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

[By email: development@ambervalley.gov.uk]
[CC david.carnell@swish-architecture.co.uk]

17th May 2024

Dear Ms Wynne

Re: Planning application AVA/2023/0397

Proposed single storey timber stable block, covered and enclosed machinery st including solar panels to roof. Retention of timber welfare building for farm worke Field Farm Stables, The Field Shipley, Heanor, Derbyshire, DE75 Reconsultation

As you will be aware, the Coal Authority was contacted directly by email on 3rd May 2024 by the planning agent, Mr David Carnell of Swish Architecture, in response to our most recent comments of 24th April 2024 regarding above application. In the interests of expediency, we have responded directly to the LPA, copying in Mr Carnell into our response.

The Coal Authority Response: **Substantive Concern**

The Coal Authority's Planning & Development Team last commented on this application in letter to the LPA dated 24th April 2024. In this response we considered that specialist investigation is required prior to the determination of the application in order to establish the extent of past opencast activities at the site and to characterise any buried highwa present.

We note that Mr Carnell has submitted further information to address our concerns in the form of a letter prepared by Mr Ross Reece-Evans of H M Chambers & Partners Limited and dated 30th April 2024. Mr Ross Reece-Evans notes that in respect of the information contained within the Coal Authority Consultants Mining Report obtained for the site, that highwalls are not located below the area of the proposed building, but below the access roadway. As such, he comments that the proposed building will not be adversely affected by any highwalls.

We assume that Mr Reece-Evans' reference to highwalls relates to the green lines shown on plan which accompanies the Consultants Mining Report. We wish to point out that these lines define the extent of an unlicensed opencast site and do not necessarily denote the extent of opencast extraction or where highwalls are present. As such, it may be the case that an opencast highwall is present within the application site and potentially beneath the proposed building.

As such we wish to reiterate our previous comments dated 24th April 2024 in italics:

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations to establish the exact situation regarding coal mining legacy affecting the site. However, we are concerned that it has not been demonstrated that the proposed layout of development, for which detailed approval is being sought, avoids any buried highwall present within the site that have not yet been characterised or discounted.

The results of these investigations should be used to make any necessary revisions to the proposed site layout in order to demonstrate to the LPA that the development proposals have been suitably informed by the presence of any former opencast highwall present. It may be prudent to review Mine Abandonment Plans for the site in order to inform any necessary ground investigation to locate or discount highwalls.

Until the above matters have been satisfactorily addressed the Planning & Development team at the Coal Authority **maintains our objection** to this planning application.

The Coal Authority would be very 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]

Peter Woodcock | *BSc (Hons), AssocRTPI*
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 and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based information provided to the Coal Authority by the Local Planning Authority information that has been published on the Council's website for consultation purposed 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 advisors for this development in relation to ground conditions and the acceptability of development.