



The Coal  
Authority

## **Scottish Borders Council: Main Issues Report (MIR) Consultation**

### Contact Details

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Date

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## **Scottish Borders Council: Main Issues Report (MIR) Consultation**

Thank you for your notification received on the 8 November 2018 in respect of the above consultation.

As you will be aware the Scottish Borders area lies in an area of past coal mining activity. Our records indicate that there are approximately 151 mine entries in the area, recorded and likely unrecorded coal workings and past surface mining activity.

The Coal Authority provides LPAs with downloadable data in respect of Development Risk and Surface Coal Resource plans. It is not clear from the commentary set out for the sites noted within the report as 'Preferred Options' whether these have been assessed against the downloadable data we provide to establish if there are any risks posed by past coal mining activity or if consideration in respect of mineral sterilisation is required. The Coal Authority would therefore recommend that any sites being considered for future development as part of the Local Plan are assessed against the downloaded data and any issues arising identified at the allocation stage.

In respect of the Local Development Plan Policy Review we note that Policy ED11: Safeguarding of Mineral Deposits and Policy ED12: Mineral & Coal Extraction are both proposed for retention with minimal amendments.

However, in respect of Policy IS13: Contaminated Land it is noted that the reference to unstable land within this policy is under review as it is not considered relevant to contamination issues. Although we would not dispute that the title of the policy refers specifically to contaminated land we do consider that it is important to ensure that issues of unstable land are addressed within the Local Plan.

Within the existing Local Plan paragraph 1.6 of the supporting text for Policy IS13 states that 'the policy covers development on unstable land arising from mining activities which affects a part of the Borders'.

It is therefore recommended that reference to unstable land is retained within this policy in order to ensure that in those areas affected by past coal mining activity the risks posed to surface stability are clearly identified and remediated where necessary. It is therefore suggested that the policy wording be amended as follows:

*Policy IS13: Contaminated and Unstable Land*

*Where development is proposed on land that is contaminated, suspected of contamination, or unstable the developer will be required to:*

- a) carry out, in full consultation with, and to the satisfaction of Scottish Borders Council, appropriate phased site investigations and risk assessments; and*
- b) where necessary, and to the satisfaction of Scottish Borders Council design, implement, and validate appropriate remedial or mitigation measures to render the site suitable for its proposed use.*

Thank you for the opportunity to make these comments and please do not hesitate to contact me should you wish to discuss the above comments further.

Kind regards

[Redacted signature]

[Redacted name]

**Development Team Leader**