tabled for March followed by another opportunity in June. Provectus is likely to be in a position to make their presentation to Members as early as March depending on the feedback obtained from pre-application process and their on-going feasibility study.

I trust you have sufficient information to get the formal pre-application process underway. However, in the meantime, please do not hesitate to contact me should you have any queries or require any additional information. Thank you for your assistance in this matter.

Yours sincerely,



Christian Smith, (MRTPI)
Planning Consultant