



The Coal
Authority

BRIDGEND LDP

EXAMINATION – WEDNESDAY 9 JANUARY 2013

SESSION 10 – MINERALS

HEARING STATEMENT by THE COAL AUTHORITY (REPRESENTOR No.145)

Introduction

The Coal Authority does not duplicate its original detailed representation in the statement below; we will make reference at the hearing session to our original representations. Set out below are our very brief comments on the Inspector's questions, The Coal Authority will amplify our position as necessary in the debate at the hearing sessions.

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 Examination Commentary – Matter 1, Objectives

Qn1a. Is the suggested change necessary for the Plan to be sound?

1. Whilst The Coal Authority considers that the objective should be changed, this is a matter which does not go to the heart of the soundness of the overall plan or the overall strategic approach and as such The Coal Authority do not consider this matter needs actual further debate at the hearing.

The Coal Authority Examination Commentary – Matter 2, Coal

Qn2a. Does MTAN2 seek to safeguard tertiary resources and is their exclusion from the Plan in accordance, or in conflict, with national policy?

Qn2b. What is the basis for the Background Paper 5 Minerals conclusion that tertiary resources are unlikely to be economic to mine?

Qn2c. What is the evidence for the Coal Authority’s position that tertiary resources are both proven and economically viable for potential extraction?

2. The original representation addresses most of the points in relation to these questions and for brevity is not duplicated here.
3. In addition the extract attached from the BGS 1:50,000 Map (2007) which detail coal resources indicates the primary, secondary and tertiary coal resources. They also include detail of surface mining prospect areas, together with areas where surface mining has previously taken place. These are referred to as ‘opencast’ on the attached plan extract, although this terminology is no longer used, the term ‘surface mining’ is now utilised.
4. It can be seen that many areas previously mined (red hatched) and many of the identified prospect areas (blue or stippled grey) fall not only within the primary (yellow) and secondary (green) resource but also in the tertiary resource (shown as buff).

Qn2c. Is information available from BGS or elsewhere that shows where there are multiple mineral resources and, if so, do they need to be safeguarded if the LDP is to be sound?

5. The Coal Authority has provided data and plans to the Council which illustrates the whole of the surface coal resource (primary, secondary and tertiary). This supplements the BGS geological plans of combined mineral resources which do offer the limitation of trying to illustrate the entire mineral geology.
6. The BGS in collaboration with The Coal Authority have produced 1:50,000 Maps which detail the geographical extent of the surface coal resources, broken down into the primary, secondary and tertiary resource areas. These plans have been utilised as part of the evidence base by other LPAs, the plans for South Wales are split into East and West with Bridgend unfortunately on the join of both plans. These plans are available from the BGS who were responsible for their production. (See extract attached for information)

The Coal Authority Examination Commentary – Matter 3, Policy ENV12 Coal Extraction Operations

Qn3a. Is the Policy ENV12 restricted definition of the exceptions to the 500m exclusion zone around settlements in conflict with national policy and is any variation justified?

Qn3b. Although the LDP should not repeat national policy, should there be additional cross references or explanation of their application to the local area and could a reference to only two of the national criteria be interpreted as seeking to exclude other aspects of national policy?

Qn3c. Would the suggested addition of terms such as ‘generally’ and ‘normally’ be necessary for soundness, given that material considerations may still outweigh the application of a policy that is expressed in more certain terms?

7. This LDP is unusual in not clearly including explicit cross-referencing to National Planning Policy where this is to be relied upon. The Coal Authority would be content either with a suitable cross reference or a suitable policy amendment that clearly articulates that Policy ENV12 does not impose a blanket ban on coal extraction in such areas. Blaenau Gwent faced the same issue and the Inspector in that LDP, Vincent Maher has recommended changes to make reference to appropriate exceptions coming forward.

Qn3d. Do criteria (i)-(iii) of Policy ENV12 reflect national policy or are they in conflict with it? Are they cumulative or alternative? Do they provide adequate clarity about what community benefits might be considered? And is the reference to public interest necessary if that is a normal objective of planning decisions?

8. Criteria (i) and (ii) are in the view of The Coal Authority intended to be sequential (alternative) not cumulative as we explain in detail in our original representation.

Qn3e. How does PACT consider that a policy constructed along the lines they suggest should be worded and would it satisfy relevant tests of soundness at paragraph 4.35 of Local Development Plans Wales (2005) such as: C2; CE2; and CE4?

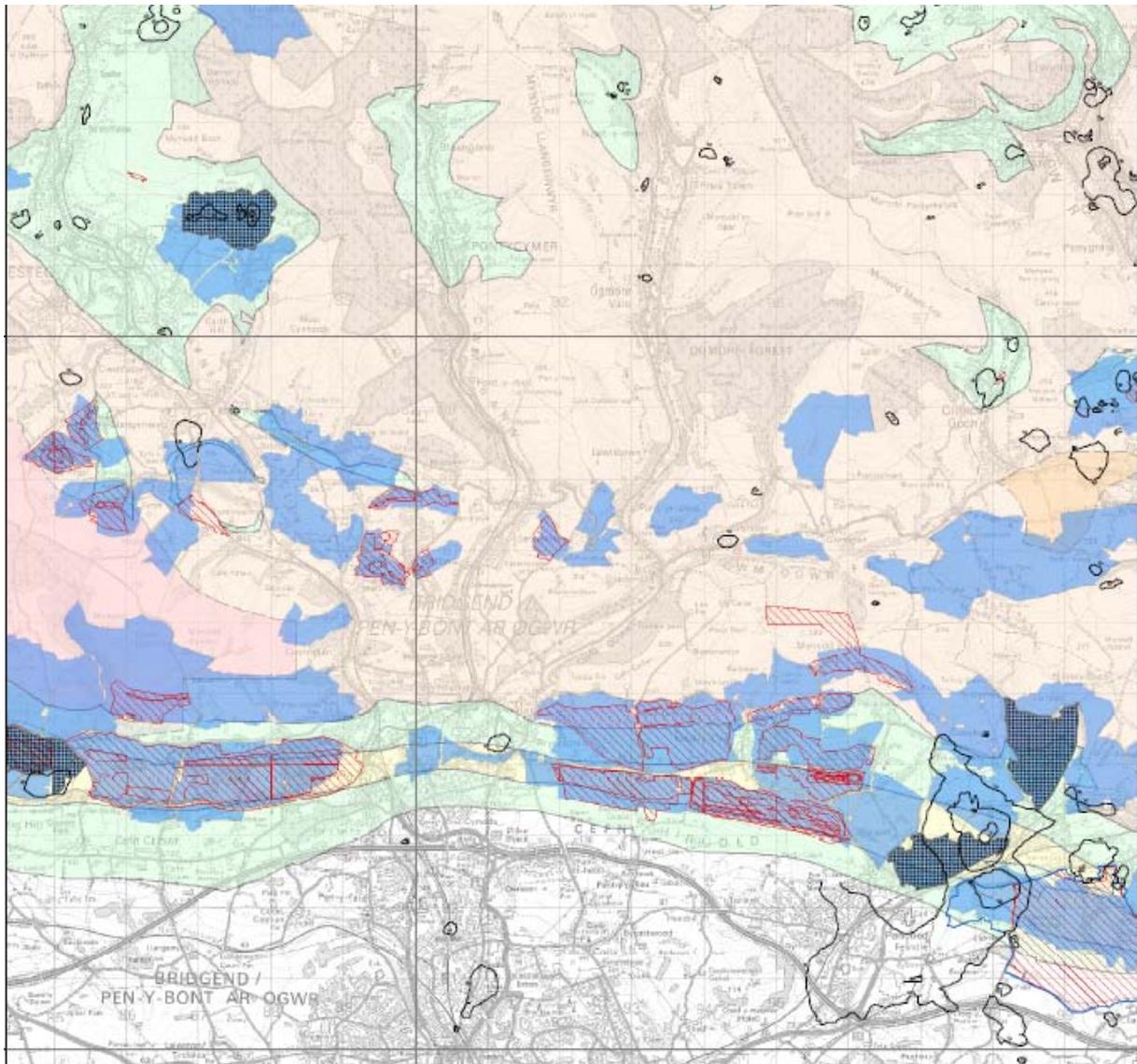
9. The Coal Authority considers that the Policy put forward by PACT would fail the relevant tests of soundness and is not justified or in accord with National Planning Policy in MTAN2.

The Coal Authority Examination Commentary – Matter 8, Policy ENV13 Unstable Land

Qn8a. Would the need for environmental assessment depend upon the scale of the project such that it would not be needed in many cases and should the policy wording be adjusted accordingly?

10. This is a matter for the Council to respond to, however The Coal Authority would draw attention to the fact that remediation schemes to address land instability come forward at all scales from tiny to major.

Relevant Extract from Coal Resource Map



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Legend

-  Opencast licence
-  Deep Mine licence
-  Worked opencast site
-  Opencast Prospect area
-  Opencast Prospect area with potential tonnage data
-  Primary opencast coal resource area
-  Secondary opencast coal resource area
-  Tertiary opencast coal resource area
-  Buried Coal resource overlain by up to 50 m overburden
-  Deep Mine prospects
-  2 m thick coals, 600-1200 m depth
-  Deep Coal areas
-  >10 m Superficial thickness contour
-  30 m Superficial thickness contour
-  50 m Superficial thickness contour
-  1200 m line on top Coal Measures

-  Ancient Woodlands
-  Ramsar Sites (Wetlands)
-  Special Areas of Conservation
-  Special Protection Areas
-  Sites of Special Scientific Interest
-  World Heritage site
-  Areas of Outstanding Natural Beauty
-  National Park boundary
-  National Nature Reserve

Please note, this is a generic legend and therefore not all the items shown will appear on the map face

0 2.5 Kilometres

