The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Neil Thompson – Case Officer
Amber Valley Borough Council

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

22 June 2023

Dear Neil

PLANNING APPLICATION: AVA/2022/1073

Residential development of four retirement bungalows; land at 36 Outram Street, Ripley, Derbyshire - RECONSULTATION

Thank you for your consultation letter of 12 June 2023 seeking the views of the Coal Authority on the additional information submitted in support of the above planning application.

The Coal Authority Response: Substantive Concern

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 records indicate the presence of three recorded mine entries (shafts) within, or within 20m of the planning boundary. The Coal Authority has no details relating to their precise location or treatment.

The applicant previously submitted a Coal Mining Risk Assessment (28 February 2021, prepared by Midland Surveying & Engineering Ltd). However, the Risk Assessment did not appear to be specific to the proposed development. We therefore advised the applicant to submit a Coal Mining Risk Assessment, which was specific to the development and which paid specific cognisance to the mine entries and the development layout.

Notwithstanding the above, and in terms of the risks posed by the recorded mine entries, we confirmed our concerns relating to shafts 440350-001 and 440350-003. Our records

indicate the conjectured position of both shafts to be on or inside of the planning boundary. However, when considering both the departure for plotting error and the characteristics of each shaft, together with the depth of superficial deposits, we confirmed that both could be within the site, with buildings potentially being proposed directly over or within the zone of influence of them. The proposed layout just showed their approximate positions.

Whilst the report acknowledged the presence of the recorded mine entries and recommended their investigation, the application did not indicate the precise/conjectured locations of the mine entries and their respective zones of influence on the layout plan. This was considered to represent a failing and as such we confirmed that an amended plan should be considered to clearly indicate how the layout precisely related to these constraints on the development.

Without this information the Coal Authority was of the view that the current scheme could not be permitted as in principle the applicant had not demonstrated that the site could be developed safely. Consequently, the Coal Authority did not consider that the application had fully appreciated the risks associated with mining legacy. On the basis of this information, the Coal Authority objected to the planning application.

The applicant has now submitted a Probe Drilling Investigation Report (May 2023, prepared by TRM), the content of which confirms that 94 rotary boreholes were advanced to natural ground in an attempt to locate the two shafts. However, the report does not appear to include the probe drilling search area grid or any confirmation that the search criteria extended to fully include the departure areas on both the shafts (8m for shaft 001 and 10m for shaft 003). This information should be used to inform a development layout, which should be submitted and which should include the conjectured/precise locations of the shafts and their respective zones of influence with all of the proposed dwellings avoiding, taking into account the depth of superficial deposits and shaft characteristics. To date no plan has been submitted showing this information.

On the account of the above the Coal Authority maintains its objection to this planning application, specifically as the applicant has still failed to demonstrate that the proposed development layout would be protected from this coal mining hazards.

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

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

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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.

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.