

Response ID ANON-XXXX-WA4G-B

Submitted to Central Lancashire Local Plan Regulation 19 Representation Period
Submitted on 2025-04-14 07:54:17

Part A: Personal Details

1 What is your title?

Mr

2 What is your first name?

First Name:
Bradley

3 What is your last name?

Last name:
Shelton

4 What is your job title? (if relevant to the representation)

Job title:
Town Planner

5 What is your organisation? (if relevant to the representation)

Organisation:
Mining Remediation Authority

6 What Authority do live/work in?

Not Answered

7 What is your address?

Address line 1:
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8 What is your email address?

Email:
TheCoalAuthority-Planning@MiningRemediation.gov.uk

Part B: Representation

9 Which part of the Central Lancashire Local Plan would you like to make a representation about?

Chapter 7: High Quality Environment (EN1-EN19)

Chapter 7: High Quality Environment

154 Which policy would you like to make a representation for?

EN14: Environmental Quality

EN14: Environmental Quality

207 Do you consider the Central Lancashire Local Plan is:

Spatial Vision: Soundness/legal/DtC - Legally Compliant:
No

Spatial Vision: Soundness/legal/DtC - Sound (If you check 'No', please also confirm below which of the 'tests' it fails to meet):

No

Spatial Vision: Soundness/legal/DtC - a) Positively prepared:

No

Spatial Vision: Soundness/legal/DtC - b) Justified:

No

Spatial Vision: Soundness/legal/DtC - c) Effective:

No

Spatial Vision: Soundness/legal/DtC - d) Consistent with national policy:

No

Spatial Vision: Soundness/legal/DtC - Complies with the Duty to Cooperate:

Yes

208 Please give details of why you consider the Central Lancashire Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible (i.e., if objecting on legal grounds then please quote the specific law that the Central Lancashire Local Plan does not conform with). If you wish to support the legal compliance or soundness of the Central Lancashire Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

Policy EN14: Legal Compliance:

Our records indicate that within the Central Lancashire area there are recorded coal mining features present at surface and shallow depth including; mine entries, coal workings, surface coal mining and reported surface hazards. These features may pose a potential risk to surface stability and public safety.

The recorded coal mining features appear to be concentrated in the south eastern side of the Central Lancashire area. It is noted that the Development Risk Data Plans were downloaded by Chorley District Council and South Ribble Borough Council on the 13th August 2024 and it is therefore assumed that there is an awareness of those areas within the area where recorded coal mining features are present.

Any new development in areas where our records indicate that past coal mining activity has taken place is potentially at risk from surface instability. This is why new development in the Development High Risk Area (DHRA) should be supported by a Coal Mining Risk Assessment and any risks identified by this assessment addressed by the undertaking of any remedial works or mitigation measures necessary.

We note that the Chorley Local Plan previously had a policy on unstable land, BNE7, which this submission notes is no longer relevant and that the South Ribble Local Plan included Policy G14 covering unstable and contaminated land, which is noted to be replaced by Policy EN14 – Environmental Quality.

We are very disappointed that Policy EN14 makes no mention of unstable land and therefore does not address the requirements of the previous policies.

Paragraph 187 of the NPPF states that planning policies should contribute to and enhance the local environment by preventing new development from being put at unacceptable risk from land instability. Paragraph 196 also notes that planning policies should ensure that sites are suitable for their proposed use taking into account risks arising from land instability.....including risks from former activities such as mining.

Although we appreciate that risks posed by coal mining legacy do not cover the whole of the Central Lancashire area, where they are present they do pose a risk if not properly considered. The presence of mine entries on a site can also impact on the quantum of development that can be accommodated due to the need to avoid building over or close to these features.

209 Please set out the modification(s) you consider necessary to make the Central Lancashire Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified in the question above. (Please note that non-compliance with the duty to co-operate is incapable of modification at Examination). You will need to say why each modification will make the Central Lancashire Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

EN14: Modifications:

We consider that our concerns could be addressed and the soundness of the plan supported, by amendments and additions to the wording of Policy EN14: please see below suggested policy wording.

Policy EN14: Environmental Quality

1. Development proposals will be expected to deliver a high-quality environment, and pollution shall be minimised and mitigated in both development's construction and continued operation.

2. Development shall not:

- a) cause deterioration of air quality or introduce uses sensitive to air pollution into areas of existing poor air quality;
- b) build on contaminated or unstable land, without satisfactory assessment and remediation;
- c) subject occupiers/users to inappropriate noise and vibration, or introduce uses sensitive to noise and vibration into excessively noisy environments;
- d) emit excessive levels of artificial light, odour and / or dust; and

e) result in significant harm to soil quality.

3. A Construction Environmental Management Plan is required alongside any planning application for development on a strategic site or on a housing, employment or mixed use allocation. It is also required for some developments on non-allocated sites to ensure that they will not have a detrimental impact on the environment through the creation of noise, vibration, dust or lighting disturbance. This would ensure that for those parts of Central Lancashire area where land instability is a potential risk developers will be aware that the issue needs to be addressed, preventing any undue delay in the decision making process.

This policy could also be accompanied by additional supporting text as below:

Contaminated and unstable land

7.90 Contaminated land is land that has been polluted with harmful substances to the point where it now poses a serious risk to health and the environment. The Councils hold records of 146 known contaminated sites. Consequently, developers are encouraged to engage at an early stage to identify if their land is likely to be contaminated. Where land contamination is suspected, a Contaminated Land Risk Assessment should be provided, consistent with national guidance. Where remediation is necessary, this will be secured through condition.

Where land falls within areas of past coal mining activity, as defined by the Coal Authority Development High Risk Area, relevant development proposals should be supported by a Coal Mining Risk Assessment. This should assess the risks posed and make recommendations for any further works necessary, including investigatory and remedial works.

210 Do you wish to make a representation about a different section of the Plan?

No

Declaration

300 This is the final page of the Regulation 19 Consultation survey. After completing this page, your response will be submitted. If you wish to go back and make a representation on another part of the survey, please click 'go back' below.

Not Answered

301 If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

Yes, I wish to participate in hearing session(s)

302 If you have answered 'yes' to the question above, wishing to participate in the hearing session(s), please outline why you consider this to be necessary:

why participation is necessary:

We consider it important to ensure that the LPA and Planning Inspector fully understand the potential risks posed in those areas defined as high risk by our records. We feel that discussion about the inclusion of wording within the Local Plan to address land instability risks would be helpful.

303 By completing and submitting this representation, I agree to my name (and other relevant details necessary) and representation(s) being shared and made available for public viewing.

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304 If you wish to be contacted further at future stages of the Local Plan process and to be added to the Central Lancashire and/or district individual consultation databases, please select the relevant option below

Future stages on the Local Plan - I wish to be contacted at future stages of the Local Plan process and added to the Local Plan Consultation database for Central Lancashire:

Yes

Future stages on the Local Plan - I wish to be contacted about Planning Policy matters and added to the Chorley Consultation database.:

Yes

Future stages on the Local Plan - I wish to be contacted about Planning Policy matters and added to the South Ribble Consultation database.:

Yes

Future stages on the Local Plan - I wish to be contacted about Planning Policy matters and added to the Preston Consultation database.:

Yes