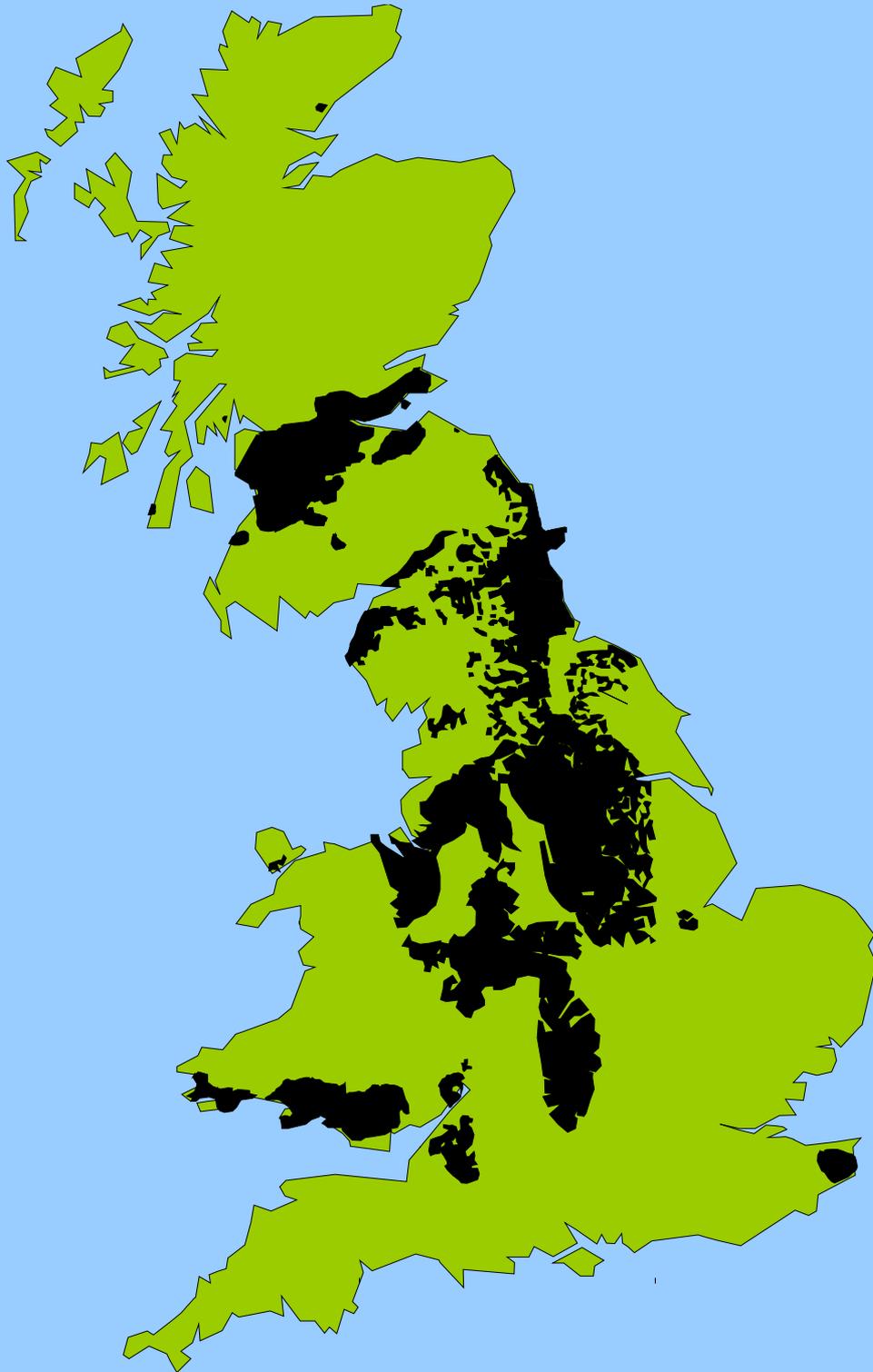


THE COAL AUTHORITY – PLANNING POLICY OBJECTIVES



BACKGROUND ON THE COAL AUTHORITY

The Coal Authority is a Non-Departmental Public Body sponsored by the Department of Energy and Climate Change (DECC). It 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. In particular, the Coal Authority is responsible for dealing with the following issues:



Minewater Remediation



Surface Hazards



Mine Gas



Property



Subsidence Damage

COAL AUTHORITY INPUT INTO PLANNING POLICY

The Coal Authority established a new Planning and Local Authority Liaison Department in 2008 to re-engage 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:
 - NPPF in England;
 - SPP in Scotland; and
 - MPPW and MTAN2 in Wales
- ensuring that development is undertaken safely and reduces the future liability on the tax payer for subsidence and other claims arising from the legacy of coal mining in line with:
 - NPPF in England;
 - SPP in Scotland; and
 - PPW and MTAN2 in Wales

The Coal Authority now provides specific consultation responses on emerging planning policy documents within coalfield areas. Its main objectives are to ensure that the following matters are addressed within appropriate policy documents –

Safeguarding Coal Resources

England:

- Mineral Development Plans –
 - The definition of appropriate Mineral Safeguarding Areas (MSAs), and where relevant Mineral Consultation Areas (MCAs), for coal resources (paragraph 143 of NPPF)
 - Where appropriate, the indication of areas where coal extraction and the disposal of colliery spoil may be acceptable (paragraph 147 of NPPF)
 - The inclusion of appropriate development management policies to ensure that mineral resources are not needlessly sterilised – these should include criteria to encourage the prior extraction of coal resources where it is necessary for non-minerals development to take place within MSAs (paragraph 143 of NPPF)

- Non-Mineral Development Plans –
 - Ensuring that areas and sites identified/allocated for non-minerals development take account of coal resources and do not unnecessarily sterilise the resources within MSAs or other safeguarded areas (paragraphs 143 and 144 of NPPF)

Wales:

- The definition of appropriate safeguarding areas for surface coal resources (paragraph 13 of MPPW and paragraphs 34-43 of MTAN2)
- The definition of buffer zones to provide areas of protection around permitted and proposed mineral workings (paragraphs 40 of MPPW and 32/33 of MTAN2)
- The inclusion of appropriate development management policies to ensure that mineral resources are not needlessly sterilised – these should include criteria to encourage the pre-extraction of surface coal resources where it is necessary for non-minerals development to take place within safeguarded areas (paragraphs 13 of MPPW and 39/42 of MTAN2)
- Ensuring that areas and sites identified/allocated for non-minerals development take account of surface coal resources and do not unnecessarily sterilise the resources within safeguarded areas (paragraph 39 of MTAN2)

Scotland:

- The definition of appropriate broad areas where surface coal extraction may be acceptable (paragraph 240 of SPP)
- The inclusion of appropriate development management policies to ensure that mineral resources are not needlessly sterilised – these should include criteria to encourage the prior extraction of surface coal resources where it is necessary for non-minerals development to take place within safeguarded areas (paragraph 241 of SPP)
- Ensuring that areas and sites identified/allocated for non-minerals development take account of surface coal resources and do not unnecessarily sterilise the resources within safeguarded areas (paragraph 241 of SPP)

In more general terms, the Coal Authority aims to ensure that mineral planning documents take account of the continuing need for domestic coal production, which forms a key component of the flexible and secure energy supply required within the UK. Mineral planning documents should therefore incorporate specific policies for energy minerals, including policies to allow coal extraction proposals to be considered on their merits without a specific requirement to demonstrate need. Policies to ensure the effective restoration of coal extraction sites, to minimise the risk of any future land stability and/or other public safety hazards, will also be required.

In addition, flexible policies for assessing future proposals for emerging coal-related technologies, such as coal bed methane, should also be incorporated in mineral planning documents.

Finally, in areas where underground coal mining is taking place, mineral planning documents should identify the potential for future subsidence and include measures to ensure that particularly sensitive new surface developments are not located in areas that might prejudice future mining operations.

Addressing Coal Mining Legacy Issues

England:

- Mineral and Non-Mineral Development Plans –
 - An assessment and, where appropriate, the identification of areas that are particularly likely to be subject to land stability and other public safety hazards resulting from former coal mining activities (paragraph 166 of NPPF)
 - The inclusion of policies to ensure that development proposals within coalfield areas take account of any coal mining-related land stability and/or other public safety risks and, where necessary, incorporate suitable mitigation measures to address them (paragraphs 120 and 121 of NPPF)

Wales:

- The inclusion of suitable policies to ensure that all development proposals within coalfield areas take account of any coal mining-related land stability and/or other public safety risks and, where necessary, incorporate suitable mitigation measures to address them (section 13.8 of PPW)
- The identification, where appropriate, of areas that are particularly likely to be subject to land stability and other public safety hazards resulting from former coal mining activities (paragraph 13.8.3 of PPW)

Scotland:

- The inclusion of suitable policies to ensure that all development proposals within coalfield areas take account of any coal mining-related land stability and/or other public safety risks and, where necessary, incorporate suitable mitigation measures to address them (paragraph 247 of SPP)

As a Statutory Consultee in the planning process, the Coal Authority will make appropriate representations on emerging planning policy documents and will, where necessary, participate in Examinations to seek the delivery of the above outcomes.

The Coal Authority welcomes discussions with both Mineral Planning Authorities and Local Planning Authorities within coalfield areas, and is happy to provide guidance and advice on the above matters on an informal basis if required. Discussions during early stages of plan preparation are particularly encouraged.

COAL AUTHORITY INFORMATION

In order to provide an evidence base for the above matters, the Coal Authority has prepared the following supporting resources –

Coal Resource Areas:

- Surface Coal Resource Plans are available free-of-charge to Mineral Planning Authorities following the signing of a data sharing license. These represent the best and most up-to-date geological resource information in relation to coal, and should be used as the basis for defining safeguarding areas and areas of search for coal.
- The Coal Authority can also provide details of any areas which are currently licensed for coal extraction and/or Coal Bed Methane exploration/extraction. Again, this information is available free-of-charge to Minerals Planning Authorities for use within the planning process.

Coal Mining Legacy Issues:

- Coal Mining Development Referral Area Plans, showing the areas that are most likely to be subject to land stability and other public safety hazards resulting from former coal mining activities, are also available free-of-charge to both Mineral Planning Authorities and Local Planning Authorities.

CONTACT US

If you would like to discuss any of these issues, please feel free to contact the Coal Authority's Planning & Local Authority Liaison Department using the details below:

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