



The Coal
Authority



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For the Attention of: Ms K. Whitfield – Case Officer
South Derbyshire District Council

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

3 May 2022

Dear Ms Whitfield

PLANNING APPLICATION: DMPA/2022/0392

Approval of reserved matters (appearance and landscaping) pursuant to outline permission ref. 9/2019/0494 for the erection of a pair of semi-detached bungalows with associated parking at Land Adjacent to 2 Yew Tree Road, Newhall, Swadlincote, Derbyshire, DE11 0NL

Thank you for your consultation letter of 12 April 2022 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 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'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.

In addition, our records indicate that recorded mine shaft 428321-029 is present within the eastern part of the application site. The recorded shaft is associated with past fireclay mining activity, which our records indicate has taken place at shallow depth beneath the site. It falls outside the remit of the Coal Authority to comment upon non-coal related mining activity. The LPA should therefore seek its own technical advice on the safety and stability risks posed by past fireclay mining activity at the site.

We are pleased to note that Condition 7 of outline permission 9/2019/0494 requires the investigation and, if necessary, the remediation of coal mining legacy affecting the site, and broadly reflects recommendations made by the Coal Authority in respect of that application. The condition states:

“No development shall commence until a scheme of intrusive site investigation for coal mining legacy has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details and a report of the findings arising from the intrusive site investigations, along with any remedial works required (including a timetable for the carrying out of such works), shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works commencing. The approved remedial works shall thereafter be implemented in accordance with the approved timetable.”

In light of the above condition and on the basis that there are no recorded coal mining features present within the current reserved matters application site that could influence the spatial layout of the proposed development, the Coal Authority's Planning & Development Team wishes to raise **no objection** to the application.

In due course, we would welcome the opportunity to review and to provide the LPA with comment on any information subsequently submitted by the applicant to address the requirements of Condition 7 of the outline consent.

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

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. 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.