



The Coal
Authority

Nottingham City Local Plan Part 2 - Land and Planning Policies (Publication Stage Consultation)

Consultation Deadline – 11 March 2016

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
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MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: [REDACTED]

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Person Making Comments

Anthony B Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIQB, MInstLM, MCMI, MRTPI*
Consultant Planning Advisor to The Coal Authority

Date of Response

4 March 2016

Background on The Coal Authority

The Coal Authority is a Non-Departmental Public Body sponsored by the Department of Energy and Climate Change (DECC). The Coal Authority was established by Parliament in 1994 to: undertake specific statutory responsibilities associated with the licensing of coal mining operations in Britain; handle subsidence claims which are not the responsibility of licensed coalmine operators; deal with property and historic liability issues; and provide information on coal mining.

The main areas of planning interest to the Coal Authority in terms of policy making relate to:

- the safeguarding of coal in accordance with the advice contained in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales;
- the establishment of a suitable policy framework for energy minerals including hydrocarbons in accordance with the advice contained in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales; and
- ensuring that future development is undertaken safely and reduces the future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining in accordance with the advice in The National Planning Policy Framework & Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales & MTAN2 in Wales.

As The Coal Authority owns the coal and coal mine entries on behalf of the state, if a development is to intersect the ground then specific written permission of The Coal Authority may be required.

Background on Coal Mining Issues in Nottingham

Surface Coal Resources, Development and Prior Extraction

As you will be aware, the City of Nottingham area contains coal resources which are capable of extraction by surface mining operations. These resources cover an area amounting to approximately 7.71% of the Plan area.

The Coal Authority is keen to ensure that coal resources are not unnecessarily sterilised by new development. Where this may be the case, The Coal Authority would be seeking prior extraction of the coal. Prior extraction of coal also has the benefit of removing any potential land instability problems in the process.

Coal Mining Legacy

As you will also be aware, the City of Nottingham area has been subjected to coal mining which will have left a legacy. Whilst most past mining is generally benign in nature, potential public safety and stability problems can be triggered and uncovered by development activities.

Problems can include collapses of mine entries and shallow coal mine workings, emissions of mine gases, incidents of spontaneous combustion, and the discharge of water from abandoned coal mines. These surface hazards can be found in any coal mining area, particularly where coal exists near to the surface, including existing residential areas.

Within the Plan area there are approximately 192 recorded mine entries and around 25 coal mining related hazards have been reported to The Coal Authority. A range of other mining legacy features are present, in total The Coal Authority High Risk Development Area covers approximately 2.38% of the Council area.

Although mining legacy occurs as a result of mineral workings, it is important that new development recognises the problems and how they can be positively addressed. However, it is important to note that land instability and mining legacy is not always a complete constraint on new development; rather it can be argued that because mining legacy matters have been addressed the new development is safe, stable and sustainable.

Specific Comments on The Nottingham City Local Plan – Land and Planning Policies (Publication Stage)

The specific comments and/or changes which The Coal Authority would like to make or see in relation to the above document are:

Representation No.1

Site/Policy/Paragraph/Proposal – Policy MI1 – Minerals Safeguarding Area

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

4157

Support – The Coal Authority fully supports Policy MI1, which defines a Mineral Safeguarding Area on the Policies Map, based upon the defined surface coal resource areas previously notified by The Coal Authority. The Policy sets out appropriate tests, including the potential for prior extraction of the mineral resource, to ensure that this nationally significant mineral resource is not unnecessarily sterilised by non-mineral development, in line with the requirements of paragraphs 143, 144 and 163 of the NPPF.

4157

The approach to addressing coal resource and mining legacy issues in the Land and Planning Policies Document has been developed as a result of ongoing constructive discussions between the Local Planning Authority and The Coal Authority.

4812

Comment – The text refers to Figure 5, this would appear to actually be Figure 3

Representation No.2

Site/Policy/Paragraph/Proposal – Policy MI2 – Restoration, After-use and After-care

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority fully supports Policy MI2, ensuring effective restoration of mineral sites is a fundamental aspect which underpins whether the mineral extraction is acceptable in principle in the first place.

4813

Representation No.3

Coal Authority has since confirmed that these two reps are the same - see attached email - therefore only 1 rep.

Site/Policy/Paragraph/Proposal – Policy MI2 – Restoration, After-use and After-care

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority fully supports Policy MI2, ensuring effective restoration of mineral sites is a fundamental aspect which underpins whether the mineral extraction is acceptable in principle in the first place.

Representation No.4

Site/Policy/Paragraph/Proposal – Policy MI3 – Hydrocarbons

4815

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	?	✓	✓

4816

Comment – Whilst The Coal Authority do not object to the overall intent of Policy MI3 which follows the NPPF approach of setting out a framework for the three stages, namely exploration, appraisal and production. We consider that the Policy and accompanying text in paragraph 5.83 make an assumption that restoration will only be necessary after production (extraction) ceases.

4815 cont

It should be borne in mind that the three stages are distinct and cessation of the activity could occur after any of the stages, where restoration may then need to be secured.

Change Suggested – Amend criterion 5 of the Policy to read:

4815 “All applications for hydrocarbon development should be accompanied by details of how the site would be restored at each stage back to its original use once the development is no longer required.”

Reason – In order to ensure that restoration can be secured at whatever point in the process that the development may cease

Representation No.5

Site/Policy/Paragraph/Proposal – Policy IN2 – Land Contamination, Instability and Pollution

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal Requirements & Cooperate	Inc. Duty to
✓	✓	X	✓	✓	

4818 **Object** → The Coal Authority supports the objectives of Policy IN2, in seeking to ensure that land instability is properly addressed. However some of the wording needs to be amended to make the policy effective. In the restructure of the plan from the preferred options stage, the previous wording from Policy DM53 on land instability has not found its way into Policy IN2.

Change Suggested – Amend Policy IN2 to read:

4817 “1. Planning permission will be granted for development where it addresses any existing land contamination, pollution or instability (for instance that brought about by mining or other industrial legacy) through appropriate remediation and/or mitigation measures which ensure that:

a) the site is suitable and safe for the proposed use; and

b) there is no actual or unacceptable risk of future pollution or instability (including to the natural environment) within the site or to the surrounding area.

2. Where development has the potential to give rise to future or continuing pollution, contamination or instability, planning permission will be granted (subject to appropriate conditions) where the following can be demonstrated:

...g) for development affected by land instability a desk based study has been undertaken to establish whether there may be the potential for instability on the site; and where the potential has been established, appropriate investigations and remediation necessary to make the site suitable for the intended use are secured.”

Reason – To ensure that development proposals in these areas to afford due consideration to ground conditions, in line with the requirements of paragraphs 109, 120, 121 and 166 of the NPPF

Conclusion

The Coal Authority welcomes the opportunity to make these comments. We are, of course, willing to discuss the comments made above in further detail if desired and would be happy to negotiate alternative suitable wording to address any of our concerns. The Coal Authority would be happy to enter into discussions ahead of any examination hearing process to try and reach a negotiated position if this were considered helpful.

Thank you for your attention.

For and on behalf of

Miss Rachael A. Bust B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MinstLM, MCMI, MRTPI
Chief Planner / Principal Manager

From: The Coal Authority-Planning [REDACTED]
Sent: 02 June 2016 11:55
To: Matthew Grant
Subject: RE: [External] 2792 Coal Authority (Bust R).pdf

Hi Matthew

4813
cont

You are correct; Representation 2 and 3 are duplicates.

Apologies for any confusion caused

Debs

 The Coal Authority

Deb Roberts *M.Sc.*
Planning Liaison Officer – Planning and Local Authority Liaison
T: [REDACTED]
E: planningconsultation@coal.gov.uk
W: gov.uk/government/organisations/the-coal-authority

From: Matthew Grant [mailto:[REDACTED]]
Sent: 17 May 2016 15:03
To: The Coal Authority-Planning
Subject: [External] 2792 Coal Authority (Bust R).pdf

FAO Miss Rachael A. Bust/Anthony B Northcote

I write in response to your attached consultation letter.

We are in the process of going through the consultation responses that we have had on the Land and Planning Policies Document.

I have a quick query though. In your original letter you have helpfully numbered each of your representations. However it looks like Representation 2 and 3 are duplicates. Can you confirm that this is the case.

Look forward to hearing from you

Regards

Matthew Grant

Senior Planner (Policy)

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The Coal
Authority

**Nottingham City Council: Proposed Local Plan Site Allocation - PA86 Thane Road,
Horizon Factory**

Consultation Deadline – 9/11/2016

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] [REDACTED]
[REDACTED]

Date of Response

19 October 2016

Thank you for consulting The Coal Authority on the above proposal.

5058

As you will be aware this site does not lie on the surface coal resource or contain any mining legacy features, therefore, I confirm that we have no specific comments to make at this stage.

Should you require any assistance please contact a member of Planning and Local Authority Liaison at The Coal Authority on our direct line [REDACTED]

Yours sincerely

Mark Harrison

Mark Harrison [REDACTED]
Principal Manager