The Coal Authority

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For the Attention of: Heather Wynne – Case Officer
Amber Valley Borough Council

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

10th August 2023

Dear Ms Wynne

PLANNING APPLICATION: AVA/2023/0381

2 new build industrial units; D J Motors, 4 Cromford Road, Langley Mill, Derbyshire, NG16 4EW – Re-consultation

Thank you for your consultation notification of 01 August 2023 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority Response: **Material Consideration**

The Coal Authority previously objected to this application in a letter dated 26th May 2023 as no Coal Mining Risk Assessment was submitted by the applicant to support the application.

We note that this application is accompanied by a Coal Mining Risk Assessment report (MJH/J2109/D1/1) prepared Emcus Geotechnical & Geo-Environmental, dated 7th July 2023. The report has been based upon a review of coal mining and geological information, and concludes that unrecorded underground coal mine workings at shallow depth may be present beneath the site and may pose a potential risk to the proposed development.

The report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that 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. 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

We also note 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 Planning Team at the Coal Authority concurs with the conclusions 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 propo 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. *No development shall commence until;*

   a) *a scheme of intrusive investigations has been carried out on s establish the risks posed to the development by past shallow coal mining activity; and*

   b) *any remediation works and/or mitigation measures to address instability arising from coal mining legacy, as may be necessary, ha been implemented on site in full in order to ensure that the site is mad safe and stable for the development proposed.*

   The intrusive site investigations and remedial works shall be carried out ir accordance with authoritative UK guidance.

2. *Prior to the occupation of the development, or it being taken into beneficia use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authori for approval in writing. This document shall confirm the methoc findings of the intrusive site investigations and the completion of a remedial works and/or mitigation necessary to address the risks posed b past coal mining activity.*

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of the above conditions**. 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.

Should planning permission be granted for this proposal, we also request that the following wording is included as Informative Notes on any decision notice:

1 - Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in 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

2 - Shallow coal seams
In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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 would like to discuss this matter further.

Yours sincerely

[redacted]

Peter Woodcock | BSc (Hons)
Assistant Planning and Development Manager

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.