

From: [REDACTED]

Sent: 17 June 2016 15:33

To: [REDACTED]

Cc: [REDACTED]
[REDACTED]

Subject: RE: Walsall Site Allocation Document Representations

Attachments: 6996_01a Wardell 2004007 lr.pdf; 6996_01b Wardell 2004007 lr.pdf; 6996_02a Wardell 2004007 lr.pdf; 6996_02b Wardell 2004007 lr.pdf; PH Yorks Bridge report coal areas.jpg; WA Exec Summ 1.jpg; WA Exec Summ 2.jpg; WA Yorks Bridge geological sequence.jpg; Yorks Bridge response June 2016.docx

Dear [REDACTED]

Please find attached my joint response on behalf of my client, Potclays Ltd., and the Little Wyrley Estate regarding your questions below.

Also attached is a geological map showing coal outcrops, a plan showing the British Coal proposed site in 2004, a geological sequence, a report detailing the extraction areas for each coal seam (and therefore its underlying fireclay) for a restricted site in Walsall and the Executive Summary from a report by Wardell Armstrong.

If you have any further question do not hesitate to contact me again, but please note that I will be away from the office from 23rd June until 4th July.

Best regards,

[REDACTED]
Director, Resource UK

International Clay Technology Association (ICTa) North Staffordshire Branch Past Chairman

Mob: [REDACTED]

Tel/Fax: [REDACTED]

Email: [REDACTED]

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From: [REDACTED]

Sent: Tuesday, June 7, 2016 3:36 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: Walsall Site Allocation Document Representations

Dear [REDACTED]

Thank you for your representations on the Site Allocation Document, which we have now had the opportunity to review. I would be grateful if you could clarify the following points.

1) Yorks Bridge – Extent of Winnable Fireclay Resources

In your email below you have stated that ‘the same seams worked at Birch Coppice also occur at Brownhills Common and York’s Bridge’ and that ‘geological evidence indicates that the eastern half of the site is likely to be more economically viable as the fireclays are closer to surface.’ However, Council officers are not aware of any evidence that demonstrates the existence of potentially winnable fireclay resources in this location. For example, the maps of Yorks Bridge that were tabled at the Black Country Core Strategy Examination did not give any indication of the extent of fireclay resources present within the site. The mineral resource mapping and geological mapping published by the Coal Authority and British Geological Survey also does not give any indication of the extent of potentially winnable fireclay resources in this area. It would therefore be helpful if you could provide us with details of the evidence underpinning your statement on the extent of potentially winnable fireclay resources at Yorks Bridge (for example, from boreholes or other survey information), which could be used as the basis for defining the boundary of an Area of Search or fireclay resource area in the SAD.

2) Birch Coppice Stockpile

In your email below you have stated that ‘the existing stockpiles are expected to last for approximately 15 years,’ assuming an average annual depletion rate of 2,000 tonnes per annum, depending on sales demand. For monitoring purposes, it would be helpful if you could confirm the baseline date for the estimated life remaining, for example, does this relate to the position at April 2016? We would also appreciate clarification on the reasons for the apparent inconsistency between the information provided in your email, and the information provided by your client to Council officers in December 2007. The information provided previously suggested that the remaining stockpile at the end of 2007 would have been sufficient to provide around 10 years’ supply of fireclay to Swan Works, assuming an annual depletion rate of 2,000 TPA, in which case, there should be less than 2 year’s supply remaining within the stockpile @ April 2016. This is significantly different to your estimate of a current 15 year supply, so it would be helpful if you could explain the reasons for this difference.

3) Yorks Bridge – Viability, Deliverability and Habitats Regulations Assessment

In your email below you have stated that your client 'still intends to work fireclays in Brownhills at some point in the future,' although you are unable to confirm whether or not working would begin within the plan period. We would appreciate it if you could give some indication of how such a proposal would be expected to be delivered, given your client's limited requirements for fireclay, and the apparent lack of interest from any other party in working the fireclay at Yorks Bridge at the present time. It would also help us to respond to representations from Natural England if you could confirm whether any evaluation has been carried out of the potential impact of coal and clay working at Yorks Bridge on the Cannock Extension Canal SAC.

4) Proposal to Exchange 'Dormant' Permission at Brownhills Common for New Permission at Yorks Bridge

In your email below you have stated that your client is 'willing to exchange the existing permission for Brownhills Common (MP5) for an alternative area at York's Bridge.' While your client was the applicant of the 'dormant' permission for clay and coal extraction at Birch Coppice and Brownhills Common (EB233), it is the Council's understanding that they do not have any freehold or mineral interest in the Brownhills Common site or in the land at Yorks Bridge. It would be helpful if you could confirm that this is the case, and if so, how your client would propose to go about securing such an agreement with the Council. In particular, it would be helpful if you could provide evidence that such an agreement would be acceptable in principle to other interests who would also have to be party to it.

5) Application BC48813P - Application for Working Conditions to be applied to Birch Coppice and Brownhills Common

As there is no mention of this in your email, it would be helpful if you could confirm whether your client intends to progress this 'stalled' application during the plan period if it is not feasible to bring forward an application for clay extraction at Yorks Bridge.

A response by **30 June** would be much appreciated. Please note that unless you advise us otherwise, we will regard your response to this email as supplementary to your representation on the SAD, in which case it will be made public.

[REDACTED]

Principal Regeneration Officer
Planning Policy Team
Regeneration and Development
Economy & Environment
Walsall Council
Civic Centre, Darwall Street, Walsall. WS1 1TP
Email: [REDACTED]
Telephone: [REDACTED]
<http://www.walsall.gov.uk/>

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From: [REDACTED]

Sent: 03 May 2016 10:37

To: [REDACTED]

Cc: [REDACTED]

Subject: Walsall Site Allocation Document Representations

Dear Sir or Madam,

I am the agent for the Potter's Clay and Coal Company Ltd., and wish to make representations on their behalf.

The Potter's Clay and Coal Company Ltd does not object in principle to the Publication Draft Plan. However, the Council is referred to the Black Country Core Strategy Public Inquiry at which the exceptionally high quality of Brownhills fireclays for ceramics, particularly studio pottery and hobby craft, was demonstrated. Whilst not repeating the evidence here, it is considered sufficient to note three critical points:

- 1 - The same seams worked at Birch Coppice also occur at Brownhills Common and York's Bridge.
- 2 – The Company recognises the environmental and nature conservation value of Brownhills Common and is therefore willing to exchange the existing permission for Brownhills Common (MP5) for an alternative area at York's Bridge.
- 3 - The fireclays extracted from the former Birch Coppice site are still being supplied to a very large number of clients both in the UK and world-wide from the Company's Swan Works, which is adjacent to the site.

The current rate of usage from the Birch Coppice stockpiles is confirmed to be in the region of 2,000te per annum, but this is in the context of a global market for the company which has seen an increase in sales in recent years. Therefore the existing stockpiles are expected to last for approximately 15 years, depending on sales demand.

It is accepted that a partner will be required to bring forward a new extraction site, and that this is likely to be a coal operator or brick manufacturer. Given the decline in the price of coal coupled with the forthcoming closure of many coal fired power stations, along with the economic recession which

has resulted in the closure of many brickworks since 2008, it has proved impossible to find a partner during the current Plan period. For this reason the Company would prefer York's Bridge to remain designated as an Area of Search for fireclay. I can confirm that the geological evidence indicates that the eastern half of the site is likely to be more economically viable as the fireclays are closer to surface, thereby reducing the amount of overburden to be removed. A designated Area of Search in the eastern part of York's Bridge would also reduce the potential effects on environmentally designated sites associated with the canal. However, the 'enabling' inclusion in Policy M9 is welcomed.

I therefore wish to make it clear that my client still intends to work fireclays in Brownhills at some point in the future, and that whilst this may not be within the Plan period it may be that preparations for an application could start prior to 2026.

Best regards,

██████████

Director, Resource UK

International Clay Technology Association (ICTa) North Staffordshire Branch Past Chairman

Mob: ██████████

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Registered in England Company No ██████████

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1) Yorks Bridge – Extent of Winnable Fireclay Resources

In your email below you have stated that ‘the same seams worked at Birch Coppice also occur at Brownhills Common and York’s Bridge’ and that ‘geological evidence indicates that the eastern half of the site is likely to be more economically viable as the fireclays are closer to surface.’ However, Council officers are not aware of any evidence that demonstrates the existence of potentially winnable fireclay resources in this location. For example, the maps of Yorks Bridge that were tabled at the Black Country Core Strategy Examination did not give any indication of the extent of fireclay resources present within the site. The mineral resource mapping and geological mapping published by the Coal Authority and British Geological Survey also does not give any indication of the extent of potentially winnable fireclay resources in this area. It would therefore be helpful if you could provide us with details of the evidence underpinning your statement on the extent of potentially winnable fireclay resources at Yorks Bridge (for example, from boreholes or other survey information), which could be used as the basis for defining the boundary of an Area of Search or fireclay resource area in the SAD.

Response

I attach some extracts from a Wardell Armstrong report date September 2004. There are two maps which unfortunately have been scanned in two halves due to their size. One is a geological map which clearly shows the Upper and Lower Stinking coals outcropping close to the eastern boundary of the site. The strata dip at a shallow angle to the north west. These seams are underlain by the seams worked at Birch Coppice which included the Yard, Bass, Cinder, Bench and Shallow coals. All of these coal seams have an underlying fireclay which is compared as equivalent to the Caughley opencast site in Shropshire and supplies probably the best quality fireclays in the country at the present time.

The other map indicates the location of a proposed opencast coal and clay site put forward by British Coal shortly before it was wound up in 2004; the proposal was therefore never taken forward. However, this does serve to indicate that winnable coal and clay reserves exist at Yorks Bridge. Wardell Armstrong’s advice, which has been accepted by the Little Wyrley Estate and my client is that a smaller, clay led site on the eastern side of the British Coal area would be more likely to be acceptable in planning terms; this is the area lying on the Walsall side of its boundary with Staffordshire, which bisects the site from north to south.

A geological sequence is included which shows that the thickest fireclays are associated with the Stinking Coals and are therefore closest to the surface at Yorks Bridge. The other table is from a confidential report from a third party mining contractor and shows the extractable area of each seam. Combining the information from these two tables gives a fireclay reserve of some 575,000te, 80% of which is associated with the three most accessible coal seams, in addition to almost 400,000te of coal.

Hand written borehole logs indicate that coal seams occur within 10m of the surface in some areas.

Our proposal is for an Area of Search for fireclay to consist of the Yorks Bridge site EAST of the Walsall/Staffordshire boundary.

2) Birch Coppice Stockpile

In your email below you have stated that 'the existing stockpiles are expected to last for approximately 15 years,' assuming an average annual depletion rate of 2,000 tonnes per annum, depending on sales demand. For monitoring purposes, it would be helpful if you could confirm the baseline date for the estimated life remaining, for example, does this relate to the position at April 2016? We would also appreciate clarification on the reasons for the apparent inconsistency between the information provided in your email, and the information provided by your client to Council officers in December 2007. The information provided previously suggested that the remaining stockpile at the end of 2007 would have been sufficient to provide around 10 years' supply of fireclay to Swan Works, assuming an annual depletion rate of 2,000 TPA, in which case, there should be less than 2 year's supply remaining within the stockpile @ April 2016. This is significantly different to your estimate of a current 15 year supply, so it would be helpful if you could explain the reasons for this difference.

Response

I have discussed this with my client as the operator of the site. I am advised that the main factor is that the base of the stockpile has been reached at a deeper level than expected, probably due to settlement of the ground over the 40 or so years since the site was backfilled and the stockpiles constructed. The base has been reached on the east side of the stockpile and it is known that it is deeper towards the west. Therefore the reserves have been revised upwards.

3) Yorks Bridge – Viability, Deliverability and Habitats Regulations Assessment

In your email below you have stated that your client 'still intends to work fireclays in Brownhills at some point in the future,' although you are unable to confirm whether or not working would begin within the plan period. We would appreciate it if you could give some indication of how such a proposal would be expected to be delivered, given your client's limited requirements for fireclay, and the apparent lack of interest from any other party in working the fireclay at Yorks Bridge at the present time. It would also help us to respond to representations from Natural England if you could confirm whether any evaluation has been carried out of the potential impact of coal and clay working at Yorks Bridge on the Cannock Extension Canal SAC.

Response

Whilst my client's annual usage is currently low, the use in the initial years is much greater. This is because lower grade clays can be sold to different markets; lower grade fireclays can be used for brick manufacture, superficial clays can be used as 'puddle clay' for lining ponds and landfill sites, and shale and sandstone may be used for bulk fill if a market is available at the time.

The apparent lack of interest is due to the financial balance which has seen the price of coal fall to very low levels; at Birch Coppice it was the coal which paid for the cost of obtaining planning permission and working the site. It appears unlikely that the price of coal will rise significantly in the foreseeable future, but as opencast sites close the sources of fireclay become less and so the price is rising significantly and is likely to continue to do so. Traditionally a site such as this would be worked by a coal operator. This is currently unattractive and whilst brick companies are interested in purchasing fireclay they are not in a position, following the economic recession of recent years, to seek planning consent for and work a new site unless it has substantially greater reserves than are expected at Yorks Bridge. This is in no small part due to the cost of carrying out an Environmental Impact Assessment.

Regarding the Cannock Extension Canal SAC, the potential effects from a proposed clay working in Walsall are greatly diminished compared with the previously considered larger scale scheme. The impacts are therefore likely to be within acceptable limits given the distance, which will reduce considerably the visual, noise and dust impacts. The site design would take the SAC into account such that appropriate screening would be included to minimise any adverse impacts.

4) Proposal to Exchange 'Dormant' Permission at Brownhills Common for New Permission at Yorks Bridge

In your email below you have stated that your client is 'willing to exchange the existing permission for Brownhills Common (MP5) for an alternative area at York's Bridge.' While your client was the applicant of the 'dormant' permission for clay and coal extraction at Birch Coppice and Brownhills Common (EB233), it is the Council's understanding that they do not have any freehold or mineral interest in the Brownhills Common site or in the land at Yorks Bridge. It would be helpful if you could confirm that this is the case, and if so, how your client would propose to go about securing such an agreement with the Council. In particular, it would be helpful if you could provide evidence that such an agreement would be acceptable in principle to other interests who would also have to be party to it.

Response

The Council's understanding on these matters is entirely incorrect. My client does own the freehold mineral interest for some clay seams in both Brownhills Common and part of Yorks Bridge. The remainder of the minerals plus the surface of both sites is owned by the Little Wyrley Estate with whom my client has an agreement; indeed you will note that the representations regarding these sites and minerals were made on behalf of my client and Little Wyrley Estate jointly at the Black Country Core Strategy Examination. The Estate has today confirmed to me that they are very much interested in securing the rights to any mineral working under their land and would be more than willing to work with my client to market the Estate's minerals alongside those belonging to my client. I also have confirmation from the estate's Agent, Fisher German LLP that the issue of ownership referred to in Wardell Armstrong's Executive Summary has been investigated, and the Estate does own the freehold of the minerals underlying their land with the exception of any seams owned by the Potter's Clay and Coal Company.

I can therefore confirm that there is a very long standing agreement between my client and the Little Wyrley Estate who between them own all of the surface and minerals at Brownhills Common and Yorks Bridge with the exception of any minerals owned by the Coal Authority.

5) Application BC48813P - Application for Working Conditions to be applied to Birch Coppice and Brownhills Common

As there is no mention of this in your email, it would be helpful if you could confirm whether your client intends to progress this 'stalled' application during the plan period if it is not feasible to bring forward an application for clay extraction at Yorks Bridge.

Response

This application was stalled by mutual agreement with Walsall Council due to the cost of conducting an Environmental Impact Assessment and the fact that it would be premature to conduct such a survey until such time as the prospect of working a site was imminent. My client is of the opinion that due to the nature conservation value of Brownhills Common it would be preferable to all parties to exchange the existing planning permission on that site for an equivalent area at Yorks Bridge when an application is brought forward. My client sees the future of the two sites as linked and is happy for matters to remain as they are at the current time.

EXECUTIVE SUMMARY

The site is underlain by a variable thickness (typically 5 to 15m) of superficial deposits, beneath which are strata of the lower coal measures. The superficial deposits comprise predominantly glacial clay with some lenses of glacial sand or gravel. It may be possible to selectively excavate some of the sand or gravel for use as an aggregate, although the sand is likely to be of relatively poor quality. We do not yet know if it would be financially viable to process the sand and gravel to recover the higher value fractions. The glacial clay is unlikely to be of economic value.

The Lower Coal Measures contain a series of coal seams, most of which have an underlying seam of fireclay associated with them. The coal is of reasonable quality and there are many old mineshafts in the area, indicating that some of the coal seams have been worked to a greater or lesser extent. The fireclays are the same as those that have been worked at nearby Birch Coppice and probably similar to those currently being worked at Caughley quarry near Ironbridge.

The site straddles the administrative boundary between Walsall and Staffordshire and so it is subject to 2 planning regimes. There are valid planning policy reasons for refusing a mineral extraction scheme on the Staffordshire side of the site. However, on the Walsall side of the site, the planning policies are more supportive, although it seems virtually certain that a new permission for mineral extraction on this site would require the permanent revocation of the 1954 Brownhills Common planning consent.

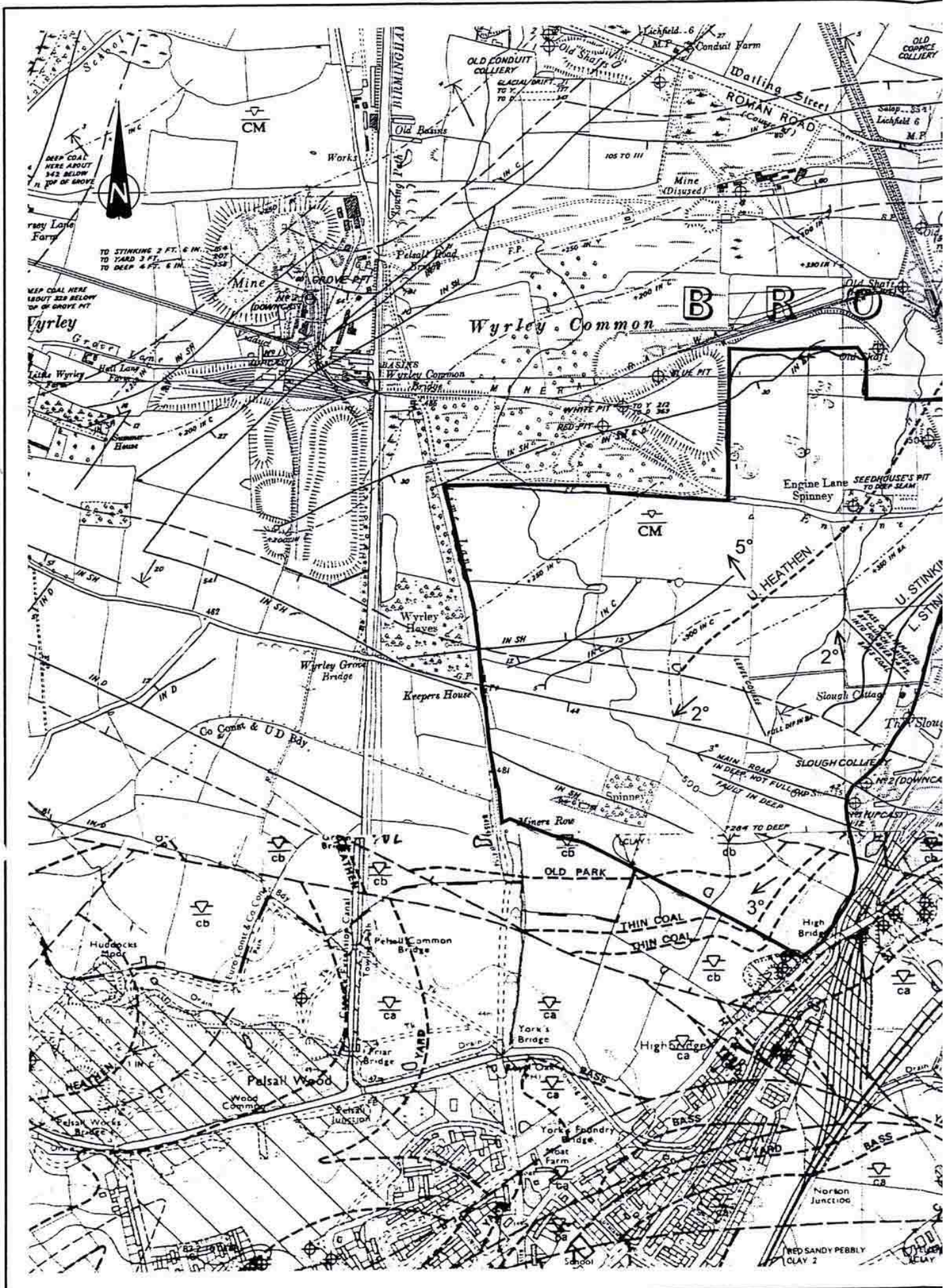
In our opinion, a modest scale clay-led extraction scheme with incidental coal extraction would have a significantly better chance of being granted planning consent than a larger scale coal-led scheme.

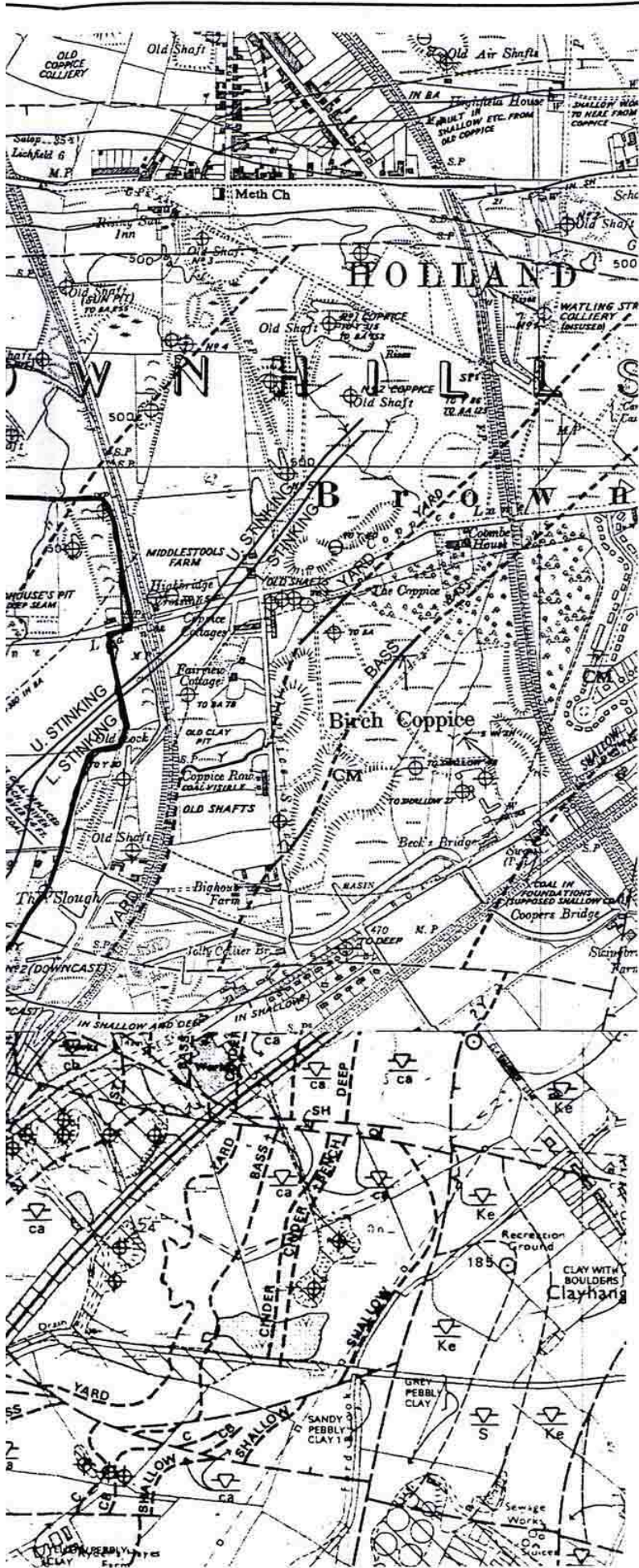
In our view it is unlikely that sufficient mineral can be extracted from the site in the foreseeable future to create a landfill void that would be large enough to be financially viable.

There are 2 potential legal problems relating to this site. The first relates to mineral ownership. The site may be former copyhold land (an ancient form of land ownership) in which case there is a possibility that the Lord of the Manor may have an interest in the minerals. The second relates to the borehole data supplied to the Estate by British Coal, and the use the Estate can make of that information. We recommend that legal advice is taken on this subject.

We have not looked in detail at the financial viability of a mineral extraction scheme. However, the planning prospects in the eastern part of the site ie in Walsall, are

sufficiently promising that we have recommended undertaking an outline design of a mineral extraction scheme which can then be tested for financial viability.





REVISION	DETAILS	DATE	DRAWN	CHK'D	APP'D
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CLIENT
LITTLE WYRLEY ESTATE

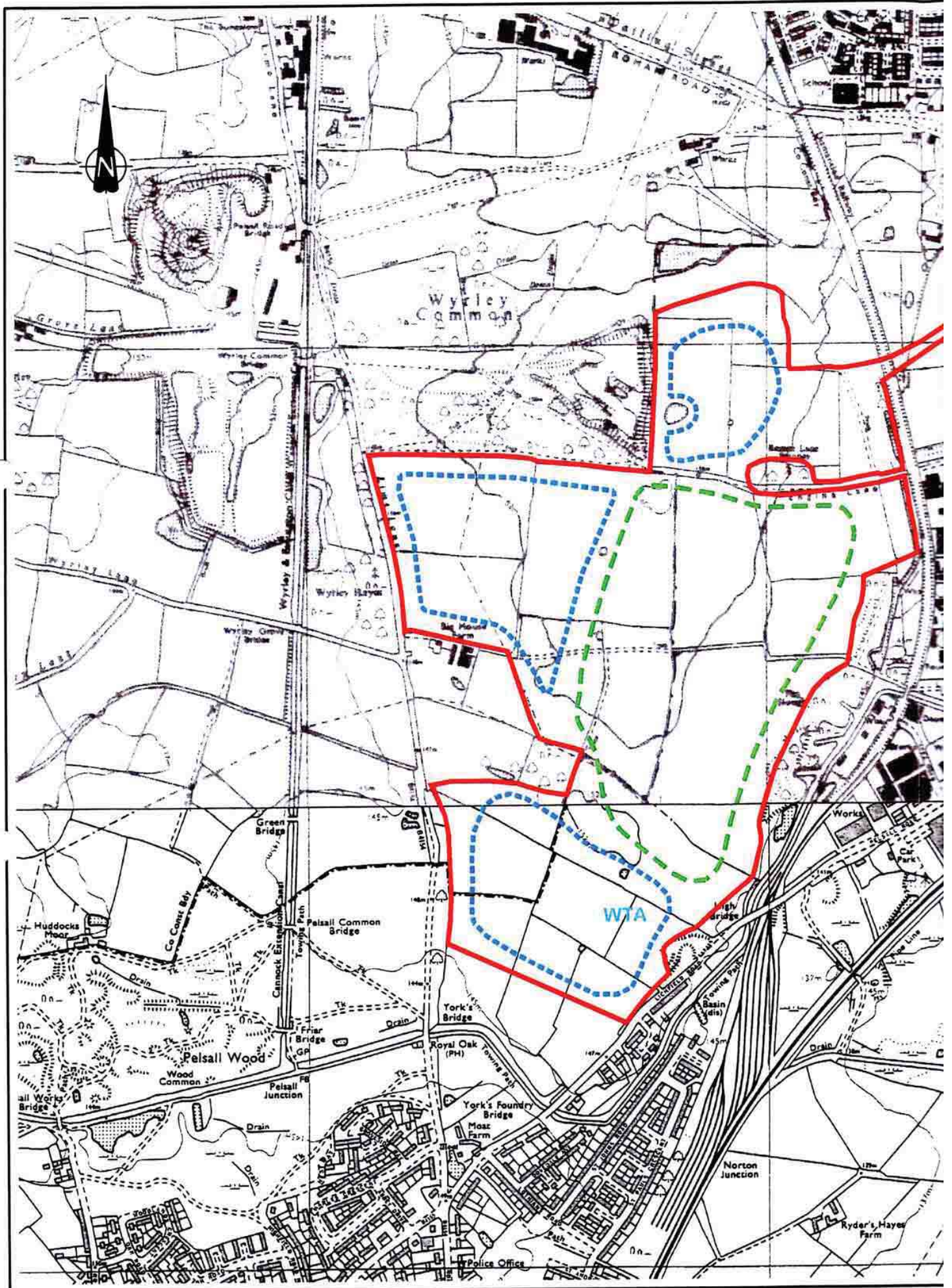
PROJECT
YORK'S BRIDGE

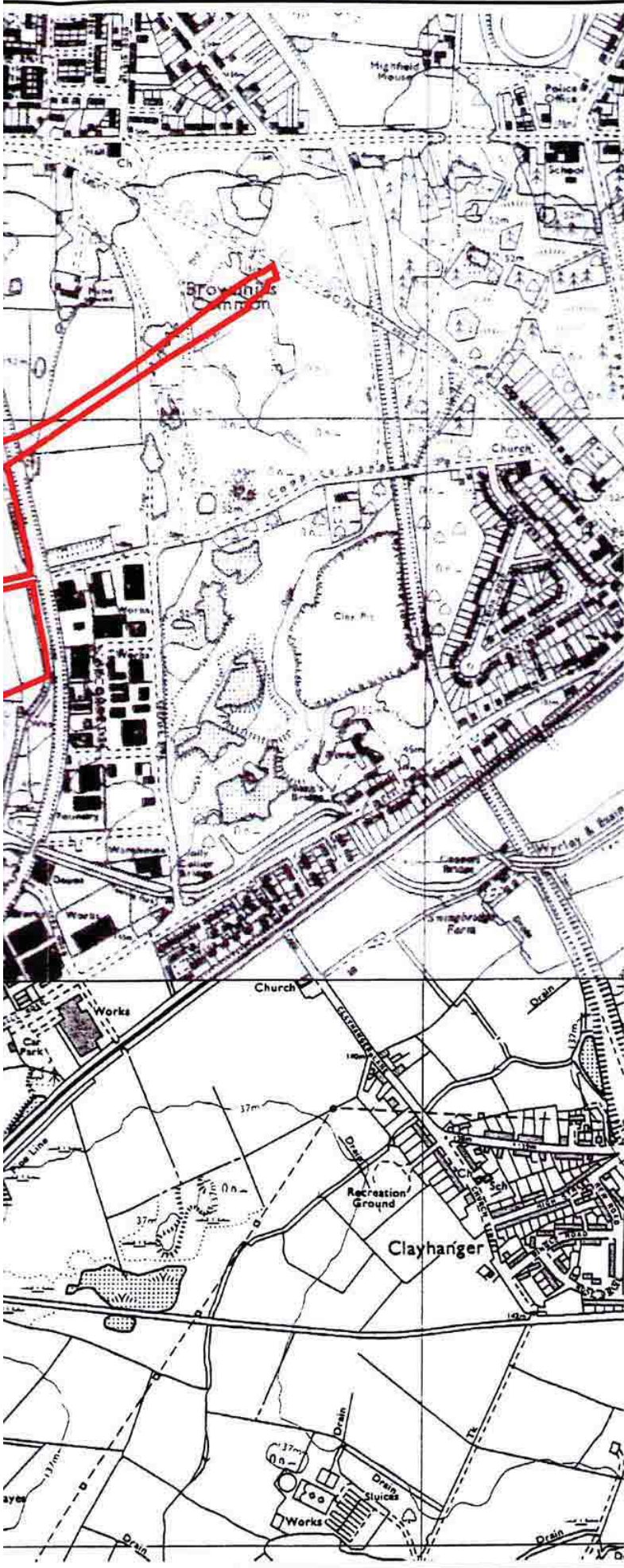
DRAWING TITLE
GEOLOGICAL PLAN

DRG No NL06996/01	SCALE N.T.S.	DATE SEPTEMBER 2004
DRAWN BY HRK	CHECKED BY SDB	APPROVED BY SDB

<input type="checkbox"/> NEWCASTLE-UNDER-LYME (HEAD OFFICE)	TEL 01782 612626	<input type="checkbox"/> CARDIFF	TEL 029 2038 2465
<input type="checkbox"/> NEWCASTLE UPON TYNE	TEL 0191 232 0943	<input type="checkbox"/> LEIGH	TEL 01942 260101
<input checked="" type="checkbox"/> WEST BROMWICH	TEL 0121 580 0909	<input type="checkbox"/> SHEFFIELD	TEL 0114 245 6244
<input type="checkbox"/> LONDON	TEL 020 7287 2872		

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REFERENCE

- BRITISH COAL SITE BOUNDARY
- - - BRITISH COAL EXCAVATION BOUNDARY
- - - BRITISH COAL OVERBURDEN DUMPS
- WTA WATER TREATMENT AREA

REVISION	DETAILS	DATE	DRAWN	CHK'D	APP'D
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CLIENT
LITTLE WYRLEY ESTATE

PROJECT
YORK'S BRIDGE

DRAWING TITLE
APPROXIMATE BRITISH COAL PROPOSAL

DRG No NL06996/02	SCALE 1:10,000	DATE SEPTEMBER 2004
DRAWN BY HRK	CHECKED BY SDB	APPROVED BY SDB

- | | | | |
|---|-------------------|------------------------------------|-------------------|
| <input type="checkbox"/> NEWCASTLE-UNDER-LYME (HEAD OFFICE) | TEL 01782 612626 | <input type="checkbox"/> CARDIFF | TEL 029 2038 2495 |
| <input type="checkbox"/> NEWCASTLE UPON TYNE | TEL 0191 232 0643 | <input type="checkbox"/> LEIGH | TEL 01642 260101 |
| <input checked="" type="checkbox"/> WEST BROMMCH | TEL 0121 580 0606 | <input type="checkbox"/> SHEFFIELD | TEL 0114 245 8244 |
| <input type="checkbox"/> LONDON | TEL 020 7287 2872 | | |

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Solid geology

- 3.4 The Solid geology at the site comprises a sequence of Lower Carboniferous clay and coal seams all dipping in a general trend towards the northwest and displaced by a fault running across the south of the site. The sequence of coals and clays are shown in table 1 below in descending order.

Seam name	Approximate thickness	Comments and suitability
Heathen coal	Unknown	
Upper Stinking coal	0.4m	
Upper Stinking fireclay	1.1m	Tiles and studio clay
Lower Stinking coal	0.2m	
Lower Stinking fireclay	0.8m	Bricks and studio clay
Yard coal	0.7m	
Yard fireclay	0.6m	Ball clay substitute and studio clay
Bass coal	1.5m	May be in 2 leaves
Bass fireclay	0.7m	Tiles and studio clay
Cinder coal	0.8m	
Cinder fireclay	0.3m	Ball clay substitute and studio clay
Shallow coal	Unknown	

- 3.5 A number of disused mine shafts are located along the eastern side of the site associated with previous workings of the coal. Although the British Coal estimates did take into account losses due to old workings the presence of such workings should be noted as they introduce an element of uncertainty into tonnage estimates.

**YORKS BRIDGE SEQ
SOUTHERN BLOCK
Jul-08**

SEAM	GROSS AREA	OWS W/O	FAULTS ETC	NET AREA	IN SITU THICK	RECV THICK	REC VOL	REC TONNES
Heathen	127500	37.00	10.00	67575.00	0.47	0.43	29057.25	38646.14
Stinking	119600	12.00	10.00	93288.00	0.61	0.57	53174.16	70721.63
Yard	118450	17.00	10.00	86468.50	0.73	0.69	59663.27	79352.14
Bass	116725	43.00	10.00	54860.75	1.47	1.39	76256.44	101421.1
Cinder	115000	33.00	10.00	65550.00	1.28	1.20	78660.00	104617.8

recoverable tonnes **394758.8 t**

recoverable volume **296811.12 m3**

dig volume 11800000.00 m3

vol ratio 38.76 m3/m3