

Mr Frank Lee – Programme Officer, Cumbria Minerals and Waste DPD Examination
Cumbria County Council
County Offices
KENDAL
LA9 4RQ

14 November 2008

Dear Frank

CONFIRMATION OF PLANS SUBMITTED AND ASSOCIATED MATTERS

Further to the matters arising at this first week of the Cumbria MWDF, I write to confirm the following:

Plans Submitted to the Examination

The plan titled "Cumbria County Surface Coal Resource" has been submitted to the County Council as the Mineral Planning Authority under Article 16 of the Town and Country Planning (General Development Procedure) Order 1995. As you will be aware Article 16 addresses the need for the MPA to notify The Coal Authority prior to determining some types of development in the area so defined.

The plan titled "Coal Mining Development Referral Area" was principally submitted to give a spatial illustration of the scale of mining legacy which exists within the plan area. The Standing Advice Area is highlighted as one of the two layers equate to the data supplied in an electronic form to the MPA under Article 10 of the Town and Country Planning (General Development Procedure) Order 1995. As you will aware, Article 10 addresses the need for the MPA to consult The Coal Authority on planning applications for buildings and pipelines within this area of coal working.

We met with the County Council on Monday 10 November 2008 and agreed that by copying this letter to them it would confirm which areas have been notified by the Coal Authority to the County Council.

Further Suggested Changes to DC Policies

We took a further opportunity to meet with the County Council on the morning of Wednesday 12 November 2008 to discuss the options for additional wording to be added to Policy DC2 in the Generic Development Control Policies DPD.

I can confirm that The Coal Authority is agreeable to the wording changes the County Council now propose to make both in relation to Policy DC2 and in relation to Policy DC16 to address the issues of mining legacy. For the sake of clarity, these are the changes set out in the email from Richard Evans at 12:21 on the 12 November 2008 which was copied to yourself.

Safeguarding of Surface Coal Resources

In relation to the issues of safeguarding, I can confirm that it would be our intention that the area to be safeguarded should if practicable be the area shown on the Cumbria County Surface Coal Resource Plan, i.e. the area notified under Article 16 of the Town and Country Planning (General Development Procedure) Order 1995 as it identifies the land which contains coal.

At present the County Council feel that they may only be able to represent the factual area notified to them as the Standing Advice Area under Article 10 of General Development Procedure Order 1995. This is an area which will be debating next week; however, we would be prepared to support the illustration of Article 10 on the Key Diagram as our second preference if we are not able to persuade the Inspector that the safeguarding of the surface coal resource should be included on the Key Diagram. I hope that this may be helpful to the Inspector in clarifying the matters and being able to understand the outstanding issues between The Coal Authority and the County Council.

Following our latest discussions with the County Council on the 12 November 2008, it would appear that the principle of safeguarding the surface coal resource is not in dispute therefore the remaining area of debate would seem to be focussed upon how far the Core Strategy should go in addressing this matter and the methodology by which we would achieve this aim.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rachael A. Bust', enclosed within a large, loopy circular flourish.

Miss Rachael A. Bust *B.Sc.(Hons), MA, M.Sc., LL.M., AMIEnvSci., MIPSM, MRTPI*
Deputy Head of Planning and Local Authority Liaison

Copies to:
Richard Evans, Principal Planning Officer;
John Pell, Development Control Manager