

Selby District

Submission Draft Core Strategy

Publication Version January 2011

Representation Form

Part A

In completing this representation form, you are providing a formal consultation response under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008 with regard to the Selby District Submission Draft Core Strategy DPD on grounds of soundness only.

Please complete separate copies of Part B (pages 3 and 4) of this form for each section, policy, table, map or diagram about which you wish to comment.

If you believe that a section, policy, paragraph, table, map or diagram is unsound with regard to more than one test of soundness please provide a separate representation for each test.

The Tests of Soundness

Soundness is explained in PPS12 (Planning Policy Statement 12) in paragraphs 4.36 - 4.47, 4.51 and 4.52 and the boxed text. Specifically paragraph 4.52 states that to be sound a Core Strategy should be:

1 Justified

PPS12 provides that to be 'justified' a DPD (in this case the 'Core Strategy') needs to be :

- founded on a robust and credible evidence base involving:
 - evidence of participation of the local community and others having a stake in the area
 - research/fact finding - the choices made in the plan are backed up by facts
- the most appropriate strategy when considered against reasonable alternatives

2 Effective

PPS12 states that Core Strategies should be effective. This means:

- Deliverable - embracing:
 - Sound infrastructure delivery planning
 - Having no regulatory or national planning barriers to delivery
 - Delivery partners who are signed up to it
 - Coherence with the strategies of neighbouring authorities
- Flexible
- Able to be monitored

3 National Policy

The DPD (in this case the 'Core Strategy') should be consistent with national policy. Where there is a departure, the Local Planning Authority (LPA) must provide clear and convincing reasoning to justify their approach.

Completed representation forms must be returned to the Council no later than 5pm on Monday 21st February 2011.

Email to: ldf@selby.gov.uk (Please save a copy to your computer prior to e-mailing your response)

Post to: LDF Team, Development Policy, Selby District Council, Civic Centre, Portholme Road, Selby YO8 4SB

Contact Details (only complete once)

Please provide contact details and agent details, if appointed.

| | Personal Details | Agents Details (if applicable) |
|-------------------------------|----------------------------------|--------------------------------|
| Title | | |
| First Name | Rachael | |
| Last Name | Bust | |
| Job Title (where relevant) | Deputy Head of Planning | |
| Organisation | The Coal Authority | |
| Address Line 1 | 200 | |
| Address Line 2 | Lichfield Lane | |
| Address Line 3 | Mansfield | |
| County | Nottinghamshire | |
| Postcode | NG18 4RG | |
| Telephone No. | 01623 637119 | |
| Email address | planningconsultation@coal.gov.uk | |

You only need to complete this page once. If you wish to make more than one representation, attach additional copies of Part B (pages 3 and 4) to this part of the representation form.

It will be helpful if you can provide an email address so we can contact you electronically.

Part B (please use a separate sheet (pages 3 and 4) for each representation)

Please identify the part of the Core Strategy to which this representation refers:

| | | | | | |
|-------------|----------------------|------------|----------------------|---------------|--|
| Section No. | <input type="text"/> | Policy No. | <input type="text"/> | Paragraph No. | <input type="text"/> |
| Map No. | <input type="text"/> | Figure No. | <input type="text"/> | Other | <input type="text" value="Objection 7"/> |

Question 1: Do you consider the DPD is:

1.1 Legally compliant Yes No

1.2 Sound Yes No

If you have entered No to 1.1, please continue to Q2. In all other circumstances, please go to Q3.

Question 2: If you consider the DPD is unsound, please identify which test of soundness your representation relates to:

(Please note you should complete separate Part B (pages 3 and 4) of this form for each test of soundness the Core Strategy fails.)

- 2.1 Justified (Please identify just one test for this representation)
- 2.2 Effective
- 2.3 Consistent with national policy

Question 3: Please give details of why you consider the Core Strategy DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

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 set up a new Planning and Local Authority Liaison Department in 2008 to re-engage 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 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.

Coal Resources

(Continue on a separate sheet if submitting a hard copy)

Question 4: Please provide details of what change(s) you consider necessary to make the Core Strategy DPD legally compliant or sound, having regard to the test you have identified in Q2 where this relates to soundness. You will need to say why this change will make the Core Strategy DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

The Coal Authority would like to see Objective No.7 reworded slightly as follows:

"Promoting the efficient use of land including the re-use of appropriately remediated previously developed land for appropriate use in sustainable locations."

Reason – To comply with the national policy advice in PPG14 relating to the need to take account of ground stability issues within development plan making and decision making on planning applications.

(Continue on a separate sheet if submitting a hard copy)

PLEASE NOTE your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination. For further information on the stages see The Planning Inspectorate website (http://www.planning-inspectorate.gov.uk/pins/appeals/local_dev/index.htm)

Question 5: Can your representation seeking a change be considered by written representations, or do you consider it necessary to participate at the oral part of the examination?

5.1 Written Representations

5.2 Attend Examination

5.3 If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary

(Your request will be considered by the Inspector, however, attendance at the Examination in Public is by invitation only).

N/A

Representation Submission Acknowledgement

I acknowledge that I am making a formal representation under Regulation 27 of the Town and Country Planning (Local Development)(England) Regulations 2008. I understand that my name (and organisation where applicable) and representation will be made publically available during the public examination period of the Core Strategy in order to ensure that it is a fair and transparent process.

I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

Part B (please use a separate sheet (pages 3 and 4) for each representation)

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| | | | | | |
|-------------|----------------------|------------|----------------------|---------------|-----------------------------------|
| Section No. | <input type="text"/> | Policy No. | <input type="text"/> | Paragraph No. | <input type="text" value="6.30"/> |
| Map No. | <input type="text"/> | Figure No. | <input type="text"/> | Other | <input type="text"/> |

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(Please identify just one test for this representation)

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Question 3: Please give details of why you consider the Core Strategy DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Support – The Coal Authority welcomes the addition of the wording relating to the need to consider mining legacy issues at the former mine sites proposed for economic re-use which has been added in response to our previous comments.

Question 4: Please provide details of what change(s) you consider necessary to make the Core Strategy DPD legally compliant or sound, having regard to the test you have identified in Q2 where this relates to soundness. You will need to say why this change will make the Core Strategy DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

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|-------------|----------------------|------------|----------------------|---------------|----------------------|
| Section No. | <input type="text"/> | Policy No. | CP12, Climate | Paragraph No. | <input type="text"/> |
| Map No. | <input type="text"/> | Figure No. | <input type="text"/> | Other | <input type="text"/> |

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If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

The Coal Authority fully supports the re-use of previously developed land, which includes areas utilised in connection with former mining activity. However it is imperative to ensure that such land is appropriately remediated to ensure that the development will not be affected by any future ground instability or other hazards which may pose public safety concern for any future residents or occupants.

The Coal Authority would like to see criterion b) of Policy CP12 reworded slightly as follows:
"Give preference to the use of appropriately remediated previously developed land where this is sustainably located."

Reason – To comply with the national policy advice in PPG14 relating to the need to take account of ground stability issues within development plan making and decision making on planning applications.

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Dated

07/02/11

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| | | | | | |
|-------------|----------------------|------------|--|---------------|----------------------|
| Section No. | <input type="text"/> | Policy No. | <input type="text" value="CP14, Renew"/> | Paragraph No. | <input type="text"/> |
| Map No. | <input type="text"/> | Figure No. | <input type="text"/> | Other | <input type="text"/> |

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(Please identify just one test for this representation)

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Question 3: Please give details of why you consider the Core Strategy DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Support – The Coal Authority supports the recognition in policy CP14 of the potential future role the extraction of coal bed methane may have within the district.

CONCLUSION

The Coal Authority welcomes the opportunity to make these 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 its 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.

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I agree with this statement and wish to submit the above representation for consideration.

Signed

Dated

SELBY CORE STRATEGY (SUBMISSION STAGE)

Consultation Deadline – 21st February 2011

The following contact details are the only ones you need for planning related matters, therefore please amend your database if necessary.

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Person Making Comments

Miss Rachael A. Bust
Deputy Head of Planning and Local Authority Liaison

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 set up a new Planning and Local Authority Liaison Department in 2008 to re-engage 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 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.

COMMENTS ON THE SELBY CORE STRATEGY (SUBMISSION STAGE)

Coal Resources

Although it is acknowledged that the Selby Core Strategy does not cover minerals specifically as this is contained within the North Yorkshire Minerals and Waste Development Framework you will be aware, the Selby area contains deep coal resources which also offer future potential for Coal Bed Methane extraction as some parts of the district have licences issued for the potential of such extraction to be investigated.

The Coal Authority is keen to ensure that coal resources, including deep coal resources are not unduly sterilised by surface new development, in particular sensitive surface land uses above operational or permitted underground workings. In instances where this may be the case, The Coal Authority would urge consultation with the relevant mining operator to ensure that their interests are not prejudiced.

Coal Mining Legacy

As you will be aware, the Selby area has been subjected to deep 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 where coal exists near to the surface, including existing residential areas. The new 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 properties 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 needs to take account of the coal mining legacy issues. The principal source of guidance is PPG14, which despite its age still contains the science and best practice on how to safely treat unstable ground.

Within the wider Selby area there approximately 15 recorded mine entries together with a number of surface hazards arising from underground mining. 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 site allocations and other policies and programmes will not lead to future public safety hazards.

Although mining legacy is as a result of mineral workings it is important that new development delivered through the 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.

The changes which The Coal Authority would like to see in relation to mining legacy issues are:

Representation No.1

Site/Policy/Paragraph/Proposal – Objective No.7

Test of Soundness

| Justified | Effective | Consistency With National Policy |
|------------------|------------------|---|
| | No | No |

Comment – As previously indicated in our representations to the last consultation period, The Coal Authority fully supports the re-use of previously developed land, which includes areas utilised in connection with former mining activity. However it is imperative to ensure that such land is appropriately remediated to ensure that the development will not be affected by any future ground instability or other hazards which may pose public safety concern for any future residents or occupants.

The Coal Authority would like to see Objective No.7 reworded slightly as follows:

“Promoting the efficient use of land including the re-use of appropriately remediated previously developed land for appropriate use in sustainable locations.”

Reason – To comply with the national policy advice in PPG14 relating to the need to take account of ground stability issues within development plan making and decision making on planning applications.

Representation No.2

Site/Policy/Paragraph/Proposal – Economic Prosperity, Para 6.30

Test of Soundness

| Justified | Effective | Consistency With National Policy |
|------------------|------------------|---|
| | Yes | |

Support – The Coal Authority welcomes the addition of the wording relating to the need to consider mining legacy issues at the former mine sites proposed for economic re-use which has been added in response to our previous comments.

Representation No.3

Site/Policy/Paragraph/Proposal – Policy CP12, Climate Change

Test of Soundness

| Justified | Effective | Consistency With National Policy |
|------------------|------------------|---|
| | No | No |

Comment – The Coal Authority fully supports the re-use of previously developed land, which includes areas utilised in connection with former mining activity. However it is imperative to ensure that such land is appropriately remediated to ensure that the development will not be affected by any future ground instability or other hazards which may pose public safety concern for any future residents or occupants.

The Coal Authority would like to see criterion b) of Policy CP12 reworded slightly as follows:

“Give preference to the use of appropriately remediated previously developed land where this is sustainably located.”

Reason – To comply with the national policy advice in PPG14 relating to the need to take account of ground stability issues within development plan making and decision making on planning applications.

Other Comments on the Plan Policies and Content

The changes which The Coal Authority would like to see in relation to New Technologies are:

Representation No.5

Site/Policy/Paragraph/Proposal – Policy CP14, Renewable Energy

| Justified | Effective | Consistency With National Policy |
|------------------|------------------|---|
| | Yes | |

Support – The Coal Authority supports the recognition in policy CP14 of the potential future role the extraction of coal bed methane may have within the district.

CONCLUSION

The Coal Authority welcomes the opportunity to make these 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 its concerns. The Coal Authority also wishes to continue to be consulted both informally if required and formally on future stages.

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