



**BRADFORD LOCAL PLAN CORE STRATEGY
EXAMINATION – MARCH 2015**

**MATTER 7 – OTHER POLICIES
SESSION 7D – ENVIRONMENT
THURSDAY 19 MARCH 2015**

HEARING STATEMENT by THE COAL AUTHORITY (REPRESENTOR No. 80)

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	✓

Inspector's Issues and Questions

Policy EN8 – Environmental Protection

- a. Is the approach to environmental protection, including the criteria and requirements set out in the policy relating to air quality, land, nuisance, and water environment, fully justified by evidence, is it effective, deliverable, soundly based and consistent with the latest national guidance (NPPF/PPG)?
- b. Does the policy properly consider amenity issues, is it unduly onerous and inflexible, and has it properly taken account of viability issues?

The Coal Authority Case

1. 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 National Planning Practice Guidance makes it clear that Local Plans should ensure that unstable land is appropriately remediated. Paragraph 121 of the NPPF also requires policies to address both investigation and remediation.
2. 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.

3. **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.”

4. 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 for emergency response. These risks together with other ‘high risk’ coal mining related legacy cover approximately 8% of the plan area. This is considered to be a significant and locally distinctive issue for the City of Bradford which should be properly addressed through planning policies.
5. As currently written Policy EN8 is not considered to be consistent with national planning policy and is not considered to be effective. This is possibly an oversight in drafting by the LPA. We note however that the LPA has not published any proposed pre-examination modifications; therefore unfortunately this matter is outstanding.
6. We would urge the LPA to agree a proposed modification with us prior to the examination to save time at the examination hearing.
7. The LPA in document SD09 Statement of Pre-Submission Consultation indicated the following response:
- “The policy was prepared in light of National Policy and in response to earlier consultation comments. It is considered to be sound as drafted. However the minor amendments could be made and would provide further clarity but are not considered required to make the policy sound.”*
8. The Coal Authority does consider the issue is a matter of soundness; unfortunately we must therefore attend the examination to debate this issue.
9. The adopted City of Bradford UDP, contained Policy P6 on Unstable Land, it read:

“Policy P6

Planning permission for development on land known or suspected to be potentially unstable only will be granted, if the following provisions are made:-

- (1) a full site investigation has been carried out by the developer to determine whether instability may occur or not, and*
- (2) if any instability is found, the developer shall carry out any measures required to adequately overcome the problem, on the commencement of development.*

10. That policy contained the two stage requirement of investigation and remediation. That policy was saved by the Secretary of State. The LPA have not indicated why it is now unnecessary to secure remediation for unstable land in Bradford.

11. The literal application of the policy as written is that investigations must be undertaken for contamination and instability. However then remediation must be undertaken for contamination but no further action is required for any instability found. Land instability does not clearly fall within the use of 'contamination' in the third line of criterion B. The policy needs to be amended to be effective in development management and in order to be consistent with the NPPF and Planning Practice Guidance.

Anthony B Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIOB, MInstLM, MCMI, MRTPI*
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