

**CUMBRIA MINERALS & WASTE CORE STRATEGY DPD  
INDEPENDENT EXAMINATION – NOVEMBER 2008**

**MATTER 2 – SPATIAL VISION & STRATEGIC OBJECTIVES**

**HEARING STATEMENT by THE COAL AUTHORITY (427)**

**Strategic Objective 8 – Fails Test 4**

*“Is the Spatial Vision soundly based and appropriate for Cumbria, consistent with national and regional policy, reflecting community views, and providing a sound basis for the strategic policies in the Core Strategy?”*

**Main Points Raised by The Coal Authority in Original Representation**

- The Coal Authority made a representation on Strategic Objective 8 because in its view it failed soundness test 4 because it did not adequately take account of the need to address land instability arising out of former mineral workings as Planning Policy Guidance 14<sup>1</sup>, Development and Unstable Land (PPG14) requires.

**Changes Being Sought by The Coal Authority in Original Representation**

- A. Amend OBJECTIVE 8 to read: *“That the overall quality of Cumbria’s environment will be protected and, where practicable, enhanced by high standards of design, ~~and~~ operation ~~in new developments~~ and ~~high standards of~~ restoration once developments have been completed **which will ensure that the land is appropriately treated using best practice methods to reduce and remove the potential future public safety for hazards arising from former mineral and waste developments.**”*

**The Coal Authority Examination Commentary – Spatial Vision**

1. We have made no comments specifically on the Spatial Vision, however we do in other statements identify that we consider Coal to be a matter which is

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<sup>1</sup> Planning Policy Guidance 14 (1990) Development and Unstable Land, Department of Environment and Welsh Office.

locally distinctive to Cumbria and that consequently the Core Strategy should adopt a more pro-active stance towards the issue.

**The Coal Authority Examination Commentary – Strategic Objectives**

**(ii) – Strategic Objectives**

**(a) Are they specific and locally distinctive, and do they reflect the full range of key issues and objectives relevant to minerals and waste planning in Cumbria?**

2. Although PPG14 is one of older PPGs, published in 1990, the principles it contains are still highly relevant and so it still remains in force. PPG14 is accompanied by two Technical Annexes 1 (Landslides and Planning, 1996)<sup>2</sup> and Annex 2 (Subsidence and Planning, 2002)<sup>3</sup> which collectively all form part of the policy guidance on this topic. PPG14 refers to the old development plan system but as it is still in force the principles are therefore still relevant to the new development plan making system.
3. PPG14 sets out national planning policy on the effects of instability on development and land use. It emphasises that the ways in which instability might be treated in development plans and in considering individual planning applications. It is from the Strategic Objective 8 that Policy CS5 relating to after use and restoration is considered. The Coal Authority feels that the mining legacy matters are a significant spatial issue which needs to be addressed in a strategic objective in order to give the issue an overarching status.
4. As part of The Coal Authority's new approach to interaction with the planning system, we are working on preparing a series of Coalfield Development Referral Plans for each coalfield Local Planning Authority. The Coalfield Development Referral Plan illustrates the areas which contain coal mining related risks to public safety and the environment. Within the Referral Area The Coal Authority is seeking to introduce via the new 1App planning application format a local requirement which will ensure that applicants for planning permission will obtain the mining information and undertake a risk

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<sup>2</sup> PPG14, Annex 1 (1996) Landslides and Planning, Department of Environment

<sup>3</sup> PPG14, Annex 2 (2002) Subsidence and Planning, Department of Transport, Local Government and the Regions

assessment in relation to the potential coal mining related hazards which may be present on the site. Although the final version of the Cumbria Development Referral Plan is not yet available, an Interim Development Referral Plan has been prepared for this examination and has been submitted as part of the Core Document Library. In terms of scale, from the Cumbria MWDF plan area, the area which contains mining legacy is more than a small isolated pocket; indeed it covers around 33% of the plan area.

5. As presently written Objective 8, in the opinion of The Coal Authority, it fails to give assurances that the County Council is seeking the highest possible standards of restoration which deals with the environmental and public safety legacy of minerals and waste developments. Addressing this issue of legacy is considered by The Coal Authority to be a spatial planning issue which must be addressed in two policy directions. A Mineral and Waste Development Framework can help to address the issue of restoration through new mining activity/reworking or by identifying the issue as a vital part of an overall strategy to attract funding intervention to tackle the legacy. District Local Development Frameworks can then help address restoration through allocations for new development usually as part of regeneration strategies. This twin-track approach is considered by The Coal Authority to be the most effective course of action and as such is the stance being adopted in response to all Development Plans upon which we are consulted.

**(b) Are they consistent with the Spatial Vision and Sustainability Framework?**

6. The Spatial Vision refers to the environmental assets being protected, maintained and enhanced by siting developments in appropriately locations. This does not appear to give sufficient assurances that such developments will not be at risk from former mining activities and/or that the legacy of former mining activities has been/or will be appropriately addressed. Serious public safety issues can be raised by planning proposals being pursued without consideration of the potential of mining legacy occurring. At the end of this statement there are a series of photographs which illustrate the potential issues. It is a fundamental objective of The Coal Authority to ensure public safety from former mining activities.

**(c) Do they properly reflect national and regional policy, and do they clearly indicate how they will be implemented?**

7. The Coal Authority is concerned that there is insufficient evidence that PPG14 has been considered fully when drawing up the spatial objectives, in particular Objective 8. Indeed Appendix F in the 'Appendices for Submission Draft Core Strategy and Generic Development Control Policies' does not list PPG14 as a relevant national policy consideration.

**Conclusion**

8. The Coal Authority considers that the issue of addressing mining legacy is an important national objective and is an issue which is material to a Minerals & Waste Development Framework. Consequently The Coal Authority is of the view that alteration to Objective 8 is necessary to recognise the scale and geographical distribution of the mining legacy issue across the plan area.

**The Coal Authority**

**20<sup>th</sup> October 2008**

**Photographs of Mining Legacy Matters**



- **Subsidence Damage**
- **Minewater Treatment**
- **Surface Hazards**
- **Mine Gas Management**
- **Property Management**



**Shaft collapses**





**Catastrophic failure**



**Shallow mining collapses**





**Developer Activity**





**.....contained outburst**



**Minewater**



**.....uncontained outburst**