



## STAVELEY AND ROTHER VALLEY CORRIDOR AAP (PREFERRED OPTION)

**Consultation Deadline – 8 February 2013**

### Contact Details

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### Person Making Comments

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### **BACKGROUND ON THE COAL AUTHORITY**

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 re-engaged 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 the advice contained in the National Planning Policy Framework, paragraphs 143 and 144; 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, paragraphs 109, 120, 121 and 166.

### **BACKGROUND TO COAL RELATED ISSUES IN CHESTERFIELD**

#### Surface Coal Resources and Prior Extraction

As you will be aware that the Chesterfield area contains coal resources which are capable of extraction by surface mining operations.

The Coal Authority is keen to ensure that coal resources are not unduly sterilised by new development. In cases 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. Contact details for individual operators that may be able to

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assist with coal extraction in advance of development can be obtained from the Confederation of Coal Producers' website at [www.coalpro.co.uk/members.shtml](http://www.coalpro.co.uk/members.shtml).

As The Coal Authority owns the coal on behalf of the state, if a development is to intersect the ground then specific written permission of the Coal Authority may be required.

#### Coal Mining Legacy

As you will be aware, the Chesterfield 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 Planning Department at the Coal Authority was created in 2008 to lead the work on defining areas where these legacy issues may occur.

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 these coal mining legacy issues.

Within the Chesterfield area there are approximately 2,301 recorded mine entries together with extensive areas of mining legacy containing coal mining related hazards. 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 the Local Planning Authority 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 delivered through the Local Plans/Local Development Framework recognises the problems and how they can be positively addressed. Land instability and mining legacy is not a complete constraint on the new development; rather it can be argued that because mining legacy matters have been addressed the new development is safe, stable and sustainable.

#### **SPECIFIC COMMENTS ON THE STAVELEY AND ROTHER VALLEY CORRIDOR AAP (PREFERRED OPTION)**

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**

**Site/Policy/Paragraph/Proposal** – Key Objectives (Regeneration)

#### **Test of Soundness**

<b>Positively Prepared</b>	<b>Justified</b>	<b>Effective</b>	<b>Consistency to NPPF</b>	<b>Legal &amp; Procedural Requirements Inc. Duty to Cooperate</b>
<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

**Support** – The Coal Authority supports the key regeneration objectives which underpin this APP which properly recognises the positive impact that area-wide remediation reflecting the nature of ground conditions and the proposed end uses, including a strategy for further, detailed investigation may bring to this site.

As you are aware part of this site has had previous surface mining activity and further surface coal resources including coal outcrops are present across the site. The site also has numerous coal mining legacy features spread across the site which will influence the future development form and opportunities.

**Representation No.2**

**Site/Policy/Paragraph/Proposal** – Key Objectives (Coal Extraction)

**Test of Soundness**

<b>Positively Prepared</b>	<b>Justified</b>	<b>Effective</b>	<b>Consistency to NPPF</b>	<b>Legal &amp; Procedural Requirements Inc. Duty to Cooperate</b>
<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

**Support** – The Coal Authority supports the key objectives for coal extraction which underpin this APP and properly recognises the positive impact that area-wide remediation including the prior extraction of coal and the role that can have in stabilising the ground conditions of the site.

As you are aware part of this site has had previous surface mining activity and further surface coal resources including coal outcrops are present across the site. The site also has numerous coal mining legacy features spread across the site which will influence the future development form and opportunities. The removal of remaining surface coal resources can help to mitigate mining legacy and can assist in the delivery of development.

Prior extraction of surface coal resources would also assist in ensuring that mineral resources are not unnecessarily sterilised by non-mineral development.

**Representation No.3**

**Site/Policy/Paragraph/Proposal** – Illustrative Masterplan

**Comment** – The Coal Authority has no preference for any mix or arrangement of proposed land uses as this is considered to be a matter best determined locally through the relevant consultation and involvement process.

Mining legacy will need to be addressed and remediated whatever the end land use, mining legacy features even within proposed undeveloped areas such as green infrastructure should be appropriately treated in order to ensure public safety.

The Coal Authority has a corporate policy of not supporting any form of built development over mine entries, irrespective of whether or not they have been subject to treatment details. The site contains numerous mine entries which will need to be properly considered in any detailed planning arrangement and layout.

**Reason** – To ensure public safety

**Representation No.4**

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## **Site/Policy/Paragraph/Proposal – Implementation**

**Comment** – The Coal Authority notes that the preferred approach of the LPA is for an outline planning application to be submitted. The Coal Authority would draw attention to the fact that a detailed Coal Mining Risk Assessment will be required to accompany any outline planning application. The application will also need to include sufficient illustrative detail to indicate how the mining legacy features, in particular the mine entries, have been taken into account, based on the principle that they should not be built over.

**Reason** – To allow proper consideration of ground instability as required by the NPPF, paragraphs 109, 120, 121 and 166

## **CONCLUSION**

The Coal Authority welcomes the opportunity to make these early comments. We are, of course, willing to discuss the comments made above in further detail if desired and would be happy to negotiate alternative suitable wording to address any of our concerns. The Coal Authority also wishes to continue to be consulted both informally if required and formally on future stages.

Thank you for your attention.

**For and on behalf of**

**Miss Rachael A. Bust** *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MInstLM, MRTPI*  
**Chief Planner / Principal Manager**