



The Coal Authority

West Lothian Local Development Plan - Proposed Plan (Consultation)

Consultation Deadline – 22 November 2015

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority



Planning Email: [REDACTED]
Planning Enquiries: [REDACTED]

Person Making Comments

[REDACTED]
[REDACTED]
Planning Liaison Manager

Date of Response
20 November 2015

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 main areas of planning interest to the Coal Authority in terms of policy making relate to:

- the safeguarding of coal in accordance with the advice contained in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and MTAN2 in Wales;
- the establishment of a suitable policy framework for energy minerals including hydrocarbons in accordance with the advice contained in The National Planning Policy Framework and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Minerals Planning Policy Wales and MTAN2 in Wales; 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 and Planning Practice Guidance in England, Scottish Planning Policy in Scotland, and Planning Policy Wales and MTAN2 in Wales.

Background on Coal Mining Issues in West Lothian

Surface Coal Resources and Prior Extraction

As you will be aware, the West Lothian Council area contains coal resources which are capable of extraction by surface mining operations. These resources cover an area amounting to approximately two-thirds of the West Lothian Council area.

The Coal Authority is keen to ensure that coal resources are not unnecessarily sterilised by new development. 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 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.

The plan area contains a number of sites from which coal has been removed previously by surface mining methods. There are also a number of other sites with licences for extraction, exploration and coal bed methane.

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 West Lothian Council 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 coal mining legacy issues.

Within the West Lothian Council area there are approximately 1470 recorded mine entries and around 60 coal mining related hazards have been reported to The Coal Authority. 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 Planning Authorities 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 recognises the problems and how they can be positively addressed. However, it is important to note that land instability and mining legacy is not a complete constraint on new development; rather it can be argued that because mining legacy matters have been addressed the new development is safe, stable and sustainable.

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

Specific Comments on the West Lothian Local Development Plan - Proposed Plan (Consultation)

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

Policy DES1 – Design Principles

Support – The Coal Authority is pleased to see the inclusion of Policy DES1 and the requirement for new development proposals to fully assess potential risks in respect of unstable land arising from past mining activities.

Representation No.2

Paragraph 5.255

Comment – The Coal Authority would have preferred to see the area of search extended to include the whole plan area. However, the Coal Authority would assume that the inclusion of the search areas identified has been informed by the views of the mineral industry in this respect. For clarity we do not object to this matter.

Representation No.3

Policy MRW1 – Minerals Resources and Safeguarding

Support – The Coal Authority supports this policy which identifies that prior extraction of mineral resource should be a consideration of development proposals.

Representation No.4

Policy MRW2 – Supporting Principles for Mineral Extraction

Comment – The Coal Authority would prefer the description 'surface coal mining' to replace the words 'open cast coal mining' in the policy text.

Reason – In order to ensure that the description of the activity is consistent.

Representation No.5

Policy MRW3 – Impediments to Mineral Extraction

Comment - The Coal Authority would prefer the description 'surface coal mining' to replace the words 'open cast coal mining' in the policy text.

Reason – In order to ensure that the description of the activity is consistent.

Representation No.5

Policy MRW4 – Restoration of Mineral Extraction Sites

Support - The Coal Authority supports the inclusion of this policy which requires appropriate restoration and aftercare of mineral extraction sites.

Representation No.5

Policy MRW5 – Unconventional Gas Extraction (including Hydraulic Fracturing (Fracking))

Support – The Coal Authority supports the recognition that there are PEDL licences within the West Lothian area and the guidance included in the policy for applicants.

Representation No.6

Appendix 1 and 2 – Schedule of Employment and Housing Sites

Support - The Coal Authority supports the identification within the appendices of those sites where unstable land is potentially an issue and that in these cases development proposals will need to be supported by some form of assessment.

CONCLUSION

The Coal Authority welcomes the opportunity to make these comments. 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

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