The Coal Authority

Ribble Valley Core Strategy (Regulation 19 Consultation Draft)

Consultation Deadline – 15 June 2012

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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 Coal Authority re-engaged with the three planning systems across England, Scotland and Wales. The main areas of planning interest to The Coal Authority in terms of policy making relate to:

- the safeguarding of coal as a mineral in accordance with the advice contained in the National Planning Policy Framework, paragraphs 143 and 144; 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, paragraphs 109, 120, 121 and 166.

BACKGROUND TO COAL RELATED ISSUES IN RIBLE VALLEY

Surface Coal Resources and Prior Extraction
Although it is acknowledged that the Ribble Valley Core Strategy does not cover minerals specifically, as this is contained within the Lancashire Minerals and Waste Development Framework, you will be aware that the southern fringe of the Ribble Valley area contains coal resources which are capable of extraction by surface mining operations. At present, the Lancashire Minerals DPDs have not devised the relevant Mineral Safeguarding Areas (MSAs), however The Coal Authority is seeking the designation of the entire surface coal resource as an MSA.

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Once an MSA has been designated, this together with an appropriate Mineral Consultation Area (MCA) will need to be shown on the Ribble Valley Policies Map and it is necessary for the potential effect of mineral sterilisation to be considered in the development of the strategy, the site allocation and the development management policies process in the overall Ribble Valley LDF.

The Coal Authority is keen to ensure that coal resources are not unduly sterilised by new development. In instances 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. Contact details for individual operators that may be able to assist with coal extraction in advance of development can be obtained from the Confederation of Coal Producers’ website at www.coalpro.co.uk/members.shtml.

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

Coal Mining Legacy

As you will also be aware, the southern fringe of the Ribble Valley 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 mines. These surface hazards can be found in any coal mining area, particularly where coal exists near to the surface, including existing residential areas. The Planning Department at the Coal Authority was created in 2008 to lead the work on defining areas where these legacy issues may occur.

The Coal Authority has records of over 171,000 coal mine entries across the coalfields, although there are thought to be many more unrecorded. Shallow coal which is present near the surface can give rise to stability, gas and potential spontaneous combustion problems. Even in areas where coal mining was deep, in some geological conditions cracks or fissures can appear at the surface. It is estimated that as many as 2 million of the 7.7 million properties across the coalfields may lie in areas with the potential to be affected by these problems. In our view, the planning processes in coalfield areas need to take account of these coal mining legacy issues.

Within the Ribble Valley area there are approximately 50 recorded mine entries. Mine entries may be located in built up areas, often under buildings where the owners and occupiers have no knowledge of their presence unless they have received a mining report during the property transaction. Mine entries can also be present in open space and areas of green infrastructure, potentially just under the surface of grassed areas. Mine entries and mining legacy matters should be considered by the Local Planning Authority to ensure that site allocations and other policies and programmes will not lead to future public safety hazards.

Although mining legacy occurs as a result of mineral workings it is important that new development delivered through the Local Plans/Local Development Framework recognises the problems and how they can be positively addressed. Land instability and mining legacy is not a complete constraint on the 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 RIBBLE VALLEY CORE STRATEGY (REGULATION 19 CONSULTATION DRAFT)**

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

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Representation No.1
Relationship to the Lancashire Minerals & Waste Development Framework –

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Comment –
The Coal Authority welcomes the inclusion of the supporting text associated with Key Statement EN3, which draws attention to the fact that reference should also be made to relevant policies within the Lancashire Minerals and Waste Development Framework. This goes some way to addressing the comments submitted by The Coal Authority on the Core Strategy Draft in October 2010.

However, in order to comply with the guidance in paras. 143 and 144 of the NPPF, it is considered that the text should make more specific reference to the need for issues of mineral safeguarding and potential opportunities for the prior extraction of minerals to be considered when new developments are proposed within Ribble Valley. The following additional text is recommended for inclusion at the end of paragraph 5.3 of the Core Strategy for this purpose:

“In particular, Lancashire County Council has responsibility for the designation of Mineral Safeguarding Areas. Mineral Safeguarding Areas will be shown on the Policies Map for Ribble Valley when this is produced. Ribble Valley Borough Council will also consider the issue of preventing the unnecessary sterilisation of mineral resources and will encourage the prior extraction of mineral resources where feasible and practicable when proposing future site allocations and determining planning applications for development within Mineral Safeguarding Areas.”

Reason –
To comply with the guidance in paragraphs 143 and 144 of the NPPF

Representation No.2
Development Management Policies – Key Statement DMG1 (General Considerations)

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Support –
The Coal Authority supports the inclusion of a criterion within key statement DGM1 that requires new development proposals to take account of, and where necessary address, the implications of past coal mining activity.

Reason –
The inclusion of this criterion addresses the concerns expressed by The Coal Authority on the Core Strategy Draft in October 2010 and ensures that the Core Strategy meets the requirements set out in paragraph 121 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 also wishes to

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continue to be consulted both informally if required and formally on future stages. 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

Protecting the public and the environment in coal mining areas