



Shropshire Council Site Allocations and Management of Development (SAMDEV) Plan

**Pre-Submission Draft (Final Plan)
17 March 2014 – 28 April 2014**

Representations Form

Please note you can also make representations to the SAMDev Pre-Submission Draft using our online form via:

www.shropshire.gov.uk/samdev

This is a formal consultation on the legal compliance and soundness of the Site Allocations and Management of Development (SAMDev) Plan before it is submitted to the Secretary of State for examination by an Independent Planning Inspector. For advice on how to respond to the consultation and fill in this representations form please see the guidance notes available on the Council's website at www.shropshire.gov.uk/samdev.

Your details: Who is making this representation?

Name:	Mrs Melanie Lindsley
Organisation (if applicable):	The Coal Authority
Address:	200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG
Email:	planningconsultation@coal.gov.uk
Telephone:	01623 637119

If you are acting as an Agent, please use the following box to tell us who you are acting for:

Name:	
Organisation (if applicable):	
Address:	
Email:	
Telephone:	

Your Representations

Please note, you must use a separate form for each representation you wish to make.

(Please refer to the accompanying Guidance Notes on Making Representations when completing this section)

In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

MD16 – Mineral Safeguarding

Is your representation in support or objection? (please tick as appropriate)

Support	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Object	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

Legally compliant	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

If your representation considers the SAMDev Plan is not sound, please say whether this is because it is not (*Please tick all that apply*):

Positively prepared	
Justified	✓
Effective	✓
Consistent with National Policy	

In the box below please specify your reason for supporting or objecting.

If you are objecting, you should make clear why the document is unsound having regard to the issues of 'legal compliance' or whether the document is not positively prepared, justified, effective or not consistent with national policy (Continue on a separate sheet if necessary).

The Coal Authority notes that Policy CS20 of the Core Strategy is supported by Figure 10, a map of the Mineral Safeguarding Areas in Shropshire. This map identifies all the safeguarded mineral resources including Petroleum Exploration and Development Licence Areas (PEDL).

The safeguarded mineral resources map is not included in the SAMDev Plan and no reference is made to it in the policy or supporting text.

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

LPA's are required to identify PEDL areas on their proposals maps and the Coal Authority would wish to see either the map of safeguarded mineral resources from Policy CS20 Figure 10 reproduced in the SAMDev Plan or that it is cross referenced from this document, in the policy text, back to the Core Strategy. This would provide clarity for users of the plan and provide compliance with the requirements of the NPPF.

Please be sure that you have provided all the information necessary to support your representations and any changes you are proposing. After this stage you will not be able to make any further representations about the SAMDev Plan to Shropshire Council. Any further submissions will only be possible at the invitation of the Inspector conducting the examination, who may seek additional information about the issues he/she has identified.

Do you consider it necessary to attend and give evidence at the examination?

Yes, I wish to give evidence about my representation at the examination.

☒

No, I wish to pursue my representations through this written representation.

☐

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In order to explore the soundness of the plan against national policy.

Do you wish to be notified of any of the following? *Please tick all that apply. We will contact you using the details you have given above.*

When the SAMDev Plan has been submitted for examination	✓
When the Inspector's Report is published	✓
When the SAMDev Plan is adopted	✓

Please return this form by 5pm on Monday 28 April 2014

You can e-mail it to:

Planning.policy@shropshire.gov.uk

Or return it to: Planning Policy Team, Shropshire Council, Shirehall, Abbey Foregate, Shrewsbury, Shropshire, SY2 6ND

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Data Protection Act 1998 and Freedom of Information Act 2000

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In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

MD17 – Managing the development and Operation of Mineral Sites

Is your representation in support or objection? (please tick as appropriate)

Support	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Object	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

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Consistent with National Policy	

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The Coal Authority support the principles established by Policy MD17 in relation to managing the development and operation of mineral sites.

The policy sets out criteria against which planning applications for mineral workings can be assessed in accordance with the NPPF. This policy will support the overarching strategic mineral policy set out in the Core Strategy and guidance set out in the NPPF.

Please use the box below to explain the changes you think should be made to the SAMDev Plan in order to make it legally compliant or sound? You should explain your suggested revisions to the policy, paragraph or section of the Policies Map, and why this change would make the plan legally compliant or sound. Please be as precise as possible (Continue on a separate sheet if necessary)

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The Coal Authority support the principles established by this policy towards mineral safeguarding setting out specific criteria against which applications for non-mineral development in Mineral Safeguarding Areas (MSA) will be considered. The Coal Authority considers that this accords with the overarching minerals policy for the area as set out in the adopted Core Strategy Policy CS20: Strategic Planning for Minerals.

The Coal Authority welcomes and supports the inclusion of Policy MD16 which conforms with the NPPF and will work with Core Strategy Policy CS20 to safeguard surface coal resource in Shropshire in order to meet the requirements of the NPPF.

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In the box below please give the policy, paragraph or section of the Policies Map your representation relates to:

MD16 – Mineral Safeguarding – Paragraph 4.151 criterion xi

Is your representation in support or objection? (please tick as appropriate)

Support	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Object	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

In respect of your representation on the policy, paragraph or section of the Policies Map, do you consider the SAMDev Plan is:

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Paragraph 4.151 sets out criteria for non-mineral development which is exempt from the requirements of Policy MD 16. Criteria xi of this paragraph relates to applications where there are overriding factors which in the national, regional or local interest must be satisfied, it is not clear what type of applications these would be.

The Coal Authority are concerned that the nature of applications of 'national, regional and local importance' are not defined and that this lack of definition could lead to exemptions which are inappropriate and unjustified.

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The Coal Authority considers that the type of applications to which the exemptions in criteria xi will apply should be defined in order to provide clarity to applicants and to ensure that mineral safeguarding is appropriately addressed in accordance with the requirements of the NPPF.

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All sites in the plan and the Sustainability Appraisal Report

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Object	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

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None of the 18 Sustainability Appraisal objectives set out in the Sustainability Report include the issue of unstable land or mineral sterilisation, even though they are included in Core Strategy Policies and are a requirement of the NPPF. Therefore it would appear that none of the sites proposed for allocation have considered these factors.

This is of concern to the Coal Authority especially as Policy MD16 exempts allocations from the requirements of Policy MD16 as criteria iii states that potential mineral sterilisation was considered as part of the formal site assessment prior to allocation.

The Coal Authority has previously raised this issue at the Preferred Options

Stage in August 2013.

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In order to comply with the requirements of the NPPF and the adopted Core Strategy site selection needs to fully consider issues of land stability and mineral safeguarding which may impact on future development of the sites being considered. The Coal Authority would wish to see unstable land and mineral safeguarding included as Sustainability Appraisal Objectives against which all sites are considered.

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