

**Highland wide Local Development Plan - Main Issues Report  
Consultation Summary and Actions Sheet**

Reference Number:	<b>HWLDP-MIR-38</b>
Organisation/Individual:	The Coal Authority (Mark Harrison)

**Action:**

Immediate Response Required	<input type="checkbox"/>
Meeting required with Respondent	<input type="checkbox"/>
Issue for Area Local Development Plan	<input type="checkbox"/>
Further Information Required	<input type="checkbox"/>
Other (Please Specify)	<input type="checkbox"/>

*If no box ticked - issues raised will be dealt with in preparation of the Proposed Plan.*

**Issues Raised in Response:**

Purpose of Main Issues Report		Previously used Land	
NPF2 for Scotland		Wild Land	
Vision for the Highlands		Water Environment	
Inverness and A96		Renewable Energy	
The A96 Corridor		Flooding	
Phasing of Development		Waste Management	
Developer Contributions		Air Quality	
East Inverness		Sustainable Design	
Nairn		Business and Industrial Land	
Tornagrain		Accessibility and Transport	
Smaller Settlements in A96		Agricultural Land	
Caithness and North Sutherland		Subdivision of Existing Crofts	
Easter Ross and Nigg		Allocation of Inbye Land	
Development of Local Centres	x	New Crofting Township	
Wider Countryside and Fragile Areas		Small Scale New Crofts	
Population and Housing		Coastal Development	
Housing in the Countryside		Forestry and Woodland	
Affordable Housing		Minerals	x
Planning for an Ageing Population		Open Space and Physical Activity	
Gypsies/Travellers		Access to the Outdoors	
Retailing		Comments on Consultation Process (+ve)	
Developer Contributions		Comments on Consultation Process (-ve)	
Natural, Built and Cultural Heritage			

**Key:**

<b>Background</b>	<b>Spatial Strategy</b>	<b>Policy Options</b>	<b>Consultation</b>
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**Notes:**

Supports intention to safeguard mineral resources and recommends addition of text to reflect issue of new development in Brora.

Action Sheet Completed by:	GW
Date:	8/12/09

**Dawn Sutherland**

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**From:** Debra Roberts [REDACTED] on behalf of Planning Consultation  
**Sent:** 20 October 2009 15:42  
**To:** devplans  
**Subject:** Highland Wide Local Development Plan - Main Issues Report

Dear Sirs

Further to your email 01 September 2009, please find attached, as requested, our comments on the Highland Wide Local Development Plan - Main Issues Report.

Should you wish to discuss any of the issues raised, please do not hesitate to contact us.

Regards

**Deb Roberts**  
**Technical Support Officer**

*Email Sent For and On Behalf of:*

**Mark E N Harrison** *B.A.(Hons), DipTP, MRTPI*  
**Planning Liaison Officer**

**The Coal Authority - Planning and Local Authority Liaison Department**

✉ 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG



Website: [www.coal.gov.uk/services/planning](http://www.coal.gov.uk/services/planning)

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## HIGHLAND WIDE LOCAL DEVELOPMENT PLAN (MAIN ISSUES REPORT)

**Consultation Deadline – 9 November 2009**

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



Person Making Comments

Mark Harrison  
Planning Liaison Officer

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

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 The National Planning Framework, Scottish Planning Policy, and SPP16 in Scotland; 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 the National Planning Framework, SPP4, SPP16 and PAN 50 in Scotland.

### **COMMENTS ON THE HIGHLAND WIDE LOCAL DEVELOPMENT PLAN – MAIN ISSUES REPORT**

Surface Coal Resources and Prior Extraction

As you will be aware, the Highland area contains very limited coal resources which are capable of extraction by surface mining operations, in and around Brora. This information is available to Mineral Planning Authorities free of charge from The Coal Authority following signing a data sharing licence.

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

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.

### **Representation No.1**

#### **Site/Policy/Paragraph/Proposal – Question 36**

**Comment** – The Coal Authority supports the Council's intention to safeguard economically significant mineral resources from development that would sterilise the resource. Within the Highlands there is a small area of coal resource that is capable of extraction by surface mining methods around the settlement of Brora, which will require safeguarding to avoid unnecessary sterilisation.

**Reason** – To address the need to safeguard mineral resources as far as possible for future use (paragraph 8 of SPP4) and avoid the unnecessary sterilisation of coal resources (paragraph 20 of SPP16).

#### Coal Mining Legacy

As you will be aware, the Highland 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 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 mining which is present near the surface can give rise to stability, gas and potential spontaneous combustion problems. 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.

Within the wider Highland area there are approximately eight recorded mine entries, in and around Brora. 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 Scottish Local Plans/Local Development Plans and the Strategic Development Plans, 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.

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.

**Representation No.2**

**Site/Policy/Paragraph/Proposal – Question 10**

**Comment** – Whilst The Coal Authority has no preference to make regarding the proposed settlement hierarchy, the Council should be mindful of the localised coal mining legacy that exists in and around the settlement of Brora, which is proposed as a Local Centre in the settlement hierarchy. The Coal Authority would therefore recommend the addition of the following wording to the Local Development Plan to reflect this issue:

*“There are potential issues with ground conditions in the locality of Brora as a consequence of former mining activity. Appropriate technical investigation and advice on ground stability and other risks should be sought prior to the submission of any planning application.”*

**Reason** – To set out a suitable policy context for dealing with land stability issues as part of a comprehensive approach towards new development in the Brora area.

**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.

Thank you for your attention.

**MARK E. N. HARRISON** BA(Hons), DipTP, MRTPI  
**Planning Liaison Officer**  
**Planning and Local Authority Liaison**