

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

MINERALS – DEVELOPMENT CONTROL POLICIES

SUBMISSION ON BEHALF OF UK COAL MINING LTD

1 Introduction/General

- 1.1 UK Coal has an interest in a number of Development Control matters upon which the Inspector has raised questions as follows:
- Item 1 – policies repeating national policy
 - Item 10 – Policy DC 4 and references to special landscape areas
 - Item 19 – Policy DC 13 and cumulative impact
- 1.2 UK Coal has been identified as a party to provide additional statements on these matters.

2 Consideration of the Issues

Item 1 – National Policy

- 2.1 Whilst it is not a major concern of UK Coal if National Policy is repeated we are conscious that both PPS 12 (MCD 1) and guidance from PINS on LDF's (June 2008) advises that core strategies should not repeat/re-formulate national policy and should concentrate on local circumstances.
- 2.2 In the light of this advice perhaps the policies listed in item 1 could be reviewed and policies then included if there are particular points of relevance for Leicestershire. If there is evidence to support a policy then this can be included, if not, the Inspector could consider deletion of policies that repeat or re-formulate national policy.

Item 10 – reference in policy DC 4 to special landscape areas

- 2.3 There are no landscapes with national designations in Leicestershire. Therefore, we do not consider that it is appropriate to refer to “special” landscape areas. The reference to landscape features of importance will suffice.

Item 19 – Policy DC 13 and cumulative impact

- 2.4 We consider that there are particular issues with policy DC 13 and its application.
- 2.5 From the point of view of UK Coal, the Company has had to contest reasons for refusal (on the Long Moor OCCS proposals) that included issues relating to the Council’s concerns over cumulative impact. In particular, the Company takes issue with the potential for the MPA to take the view that a series of effects that have been found to be acceptable individually are not acceptable when combined, thus being judged as an unacceptable cumulative impact.
- 2.6 At the Long Moor PI this matters was the subject of considerable argument and, subsequently, a failed High Court challenge by the Council. It is our view that Government Guidance (MPS 2 – MCD 4) advises at paragraph 12, that, “impacts that are acceptable individually should not be regarded as unacceptable in combination without a proper assessment”. The MDF CS has not though presented us with any details/evidence of how a “proper assessment” is undertaken when potentially combining impacts. We therefore consider that the reference – “the collective effects of different impacts of an individual proposal” should be removed from policy DC 13 as there is no clear advice or any methodology as to how come to a view on this.
- 2.7 We also have concerns over the assessment of the effects of a number of mineral developments occurring concurrently or successively. There is doubt/uncertainty over both the timescale that would be involved as well as the areas under consideration.
- 2.8 MPS 2 (MCD 4) at paragraph 12 advises that consideration should be given in Development Documents to: existing activity and impacts;

duration and nature for new or further working; the extent of impacts that might be tolerated over a particular period; and the nature, age and size of the sites. It is our view that the MDF CS has not given specific consideration to these points and it is not possible to glean how the policy will be applied.

- 2.9 Based on our evidence to the Long Moor OCCS PI we do understand that in the past there was an issue with cumulative impact and the overall level of mineral working and related activity in the Leicestershire coalfield. When the deep mine industry was still operating and British Coal Opencast Executive were operating sites, which were combined with clay workings and small independent opencast coal operations there was a considerable amount of coal and clay related activity in NW Leicestershire. This included extensive spoil tipping, tip washing, haulage of coal by road and processing of coal, the operation of coal loading and dispatch facilities, along with small and large scale opencast coal workings, clay extraction and stockpiling. Today, the local circumstances are very different. The deep mining industry and associated activities have all but ceased. The level of surface mining and clay extraction has also been considerably less.
- 2.10 It is our view therefore that, having regard to the potential application of Policy DC 13 for coal working, that the issues of combining impacts or the effects of concurrent or successive mineral development, are not of such major concern that they would warrant a policy that could lead to planning permission not being granted if the MPA comes to a judgment that it would result in unacceptable cumulative impact. Given the uncertainty over the application of this policy we consider it would be better deleted.