

## Environment, Planning and Countryside Committee

<b>Date:</b>	Thursday 16 <sup>th</sup> February 2006
<b>Venue:</b>	Committee Room 2, National Assembly for Wales
<b>Title:</b>	Draft Minerals Technical Advice Note 2: Coal

### Purpose

1. To inform the Committee and seek its views on the draft Minerals Technical Advice Note 2, Coal, (Coal MTAN) which is the subject of public consultation.

### Summary/ Recommendation

2. The intention to go to public consultation in January was included in my Report to Committee on 19 January EPC; members briefly noted this project and expressed a wish for further information. This paper describes the objectives of the Coal MTAN, addressing in particular the reasons behind the protection that will be provided for local settlements. The Committee is invited to consider the draft and to provide a response within the consultation period, which ends on 28<sup>th</sup> April 2006.

### Background

3. Minerals Planning Policy Wales (MPPW) sets out the land-use planning policy for mineral extraction and related development in Wales, providing both general guidance and policies for individual minerals, including coal. The commitment to provide technical guidance on coal is taken forward in this draft Coal MTAN. Members will have received copies of the draft, which were circulated on 30<sup>th</sup> January 2006. It supplements MPPW, setting out advice for mineral planning authorities on delivering coal policy and describes best practice to be followed by the coal industry. It applies the principles of sustainable mineral extraction to coal; to help to meet society's need for energy and to ensure the prudent use of this finite resource, while protecting amenity and the environment.

4. A Technical Advisory Group (TAG) has assisted the drafting of the Coal MTAN, with members selected to represent the range of stakeholder interests. These were drawn from community and

environmental organisations, in addition to mineral planning authorities and the coal and electricity generating industries. Two TAG meetings have been held, and members have provided information and guidance on the main technical issues. Additionally, three smaller meetings have focused on community interests, dust and health, and the future for coal.

5. The advice:

- develops the concept of Separation Zones, Buffer Zones and protecting communities
- develops the policy on Safeguarding to protect the accessibility of coal resources for the future
- protects areas of importance for landscape, nature conservation, heritage and agriculture
- provides guidance on controlling the impacts of coal extraction, such as those from dust, blasting and noise
- seeks to achieve a high standard of restoration and beneficial afteruse.

6. While UK coal is available and the generators continue to choose it, UK coal contributes to energy diversity and supply. Opencast output from Wales in 2005 was approximately 1.4 million tonnes and about one thousand people are employed directly in the coal industry.

7. MPPW states that Opencast coal is generally more flexible and cheaper to produce than deep-mined coal, but there are important environmental and amenity issues. MPPW addresses these by two fundamental tests. Planning permission should only be granted if either the proposal is environmentally acceptable, or can it be made so; or, if not, it will provide local or community benefits which clearly outweigh the likely impacts. The draft MTAN provides guidance on the criteria for these tests.

## **Consideration**

8. In terms of environmental and amenity issues, it must be remembered that the coal industry in Wales, is very different from other parts of the UK. This is particularly so in South Wales where communities have grown up on the coalfields to be close to the coal and where culture, history, geology and landscape have their own, special, relationships. In considering guidance on buffer zones (around a site), or separation zones (around a settlement), distances have been carefully assessed for the specific circumstances of South Wales.

9. Research on the noise, dust, traffic and blasting impacts of quarry and opencast sites carried out in the 1990s for Department of Environment, Transport and the Regions (DETR, now ODPM) found that in most circumstances 200m, combined with good practice in working the site is a more than sufficient distance to control these impacts to acceptable levels. Following consultation, 200m was therefore the minimum distance used in the Aggregates MTAN for hard rock quarries. However, although the nature of the impacts is the same for opencast sites and quarries, work on opencast sites is often more intense.

10. People may have to live close to developments that provide wider benefits to society as a whole. Local people should not be subject to unacceptable impacts, but separation zones are only one of many

ways of controlling impacts and distance itself is not always the best protection. For example, the impacts of noise and of air over-pressure from blasting require a doubling of distance to reduce the impact by a constant amount – the benefits reduce away from the source. It is important to consider how best to solve the actual problems, taking into account that perception of potential ill effects can also be a material consideration.

11. The draft Coal advice, therefore, proposes to protect communities, and individuals, by a series of measures to be applied in the Local Development Plan (LDP), when considering applications and in monitoring the site and its restoration.

12. The Mineral Planning Authority (MPA) will show areas on their Proposals Map where coal might and might not be worked. The first step in defining these is to draw up Separation Zones 350m wide. Within this zone coal extraction would not normally be permitted. To assist MPAs, guidance on possible exceptions is provided – such as for reasons of health and safety. The MPA will also take into account local circumstances to be identified in the plan process through, for example, Strategic Environmental Assessment, Health Impact Assessment (HIA), air quality monitoring and the consideration of cumulative impacts.

13. The advice guides MPAs on the criteria for applications, and taken together the following will provide a high level of protection.

- It sets out how people will be able to access environmental information and participate fully in decisions when drawing up development plans and when dealing with specific proposals.
- The guidance proposes mechanisms for HIA and Social Impact Assessment (SIA) within the application process, to ensure that proposals are fully considered within the local context.
- Particulate dust from opencast sites worries people and they think it will pose particular danger to children. Dust assessments are required for proposals within 1 kilometre of a sensitive property.
- The guidance recommends limits for measurable impacts. These address impacts that have not previously been quantified, such as dustfall and air-overpressure from blasting.

For applications that would affect settlements, the MPA should consider specific approaches for the duration, times and methods of working. For example, progressive restoration could require the area to meet reclamation conditions within a limited period, lower noise limits could be applied for the evening, blasting could be prohibited within certain zones or at weekends.

The guidance seeks to place a duty on the operator to use the best practical means to reduce the impacts of coal working. This flexibility allows for progress as technology improves.

The coal industry is encouraged to recognise their responsibilities to work with the communities, and applications should reflect this collaboration.

14. Buffer zones of 350m will be in place around active sites, sites identified in the LDP, and

safeguarding areas (see below). Within these zones, no new mineral development and no new permanent development will be permitted, subject to certain exceptions identified in MPPW.

15. Coal is a valuable energy resource, and may become a strategic resource in the near future. Security of supply is an important consideration. The guidance seeks to prevent permanent development from prohibiting the future access to the most significant areas of the coalfield, and MPAs are asked to identify areas for safeguarding within their LDPs. Identifying long-term resources does not mean they will necessarily be worked; it is a precautionary measure.

16. Research into the coal resource has been carried out by the British Geological Survey. This information will guide MPAs in their identification of potential areas for future working and safeguarding. We are proposing to carry out additional research, in parallel with the consultation, to reduce the burden on MPAs. This will consider in more detail the relationship between the coal resource, the settlement patterns and the topography and inform MPAs on the spatial implications of safeguarding, buffer, and separation zones in the context of proposed development and regeneration.

17. The draft Coal MTAN seeks to reflect the interests of the wide range of interested parties and sets out procedures and protocols to involve the various stakeholders through the processes to be followed by the MPAs. I consider that this approach of using a suite of mechanisms will facilitate the work of MPAs in reaching balanced and sustainable solutions.

## **Cross Cutting Themes**

18. The Coal MTAN also relates to energy, for which it aims to maintain coal's contribution to a secure and varied supply. Coal operations contribute to returning damaged land to safe and beneficial use. The buffer zones, separation distances and safeguarding areas will restrict areas available for permanent development, and careful consideration is required to balance the different needs.

## **Action for Committee**

19. The Committee is invited to consider the draft Coal MTAN.