The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Anne Arkle – Case Officer
Amber Valley Borough Council

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

3 March 2023

Dear Anne

PLANNING APPLICATION: AVA/2023/0114

Demolition of the existing walls, the erection of 2 no. semi-detached 3 bedroom dwellings, change of use to provide a 2 bedroom maisonette and the change of use of the existing retail unit to provide a 2 bedroom self-contained flat; Loscoe Convenience Stores, 2 Loscoe Road, Heanor, Derbyshire, DE75 7FF

Thank you for your consultation letter of 21 February 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 for Energy Security and Net Zero. 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 proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that 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, specifically probable shallow coal mine

workings. 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; however, the Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development.

The Coal Authority therefore objects to this planning application, and we consider that the applicant needs to submit a Coal Mining Risk Assessment Report to the LPA.

It is a requirement of the National Planning Policy Framework, paragraphs 183-184 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

The Coal Authority Recommendation to the LPA

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 as part of this application, 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 and therefore objects to this proposal.

The applicant has simply submitted a Coal Mining Report. The submission of Coal Mining Report is not a Coal Mining Risk Assessment. The Coal Mining Report provides only baseline data; it does not provide an assessment of the risks to any proposed new development on the site.

The applicant should use this coal mining information to assess whether or not past mining activity poses any risk to their development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive site investigation to ensure that the LPA has sufficient information to determine the planning application.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

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

Yours sincerely

[redacted]
Chris MacArthur B.Sc.(Hons), DipTP, MRTPI
Planning Liaison Manager

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on and add to up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

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

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where 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 Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:
https://www.gov.uk/planning-applications-coal-mining-risk-assessments

As the coal mining legacy issue that needs further consideration in this particular case is potential historic shallow mining the British Geological Survey (BGS) may prove a useful source of geological and mining information: www.bgs.ac.uk

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 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.