



**The Coal
Authority**

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

**MATTER 7 – OTHER POLICIES
SESSION 7E – MINERALS
FRIDAY 20 MARCH 2015**

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

POLICY EN11 – SAND, GRAVEL, FIRECLAY AND HYDROCARBONS

Test of Soundness

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

Inspector's Issues and Questions

Policy EN11 - Sand, Gravel, Fireclay and Hydrocarbons

- a. Is the approach to sand, gravel, fireclay and hydrocarbons, including the criteria and requirements set out for sand and gravel and clay extraction, coal extraction, fireclay extraction, the exploration, appraisal and commercial production of oil or gas resources, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)?
- b. Should the policy include minerals provision levels, based on the latest Local Aggregate Assessment, in order to provide a sound framework for the provision of sand and gravel within the District?
- c. Has the Plan been positively prepared in terms of addressing cross-boundary minerals provision issues with neighbouring Mineral Planning Authorities, including any outstanding issues relating to minerals provision, including cross-boundary minerals issues such as import/export of minerals and unmet mineral provision needs from neighbouring authorities?

The Coal Authority Case - Coal

1. 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.
2. However criterion C2 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 are potentially economic. 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. As the relevant UK licensing body The Coal Authority considers that all of the surface coal resource identified by us and the BGS has economic value in the UK and International market.
3. The NPPF in defining minerals of national importance does not seek to differentiate between grades of coal; or indeed the primary, secondary or tertiary sub-divisions. To try and do so 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.
4. 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. The energy market is highly dynamic and viability can change frequently, the policy needs to remain flexible enough to cater for the requirement for energy security and energy demand across the plan period.
5. **Change Requested** – Remove criterion C2 in its entirety
6. **Reason** – In order to be consistent with neighbouring plans and to accord with advice in the Planning Practice Guidance and national planning policy in paragraph 149 of the NPPF

7. The LPA in document SD09 Statement of Pre-Submission Consultation indicated the following response:

“The Council considers that the policy as drafted is sound. The change proposed by the Coal Authority may make the consistency of the policy with the NPPF clearer but is not in itself required to make the policy sound as the NPPF does not prohibit Council’s from stipulating criteria relating to the quality of coal reserves. The Council considers that the proposed deletion of criterion EN11 (C2) would have very little practical consequence as proving the quality and quantity of a mineral reserve is a routine part of the Development Control process.”

8. The Coal Authority consider that the MPA are misguided in their response, whereas demonstrating the quality and quantity of a mineral reserve may be appropriate for minerals where need is a determining factor. Need is not required to be demonstrated for energy minerals. The MPA are seeking to vary national policy on coal extraction without any clear local justification. The Council in SD09 have acknowledged that the policy is not consistent with the NPPF. They have also stated that the deletion of criterion C2 would in their view have ‘very little practical consequence’, therefore there is no justification in retaining the policy criterion.
9. The Planning Practice Guidance in ID 27-147-20140306 makes it clear what factors MPAs should consider in relation to coal extraction. These are environmental issues, not quality or need considerations.
10. The Leeds Natural Resources DPD sets out no specific policy on coal, it refers in paragraphs 3.26 and 3.27 to the framework set by the NPPF. This helps to demonstrate the inconsistency between the approach in the City of Bradford and elsewhere on the Yorkshire coalfield.
11. The Coal Authority has seen the updated Minerals Evidence Base Report dated January 2015, kindly forwarded by the Programme Officer. This does not change our position on Policy EN11 in relation to coal. We note that the evidence base looks at the differentials between primary, secondary and tertiary resource, however it is not as simple as saying that the primary resource is likely to be the target for extraction. The last large scale UK wide targeting exercise to identify ‘prospect areas’ was undertaken by British Coal, in that exercise many of the prospect areas identified actually lay on the tertiary resource. These differentials are not therefore considered to be a suitable identifier of quality or potential to work.

The Coal Authority Case - Hydrocarbons

12. Whilst Policy EN11 refers to hydrocarbons overall in the title, criterion D1 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 across the plan period. There are not presently any PEDL licences for conventional hydrocarbons either. This information is current as at the publication of the latest DECC PEDL map dated 1 February 2015.
13. **Change Requested** – Throughout the policy ‘oil and gas’ should be replaced by ‘hydrocarbons’
14. **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 in Section 27.
15. Paragraph 5.5.23 refers to the former DCLG publication *Planning practice guidance for onshore oil and gas 2013*. This document was replaced by the publication of the overall Planning Practice Guidance, and references should be updated accordingly. Criterion D1 and D2 do however broadly follow the necessary guidance now in the Planning Practice Guidance, Section 27 and in our view no further update is required to respond to the updated guidance.

POLICY EN12 – MINERAL SAFEGUARDING

Test of Soundness

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

Policy EN12 – Minerals Safeguarding

- a. Is the approach to minerals safeguarding, including the criteria and requirements within the Sandstone and Coal and Sand and Gravel Minerals Safeguarding Areas, fully justified with evidence, effective, deliverable, positively prepared, soundly based and consistent with the latest national guidance (NPPF/PPG)?

- b. Is there sufficient evidence to justify the location and extent of the Minerals Safeguarding Areas (Coal MSA; Sand & Gravel MSA; Sandstone MSA) shown in Appendix 13 of the Plan?

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16. 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. The policy also protects existing active sites from sensitive new uses being introduced close to such sites. The Coal Authority considers this policy to be sound as written.

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