

# LEICESTERSHIRE MDF TO 2021 - SUBMISSION DRAFT - CORE STRATEGY AND DC POLICIES

## MINERALS – INTRODUCTORY, BACKGROUND AND KEY DIAGRAM POINTS

### SUBMISSION ON BEHALF OF UK COAL MINING LTD

#### 1 Introduction/General

1.1 The Inspector has raised the following question in regard to how the MDF CS presents the Key Diagrams:

- Item 7 - Are the key diagrams sufficiently clear?

1.2 The Inspector has raised the following question in regard to how the MDF CS shows the River Mease SAC on the Key Diagram:

- Item 8 - Is the River Mease SAC adequately shown on the Key diagrams?

#### 2 Background

2.1 UK Coal has made a series of responses to the previous Preferred Options documents and then to the Submission Draft of the MDF Core Strategy and Development Control Policies (referred to as the MDF CS below). Copies of the responses – x3 - are appended to their written submission on coal supply (UKC – M3). These representations include:

- Pressing the Council to produce a more appropriate spatial map/diagram to provide clarity to the industry and communities on potential areas from which coal extraction/supply could be achieved.
- Requesting clarification over the River Mease catchment area and its inclusion on the spatial maps/diagrams.

### 3 Consideration of the Issues

#### *Item 7 - Are the Key Diagrams/Spatial Maps sufficiently clear?*

- 3.1 In regard to UK Coal's interests it is our view that the Spatial Maps, particularly figures 2 and 3, are insufficiently clear as they do not provide a good enough indication of the potential location or potential areas for environmentally acceptable coal and fireclay extraction (which are minerals of strategic importance) across the plan period.
- 3.2 Within our submission on behalf of UK Coal on coal supply (UKC – M3) we argue that because of the importance and interest in coal and fireclay supply there would be a benefit in having a spatial map that deals specifically with coal and fireclay. This is of particular importance as there is little likelihood of the subsequent allocations document, to be produced as part of the MDF, including specific sites/allocations for these minerals (the previous draft allocations document produced by the Council did not contain specific sites for coal extraction).
- 3.3 Given that the shallow coal and fireclay reserves are located in a limited area of the County – in NW Leicestershire – we consider that a separate plan of this area (at A3 size?) could be beneficial. This could show the extent of the shallow coal and fireclay resources, an indication of previously worked areas as well as any legitimate constraints to coal and clay working. At a larger scale than the current spatial map, this would give communities, residents and the industry a better indication of where environmentally acceptable coal and clay extraction schemes may be located. We consider that such an approach would, in strategic terms, comply with the thrust of para 38 of MPG 3 (MCD 34) and para 4.7 of PPS 12 (MCD 1).
- 3.4 The spatial maps in figures 2 and 3 do not currently give much if any indication as to where either coal or fireclay extraction could take place. This would be less of a problem for these minerals if they were then going to be dealt with in more detail in an allocations document, but this appears unlikely. We fully appreciate that, when planning for aggregates, with apportionment figures and a more detailed statistical base, specific site allocations can be identified. We understand that this is

much less likely for coal and fireclay, where there are no apportionment figures, but it remains the case that they are strategically important and that a supply across the plan period has to be planned for. If specific sites are not practicable then the Council should be looking to provide as clearer indication as to where environmentally acceptable sites might be located, which in turn can assist in the formulation of a programme of future sites. It is our view that such an approach accords with guidance, including that contained in MPG 3 (MCD 34) para 13 where programmes can provide certainty and avoid piecemeal working and cumulative impact – which are both concerns of Leicestershire. A clearer, more detailed Spatial Plan for coal and fireclay within the MDF CS is an important part of this process, and it would make much clearer the characteristics of the shallow coalfield area (ref para 4.2 PPS 12 – MCD 1) and assist in making the MDF CS more deliverable as currently it is not clear where future coal supply or fireclay supply might come from.

***Item 8 - Is the River Mease SAC adequately shown on the Key diagrams?***

- 3.5 We consider that the River Mease SAC is improperly represented on the spatial maps/figures.
- 3.6 Rather than show the SAC area the Council has chosen to show the river catchment within Leicestershire. We can find no evidence or justification for this approach.
- 3.7 Having now checked through correspondence received by the Council on the MDF CS we can find no references in the responses from Natural England or the Environment Agency (EA) to require or advise the Council to show the River Mease catchment rather than the SAC itself – see attached copies at the appendix to this submission (appendix 1). GOEM did though raise concerns that the Council had shown the river catchment rather than the SAC in their letter (last para of their Appendix 1 to their letter) dated 4<sup>th</sup> August 2008 – copy attached (appendix 2).
- 3.8 We fully appreciate the importance of the SAC. Showing the river catchment is a very different matter and in our view – given the emphasis on it within the energy minerals section of the MDF in the suggested context of identifying “areas of protection” – the river catchment is given

the appearance of a potential constraint to coal extraction in the shallow coalfield, particularly when the figure 3 is considered alongside paragraph 4.67. Whilst the catchment is also shown on the spatial maps relating to aggregates and other construction materials the supporting text on these minerals does not go on to discuss so called “areas of protection”.

- 3.9 In recent discussion with Natural England we enquired as to the extent of the River Mease SAC and were simply referred to the area/location shown on the multi agency GIS web site [www.magic.gov.uk](http://www.magic.gov.uk) or the Natural England website through Nature on the Map. Copies of these maps are shown in the appendix to this submission (appendix 3). It is clear that the SAC designation only follows the line of the River Mease itself and does not cover the river catchment.
- 3.10 We acknowledge the guidance in PPS 9 (MCD 28) – paras 4 – 6 – and consider that it would be appropriate for the MDF CS and the spatial maps to show the River Mease SAC – but not the catchment area, as this is not the designated site.
- 3.11 As the catchment is not the designated site the Council appears to have no specific evidence for showing the River Mease catchment rather than the SAC itself.
- 3.12 In this regard we cannot be clear why the river catchment has been shown rather than just the SAC area? In our earlier responses on behalf of UK Coal to the earlier MDF documents – copies appended to our submission on coal supply – we pushed for the Council to identify the shallow coalfield and any constraints within it. Given the explanation in para 4.67 of the energy minerals section - which gives the most extensive reasoning in the MDF CS for the River Mease catchments appearance on the spatial maps - we have the impression, particularly on further, closer, examination of the document, that the catchment area of the River Mease is now being shown mainly as a constraint to coal extraction (and by association, also to fireclay extraction). We consider such an approach to be negative to coal (and fireclay) supply and unjustified due to there being a lack of evidence to indicate that surface coal or fireclay extraction within the River Mease catchment would generally have an adverse impact on the River Mease SAC.

- 3.13 In preparing this submission we have checked the Council's web site and identified a potentially relevant document:
- 3.14 "Habitats Regulations Assessment of the Leicestershire Minerals Development Framework and the Leicestershire Waste Development Framework Core Strategies – June 2008".
- 3.15 A copy of this document is appended to this submission (appendix 4). It includes details of the River Mease SAC. At para a) of 6.1.2 it states:
- 3.16 "The screening process has shown that the majority of effects associated with the Core Strategy policies would be either neutral or positive."
- 3.17 As indicated in our submission on coal supply - in regard specifically to coal (and fireclay) working, it should be noted that these temporary forms of development (with reclamation and restoration) have taken place for many years and continue to take place within the River Mease catchment and that the River Mease habitat has managed to attain SAC status with coal and clay workings taking place within its catchment area. Also, coal and clay working schemes have the potential to deliver new habitats and drainage systems/improvements that would compliment or assist in maintaining the SAC in a favourable condition.