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23rd May 2008

Planning Policy Branch
Welsh Assembly Government,
Cathays Park
Cardiff
CF10 3NQ

Your ref:
Our ref. PRF08

Dear Sir / Madam

MPPW: Further Consultation on Issues Relation to Draft Minerals Technical Advice Note 2: Coal

I refer to the second consultation launched in February 2008 regarding the Draft Minerals Technical Advice (MTAN) Note 2: Coal. RTPI Cymru welcomes the opportunity to submit comments on the proposals.

RTPI Cymru's Policy and Research Forum have considered the revised proposals, following the comments received from the first consultation, the introduction of the One Wales Agenda and research undertaken. The Forum's comments are set out below against the consultation questions.

Question 1. Do you agree that the advice should be simplified by removing the term "separation zone" and removing the two-tier protection identified in the draft Coal MTAN?

Yes. This will help remove the potential confusion caused by the use of the two terms.

Question 2. Do you agree that 500m between settlements and surface coal development would be appropriate in the majority of circumstances?

The Forum considers that the definition of a settlement should be made bottom up and reflect the relevant UDP / LDP. This is because a settlement in a rural area may not be the same as in an urban fringe area.

In the case of coal, there may well be a case for using the principle of 'the perceived impact' and the anxiety this causes to increase the buffer zone beyond the proven needed distance. However, as a general principle this should only be used where the fear is based on evidence, such as reported experiences elsewhere, and the real potential for civil liability.

Given the nature of coal extraction and the large quantities of overburden which are moved above ground, the Forum would support a 500 metre buffer zone.

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Question 3. Do you agree that the steps proposed to define the areas where coal development would not be acceptable should also apply to the surface development of underground coal workings?

Yes. The Forum's view is that there are still large quantities of overburden moved above ground. It is the movement of this overburden which causes much of the dust and noise problems on the sites.

Question 4. Do you agree with the way in which buffer zones will be defined?

Yes.

Question 5. Do you agree that buffer zones should also apply to the surface development of underground coal workings?

Yes, see comment made under question 3.

Question 6. Do you agree that these proposals for HIA should be included in the Coal MTAN?

Yes. However, the Forum recommends that guidance is provided to ensure that there is public participation at an early stage and that they should be evidenced based. Mineral Planning Authorities (MPAs) should be empowered to charge applicants for these studies.

The launch of this guidance should be accompanied by skills training for officers working in MPAs to interpret these HIAs and to develop a knowledge base in Wales to support this.

Question 7. Does 10% of the original site area as defining a minor extension seem reasonable? If not, what alternative would you suggest and why?

A bland 10% threshold does not seem reasonable. 10% of large sites will be significant. The Forum recommends that all extensions should constitute a new application. This would also provide clarity to both operators and local communities.

Question 8. Do you agree with the criteria proposed for minor extensions?

The Forum does not accept that whether the operator has a good track record on the environment etc. as a planning consideration; particularly as operators have the potential to change. This should be a consideration for the licensing regime.

Question 9. Do you agree that advice on cumulative effect should be included in the final Coal MTAN?

The Forum agrees that cumulative effects be included but that this should include all developments.

Question 10. Do you agree that coal resources are an important energy resource which should be safeguarded for society?

Whilst the Forum wishes to see an overall reduction in the use of energy and a reduction in carbon fuels, it does agree that coal resources are an important energy resource that should be safeguarded.

Question 11. Do you agree with the approach proposed to safeguarding coal resources?

The Forum believes the proposals for safeguarding coal resources as unable to provide sufficient detail to base this on. The current proposal would safeguard too much land, much of which is unlikely to be a viable future resource.

Question 12. Is this text, taken from European guidance on EIA, useful in considering the scope of HIA?

Yes

Question 13. Do you agree this advice on cumulative effect taken from European guidance should be added to the appendix on Best Practice for Environmental Impact Assessment in the final MTAN?

Yes



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Question 14. Do you agree with the range and depth of technical advice on underground mining outlined in Annex C?

Yes

Question 15. Do you agree with the subjects identified in Annex D for additional information relating to underground coal mining?

Yes.

I trust you find the Forum's comments helpful but do not hesitate to contact me should you require any further clarification. The Forum has no objection to these comments being made public.

Yours faithfully

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