

National Land Use Policy Considerations

8. In applying the principles of sustainable development to coal extraction, whether opencast or deep-mine, and to colliery spoil disposal, the Government believes there should normally be a presumption against development unless the proposal would meet the following tests:

- i. Is the proposal environmentally acceptable, or can it be made so by planning conditions or obligations?
- ii. If not, does it provide local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission?
- iii. In National Parks and Areas of Outstanding Beauty (AONBs), proposals must also meet the additional tests set out in paragraphs 28 and 29 below.
- iv. Proposals within or likely to affect Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs) must meet the additional tests set out in paragraphs 30 and 31.
- v. Proposals within the Green Belt must meet the additional test in paragraph 36 below.

MPAs should ensure that this general approach is incorporated into their development plan policies as soon as possible. The Government recognises that the costs and benefits of an opencast proposal can best be assessed by the communities and local authorities who know the area best and are most directly affected. Accordingly the Government takes the view that, subject always to local plan procedures, normal rights of appeal and the provisions of this guidance, MPAs' assessments of the environmental acceptability or otherwise of individual proposals should normally prevail.