



The Coal
Authority



INVESTOR IN PEOPLE



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For the Attention of: Case Officer
South Derbyshire District Council

[By Email: planning@south-derbys.gov.uk]

27 May 2020

Dear Sir / Madam

PLANNING APPLICATION: DMPA/2020/0109

3 bed dwelling on the land of 1 Vicarage Road, Woodville, DE11 8DL; 1 Vicarage Road, Woodville, Swadlincote, DE11 8DL

Thank you for your notification of 12 May 2020 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is within an area of probable shallow coal mining. In addition, part of the site (access road) is within the boundary of a site from which coal has been removed by surface mining (opencast) methods.

The planning application is accompanied by a Coal Mining Risk Assessment, 06 March 2020 prepared for the proposed development by Geoinvestigate Ltd. This Assessment has been informed by an appropriate range of geological, historical and coal mining information.

Having carried out an in-depth review of the available evidence, the report author considers that currently, there is a significant surface stability risk to the redevelopment of this site as a result of probable shallow coal workings. If shallow coal seams have been worked and there is less than the standard 10 x seam thickness to rock cover ratio as per current guidance: CIRIA C758D – Abandoned mine workings manual this could result in surface instability for the redevelopment of this site.

Therefore, in order to mitigate the risks, appropriate recommendations have been made that a programme of investigative drilling / gas monitoring should be carried out to further assess the risks associated with shallow coal workings (2 or 3 boreholes to target depths up to 30m (but not necessarily reaching 30m). The findings of the site investigations will enable the applicant's technical consultants to design an appropriate mitigation strategy such as grouting and stabilisation works, specific foundation design and / or gas protection measures, if deemed necessary, to ensure the safety and stability of the proposed development (NPPF paras. 178-179).

The report author also identifies the northern part of the site (proposed access road only) is within the boundary of an opencast site, however it is their opinion that surface mining is unlikely to have taken place, certainly not beneath the proposed dwelling, however further drilling investigations will confirm this.

The applicant is aware that the nature and extent of the ground investigations will require the Coal Authority's written consent (from our Permitting team) prior to commencement of the ground investigations as part of the permitting process.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment, 06 March 2020 based on the professional opinion of Geoinvestigate Ltd there is currently a significant risk to the proposed development from coal mining legacy. In order to confirm the exact ground conditions present beneath this site in order to inform the remedial / mitigatory measures that may be required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to commencement of development.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

* No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

* Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for

consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above.**

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

Please note that whilst we recommend that the above planning conditions are applied if planning permission is granted, due to the Covid-19 pandemic, our own staff resources are significantly reduced. Until further notice we are therefore not able to offer any comments in relation to further related applications that may be made for the discharge of conditions.

We would be very grateful if you could refrain from sending the Coal Authority any consultations relating to the discharge of conditions until further notice. We trust that in this difficult time the local planning authority will appropriately consider the information submitted by applicants to assess whether any mining legacy related conditions have been duly complied with.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours faithfully

D Roberts

Deb Roberts *M.Sc. MRTPI*

Planning & Development Manager

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you

are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.