



The Coal
Authority



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For the Attention of: Mr N. Thompson – Case Officer
South Derbyshire District Council

[By Email: planning@southderbyshire.gov.uk]

4 November 2021

Dear Mr Thompson

PLANNING APPLICATION: DMPA/2021/1364

**Demolition of existing building and construction of residential development at
The Angel Inn, Church Street, Swadlincote, DE11 8LF – FURTHER
RECONSULTATION**

Thank you for your consultation email of 29 October 2021 seeking the further views of the Coal Authority regarding the above planning application.

The Coal Authority Response: **Material Consideration**

As you are aware, the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining activity is likely to have taken place at shallow depth.

You will recall from our initial consultation letter of 29 September 2021 that we raised no objection to the planning application subject to conditions being imposed on any planning permission granted to secure the investigation and, if necessary, the remediation of any shallow coal mining legacy affecting the site.

We are therefore pleased to note that the applicant has now submitted a letter report (22 October 2021, prepared by Jane Sell of Ivy House Environmental) in support of their application, which indicates that three rotary probe holes were recently drilled to

depths of 30.0m bgl within the application site. These works were carried out under Coal Authority Permit 22784.

The report indicates that a number of coal seams were encountered during drilling, but confirms that these were recorded as intact, with no evidence of mine workings encountered. Based on the results of the boreholes, the report concludes that the site is at negligible risk of instability from shallow coal mine workings and no further work is required in this regard.

The report does, however, highlight that there remains a low risk that unrecorded mine entries may be present on site. We therefore welcome the recommendation that vigilance should be maintained during groundworks for evidence of such a feature. Should an unrecorded mine entry be encountered on site, appropriate treatment will be required in accordance with detail permitted under a Coal Authority Permit.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team considers that the content of the applicant's original Coal Mining Risk Assessment report, as supplemented by the information contained within the subsequently site investigation letter report, and the

professional opinions contained therein, are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore wishes to raise **no objection** to the proposed development. However, further considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

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

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

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.