



meeting **PLANNING AND LICENSING COMMITTEE**

date **5 OCTOBER 2004**

from: **Director of Environment**

agenda item number

**8**

**ASHFIELD DISTRICT COUNCIL 4/2004/0772  
ERECTION OF THE NOTTINGHAMSHIRE MINING HERITAGE SCULPTURE,  
SILVERHILL WOOD FORMER SILVERHILL COLLIERY, SILVERHILL  
APPLICANT: NOTTINGHAMSHIRE COUNTY COUNCIL ENVIRONMENT  
DEPARTMENT**

**Purpose of Report**

1. To consider a planning application for the erection of the Nottinghamshire Mining Heritage Sculpture 'Checking for Gas' to be constructed on the highest point in Nottinghamshire at Silverhill Wood, the site of the former Silverhill Colliery. The recommendation is to grant planning permission subject to planning conditions.

**The Site and Surrounding**

2. The site lies to the west of Teversal and to the immediate north-west of Fackley, bounded to the south by a number of residential properties along Silverhill Lane. The site is bordered to the east by countryside up to Pleasley Road and Peartree Lane and to the north and west by open countryside.
3. The site comprises an extensive, open area of 'hilly' grassland and large tracts of woodland on a former colliery tip, which now forms the highest point in Nottinghamshire. Access to the 'highest point' of Silverhill Wood is via a forest road leading from Silverhill Lane, via an entrance just to the west of Silverhill Cottages. This road leads due north up a slope for some 500m then forks to the north-west up a relatively short, steep slope to the 'highest point'.
4. At this point there is a small, flat landscaped area surrounded by a circle of monolithic stones set to the points of a compass. The sculpture would be positioned centrally within this circle of stones (see Plan 1).

**Proposed Development**

5. The application seeks to erect a sculpture of a miner holding a 'Davy' safety lamp, depicting the checking for gas. The proposed figure of the miner would be approximately 125 per cent over life size and cast in bronze to a height of 1.52m. An illustration of the sculpture is attached as Appendix 1.

6. The figure of the miner would be secured onto a stone base by four heavy-duty cemented stainless steel, threaded rods. The stone base would be 0.92m in height and would have a plaque mounted on the side listing the Nottinghamshire Collieries in order of date of closure.
7. The stone base would also be secured onto a concrete foundation base by four similar threaded rods. The concrete base would be further reinforced with steel mesh and would stand to a height of only 0.3m above ground level. The bulk of the foundation plinth would be below ground level, to a depth of 0.7m and would measure some 1.2 sq.m. The concrete foundation base would be cast in situ at the site.

### **Site History**

8. The reclaimed area now forming Silverhill Wood was formerly the two collieries of Silverhill and Teversal. With the closure of first Teversal colliery in the 1980's followed by Silverhill colliery in the 1990's, together with the supporting industries, the area lost its principal source of employment. The legacy of the closure of these collieries was an area blighted by high unemployment and a large tract of derelict land.
9. A partnership was formed between the County Council, the Coal Authority and The Forestry Commission to regenerate the area, with the creation of a large woodland area for public use on the site of the former collieries, under the Nottinghamshire Colliery Spoil Tip Restoration Programme. This involved the removal of colliery buildings and their foundations, the re-profiling of the spoil heaps and the planting of some 250,000 trees.
10. Part of this process has involved the regrading of one of the colliery spoil heaps at Silverhill. This particular site, now the 'highest point' in the County, is considered an appropriate location for such a commemorative sculpture.

### **Background to Proposal**

11. The proposed sculpture is the winning design that emerged out of a competition arranged by the County Council's Community Arts to design a sculpture to commemorate the Mining Heritage of Nottinghamshire and the local community. Out of the two hundred artists who responded, three firm proposals, each including a model of the sculpture, were finally submitted. The models were displayed at both the Community Shop in Stanton Hill and at Teversal Trail Visitors Centre. Voting forms were made available to members of the local community and the sculpture that emerged as a clear favourite was Antony Dufort's 'Checking for Gas'. Antony Dufort is an internationally recognised sculptor who has undertaken other public sector works, including a similar miner's tribute sculpture, at Cinderford in the Forest of Dean, Gloucestershire.

### **Planning Policies**

12. The Nottinghamshire Structure Plan Review (November 1996) contains no policies that are relevant to the proposal. Policy ST1 of the Ashfield Local Plan Review (Adopted November 2002) supports new development provided that there is no significant adverse effect upon the amenity, character or quality of the environment and that it does not conflict with an adjoining or nearby land use.

13. **Consultations**

**Ashfield District Council** raises no objection.

**The Forestry Commission** has not made any comments.

**Publicity**

14. The application has been advertised by means of two statutory site notices and letters sent to the occupiers of Nos. 1-10 (inclusive) Silverhill Cottages, Nos. 11-16 (inclusive) Silverhill Lane and Shardaroba, Silverhill Lane. Two representations have been received. One of these letters is a copy of an original letter that had been signed by three residents. The letters object to the proposal on the following grounds:

- a) inappropriate location for the siting of the sculpture, with the 'ungainly mound' created to achieve 'highest point' status having already eroded the natural profile of the restoration, the erection of a tall sculpture would add further visual intrusion at this point and be out of context with its surroundings.
- b) proposal is an unnecessary intrusion to the 360 degree panoramic views from the small and carefully laid out 'viewing platform' at the highest point in the County.
- c) erection of sculpture would mean that those using the viewing area at this unique site would have to 'duck and dive' around the structure, with its size being out of keeping with the circle of stones set to the points of a compass.
- d) needs of the disabled should be considered, with appropriate access to the sculpture.
- e) the process for the selection of the sculpture was conducted in an unrepresentative manner with the thousands of regular users of Silverhill Wood not being consulted.
- f) preference for an 'environmentally friendly' and cheaper original proposal as opposed to the figure of the miner, which would have only cost £7,000 as opposed to the £40,000 of landfill tax and Arts Council directed lottery money that is being spent inappropriately on behalf of the people of Nottinghamshire.

- g) bronze sculpture will be vandalised or stolen for scrap within a few months.
  - h) inaccurate representation of how the structure might look, in the County Council's own mock-up photograph, as submitted as part of the application, which omits the lower plinth and shows the overall structure height at approximately one half of its true scale within the viewing circle.
15. Other suggestions include:
- a) a better location both visually and for access would be on the flat area near the car park.
  - b) an information board giving a brief history of Silverhill Colliery should be erected on the site.

### **Highway Observations**

16. There are no highway objections.

### **Observations**

17. The commemorative sculpture is a response to a long held desire by Members of the County Council and the local community to commemorate the mining heritage of the County. The highest point in the County has been chosen so as to enhance the impact of the mining heritage sculpture. It is considered important that the proposed sculpture is located at a highly significant location in order to emphasise the importance of the County's mining heritage. It is for this reason that the flat area near the car park is not considered an acceptable site.
18. It is noted that whilst the long-term management of Silverhill Wood will become the responsibility of the Forestry Commission under the terms of a proposed 999 year lease, both the maintenance and management of the proposed sculpture would remain the responsibility of the County Council, which would retain the land on which the sculpture would be sited. This would address the long-term maintenance and liability costs attached to the sculpture. The maintenance of the sculpture has been formalised in a Schedule of Works, which will form part of the contract between the County Council and the artist, Antony Dufort.
19. The proposed sculpture would not impact on the visual amenity of any adjacent residential properties, being sited well within Silverhill Wood. In addition, it is relatively small scale in comparison to the scale of Silverhill Wood and it is considered that it would not visually dominate the landscape or appear inappropriate and out of keeping with its surroundings. The bronze coloration of the sculpture would ensure that the proposal is visually well integrated into the natural landscape and setting of Silverhill Wood.
20. It is considered that the nature of the visual intrusion together with the relative size and uniqueness of the site are somewhat open to debate. Indeed, the sculpture could be viewed as an enhancement rather than an intrusion on the

site. It is noted that the erection of sculptures on the summit of colliery tips is not without precedent in the area and other examples include Brierley Forest Park, on the former Sutton Colliery. In terms of the sculpture being intrusive, any level of visual intrusion would be similar to the impact of features such as cairns or trig points on other summits.

21. It is acknowledged that at certain vantage points the sculpture has the potential to partially block out views directly across the 'viewing platform'. However, the panoramic views out of the site would be maintained. It is considered that the area of the 'viewing platform' is sufficient to accommodate the sculpture and yet still leave enough space for people to access the area to view the surrounding landscape, including views over to Hardwick Hall.
22. Due to the central position of the proposed sculpture, it is considered that people will not have to 'duck and dive' around the sculpture, but simply walk around it to continue to benefit from the views in all directions. The dimensions of the circle are approximately 5-6m in diameter and the dimensions of the plinth are 1.2 sq.m providing ample room for circulation around the base. The sculpture would sit within the centre of the circle encompassed by the existing 'compass point' stones and people would still be able to sit on the stones and enjoy the view.
23. It was a matter of choice on the part of the Council as to how the public consultation process was to be conducted. An initial committee that was set up, the Silverhill Management Committee, was not established with the sole intent of choosing the sculpture and a specific public consultation event was undertaken. This involved the display of 3D illustrations of the short-listed sculptures at both Teversal Visitor Centre and Stanton Hill Community Shop, with the use of feedback and voting slips. The consultation event involved 145 people with 70 per cent of them choosing the sculpture of the miner. The Project Officer co-ordinating the project has received an overall favourable response to the proposal to erect the sculpture. This proposal would therefore appear to have a level of support within the local community.
24. It is acknowledged that the short, steeply sloping access leading directly to the site of the mining sculpture would be relatively difficult terrain for the public to walk over when accessing the sculpture. Currently funds are not available to undertake improvements to this pathway as the existing project budget is extended to its limits to cover the cost of the sculpture and its erection on site. However, the intention is to make improvements to this access through resurfacing and changing its alignment, thereby reducing the gradient of the slope, as soon as funds are available. Therefore, the intention is to make the pathway fully compliant for the elderly and those with a disability, so addressing the concerns that former miners, many of whom are either elderly or suffering from disabling illnesses and would not be able to view the sculpture. It is estimated that the approximate cost of providing better pedestrian access up the slope to the summit is around £5,000. Additional funding has been requested for this and is yet to be confirmed. Planning conditions could ensure that a path suitable for disabled users is constructed within a maximum of two years following the completion of the works to erect the sculpture.

25. It is acknowledged that the problem of vandalism and theft is a serious issue and that erecting any sculpture in a public arena will always carry this risk. However, it is hoped that this risk will be diminished as far as is reasonably possible through the robust construction of this particular piece of work and the location, which is well away from the road.
26. In response to the concerns raised over the inappropriate funding of this project it has been confirmed that the funding for the project has come from the Landfill Tax rebate and the Council's own budgets. As the scheme was detailed in the bidding process, it was up to the funding bodies to decide whether or not the project met their funding criteria.
27. Finally, it must be pointed out that the set of plans and photographs submitted with the proposal have attempted to present an accurate representation of the proposal. The drawing EN/08167/105 is not a scaled plan and is intended to show both the context and position of the sculpture. In addition, the mock up photographs EN/08167/103 are clearly labelled as the maquette representations rather than illustrations of the finished site construction. The construction detail drawing EN/08167/104 clearly shows the final size and plinth construction.

### **Conclusions**

28. The proposed development would provide a fitting tribute to the miners of Nottinghamshire and the County's mining heritage. It is considered that the depiction of a miner holding a safety lamp is an appropriate representation of the mining industry and is in keeping with the restored site of the former Silverhill Colliery.
29. Overall, it is considered that the sculpture merits being sited in a significant location and 'the highest point' represents such an area within the locality of Silverhill Wood. Whilst it would introduce a visual impact into what is presently an open area, it is not considered that this would be either detrimental or out of keeping with the setting.

### **Summary of Reasons for the Decision**

30. The proposal has the potential to impact on the visual amenity of local users of Silverhill Wood, at the 'viewing platform'. However, it is considered that the proposal would be in keeping with its setting and would not adversely affect the overall amenity, character or quality of Silverhill Wood as a recreational area, in accordance with the Development Plan.

### **Statutory and Policy Implications**

31. This report has been compiled after consideration of implications in respect of finance, equal opportunities, personnel, Crime and Disorder and users. Where such implications are material, they have been brought out in the text of the report in addition to the issue of disabled access. Members' attention is, however, drawn to the specifics as follows:-

## **Human Rights Act Implications**

32. The relevant issues arising out of consideration of the Human Rights Act have been assessed in accordance with the Council's adopted protocol. Rights under Article 8 and Article 1 of the First Protocol are affected. The proposal has the potential to introduce moderate impacts of visual intrusion for users of the 'highest point' of Silverhill Wood. However, this consideration needs to be balanced against providing a tribute to Nottinghamshire's mining heritage in a fitting location.

## **RECOMMENDATION**

33. It is RECOMMENDED that planning permission be granted for the purposes of Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the varied conditions set out in Appendix 3. Members need to consider the issues, including the Human Rights Act issues, set out in the report and resolve accordingly.

PETER WEBSTER  
Director of Environment

## **Director of Resources' Financial Comments**

This report covers the planning application and there are no direct financial consequences arising. [DJK 23.9.04]

## **Legal Services' Comments**

Planning Committee has power to decide the Recommendation. [SHB 17.09.04]

## **Background Papers Available for Inspection**

1. Letter from Mr P. Wilkinson, Heathfield, Wild Hill, Teversal, Nottinghamshire dated 27.08.04.
2. Letter from Mr A. Woodhouse, 4, Silverhill Cottages, Silverhill Lane, Teversal, Nottinghamshire, dated 24.08.04. The original letter was also signed by Mr R.M.Hill of 4, Silverhill Cottages and R. & S. Fritchley, Dunsil Farm, Silverhill Lane, Teversal, Nottinghamshire.

## **Electoral Division(s) Affected**

Sutton-in-Ashfield North

***Please note.** Copies of the plan and Appendix 1 referred to in this report may be obtained from: John Sheffield, Environment, Trent Bridge House, Fox Road, West Bridgford, Nottingham NG2 6BJ, tel 0115 977 4499,*

*email john.sheffield@nottsc.gov.uk or from Peter Barker at the same address, tel 0115 977 4416, email peter.barker@nottsc.gov.uk.*

EPD.DW/EP4594  
16 September 2004

**RELEVANT PLANNING POLICIES**

**Ashfield Local Plan Review (Adopted November 2002)**

Policy ST1

DEVELOPMENT WILL BE PERMITTED WHERE:

- a) IT WILL NOT CONFLICT WITH OTHER POLICIES IN THIS LOCAL PLAN;
- b) IT WILL NOT ADVERSELY AFFECT THE CHARACTER, QUALITY, AMENITY OR SAFETY OF THE ENVIRONMENT;
- c) IT WILL NOT ADVERSELY AFFECT HIGHWAY SAFETY, OR THE CAPACITY OF THE TRANSPORT SYSTEM;
- d) IT WILL NOT PREJUDICE THE COMPREHENSIVE DEVELOPMENT OF AN AREA;
- e) IT WILL NOT CONFLICT WITH AN ADJOINING OR NEARBY LAND USE.

**SUGGESTED PLANNING CONDITIONS**

1. The development hereby permitted shall be begun within 5 years from the date of this permission.

Reason

1. *To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.*
2. Unless otherwise agreed in writing by the County Planning Authority (CPA) the development hereby permitted shall be carried out in accordance with the details shown on the approved Plan Drawing No. EN/08167/101, Plan Drawing No. EN/08167/102, Plan Drawing No. EN/08167/105 and Drawing No. EN/08167/103 and Drawing No. EN/08167/104, as received by the CPA on the 29th July 2004. The CPA shall be notified seven working days in advance of the date of commencement.

Reason

2. *For the avoidance of doubt.*
3. Prior to the commencement of the development hereby permitted, measures shall be taken for the protection of all trees and hedges from damage during the course of the development before any equipment, machinery or materials are brought onto the site for the purpose of the development. The means of protection shall include measures to prevent disturbance or reduction in soil levels within the area of the root spread of the hedgerow; and the adequate fencing off of all trees. The means of protection shall be implemented and retained on site until all equipment and surplus materials have been removed from the site. Nothing shall be stored or placed in any area protected in accordance with this condition and the ground levels within these areas shall not be altered nor shall any excavation be made without the prior written approval of the CPA.

Reason

3. *To ensure a satisfactory visual appearance for the development and to accord with Policy ST1 of the Ashfield District Local Plan.*
4. Any trees or shrubs, which become damaged during the course of the development shall be replaced in the first available planting season with the same specimens to those originally planted; the size of these trees shall be at least 14-16cm in girth and the shrubs 60-90cm in height.

Reason

4. *To ensure a satisfactory visual appearance for the development and to accord with Policy ST1 of the Ashfield District Local Plan.*
5. Except with the prior written agreement of the CPA no construction work shall be carried out or plant operated other than between the following hours: 0730hrs to 1730hrs Monday to Friday, 0800hrs to 1330hrs on Saturday and at no times on Sunday, Bank or Public Holidays.

Reason

5. *To protect the local amenity and to accord with Policy ST1 of the Ashfield District Local Plan.*
6. Within twelve months [- check this is acceptable re:funding] of the date of the completion of the works to erect the sculpture, the date of which shall be notified to the CPA, a path with gradients of no steeper than 1: (level to be determined) and a surface suitable for disabled users shall be constructed up to the site of the sculpture.

Reason

6. *To provide access for disabled users.*

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