



**ORMISTON COMMUNITY COUNCIL**

**PROPOSED OPENCAST COAL MINE**

**AT AIRFIELD**

**MIDLOTHIAN**

**[PLANNING APPLICATION No. 09/00349]**

**SUBMISSION BY**

**ORMISTON COMMUNITY COUNCIL**

**SEPTEMBER 2009**

## **1. Introduction**

When it first became known, on June of last year, that Scottish Coal were contemplating an opencast coal operation, at the outer reaches of Midlothian on the border with East Lothian close to the community of Ormiston, the prospect was met with much concern locally. This local concern was exacerbated by the bizarre situation whereby although most of the negative impacts from what was being proposed would be felt in East Lothian (on account of the topography and prevailing wind direction) it would be Midlothian Council, in the first instance, who would lead in the processing of any associated planning application.

Once a formal application had been lodged it was important that the local community be given ample opportunity to be made aware of the details of the proposed operation and be able to have views on a proposal rather than a prospect.

This was mainly achieved through having a public display of the plans in Ormiston Village Hall, making it known that a copy of the plans were available to view on Midlothian's web-site and in Ormiston Library and calling a public meeting to discuss the proposal during the consultation period. At the public meeting presentations were given by Scottish Coal and Communities Against Airfield Opencast (CAAOC). (Notes on the public meeting can be found on App I).

Following the local display and public meeting a survey of every household in the Ormiston Community Council Ward was undertaken, with respect to this particular application, with a view of assisting the Community Council in this submission.

## **2. General Comments on the Planning Application**

The associated documentation is very bulky and contains much padding. This padding, unnecessary duplication with the Planning and Environmental Statements and the unhelpful page numbering of the Environmental Statement created a very difficult read.

Both the Planning and Environmental Statements make assertions without substantiation. Furthermore in many instances the implications of what is being proposed is understated.

## **3. Mineral Working**

The application site is not within an "area of search", for mineral extraction, as conferred by the Midlothian Local Plan adopted on December 2008. In which case there is a presumption against approval.

Post Public Inquiry an alteration was made to the Local Plan, requested by the applicant, whereby if one or more of the current sites operating within the existing "areas of search" were to become non-viable then Airfield could be considered for opencast coal extraction provided it was reduced in size to reflect landscape sensitivities. However the current Airfield application site is approximately three times larger than that which the Local Plan would confer on Airfield. Even if the non-viability aspect of Scottish Coal's existing sites were to be independently proven and Midlothian were prepared to consider Airfield for opencast coal extraction, as the application site would be much larger than the Local Plan would confer, therefore there would still be a presumption against approval.

There is no real need to exploit this area of coal in this location. An area that is prime agricultural land and has been identified in the Midlothian Local Plan as an Area of Great Landscape Value. It is our understanding that Scottish Coal only became interested in this particular area when the landowners of the Airfield site approached them. It would also appear that it was only once Scottish Coal's interest was directed towards Airfield that the viability of their other sites became an issue.

It would be inconceivable to subject this area to 6 ½ years, and possibly more, upheaval for an amount of coal that could be consumed by Longannet Power Station in 4 months, when the only real beneficiaries would be Scottish Coal and the Oxenfoord Estate.

#### **4. Environmental Impacts**

The environment impacts from this proposed site would be considerable to the community of Ormiston, its residents and the surrounding area. It is difficult to see how, due to the proximity of the site to the community of Ormiston (430m at its closest point), the environmental impacts such as noise; dust, blasting, visual intrusion and traffic movements could be mitigated.

Studies at Dalmellington and Douglasdale have highlighted increased health issues for communities close to opencast sites, especially where a prevailing wind stream exists. Those with respiratory conditions and children being the most susceptible. According to Ormiston Health Centre there are currently 206 patients who suffer from asthma and 70 who have chronic obstructive pulmonary disease (COPD). Given these statistics the community of Ormiston should least of all be subjected to the potential health risk that an opencast mine would bring. With respect to our children the location of the application site relative to Ormiston Public Park and the nearby Primary School is also a cause for concern as the character of the landscape and the prevailing westerly wind would have the tendency to channel any air borne dust and noise from the site in their direction.

The cemetery that serves the community of Ormiston is situated at West Byres, about 650m from the proposed site boundary, in what is currently a quiet peaceful area. The increased noise and other negative impacts an opencast

site, so close, will generate would create an unacceptable change in the environment for such a setting.

The adverse environmental impacts that would affect the rights of way around Tynemouth and the Pencaitland Railway Walk should not be minimised as has tended to be the case with the Environmental Statement. The negative environmental impacts created would not only spoil these features for the local community they would be harmful to the associated wild life and plant life. As the Pencaitland Railway Walk attracts many visitors adverse effects here would affect people from a much wider area.

The coal mines, previously worked, in and around Ormiston were very wet and most were interconnected. The applicant claims that their workings will not encounter the water table rebound from the former mine workings although there is no real data to support this claim. Some housing in the Ormiston community is built on coal stoops, from the former working, now pressurised by the ground water. As the former workings were interlinked any disruption to the water table or even vibration from blasting could lead to serious problems for the areas that are undermined.

The visual intrusion this site would create cannot be overstated. Furthermore, from most viewpoints, any attempted mitigation measures would only result in such measures themselves being intrusive. This most certainly would be the case from the A6093 within East Lothian and would be contrary to the East Lothian Local Plan's mineral policy that requires that surface mineral extraction should not be conspicuous from tourist routes, which includes the Hillfoots Tourist Trail.

According to the Environmental Statement there will be 63 fully loaded (with 29 tonnes) and 63 empty vehicle movements per working day. Scottish Coal state they will undertake reasonable improvements, to the unclassified road leading to the A6093, to allow their 29 tonne vehicles and a car to pass. Even if such improvements were undertaken and maintained the sheer volume of site traffic on this normally quiet country road would virtually make it a "no-go" area for other road users (including pedestrians). During the period of the proposed operations this route would in effect be lost to our community. The applicant stated, at the public meeting, that they would enter into a section 75 agreement with respect to the traffic routing indicated in the ES. Nevertheless there is still concern locally on how this will be by policed by Midlothian Council, as any potential breaches would be more than likely to be committed within East Lothian.

## **5. Other Factors**

As stated previously most of the proposed site is prime agricultural land and would be lost as such for at least the period of the operations. There is also no guarantee of how long it will take for this land to be restored to its original status.

The area is rich in plant life and wild life whose presence has evolved over many years. It could take a generation for the flora and fauna to recover from the consequences of the proposed operations.

The proposal will destroy many hedgerows and then have them replanted as part of the restoration programme. Here again it will take several years for these replanted hedgerows to reach maturity and the associated wild life may never be recovered.

## **6. Planning Consent Breaches**

One real cause for concern, that appears to be widespread throughout all communities that are close to opencast sites, is the problem of planning consent breaches. Scottish Coal claim they have a good record with respect to this, whereas the communities where they operate or have operated do not necessarily agree. This "planning consent breach factor" has the potential to produce an environmental impact from an opencast operation that would be much less favourable than that anticipated in the applicant's Environmental Statement.

## **7. Community Survey**

Once the local community had had the opportunity to be made aware of the details of the proposed operations the Community Council undertook to conduct a survey of the views of every household in the community with respect to this particular planning application. A sample of the survey form used can be found as Appendix II.

Survey forms were delivered to 899 households in the community between 8 and 12 September 2009. Due to the time constraints imposed for commenting on the proposal, scrutinising of returned forms took place on 17 September. On 17 September 542 forms had been returned, representing 60.29%. At the time of preparing this submission a further 50 forms had been returned only 2 of which were in favour.

The survey findings were scrutinised by Rev Geoffrey Underwood and Session Clerk Jeremy Nichols of Ormiston Parish Church, on 17 September, (Appendix III). This represents 90.96% opposed to the proposal and 8.85% in favour of the proposal.

The 10 members who currently comprise Ormiston Community were elected on May 2008 as a result of a postal ballot of the electorate within the community council ward. The return (turn-out) being 43%, higher than many local council elections. Given this mandate and the fact we have consulted our electorate on this particular issue there should be no doubt that this submission can be taken as not only the view of the Community Council but as that of our community.

A map showing the Community of Ormiston is contained in Appendix IV.

## **8. Conclusion**

It is our view that with respect to the Midlothian Local Plan, irrespective of whichever of this Plan's overcomplicated mineral policies were used, there would be a presumption against this particular application.

From the survey results it can be clearly seen that our community is strongly opposed to the proposal outlined in this planning application. This we would suggest is legitimate public concern and as such is material consideration.

Scottish Planning Policy 16 (SPP16) seeks to ensure that the extraction of coal is carried out in an environmentally and locally beneficial manner.

Due to the location of the proposed site it would be impossible for such an activity to operate in sterility from the community of Ormiston. Many disbenefits would be accrued as a result of the environmental impacts highlighted in paragraph 4 of this submission.

It is very difficult to see what benefits this particular proposed development would bring to our community. There would be few, if indeed any, employment opportunities for our community as most of the work is of a specialist nature. The site is an Area of Great Landscape Value extracting coal from it and then restoring, would be unlikely to bring about any improvements, more likely the reverse. Any planning fund associated with this proposal would go to Midlothian Council.

It is therefore our view that this proposal would be contrary to the development plans and the benefit/disbenefit test of SPP16. The environmental impact of such an operation in such a location would be unacceptable to the local and wider community and that the planning application should therefore be refused.

James W Blane

Chairman