

Energy

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Prime Minister

VALE OF BELVOIR

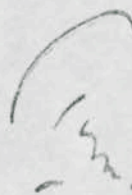
1. I saw Nigel Lawson yesterday, and he has agreed with Michael Heseltine the text of the attached letter, which is to be sent to the National Coal Board.
2. Michael Heseltine's present intention is that this letter should be dispatched, and made public, on Thursday, 25th March (polling day in the Hillhead By-Election).
3. Michael Heseltine has asked whether you would like a copy of the attached letter to be sent, in advance, to Ministers in addition to the Home Secretary, the Leader of the House, The Secretary of State for Energy, and the Chief Whip; for example, should a copy of the letter be sent, in advance, to the Secretary of State for Industry and the Minister of Agriculture, both of whom are affected?
4. The next question which a decision is required on, is whether Michael Heseltine should make an oral statement in the House about this. Initially, my view was that it would not be appropriate for an oral statement to be made, but that the matter should be dealt with in the normal way, by the Secretary of State writing to the parties concerned, informing them of his decision.
5. However, Michael Heseltine and Nigel both feel that because of the exceptional importance of this matter, there ought to be an oral statement, and Francis Pym is content about this. *INDEED, FRANCIS THINKS THAT*

THERE OUGHT TO BE AN ORAL STATEMENT

(2)

6. Michael Heseltine is preparing, over the weekend, a draft Statement which he would make on Thursday if you were to decide that a Statement in Parliament was desirable.
7. A copy of that draft will be ready on Monday.

19th March 1982



IAN GOW

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Department of the Environment
2 Marsham Street London SW1P 3EB

Direct line 01-212
Switchboard 01-212 3434

Draft as at
19/3/82

The Secretary
National Coal Board
Hobart House
Grosvenor Place
LONDON
SW1X 7AE

Your reference

Our reference
M/183/21
Date

March 1982

Sir

TOWN AND COUNTRY PLANNING ACT 1971

APPLICATIONS BY THE NATIONAL COAL BOARD IN RESPECT OF THE VALE OF BELVOIR

1. I am directed by the Secretary of State for the Environment to refer to the National Coal Board's applications to:-

a. the Melton Borough Council for:-

i. planning permission for the winning and working by underground methods of coal situated within such parts of the seams described below as are within the Melton District, and the execution underground of such works as are requisite or convenient for that purpose, and for the carrying out of building and engineering operations including the deposit of spoil for the purposes of the underground mining and the development described in ii. below;

ii. planning permission for the erection of buildings relating to the winning and working of coal by underground methods at the sites of 3 mines on the land shown bounded by a red line on Plans Nos. 6, 7 and 8 in the Supplementary Statement accompanying the application;

b. the Rushcliffe Borough Council for planning permission for the winning and working by underground methods of coal lying within such parts of the seams described below as are within the Rushcliffe District, and the execution underground of such works as are requisite or convenient for the purposes of such winning and working;

c. the South Kesteven District Council for planning permission for the winning and working by underground methods of coal lying within such parts of the seams described below as are within the South Kesteven District, and the execution underground of such works as are requisite or convenient for the purposes of such winning and working.

The seams to which the applications referred to in Paragraphs a.i, b and c above relate are the Top Bright (including the Cinderhill main leaf of the Top Bright), Dunsil/Waterloo, Deep Main, Parkgate and Blackshale seams lying within the area of land shown edged and coloured red in Plan No. 1 in the Supplementary Statement accompanying each of these applications.

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2. I am also to refer to the Secretary of State's direction of 23 January 1979, given in pursuance of section 35 of the Town and Country Planning Act 1971, that the applications be referred to him for decision instead of being dealt with by the local planning authorities.

3. I am further directed by the Secretary of State to refer to the public inquiry conducted by his Inspector, Mr Michael Mann QC, on 30 October 1979 to 2 May 1980 at which the Inspector was accompanied by 2 assessors, Mr R K Taylor MSC PhD CEng FIMM FGS and Mr S W Midwinter RIBA FRTPI. A copy of the Inspector's Report is enclosed. The Inspector's principal conclusions and his recommendations are set out in Chapter 17 of his report and are reproduced at Annex 1 to this letter.

4. The Inspector recommended that:-

- i. planning permission should be granted to mine the Vale of Belvoir coalfield in accordance with the applications;
- ii. outline planning permission should be granted to construct mines at Asfordby, Hose and Saltby;
- iii. outline planning permission should be granted to construct a tip at Asfordby;
- iv. the permissions should be subject to the conditions recommended in Chapter 16 of his report;
- v. permission should be refused for the construction of tips at Hose and Saltby.

ENVIRONMENTAL EFFECTS

5. The Secretary of State has carefully considered all of the issues in the Inspector's report, and notes his conclusions. He agrees with the view expressed at the inquiry and endorsed by the Inspector that visually the area proposed to be mined is important in regional terms, although not outstanding in national terms; and he accepts the point made in evidence by the Countryside Commission that the East Midlands is not well endowed with areas of attractive countryside and that this factor increases the value and importance of the Vale of Belvoir. He endorses the Inspector's assessment that the attractive eastern parts of the area reach the quality generally expected to be found in a national park and that the escarpment crowned with the Harby Woods is also a feature of considerable attraction.

6. It appears to the Secretary of State that the main impact of the proposed development, particularly from the visual standpoint, would result from the mine buildings and the three spoil tips. He notes the Inspector's view that there is no reason in principle why the mine buildings should not become acceptable visual elements in their proposed settings and that there would be no serious or widespread damaging effect on the area as a whole. He does not accept that view. As the Inspector says, the buildings would incorporate structures equivalent to 17-19 storey tower blocks which could not be effectively screened from many places, and therefore they would be visible over wide areas. This is particularly true of the Hose complex as the Inspector himself notes in Paragraph 9.8.10 of his report. The Inspector goes on to say that the escarpment provides a suitable background screen which would contain the visual intrusion and provide some visual context for the placing of buildings in a way which he finds acceptable. The Secretary of State notes this, but he prefers the evidence given at the inquiry to the effect that the shaft towers would dominate a wide area and that the surface developments would be alien in the Vale. He therefore believes that the proposals to develop a mine complex at Hose are unacceptable. At Asfordby and Saltby, he does not consider that the impact of the mine complexes would be sufficiently strong to warrant a refusal of permission on these grounds alone.

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The Secretary of State fully accepts the Inspector's conclusion that tipping operations at Hose and Saltby, which would continue for upwards of half a century, would in visual terms be totally unacceptable and that noise would be a problem. So far as the final forms of these tips are concerned, the Inspector considered that the one at Saltby would be unacceptable but was not persuaded that the final form of the Hose tip would necessarily be unacceptable. The Secretary of State accepts the Inspector's conclusion on the Saltby tip but so far as Hose is concerned he agrees with the views of the Alliance that it would mar the contrast of the steep escarpment face with the sweep of the valley and would destroy one of the finest landscape features of Midland England. The Secretary of State therefore concludes that the final form of the tip at Hose would be equally unacceptable.

8. With regard to the tip at Asfordby, the Secretary of State accepts the Inspector's conclusions in relation to noise and visual impact but he is concerned with the impact of tipping operations on agriculture. Government policy for the protection of agricultural land, set out in Circular 75/76, is to ensure that as far as possible land of a higher agricultural quality is not taken for development where land of a lower quality is available and that the amount of land taken is no greater than is reasonably required for carrying out the development in accordance with proper standards. The Secretary of State in his consideration of the proposed development as a whole attaches more weight to this policy than does the Inspector.

9. The Secretary of State therefore concludes that the Board's proposals for tipping at Hose and Saltby are unacceptable as they stand. He is also concerned about the impact of tipping at Asfordby. He is of the opinion that before local tipping at any of the three sites could be contemplated the possibility of remote disposal of spoil, for example in Bedfordshire, should be explored in greater detail between all the bodies involved and, in addition, further research could usefully be undertaken into the question of underground disposal of waste, as mentioned by the Inspector.

NEED

10. The Inspector's view on need was that it is somewhat more likely than not that there will be a need for a supplement to indigenous deep-mine capacity at about the time the Belvoir coalfield could become fully operational. He took this view on the basis of his assessment of a number of factors (listed in paragraph 4.11.1 of his Report) and stated that he was unable to refine his opinion by suggesting the year in which the need would arise or the exact extent of that need. The Secretary of State accepts that the coal will be needed at some time in the future, but he is not convinced on the information at present before him that the degree of need demonstrated outweighs the adverse environmental effects considered in paras 5-9 above.

EMPLOYMENT

11. The Secretary of State notes that the National Coal Board drew attention to the need to employ mineworkers who would be made redundant by colliery closures in the South Nottinghamshire and South Midlands areas. He also notes the evidence presented by the NUM, also acting on behalf of the other mining unions, that the development of the Vale of Belvoir coalfield would ameliorate the effect of the impending colliery closures in the NW Leicestershire and South Nottinghamshire areas. Accordingly the Secretary of State has considered whether the development of the Vale of Belvoir can be justified on the grounds of the employment opportunities which would accrue from the provision of such employment will need to be considered in the light of any fresh applications that the NCB may wish to make, and which can be made within a timescale compatible with the employment requirements. Full account can then be taken of the balance between the environmental effects and the need for the development.

The fact that the ~~opening~~ opening of the Belvoir coalfield would afford an opportunity

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For the reasons set out in paragraphs 5 to 11 above the Secretary of State hereby refuses planning permission for the development of the Vale of Belvoir coalfield as set out in the planning applications recited at paragraph 1 above.

13. The Secretary of State fully accepts the need to ensure that the nation has adequate and secure sources of energy to meet prospective requirements and he notes that the Department of Energy argued at the inquiry that if the coal industry is competitive and based on efficient high productivity capacity, it will have an essential and increasing part to play in meeting our future needs for energy. He also accepts that the NCB might wish to submit new planning applications relating to revised proposals to exploit this massive national resource.

14. The Secretary of State considers that before any such applications are submitted the Board should consider whether, since the construction of a mine at Hose is environmentally unacceptable, they would wish to proceed to develop the coalfield with mines at Asfordby and Saltby or whether ^{other} environmentally acceptable sites could be found which would also meet the Board's operational requirements. In addition, the Board should investigate in detail possible ways of disposing of colliery waste other than local surface tipping. The Secretary of State will shortly be writing to propose discussions amongst those principally concerned (and in which the appropriate officials from this Department would participate) on how some of the present environmental problems associated with the development of this coalfield, particularly spoil disposal, can be overcome.

15. The Secretary of State has considered the point raised by the Inspector in paragraph 17.7.2 of his report relating to the granting of a partial permission. The Board submitted one application covering all of the underground coal extraction in Leicestershire together with the three mine complexes and the three tips, and they have thus opted to stand or fall on a strategy of developing the whole coalfield as one project. ^{The Secretary of State takes the view that in these circumstances the granting of a} permission for only part of the development would be in effect granting a permission for development which is significantly different in kind from the proposal which was the subject of the application. This may be a point which the Board would wish to bear in mind in future.

16. The Secretary of State acknowledges that it has taken a long time to determine this application since the Inspector's Report was received in November 1980. While it is his firm policy to ensure that planning applications and appeals are processed expeditiously, this case raised a number of complex issues which it was important to explore fully before any decision was taken.

17. Your attention is drawn to the attached memorandum relating to the provisions of section 245 of the Town and Country Planning Act 1971.

I am Sir
Your obedient Servant

P F EVERALL
Authorised by the Secretary of State
to sign in that behalf

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CHAPTER 17: CONCLUSIONS AND RECOMMENDATIONS

17.1.1 In previous chapters of this Report I have set out my conclusions upon particular topics. I now draw my principal conclusions together and express my opinion on the matters which were before me. In forming my opinions I have considered my conclusions upon particular matters both individually and cumulatively.

17.2.1 I am of the opinion upon the evidence that it is somewhat more likely than not that there will be a need for a supplement to indigenous deep-mine capacity at about the time (1995) NELP could become fully operational (see para 4.11.2).

17.2.2 I cannot refine my opinion by suggesting the year in which the need will occur or that the need will be for (say) 5 Mta rather than 7.2 Mta (see para 4.11.2).

17.2.3 I am of the opinion that such need as there may be for more indigenous deep-mine capacity in the 1990s can be met only by the exploitation of NELP (see para 4.11.3).

17.3.1 I am of the opinion that there is neither a factor nor a combination of factors which has sufficient weight to justify withholding permission to mine NELP. In particular the likely severity of subsidence damage and the likely impact on agriculture are not reasons for a refusal of permission (see paras 6.16.1 and 8.4.4).

17.4.1 I am of the opinion that the 3 selected mine sites represent the best compromise between operational and environmental factors. The development of the 3 sites would be acceptable in visual terms (see para 9.8.10) and the operation of the sites would not have unacceptable consequences in terms of road and rail traffic (see paras 12.7.1 and 12.8.3), atmospheric pollution, dust, noise, vibration or water pollution (see chapter 13).

17.5.1 I am of the opinion that the manner in which NCB proposes to exploit NELP is a sensible one (see para 10.1.1).

17.6.1 I am of the opinion that the proposal to deposit spoil at Asfordby is acceptable. An agricultural objection cannot be justified in economic terms (see para 8.5.2); the noise impact would not be significant (see para 13.3.11), and there would be no visual objection (see para 9.11.10).

17.6.2 I am of the opinion that the construction of the tip proposed at Hose would in visual terms be totally unacceptable (see para 9.11.18). The construction could also give rise to a problem in regard to noise (see para 13.3.11) but this is not of itself a ground for a refusal of permission.

17.6.3 I am of the opinion that both the construction of the tip proposed at Saltby and the final form of that tip would in visual terms be totally unacceptable

(see para 9.11.23). The construction could also give rise to a problem in regard to noise (see para 13.3.11) but this is not of itself a ground for a refusal of permission.

17.6.4 In my opinion there is no inconsistency between my conclusion that it is somewhat more likely than not that there will be a need for NELP coal in the mid 1990s and my rejection of the 2 tips. Local tipping of spoil may be a traditional concomitant of deep mining (insofar as it produces spoil) but (unlike subsidence) it is not an inevitable concomitant of mining. The traditional solution should not be adopted at Hose and Saltby. If the rejection of the traditional solution means a delay in the winning of NELP coal or a reduction in the yield of NELP then I am of the opinion that the case on need is neither sufficiently definite in point of time nor strong enough in terms of quantity to warrant the environmental harm which would be caused by the 2 tips.

17.7.1 I recommend:

- (i) Planning permission should be granted to mine NELP in accordance with the applications.
- (ii) Outline planning permission should be granted to construct mines at Asfordby, Hose and Saltby.
- (iii) Outline planning permission should be granted to construct a tip at Asfordby.
- (iv) The permissions should be subject to the conditions which I have recommended in chapter 16.
- (v) Permission should be refused for the construction of tips at Hose and Saltby.

17.7.2 If my recommendations are accepted then the method of giving effect to them is a matter for legal advice. ⁽¹⁾

Footnote:

1. See Kent CC v Secretary of State for the Environment (1976) 33 P&CR 70. The matter was discussed at 83/79/C-81/B and 84/6/H-7/A.

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Prime Minister (2)
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NATIONAL UNION OF MINeworkERS Energy
222 EUSTON ROAD, LONDON, NW1 2BX

President J. GORMLEY, O.B.E.

Secretary L. DALY

Telephone 01-387 7631

Please quote our reference in reply:

Your Ref:

Our Ref: JG/RE

5th March 1982

mt

The Rt Hon Margaret Thatcher MP
Prime Minister
10 Downing Street
LONDON
SW1

19/3
Cliff

Dear Mrs. Thatcher,

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Thank you for your letter of the 3rd
March regarding the Vale of Belvoir, and I note the
contents therein.

Yours sincerely,

Joe Gormley
J. GORMLEY
President