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Second Open Letter to Dr Nicky Rivers MCIEEM, Living Landscape Development Manager,
Sheffield & Rotherham Wildlife Trust,
37 Stafford Road,
Sheffield, S2 2SF

Date: 14th June 2023

Dear Nicky,

Thank you for your email dated 26th May 2023. It was a pleasure to meet so many people that have an interest in trees and wildlife at the tree festival at the Botanical gardens. I was pleasantly surprised that so many had heard of our problems regarding the Grassland Grazing Project (plot F) in Owlthorpe Heritage & Nature Trail. Many of the 800 + who have signed our petition were present at the tree festival. I thanked them for their support.

I also found it helpful to meet at the tree festival and exchange views. Your email has helped me understand your remit was only to look at site C, D and E. Owlthorpe Heritage & Nature Trail was not included. Many residents of Owlthorpe took part in the construction of our Oasis. If you look closely on the interpretation boards you can see in one of the photos in March 16th 2012 MP Clive Betts is pictured with David Caufield, Councillor Helen Mirfin-Boukoys and three children cutting the ribbon to open our Oasis. MP Clive Betts does not understand how disappointed residents of Owlthorpe are that he now wants to throw our Oasis under a bus.

My knowledge and understanding of Owlthorpe and the Ochre Dyke. 65 years ago, as a child I visited my cousins in Birley moor. We enjoyed exploring Birley Woods. The Woods were teeming with wildlife. Birds, bees, butterflies, moths and other animals. But our favourite experience was to visit the header waters of the Ochre Dyke, where we found frogs, frog spawn, tadpoles, and various types of newts. My cousins took some back to school after the holidays for further investigation.

As we moved downstream in the woods, we came to Birley Wood Mines. The mines were very busy delivering coal to the power station at Blackburn Meadows. When the pits were in use water had to be pumped out to stop the miners from drowning. The same can be said for Moorhole Lane Mines. One of the problems with pumping mine water into the Ochre Dyke was that wildlife could not live in waters downstream from the pits. The Ochre Dyke got its name from the Ochre that was pumped from the pits. After the Mines were closed what was overlooked is the fact that the mines that run under Owlthorpe are in a constant state of flooding.

Nicky, could you please look at this page on our website: <https://www.ecological-owlthorpe.org/ochredyke.htm>
About halfway down there is the video of the Ochre Dyke, taken behind Crystal Peaks Shopping Centre. **This Video Link:** [Ochre Dyke flooding](#) shows the pollution coming from the old mine workings under Owlthorpe. When I took this video, I also explored where the ochre was coming from, I looked up stream from the culvert opposite Birley Moor Garden Centre down to the playground behind Edenthorpe where the two spurs of the Ochre Dyke meet. The water was crystal clear so this was not runoff water. The ochre water was coming from the old Mine workings.

I have made enquiries of many government departments, under the freedom of information act. One of the main requirements of the act is that you have to agree that the person or organisation you are investigating is informed of your investigations.

Extracts from mining report, commissioned by Howard Baxter Sheffield (LPA) Dated 2014 and used as evidence in the Planning enquiry.

“Underground coal mining Past The property is in the likely zone of influence from workings in 2 seams of coal at 60m to 180m depth”

There is no mention that the mines are in a constant state of flooding. As you can see in this map the flood risk is all the way down from Moss Way to the river Rother: <https://www.getthedata.com/flood-map/owlthorpe>

“Opencast Coal Mining Past: The property is not within the boundary of an opencast site which coal has been removed by opencast methods.”

In response to one of my questions to The Coal Authority under the freedom of information act:

“The reference to coal at or near the surface is a direct result of a coal outcrop of the Flockton (also named Chavery) seam running west to east through the middle of the reporting area. The seam dips in a northerly direction beneath the site. As with most coal outcrops there is a high likelihood that it may have been worked at some point in the past due to the easy accessibility of the coal. This is further endorsed by the fact of former Brook Lane opencast immediately to the north-west of the area of interest was worked over this outcrop.”

Questions to The Coal Authority: I wonder if you could supply further information under the Freedom of information Act 2000: • **Who is responsible for maintaining mine floodwater discharge into the drainage system? The damage it does to wildlife and the environment downstream is horrendous not to mention the destruction to property and livelihoods of citizens living downstream.**

Answer from Coal Authority: The scope of your question is too broad for the Coal Authority to provide you with a definitive answer. In general, there is no person liable for discharges from mines abandoned before 1999 (Water Resource Act 1991). The Water Framework Directive which has been implemented into UK Law has put an obligation on Member States to achieve good chemical and ecological status in inland and coastal waters. The Environment Agency in England are responsible for monitoring and administering this requirement.

Question 3. With regard to flooding, what effect does flooding have on the timber props that hold the roofs up in old mine workings?

Answer from Coal Authority: We do not hold information on timber props used in old mine workings or the effect that flooding may have on them.

Because of my concerns, I have asked many questions of the Coal Board: **The Coal Mining report states** “Opencast coal mining Past The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.” But in a reply to one of my questions:

“The reference to coal at or near the surface is a direct result of a coal outcrop of the Flockton (also named Chavery) seam running west to east through the middle of the reporting area. The seam dips in a northerly direction beneath the site. As with most coal outcrops there is a high likelihood that it may have been worked at some point in the past due to the easy accessibility of the coal. This is further endorsed by the fact of former Brook Lane opencast immediately to the northwest of the area of interest was worked over this outcrop.”

Also, In the Reports from Lithos Consulting;

“Probe hole Log 18 Strata Wet between 14.2m and 18m, heavy water inflow below 14.8m depth. **Probe Hole Log 21** Strata wet between 17.5m and 18.2m depth. **Probe Hole Log 22** Strata wet between 16.8m and 17.4m depth. **Probe Hole 24** Heavy water inflow from 20.5m depth. The reports from Lithos Probe hole Logs show heavy water much nearer the surface than 60m. Many of the Probe Hole Log’s show surface coal is present at most locations.”

Early March 2022 I was making enquiries from Environment Agency in answer to my question:

Question 2: On 22nd January 2021 workmen were seen working on drains on Moss Way Sheffield; GPS Coordinates: 53.340038,-1.362883 it is assumed this is where the flood waters of the disused mines usually discharge into the drains, but in heavy rain events the drains cannot cope and Ochre floods into the Ochre Dyke. <https://www.ecological-owlthorpe.org/Ochredyke2.mp4> this video was taken at the same time as downstream flooding occurred in Beighton, Rotherham and Fishlake. Were the workmen from the Environment Agency? I have been investigating who is responsible for the discharge from the old mine workings with the Coal Authority evidence can be seen hear <https://www.ecologicalowlthorpe.org/LettertoCoalAuthority.pdf> The Coal Authority seems to suggest that the Environment Agency is responsible. Can you confirm this?

Answer to question 2: “This site is 1.5km upstream of main river (Environment Agency maintained river) so it is unlikely that Environment Agency staff would have been in this area as it is outside of our remit from a flood risk

perspective. The river here is classed as an ordinary watercourse and will be the responsibility of Sheffield City Council.”

I think they are all playing the blame game, nobody wants to take responsibility. It is an offence to cause or knowingly permit a water pollution discharge activity. The offences cover pollution of all watercourses, including streams, rivers, lakes, estuaries, coastal waters and the territorial sea out to 3 nautical miles. Groundwater is included as a watercourse. For England and Wales, the principal water pollution offences are contained in the Environmental Permitting (England and Wales) Regulations 2010: regulations 38(1) and 12(1).

Early March 2022 I was also making enquiries from the Environment Agency regarding Stewardship agreements.

This is the result of my enquiries into to Environmental Stewardship agreement(s) for a specific council from 2012 to present: <https://www.ecological-owlthorpe.org/InformationRightsTeam31stMarch2022.pdf> . As you can see, I have been provided with a number of Environmental Stewardship agreement maps and payment structures. One of the map shows the area of Owlthorpe Heritage & Nature Trail that I have been using in my campaign:

<https://www.ecological-owlthorpe.org/HigherLevelStewardshipAgreementMap.pdf> The map also shows the area of Maintenance of Hedgerows, Ditches, Grasslands and Wetlands of very High environmental value. In this document supplied to Inspector O S Woodwards I highlighted in yellow the many points about Council cutbacks. **“UK, parks budgets are often an easy target when local authority budget cuts have to be made.”**

<https://www.ecological-owlthorpe.org/EO-14NicolaDempysustainability-11-00360-v2.pdf>

Although Sheffield City Council were receiving Government payments under Environmental Stewardship Agreements I cannot see where any maintenance has taken place? As you can see plot F is well covered by the agreement. It is plots C, D and E that are vulnerable.

Avant Homes Barrister Richard Sagar said at the enquiry that the environment reports were out of date, so had no relevance. But my research shows: Species Biodiversity in Owlthorpe Meadows Invertebrate Survey – Spring 2012 by Derek Whiteley: 70 species were recorded in this spring survey of which 23 were new to Owlthorpe Meadows (some specimens still to be sent to specialists – results not available until 2013) **No more surveys were carried out in Owlthorpe but Sheffield City Council still received funding from Environmental Stewardship Agreements?**

Nearly 300 of our supporters did send letters to Howard Baxter Sheffield (LPA) requesting that Owlthorpe is preserved as an upstream nature-based solution preventing downstream flooding. As suggested by many government bodies after the floods of 2019 In my report about the site visit dated: 20th January 2021 I explained about the water retention. We also had to paddle through water that was running of the land:

<https://www.ecological-owlthorpe.org/EO-19SitevisitWednesday20thJanuary2021.pdf> .

I was able to ask Howard Baxter Sheffield (LPA) about the letters that residents of Owlthorpe had sent to him. I wondered why he had not replied to any of them. I asked about my Letter that was mostly about flooding, it was very disappointing he did not understand any of my questions.

Coal is formed from vegetation and trees that have lived and died fallen into water and then been washed underground, into what are called rivers of coal. Vast quantities of water are held in the grazing fields of Owlthorpe and gently released into the Ochre Dike between the culvert and the capped off mineshaft of Moorhole Colliery. In winter this area turns into a swamp. Vast quantities of water are washed underground into the old mine shafts which hold millions of gallons of water. A small amount of water does stay above ground. Flooding occurs when the drainage system cannot cope with the volume of water in the old disused Mines. Water backs up and starts to flood from Moss way all the way down to the river Rother. In my opinion removing trees and vegetation upstream in Owlthorpe, to make way for new housing, will increase the flood risk downstream in Beighton, Rotherham and Fishlake.

Questions for Sheffield & Rotherham Wildlife Trust:

- 1. What effect does pollution from Ochre Water have on wildlife?**
- 2. After the waters receded in Beighton, farmers could not put cattle back on the Land because of danger from Ochre Deposits. How dangerous are the Ochre deposits to other wildlife?**
- 3. Ochre Deposits were found downstream in Beighton, Rotherham and Fishlake. Although the Ochre will be diluted will this still have an effect on wildlife?**

- 4. In my opinion removing trees and vegetation upstream in Owlthorpe, to make way for new housing, will increase the flood risk downstream in Beighton, Rotherham and Fishlake, what is your opinion?**
- 5. Because of climate Change flooding is becoming more frequent. Do you agree with me that wildlife living downstream from Moss Way will be in danger from such events?**
- 6. My thoughts are that the Wildlife sanctuary should run from Moss Way all the way up to the header waters of the Ochre Dyke in Birley Woods. What is your opinion?**

As you may be aware I am not satisfied with Inspector O S Woodward's enquiry. I have been through the complaint's procedure at the Planning inspectorate. I have also made formal complaints to the Parliamentary Ombudsman. Good news from the Parliamentary Ombudsman although I have been out of action for about one year with Covid. I am informed that there is no time limit with regard to my complaint.

I hope this explains my position regarding Owlthorpe

Kind Regards

Michael Meredith