



The Coal  
Authority

## Nottingham City Part 2 - Land and Planning Policies Document - Revised Publication Version

**Consultation Deadline – 10 November 2017**

### Contact Details

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### Date

8 November 2017

### **Background on the Coal Authority**

The Coal Authority is a Non-Departmental Public Body sponsored by the Department for Business, Energy & Industrial Strategy. 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.

### **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. 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 Nottingham City Part 2 Land and Planning Policies Document - Revised Publication Version**

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

**Representation No.1**

**Policy** – Policy MI1 – Minerals Safeguarding Area

**Test of Soundness**

<b>Positively Prepared</b>	<b>Justified</b>	<b>Effective</b>	<b>Consistency to NPPF</b>	<b>Legal &amp; Procedural Requirements Inc. Duty to Cooperate</b>
✓	✓	✓	✓	✓

**Support** – The Coal Authority supports the inclusion of 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.

**Representation No.2**

**Policy** – Policy MI2 – Restoration, After-use and After-care

5133

5134

5134  
cont

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

**Support** – The Coal Authority supports the inclusion of Policy MI2, which seeks to ensure effective restoration of mineral sites as a fundamental aspect which underpins whether the mineral extraction is acceptable in principle in the first place.

**Representation No.3**

**Policy** – Policy MI3 – Hydrocarbons

5135  
&  
5136

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

**Support** – The Coal Authority supports the changes made to this policy and is pleased to see that it takes into account the comments we previously made.

**Representation No.4**

**Paragraph 5.80**

5137

**Support** – We are pleased to see this paragraph now includes a sentence which acknowledges that the details of restoration are required at all stages as it is possible to cease the activities at any point in the process.

**Representation No.5**

**Policy** – Policy IN2 – Land Contamination, Instability and Pollution

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&  
5139

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

**Support** – The Coal Authority is pleased to see that the wording of this policy has taken account of our previous comments. The policy, as worded, should now ensure that development proposals in areas of past coal mining legacy afford due consideration to ground conditions.

**Conclusion**

The Coal Authority welcomes the opportunity to make these comments. The Coal Authority wishes to continue to be consulted both informally if required and formally on future stages.

Thank you for your attention.



**Melanie Lindsley** BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI  
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