

Inspector's supplementary note for hearing 9: Coal extraction/safeguarding

1. Having considered the Council's paper in response to Action Point 8.1 (ED047; 'Council's paper') I continue to have concerns about the Plan's minerals framework as currently proposed to be amended. Accordingly I intend to return to this matter at hearing 9.
2. I note the justification provided in the Council's paper for safeguarding the primary coal resource with respect to sub-regional demands for bituminous coal in industrial processes. I have nothing to query in relation to that part of the Council's paper. However, I question the Council's assertion that safeguarding the primary coal resource is justified on grounds of energy security, not least as doing so would conflict with the national energy hierarchy set out in Planning Policy Wales (PPW) and the specific statement at paragraph 5.10.13 of PPW that the UK Government seeks to phase out coal fired generation by 2025.
3. Consequently my current assessment is that the Council's justification for identifying and safeguarding the primary coal resource relates to the use of coal in industrial processes and similar. The table below provides specific observations on the Council's proposed Matters Arising Changes (MACs) accordingly.

Plan ref	Council's proposed MAC	Inspector's comment	Inspector's suggestion
Para 6.8.94	"This is considered to be justified given the high quality and specialist applications of the primary coal resource that occurs in the County Borough, which may be needed by future generations, particularly if technology or energy security needs change."	As indicated above I am currently of the view that safeguarding the primary coal resource for energy security would be contrary to national policy as it would not relate to justified 'individual circumstances'.	Delete "particularly if technology or energy security needs change" from the proposed MAC.
Para 6.8.95; footnote 4	"In the case of safeguarded primary coal resources... ...[etc]... ...Any proposals would need to be fully justified in the context of national policy".	This new text introduces national policy imperatives into the local justification for safeguarding the primary coal resource. This is confusing and, in relation to energy security, appears to conflict with PPW.	Delete these sentences and the footnote.
Para 6.8.104	Whole paragraph (original text and proposed MAC).	This paragraph does not clearly state that proposals for coal extraction would need to be justified in the context of either: <ul style="list-style-type: none"> • local/regional non-energy needs (PPW para 5.14.32), • a public safety benefit (PPW para 5.10.15), or • national energy security (PPW para 5.10.14). 	Restructure this para to specify the three separate circumstances which may justify coal extraction.
Policy EcW13	"...and in the case primary coal resources, there are wholly exceptional circumstances to justify its prior extraction"	As the Council has sought to justify the safeguarding designation based on local/regional non-energy needs, it seems to me that prior extraction would only be	Amend the criterion accordingly.

		permitted where it had first been demonstrated that, in the case of coal, it could be viably extracted and used in processes other than energy generation.	
Para 6.8.112 and footnote 7	"Proposals for the prior extraction of primary coal resources will need to clearly demonstrate the exceptional circumstances that justify the prior extraction of the resource as required by policies EcW11, EcW13 and national policy"	As above – any prior extraction should relate to the purpose for the designation; which in my view relates to local/regional non-energy needs (PPW para 5.14.32) rather than the other 'wholly exceptional' cases outlined in national policy.	Delete the references to policy EcW11 and PPW paras 5.10.14 and 5.10.15.

4. The above observations and suggestions are intended to facilitate discussions at the hearing. It would be helpful if the Council could consider its response to each of these prior to the hearing.
5. If the Council wished to table a brief written response at or prior to the hearing in relation to the matters raised in this supplementary note I would be amenable to this.

Paul Selby

12 August 2019