The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Ms A. Arkle – Case Officer
Amber Valley Borough Council

[By Email: development@ambervalley.gov.uk]

10 January 2023

Dear Ms Arkle

PLANNING APPLICATION: AVA/2022/1088

Outline application for a dwelling at Land to the Side of 2 Elnor Street, Elnor Street, Langley Mill, Derbyshire

Thank you for your consultation letter of 3 January 2023 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: Substantive Concern

I have reviewed the site location plan, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that 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 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 applicant has submitted some coal mining information to accompany the planning application in the form of a 'Landmark Regulated Coal' report (incorrectly listed as a Coal Mining Risk Assessment on the LPA website). However, this is a factual report only and the information contained therein does not provide any assessment of the potential risks

posed to the development proposal by past coal mining activity. The Coal Authority therefore objects to this planning application.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment report to support this planning application. This assessment should be prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

Yours sincerely

[redacted]

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

General Information for the Applicant

The coal mining information within the Coal Mining Report (such as a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report) already obtained should be used as the basis for a Coal Mining Risk Assessment Report (CMRA). The CMRA should assess whether or not past mining activity poses any risk to the development proposal and, if necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The need for a Coal Mining Risk Assessment is set out in the National Planning Practice Guide at:
www.planningguidance.planningportal.gov.uk/blog/guidance/land-stability/land-stability-guidance/

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 coal mining 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.