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04 May 2012

Dear Mr Banks

**Bath & North East Somerset Core Strategy**  
**Implications of the National Planning Policy Framework**

I refer to your recent correspondence with regard to the implications arising from the National Planning Policy Framework for your DPD.

As you will be aware The Coal Authority focuses on three main policy areas: mineral safeguarding; approach towards energy minerals; and unstable land.

**Mineral Safeguarding**

This was previously addressed by MPS1 and the MPS1 Practice Guide, with further detailed practice advice being contained in the BGS/The Coal Authority document 'A Guide to Mineral Safeguarding' (2011). The latter of these three documents remains extant and still provides the appropriate advice on the methodology for defining and implementing Mineral Safeguarding.

National Policy in the NPPF is contained within paragraph 143 (bullets 3 to 5) and paragraph 144 (bullet 7). Coal is a mineral of national importance as defined in the glossary.

As the relevant Specific Consultation Body The Coal Authority considers that to comply with the NPPF it is necessary to safeguard all of the surface coal resources. We further consider that it is necessary to safeguard the deep coal resources which are currently licensed for extraction, it is felt impractical to safeguard all of the deep coal resource.

The NPPF in paragraph 143 in the third bullet point makes it clear that LPAs should “define MSAs and adopt appropriate policies in order that **known** locations of specific mineral resources of local and national importance are not needlessly sterilised by non-mineral development...” (my emphasis)

Unlike the former MPS1 Practice Guide there is no requirement for the resources to be of ‘economic’ importance in order to be safeguarded (although MPS1 actually only required the resource to geologically exist), it is now merely a requirement for them to be known which can be determined from the surface coal resource data we supplied previously and from the licensed deep areas.

These duties apply to all LPAs, not just to MPAs, it is also necessary to include policies for the prior extraction of minerals and to ensure that there is appropriate consideration of non-mineral development proposals within the mineral safeguarding areas. We consider that the BGS/The Coal Authority Guide provides useful information on how to achieve this implementation.

MSAs will need to be clearly illustrated on the Policies Map.

### **Energy Minerals**

This was previously addressed by MPS1 Annex 4 and MPG3 and is an obligation on MPAs. National Policy in the NPPF on new coal technologies falls within the remit of ‘hydrocarbons’ in paragraph 147, it positively encourages the capture and use of methane from coal mines in active and abandoned coalfield areas.

The approach towards coal extraction proposals has been revised, there is no longer a presumption against such proposals and this should be reflected in Local Plan policies. It is important that policies do not seek to introduce wider considerations than the two sequential aspects set out in paragraph 149. Paragraph 147 requires Local Plans to indicate areas where coal extraction and the disposal of colliery spoil may be acceptable.

Paragraph 22 of the Technical Guide on Minerals makes it clear that mineral working in proximity to residential property may be necessary to meet the objective of addressing land instability and policies should therefore allow for this flexibility.

### **Unstable Land**

This was previously contained within PPG14, advice is now set out in paragraphs 109 (bullets 4 & 5), paragraphs 120 & 121. This is an issue for all LPAs to address.

Specific advice for Local Plans and land instability is contained in paragraph 166 which makes it clear that Local Plans may require assessments of the physical constraints of land including for land instability. The data provided by The Coal Authority on the Coal Mining Development referral Areas are based on mining legacy risk and this would provide a suitable evidence base for this aspect in our view.

We do not consider that there has been any fundamental change of policy approach towards unstable land, the existing PPG14 approach is reinforced in the NPPF in our view.

Should you require any further information or if you wish to discuss the issue further please do not hesitate to contact me.

Yours sincerely

*R. A. Bust*

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