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Please ask for: Alfia Cox

Our Ref: SCE.157/ES.13/06/504 M

7 October 2013

SENT BY EMAIL

P/13/01187

Dear Mr Lowden,

APPLICATION ES.13/06/504 M: PLANNING APPLICATION TO CONTINUE THE DEVELOPMENT OF FAULD MINE WITHOUT COMPLYING WITH PLANNING CONDITION 4 OF PLANNING PERMISSION ES.07/22/504 M (A) DATED 19 MARCH 2008 TO ALLOW MINING OPERATIONS TO CEASE ON 31 AUGUST 2028 AT FAULD MINE, TUTBURY, BURTON ON TRENT

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2011: REGULATION 7 - SCREENING OPINION

I refer to your application dated 30 May 2013 and information subsequently received in connection with the above development.

In accordance with the above regulations the County Council is required to adopt a "Screening Opinion" to establish whether the submitted application should be accompanied by an Environmental Statement.

The County Council has considered the application as submitted and is of the opinion that the proposed development falls within the description provided within Schedule 2 paragraph 13(a) of the above regulations but in the opinion of the County Council, having taken into account the criteria in Schedule 3 to the above regulations and the indicative threshold criteria currently available in Circular 2/99 'EIA – A Guide to Procedures', the proposed development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. Further details are provided in the attached 'Screening Opinion Checklist'.



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Under the powers contained in the 'Scheme of Delegation to Officers', this letter therefore confirms that the County Council is of the opinion that the proposed development **is not EIA development** and need not be accompanied by an Environmental Statement.

Yours sincerely,
Alfia Cox
Senior Planning Officer

Encl – Screening Opinion Checklist dated 23 September 2013

Screening Opinion Checklist Case Officer: Alfia Cox Date: 23 September 2013

PA/PAD No. ES.13/06/504 M		Site / Location: Fauld Mine	
Description of development: Planning application to continue the development of Fauld Mine without complying with planning condition 4 of planning permission ES.07/22/504 M (A) dated 19 March 2008 to allow mining operations to cease on 31 August 2028			
PART 1 - Is a Screening Opinion Required? (ref: EIA Regulations 1999, Circular 2/99 and DETR EIA – Guide to procedures) See also DCLG note to LPAs on EIA, click here and for DCLG guidance from June 2006 about reserved matters and variations of condition and EIA click here			
		Yes	No
1	Development Description	<p>Do you have enough information to define the size and type of development (a plan, description of type/nature/ purpose and possible effects)?</p> <ul style="list-style-type: none"> • Yes (proceed to step 2) • No - either take the precautionary principle and assume the worst case or, request more information confirming 3 week deadline not commence until received; <p>**Note - Changes or extensions may also need an EIA! (Schedule 2, category 13)</p>	
2	Is it a Schedule 1 development?	<ul style="list-style-type: none"> • Yes/No (explain) • YES – The development is category and a screening opinion is not required as an EIA mandatory! • NO – if the development is not listed in Schedule 1 it may be listed in Schedule 2 (proceed to step 3) 	
3	Is it a Schedule 2 development? (Schedule 2, Col 1)	<ul style="list-style-type: none"> • Yes (explain) • YES - The development falls within category 13 (a) -Changes to an existing development listed in paragraphs 1 to 12 of Column 1 of Schedule 2 table 	
4	4(a) Does the development fall within the absolute threshold/criteria? (Schedule 2, Col 2)	<ul style="list-style-type: none"> • Yes The threshold/criteria is category 13(a) – Column 2 <p>Either –</p> <ul style="list-style-type: none"> (i) The development as changed or extended may have significant adverse effects on the environment; or (ii) In relation to development of a description mentioned in column 1 of Sch.2 (i.e. category 2 – extractive industry), the thresholds and criteria in the corresponding part of column 2 of Sch2 (i.e. all development) applied to the change or extension are met or exceeded <p>And in this case the proposal is to extend the duration of underground mine working</p>	
	4(b) Is the proposal within/near to a 'sensitive area'? (e.g. SSSI, NP, AONB, SAC, RAMSAR, Scheduled Monument)	<ul style="list-style-type: none"> • No – (explain) • No – The development falls within/near to the following designated site(s) 	

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		<ul style="list-style-type: none"> • If you have answered 'Yes' to the threshold/criteria a screening opinion is required – proceed to Part 2 • If you have answered 'No' to the threshold/criteria and the development <u>is</u> within/near a sensitive area a screening opinion is required – proceed to Part 2 • If you have answered 'No' to the threshold/criteria and the development <u>is not</u> within/near a sensitive area a screening opinion is not required. 		
5	Conclusion	Screening opinion required?	Yes	

<p>PART 2 – Is an EIA Required? (ref: EIA Regulations 1999 Schedule 3 and DETR EIA: Guide to Procedures) EIA usually required for (i) major developments of more than local importance; (ii) development in particularly environmentally sensitive or vulnerable locations; (iii) developments with unusually complex and potentially hazardous environmental effects. This checklist should be used to determine whether significant effects are likely to arise from the development.</p>	<p>For underground mineral working - the likelihood of significant effects will tend to depend on the scale and duration of the works, and the likely consequent impact of noise, dust, discharges to water and visual intrusion. All new open cast mines and underground mines will generally require EIA. For clay, sand and gravel workings, quarries and peat extraction sites, EIA is more likely to be required if they would cover more than 15 hectares or involve the extraction of more than 30,000 tonnes of mineral per year.</p> <p>In this case the mine is already permitted (ref. ES.07/22/504 M (A) and this is one of four planning applications submitted in relation to the sites within the Fauld Mine. The purpose is to consolidate all four planning permissions so that each mineral planning permission is subject to the same expiry date 31 August 2028. The planning statement acknowledges that the main works are currently carried out within the recently permitted Jackson Bank, which has an end date of 31 August 2028. The application site provides the means of access, passage and infrastructure, necessary to support the working within the active part of the mine. The proposals relate solely to extending the time period in which the permitted reserves can be worked and to align the dates to all permissions.</p>	<p>The size, boundary of the mine and method of working will remain as per existing planning permission.</p>
<p>1 Indicative thresholds/criteria</p>	<p>Does the development fall within the indicative thresholds/criteria? (see DETR EIA Guide page 11 and Annex B)</p>	
<p>2 Characteristic of the development:</p>	<p>Size of the development:</p>	

	Cumulation with other developments	Having regard to the planning statement, it is not anticipated that there would be any additional implication from the proposed variation of conditions
	Use of natural resources	ditto
	Production of waste	ditto
	Pollution and nuisances	ditto
	Risk of accidents	ditto
3	Existing land use (include past, present and future (allocated land))	ditto
	Relative abundance, quality, regenerative capacity of natural resources	ditto
	Absorption capacity of natural environment (particularly wetlands, nature reserves/parks; SSSIs and international designations; areas where environmental quality standards have been exceeded; densely populated areas; landscapes of historical, cultural or archaeological significance).	ditto
4	Extent of the impact (area and size of affected population)	ditto
	The magnitude and complexity of the impact	ditto
	The probability of the impact	ditto
5	The duration, frequency and reversibility of the impact	ditto
	Are the mitigation measures: <ul style="list-style-type: none"> • Modest in scope • Plainly and easily achievable 	Existing mitigation measures have proven to be effective and achievable. The environmental effects can be controlled by planning conditions that are similar if not the same as the original planning permission, subject to appropriate variations where necessary.
6	ES required?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
	Signed and dated	Team Leader/CAO
	Case Officer	Julie Castree-Denton 4-10-13