

**GREATER MANCHESTER MINERALS PLAN DPD**

**EXAMINATION – 22 and 23 FEBRUARY 2012**

**Hearing Statement and Appendices**

The Coal Authority has submitted statements for Matters 1, 3 and 4 which are supported by one set of three Appendices which apply to all three statements.

The commentary set out below should be read in conjunction with the detailed comments made on the Publication DPD which for ease are set out in Appendix 1 for information. Appendix 2 summarises the comments The Coal Authority has made on the Core Strategy DPDs of the 10 constituent LPAs, together with the mineral policy wording from those Core Strategies to allow the issue of consistency and conformity to be considered at the Examination Hearings. Appendix 3 includes a number of case studies which detail the prior extraction of surface coal resources from within urban areas across England.

**Background**

The Coal Authority is a Non-Departmental Public Body sponsored by the Department of Energy and Climate Change (DECC) and is a 'Specific Consultation Body' for Development Plans and a 'Statutory Consultee' for Development Management. 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 as a mineral in accordance with the advice contained in MPS1 and MPG3 in England; and
- ensuring that future development is undertaken safely and reduce 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 PPG14 and MPG3 in England.

**MATTER 3 – MINERAL SAFEGUARDING AREAS**  
**HEARING STATEMENT by THE COAL AUTHORITY**

***Issue: Whether it is appropriate to exclude the urban areas from MSA's***

In particular:

- a) How will Mineral Safeguarding work in practice?
- b) Who will assess the need to work the mineral to determine whether prior extraction is appropriate?
- c) Does exclusion of land from an MSA weigh against prior extraction of a mineral should it be present?

**Commentary**

1. The Coal Authority made the following representations on the overall strategy of the DPD as follows (see Appendix 1 for details):
  - Representation No.1 – Whole Plan is fundamentally unsound (Objection); and
  - Representation No.6 – Policy 7, Mineral Safeguarding (Objection)
2. The representation we made at the Publication Stage was extensive and we do not repeat that comment here for brevity but will refer at the Examination to the points we made in that representation.
3. In looking at the issue of an MSA for surface coal, the background paper examined the following three options:
  - Option 1 – Safeguard entire resource
  - Option 2 – Safeguard resource outside of Urban Areas limited to sites over 5Ha in size
  - Option 3 – Safeguard areas outside Urban Area and International Designations
4. The consultation outcomes report indicate that only 8 representations were made on these options, 3 of which expressed no preference. Of the remaining 5 representations: a Sand & Gravel company and the National Trust supported Option

- 2; Salford City Council supported Option 3; whereas the industry through its representative body CoalPro and The Coal Authority supported Option 1. No comment was received from any other parties including the other 9 constituent LPAs.
5. Guidance in the BGS/Coal Authority 'Guide to Mineral Safeguarding in England' 2011 clearly indicates that the views of the minerals industry should be involved in the definition of MSAs. In this case the DPD has chosen to completely ignore the views of the industry contrary to this national advice. The DPD has also ignored the advice of The Coal Authority as the relevant 'Specific Consultation Body' whose remit is to ensure the safeguarding of coal as a mineral in accordance with the advice contained in MPS1 and MPG3 in England.
  6. Nowhere in National Policy does it indicate that mineral safeguarding is not necessary to be undertaken in urban areas. Other DPDs have sought to advocate this approach including the Bristol conurbation covered by the City of Bristol and Bath & North East Somerset; both plans were found provisionally unsound prior to the hearing on that basis and at the behest of the Inspector both DPDs now safeguard the entire surface coal resource including within the urban confine.
  7. Other metropolitan areas have sought to advocate the same type of arguments as Greater Manchester, for example Barnsley and Sheffield in South Yorkshire and Leeds and Wakefield in West Yorkshire. However these Authorities have amended their approach to safeguard the entire surface coal resource including that within the urban boundary, either during the examination process or during consultation. Other densely urbanised areas such as the Black Country and Newcastle/Gateshead have started their DPDs from the initial stages aiming to safeguard the whole surface coal resource. There are numerous examples across the 179 coalfield LPAs where the surface coal resource extends across the entire plan area such that the whole DPD area is designated as a Mineral Safeguarding Area.
  8. The Coal Authority is not aware of any DPD having been successfully adopted with the urban area excluded from mineral safeguarding. This DPD does not set out any

local justification as to why a different approach is required in Greater Manchester to the other coalfield areas of England. Greater Manchester is an urban conurbation, but in the same way the conurbations of the Bristol; West Midlands; Merseyside; South Yorkshire; West Yorkshire; and Tyne and Wear do not seem to have the same difficulties with safeguarding minerals within urban areas.

9. It is notable that Greater Manchester does not have the same levels of prior extraction of surface coal resource as the other densely urbanised conurbations and the proposed approach towards minerals safeguarding will perpetuate this pre-determination against prior extraction that appears to exist within Greater Manchester. Under Matter 1 we discuss how this will in our view affect the delivery of safe and stable development and the implementation of the allocations and strategies of the constituent Authority DPDs. Elsewhere for example in Newcastle the economic income that can be generated from prior extraction is considered integral to the delivery of a major regeneration scheme on the fringe of the City Centre.
10. Ultimately the Greater Manchester Minerals Plan seeks to only safeguard the mineral resources that are broadly within the Green Belt where other planning policies will significantly resist actual non-mineral built development coming forward. The DPD will therefore lead to the continued sterilisation of mineral resources and the additional sterilisation of mineral resources within the urban area contrary to the objectives of National Policy in MPS1.
11. Prior extraction of surface coal resources can easily take place within urban areas without undue harm to residential amenity. Since it takes the form of activity similar to normal ground works and is undertaken by standard construction type machinery it occurs within a matter of weeks or a few months rather than any significant time. It will not lead to delays in the delivery of development nor will it result in additional costs to the developer as in most cases prior extraction is a more cost effective method to the engineering works that would otherwise be necessary to address mining legacy. In some cases prior extraction would occur where no mining legacy is

present, but in these cases the income potential from the extraction of the coal can be a useful addition to the economic viability of sites in these tough economic times.

12. In terms of implementing mineral safeguarding in cases where coal mining legacy is present the LPA already needs to secure a Coal Mining Risk Assessment as part of the development management process. Such an assessment will already need to consider prior extraction as a potential remediation measure and as such the LPA will already have the necessary information together with a specialist response from The Coal Authority as the relevant Statutory Consultee. In the cases where no mining legacy is present, information pertaining to the consideration of prior extraction would be necessary as part of the consideration of the planning application. The Coal Authority would be happy to be consulted on such information to assist the LPA in the determination of the planning application.
  
13. The approach being promoted in Greater Manchester has no local justification for setting out a policy approach that differs to other DPDs across England. It is also inconsistent with the approach towards mineral safeguarding in the Joint Lancashire with Blackpool and Blackburn with Darwen. Initially Lancashire proposed to exclude the urban area from their MSAs in the Site Allocations and Development Management Policies DPD; however their DPD Policy M2 on mineral safeguarding was revised substantially and their MSAs in their submission DPD now includes the whole surface coal resource (and the other mineral resources) including all of the urban areas.
  
14. The Coal Authority is also of the view that there are internal inconsistencies between the plan content of the individual constituent Authority DPDs and the Minerals Plan. For example the Bury Core Strategy Policy SDS10 seeks to *“Ensure the consideration of prior extraction of mineral resources ahead of development to avoid sterilisation, where appropriate”*, however the approach of the Minerals DPD will mean that the minerals will not be safeguarded where the majority of future development is likely to come forward within Bury meaning that the Bury Core Strategy and the Minerals DPD appear to be seeking different policy objectives.

15. The inconsistency is also highlighted in Oldham, the Oldham Core Strategy Paragraph 5.29 supporting Policy 1 Climate Change and Sustainable Development reads:  
*"5.29 All development sites will only be taken forward in the Site Allocations DPD following satisfaction of assessments in respect of flooding, highways, habitats, infrastructure, the potential sterilisation of minerals by the development and the potential or not for prior extraction of those mineral resources. This is not an exhaustive list."*
16. Again this clearly indicates that the potential sterilisation of the impact of minerals will be assessed in determining site allocations along with the potential for prior extraction. However as Oldham will be promoting site allocations within the urban areas these will not be in the MSAs proposed by the Minerals Plan which seems inconsistent in approach. It also clearly demonstrates that Bury and Oldham have no difficulty with the consideration of prior extraction in the urban areas when considering development proposals which undermines any arguments set out that the policy would be impractical to implement in urban areas.

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