

Core Strategy Development Plan Document

Regulation 20 of the Town & Country (Local Development) (England) Regulations 2012

Publication Draft - Representation Form

Monday 17th February until Monday 31st March 2014

This is your opportunity to comment on the Core Strategy Publication Draft document. The Council would like to hear your views on the 'soundness' of the Plan, legal compliance of the Plan and on the duty to co-operate.

You can access the Core Strategy documents online and additional copies of this form from our website:
www.bradford.gov.uk/ldf.

For further information you can contact the Local Plan Group by:

- **Emailing us at:** ldf.consultation@bradford.gov.uk
- **Phoning us on:** (01274) 433679

Please make your representation on this official form that has been specifically designed to assist you in making your representation to cover the matters the Inspector will consider in the report on the plan. A copy of this form will be provided to the Inspector.

This form has three parts:

- **Part A** – Personal Details
- **Part B** – Your Representation(s). *Please fill in a separate sheet for each representation you wish to make.*
- **Part C** – Equality and diversity monitoring form

The Council has produced a separate **guidance note** to assist you in making your representation. This contains detailed information on legal compliance, the duty to co-operate and on soundness. You are strongly encouraged to read to this information to make the fullest use of this opportunity.

Please return this completed representation form to the Local Plan Group by either:

- **E-mail to:** ldf.consultation@bradford.gov.uk
- **Post to:** Local Plan Group, City of Bradford Metropolitan District Council,
2nd Floor South, Jacobs Well, Nelson Street, Bradford, BD1 5RW

**For your representation to be 'duly made' the Council must
receive it no later than 5pm on Monday 31st March 2014**

For Office Use only:		
Date		
Ref		

Core Strategy Development Plan Document

Regulation 20 of the Town & Country (Local Development) (England) Regulations 2012.

Publication Draft - Representation Form

PART A: PERSONAL DETAILS

** If an agent is appointed, please complete only the Title, Name and Organisation in box 1 below but complete the full contact details of the agent in box 2.*

	1. YOUR DETAILS*	2. AGENT DETAILS (if applicable)
Title	Miss	
First Name	[REDACTED]	
Last Name	Bust	
Job Title <small>(where relevant)</small>	Chief Planner	
Organisation <small>(where relevant)</small>	The Coal Authority	
Address Line 1	[REDACTED]	
Line 2	[REDACTED]	
Line 3	Mansfield	
Line 4	[REDACTED]	
Post Code	NG18 [REDACTED]	
Telephone Number	[REDACTED]	
Email Address	[REDACTED]	

Signature:	[REDACTED]	Date:	21 March 2014
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Personal Details & Data Protection Act 1998

Regulation 22 of the Town & Country Planning (Local Development) (England) Regulations 2012 requires all representations received to be submitted to the Secretary of State. By completing this form you are giving your consent to the processing of personal data by the City of Bradford Metropolitan District Council and that any information received by the Council, including personal data may be put into the public domain, including on the Council's website. From the details above for you and your agent (if applicable) the Council will only publish your title, last name, organisation (if relevant) and town name or post code district. Please note that the Council cannot accept any anonymous comments.

For Office Use only:			
Date			
Ref			

PART B – YOUR REPRESENTATION - Please use a separate sheet for each representation.

3. To which part of the Plan does this representation relate?

Section	See Attached	Paragraph		Policy	
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4. Do you consider the Plan is:

4 (1). Legally compliant	Yes		No	
4 (2). Sound	Yes		No	
4 (3). Complies with the Duty to co-operate	Yes		No	

5. Please give details of why you consider the Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please refer to the guidance note and be as precise as possible. If you wish to support the legal compliance, soundness of the Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

See Attached

6. Please set out what modification(s) you consider necessary to make the Plan legally compliant or sound, having regard to the test you have identified at question 5 above where this relates to the soundness. (N.B Please note that any non-compliance with the duty to co-operate is incapable of modification at examination).

You will need to say why this modification will make the Plan 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.

See Attached

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. Please be as precise as possible.

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.

7. If your representation is seeking a modification to the Plan, do you consider it necessary to participate at the oral part of the examination?

	No, I do not wish to participate at the oral examination
Yes	Yes, I wish to participate at the oral examination

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

To explore consistency with National Planning Policy and National Planning Practice Guidance

Please note the Inspector will determine the most appropriate procedure to adopt when considering to hear those who have indicated that they wish to participate at the oral part of the examination.

9. Signature:

[Redacted Signature]

Date:

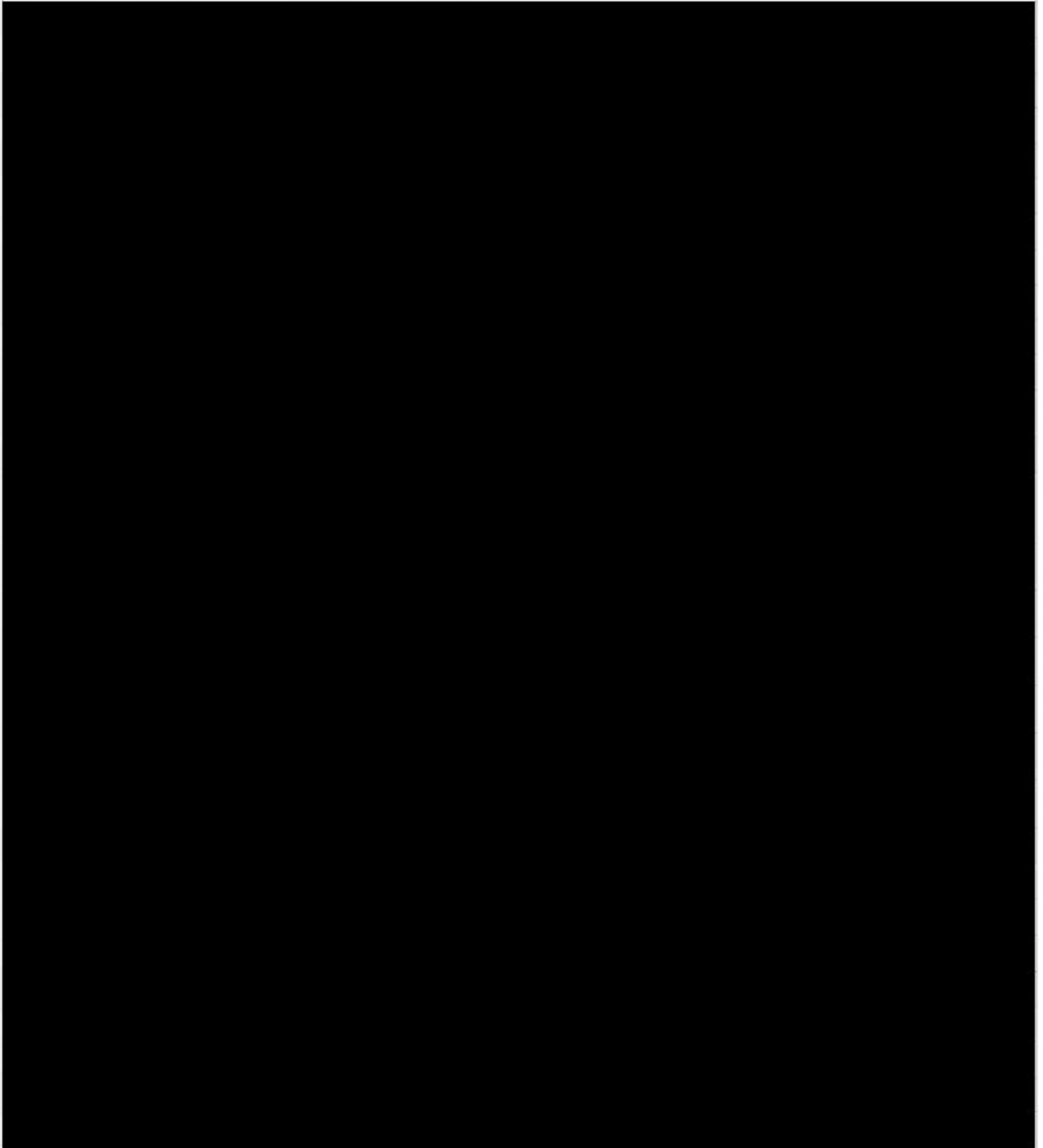
21 March 2014

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PART C: EQUALITY AND DIVERSITY MONITORING FORM

Bradford Council would like to find out the views of groups in the local community. Please help us to do this by filling in the form below. It will be separated from your representation above and will not be used for any purpose other than monitoring.

Please place an 'X' in the appropriate boxes.





The Coal Authority

BRADFORD CORE STRATEGY LOCAL PLAN (PUBLICATION DRAFT)

Consultation Deadline – 31 March 2014

Contact Details

The Coal Authority
Planning and Local Authority Liaison

[REDACTED]

MANSFIELD

[REDACTED]

NG18 [REDACTED]

[REDACTED]

Person Making Comments

[REDACTED] Northcote [REDACTED]
Consultant Planning Advisor to The Coal Authority

Date of Response

21 March 2014

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 as a mineral and promotion of energy minerals in accordance with the advice contained in the National Planning Policy Framework, paragraphs 143, 144, 147 and 149; 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 BRADFORD

Surface Coal Resources and Prior Extraction

As you will be aware that the Bradford 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

Protecting the public and the environment in coal mining areas

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 [REDACTED]

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 Bradford 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.

Within the Bradford area there are approximately 2,862 recorded mine entries and around 30 recorded coal mining related hazards have been reported to The Coal Authority. These together with other coal mining related legacy covers approximately 8% of the plan area.

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 BRADFORD CORE STRATEGY LOCAL PLAN (PUBLICATION DRAFT)

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 – Policy EN8, Environmental Protection

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority welcomes and supports the inclusion of unstable land as a policy consideration in Policy EN8. This accords with the requirements of national planning policy as set out in paragraphs 109, 120, 121 and 166 of the NPPF. It also corresponds with the advice in the National Planning Practice Guidance.

Protecting the public and the environment in coal mining areas

Representation No.2

Site/Policy/Paragraph/Proposal – Policy EN8, Environmental Protection

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	X	X Only in Part	✓

Objection – Whilst The Coal Authority supports the overall policy, criterion B is considered to be partially deficient in relation to the area of unstable land. Paragraph 003 of Section 45 (Land Instability) of the new National Planning Practice Guidance, makes it clear that Local Plans should ensure that unstable land is appropriately remediated.

Criterion B whilst going so far, does not address the issue of remediation in relation to unstable land, although it does for contamination. To be effective and to be fully consistent with national policy, minor wording amendment to criterion B is necessary.

Change Requested – The Coal Authority would suggest the following change to criterion B of Policy EN8:

“B. Land

Proposals for development of land which may be contaminated or unstable must incorporate appropriate investigation into the quality of the land. Where there is evidence of contamination or instability, remedial measures must be identified to ensure that the development will not pose a risk to human health, public safety and the environment. Investigation of land quality must be carried out in accordance with the principles of best practice.”

Reason – To be effective and to be in line with the advice in paragraph 121 of the NPPF that requires policies to address both investigation and remediation.

Representation No.3

Site/Policy/Paragraph/Proposal – Policy EN9, New and Extended Mineral Extraction Sites

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports criterion A 4 iii which recognises that mineral extraction will be permitted where the mineral resource would otherwise be sterilised by built development. This will ensure that mineral safeguarding is implemented and delivers the objectives of paragraphs 143 and 144 of the NPPF.

Representation No.4

Site/Policy/Paragraph/Proposal – Policy EN11, Sand, Gravel, Fireclay and Hydrocarbons (Coal)

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	X	✓	✓	✓

Objection – The Coal Authority notes that the Council have chosen to write criterion C in a negative manner whereas the rest of this policy is written in a positive manner. Whilst not supporting this approach it is fair to say that this is not a soundness issue.

However criterion C 2 is considered to lack justification and is superfluous. All potential forms of coal which can be extracted from lignite at the lower end up to anthracite at the top end. All the spectrums of coal have a value as an energy mineral both individually and as blended material. The surface coal resource identified by The Coal Authority data already excludes lignite because it has a more limited market in the UK, because we have higher quality coals available. Lignite does however have a strong market presence in mainland Europe.

The NPPF in defining minerals of national importance does not seek to differentiate between grades of coal; to try and do is overly complicated and completely unnecessary. National Planning Policy in the NPPF and advice in the National Planning Practice Guidance do not require policies to consider the availability of a market or the quality of energy minerals. These are matters to be left to the industry and the energy market to determine.

Bradford have advanced no local justification as to why this additional criterion is warranted in the City, particularly when neighbouring MPAs on the same Yorkshire coalfield do not contain similar policy criteria.

Change Requested – Remove criterion C 2 in its entirety

Reason – In order to be consistent with neighbouring plans and to accord with advice in the NPPG and national planning policy in paragraph 149 of the NPPF

Representation No.5

Site/Policy/Paragraph/Proposal – Policy EN11, Sand, Gravel, Fireclay and Hydrocarbons (Conventional and Unconventional Hydrocarbons)

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	X	X	X	✓

Objection – Whilst Policy EN11 refers to hydrocarbons overall in the title, criterion D 1 and D2 refer only to 'oil and gas' which can be interpreted as only applying to conventional hydrocarbons. Whilst there may not presently be any licences or proposals for unconventional hydrocarbons such as Coal Bed Methane, or Underground Coal Gasification, the policy needs to be flexible enough to cater for changing circumstances.

Change Requested – Throughout the policy 'oil and gas' should be replaced by 'hydrocarbons'

Reason – In order to comply with paragraph 147 of the NPPF and with the very detailed advice set out in the National Planning Practice Guidance.

Representation No.6

Site/Policy/Paragraph/Proposal – Policy EN12, Mineral Safeguarding (and Appendix 13)

Test of Soundness

Positively Prepared	Justified	Effective	Consistency to NPPF	Legal & Procedural Requirements Inc. Duty to Cooperate
✓	✓	✓	✓	✓

Support – The Coal Authority supports the overall approach towards mineral safeguarding in Bradford, including the approach to safeguarding surface coal resource which follows discussions held between the Council and The Coal Authority. The Coal Authority also supports Appendix 13, the Mineral Safeguarding Map.

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 our concerns. The Coal Authority would be happy to enter into discussions ahead of any examination hearing process to try and reach a negotiated position if this were considered helpful.

Thank you for your attention.

For and on behalf of

Miss [REDACTED] Bust [REDACTED]
Chief Planner / Principal Manager