

Policy 21 – Unstable Land:

ID	Organisation
Duty to Co-operate / Interest Groups	
16	The Coal Authority



**The Coal
Authority**

Broxtowe Part 2 Local Plan - Publication Version

Consultation Deadline – 3 November 2017

Contact Details

Planning and Local Authority Liaison Department

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Date

12 October 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 and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and 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 and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and 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 and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales and MTAN2 in Wales.

Coal Issues in Broxtowe

Surface Coal Resources and Prior Extraction

As you will be aware, the Broxtowe Council area contains coal resources which are capable of extraction by surface mining operations. These resources cover an area amounting to approximately 48.88% of the Broxtowe 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 be aware, the Broxtowe Borough Council 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.

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 coal mining legacy issues.

Within the Broxtowe Borough Council area there are approximately 1566 recorded mine entries and around 9 coal mining related hazards have been reported to The Coal Authority. 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 Planning Authorities 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 recognises the problems and how they can be positively addressed. However, it is important to note that land instability and mining legacy is not 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.

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.

Specific Comments on the Broxtowe Part 2 Local Plan - 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 21: Unstable Land

Test of Soundness

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

Support – The Coal Authority supports the inclusion of Policy 21 which identifies that within the defined Development High Risk Area planning application, for non-householder development, will need to demonstrate that the site is or can be made safe and stable.

Representation No.2

Paragraph 21.1 – Justification

Support – The Coal Authority supports justification for Policy 21 and the recognition that there is extensive coal mining legacy in Broxtowe.

Representation No.3

Policy 22: Minerals

Test of Soundness

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

Support – The Coal Authority supports this policy which states that development will not be permitted which needlessly sterilises mineral resources.

Representation No.4

Paragraph 22.1 – Justification

Support – The Coal Authority supports this justification which identifies that Nottinghamshire County Council as the Mineral Planning Authority sets out the mineral safeguarding and consultation areas based on resources identified by the BGS. It is also noted that this document notes that the mineral safeguarding and mineral consultation areas are the same. We are also pleased to see that shallow coalfield deposits are identified as one of the principal minerals in Broxtowe.

Representation 5

All Allocations

Unfortunately, even after several attempts I have been unable to download and review the Site Section Background Document which it is assumed sets out consideration of the site assessment criteria. However, on the basis of our previous comments to the Issues and Options consultation, dated 19 March 2015, it is assumed that all site allocations have been considered against relevant Development Risk and Surface Coal Resource plans, which we provide to the LPA in downloadable format. On this basis we would expect all relevant constraints and considerations in respect of coal mining legacy and surface coal resource issues to have been identified at the initial

stage when the sites were being considered for allocation in order to ensure that potential risks have been identified.

Conclusion

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

Regards

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Planning Liaison Manager