



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]

17 December 2021

Dear Mr Thompson

PLANNING APPLICATION: DMPA/2021/1023

Outline application (matters of access, layout, scale, appearance and landscaping reserved for later consideration) for the erection of a detached 2.5 storey dwelling with vehicular access at Land Adjacent to 22 Millfield Street, Woodville, Swadlincote, DE11 7DB

Thank you for your consultation letter of 2 December 2021 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

The application site falls within the defined Development High Risk Area; therefore within the 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.

More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow

depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Coal Mining Risk Assessment report (1 September 2021, prepared by the Coal Authority's commercial arm). Based on a review of appropriate sources of coal mining and geological information, the report identifies the potential for unrecorded mine workings to be present beneath the site in several shallow coal seams. It goes on to recommend the carrying out of intrusive ground investigations in order to investigate possible shallow mine workings and to inform any necessary remedial measures required.

Whilst the Coal Authority holds no records of any mine entries within or close to the site, the submitted report identifies from various documentary sources the potential for a mine shaft to be present within or close to the site.

We take this opportunity to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

In light of the above policy, we are pleased to note that the report recommends that intrusive investigations should be carried prior to finalising the layout of development in order out to establish whether the suspected shaft is present within the site.

It goes onto advise that if the shaft is encountered, further investigations should be undertaken to prove the local depth to rockhead and to establish an appropriate remedial strategy and stand-off within the proposed layout of development, based on the ground conditions encountered. Should the shaft not be located, it advises that considerations should be given to the possibility of it existing on land immediately adjacent to the site boundary, with the incorporation within the development layout of an appropriate stand-off.

The Coal Authority's Planning & Development Team notes the above recommendation and concurs that these investigations are required prior to the formulation of a detailed site layout. Any subsequent reserved matters application seeking the approval of a site layout should include the findings of the intrusive site investigations and details of any proposed remedial treatment works to ensure the safety and

stability of the development as a whole. It should also include a plan to demonstrate to the LPA that the layout of development has been suitably informed by the presence of mine shafts.

Intrusive site investigations and any mitigation measures required in order to remediate mining legacy affecting the site should be designed and carried out by competent persons. The applicant should note that Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and remedial measures, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

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. In this instance, the submitted report considers that possible mine gases pose a medium risk at the site and advises that it would be a prudent for a mine gas risk assessment to be undertaken, which may recommend the incorporation of basic gas protection measures within the development.

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

It should be noted that 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 concurs with the conclusions and recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. Prior to the submission of any Reserved Matters application seeking approval of a detailed layout of development, a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by unrecorded mine entries and shallow mine workings. These works shall be carried out in accordance with authoritative UK guidance.*
- 2. Any application seeking approval of a detailed layout of development, shall be accompanied by: the findings of the intrusive site investigations (required by condition X above); a proposed layout plan which identifies the positions of any mine entries encountered on site, the extent of their zones of influence and suitable stand-off distances from on-site or potential off-site mine entries.*
- 3. Prior to the commencement of development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.*
- 4. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. 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 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 183 and 184 of the National Planning Policy Framework.

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

James Smith

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