From: Martschenko, David
Sent: Tue, 10 Mar 2026 16:21:13 +0000
To: Godson, Rebecca
Cc: Development;Strutt, Philip;Adams, Ben
Subject:RE: Planning Consultation - AVA/2025/0626

Rebecca

Planning application AVA/2025/0626 □ Demolition of existing commercial unit and erection of proposed distribution warehouse □ Rock Fall, Unit 55, Wimsey Way, Somercotes

I acknowledge receipt of your consultation request dated 8 September 2025. I have reviewed the planning application and supporting documentation. On behalf of Environmental Health as consultee to the Local Planning Authority, I make the following comments and observations.

The Applicant proposes to replace an existing commercial unit with a new commercial unit. This development represents continued commercial use within an established industrial estate. As this is a FULL application, there are no existing conditions to satisfy. Nor can I see any recent planning history relating to the same.

Environmental Health has available the following geo-environmental reporting for consideration:

1. Erda Associates Ltd □ Coal Mining Risk Assessment □ EAL.370.24, August 2025
2. Erda Associated Ltd □ Intrusive Coal Mining Risk Assessment □ EAL.370.24.Let1, December 2025
3. Erda Associates Ltd □ Remediation Method Statement □ EAL.370.24, August 2025

Coal Mining Constraints

The Coal Authority is the primary regulator for matters relating to the impacts of historic mining activity. I note the comments of the CA in their consultation responses dated 29 September 2025 and 26 February 2026.

The desktop CMRA has identified historic on-site mine workings comprising deep underground mining, near surface mining, probably near surface mining and opencast mining. A single mining shaft was

identified in the centre of the site. No geological discontinuities are thought to be present. No coal seams are thought to outcrop on-site.

The intrusive CMRA involved the advancement of five water flushed rotary boreholes to a maximum depth of 40mblg between 17 and 26 November 2025. The site was recorded to be underlain by made-ground comprising brick fill, underlain by reworked mudstone (likely colliery spoil), underlain by solid natural geology. All coal seams recorded beneath the site were found to be intact with no significant voids or broken ground. Contrary to the findings of the desktop review, no near surfacing workings (save for the open-cast) have been identified.

As it relates to mine gas, the Consultant states:

No adverse mine gasses were detected throughout the drilling works. In addition, no suspected shallow unrecorded mine workings have been identified beneath the site. Therefore, the risk of mine gas is assessed as being very low.

I should point out that mine gas monitoring during rotary drilling is indicative only and primarily for the benefit of occupational health. This type of gas monitoring cannot be used to characterise the local ground gas regime. Whilst no near surface workings were identified, it is plausible for the on-site shaft to serve as a conduit for the migration of deeper mine gas to near surface level. The proposed structure will straddle the reported location of the shaft. Poorly consolidated mining overburden may offer little resistance to the migration of this mine gas to the surface. Whilst the shaft may have been removed in part during open-casting, the depth of the shaft is undetermined and may extend to deeper workings.

It is the opinion of Environmental Health that the assessed very low risk of mine gas is not yet proven and insufficient steps have been taken to characterise the local ground gas regime or otherwise ameliorate the potential risks. Environmental Health will not seek to impose conditions requiring additional investigative or precautionary works as we are not the primarily regulator. However, should the Developer proceed without these steps, they are solely responsibility for any adverse outcomes that may arise.

Land Contamination

A remediation method statement (RMS) has been submitted. The RMS proposes an engineered cover system in areas of soft landscaping due to the reported presence of PAH contamination. However, the preceding Phase 1 and Phase 2 Contaminated Land Assessments have not been submitted. Section 1.2 of the RMS states:

This Remediation Method Statement is based on the findings of the following previous reports undertaken for the site;

Erda Associates Ltd., Solenis, Wimsey Way, Somercotes Phase I & II Geo-Environmental Assessment, Dated April 2025, Reference: EAL.370.24.

A copy of the above report has not been included, but is available upon request. The following RMS should not be referred to in isolation and should be read in conjunction with the above referenced report.

The Consultant states that the RMS should not be referred to in isolation but then fails to provide the conjunctive reports

In the absence of the Phase 1 and Phase 2 Contaminated Land Assessment, Environmental Health cannot comment on the appropriateness of the remedial proposals.

Summary

The developmental risks posed by mine gas and the proposed contaminated land remedial measures are the sole responsibility of the Developer. This consultation response must be documented on the planning portal as a matter of public record and the following informative recorded on the decision notice.

Environmental Health affords no approvals for work done in respect of contaminated land investigation, remediation or validation, for this development. Nor do we accept any responsibility for the developmental risks posed by mine gas. Environmental Health is unable to affirm that the mine gas risk assessment and any remedial measures are sufficient to mitigate the risks to human health. The Developer is responsible for contaminated land for this development as per NPPF S197. It is incumbent on the Developer to ensure that the correct steps have been taken to secure a safe and suitable development. Environmental Health shall not be held liable for any harms that may subsequently occur as a consequence of the Developer s actions or inactions. If the development site features on our EPA Part IIA priority database, it shall remain so.

Regards

David Martschenko | **Scientific Officer**

Amber Valley **Borough Council**
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Please note that e-mails larger than **25MB** will not be accepted at the above e-mail address.

From: development@ambervalley.gov.uk <development@ambervalley.gov.uk>
Sent: 08 September 2025 18:30
To: Martschenko, David <David.Martschenko@ambervalley.gov.uk>
Subject: Planning Consultation - AVA/2025/0626

Dear Sir/Madam

Consultee Type: EH Pollution Control (Contamination/Air Quality)
Our Ref: AVA/2025/0626

Proposal:
Demolition of existing unit and proposed distribution warehouse with integral two-storey office accommodation

Development Type:
Minor manufacture

Location:
ROCK FALL Unit 55 Wimsey Way Somercotes Alfreton Derbyshire DE55 4LR

Applicant:
Mr R Noon
Noon Group Holdings Ltd C/o Rock Fall UK Wimsey Way Somercotes Alfreton Derbyshire DE55 5LR UK

Agent:
Mr R Reece-Evans
Noon Group Holdings Ltd C/o Rock Fall UK Wimsey Way Somercotes Alfreton Derbyshire DE55 5LR UK

Case Officer Details:
Name: Rebecca Smith
Telephone: 01773 841667
E Mail: rebecca.smith@ambervalley.gov.uk

I enclose details of this application and would be pleased to receive any comments you may have within the next 21 days.

The Application should be available to view on our website within the next 24 hours.

There is a comments button that you can click on to make comments regarding an application (please see the link below that will take you directly to this planning application) or alternatively you can send a direct email to development@ambervalley.gov.uk

https://www.ambervalley.gov.uk/planning/development-management/view-a-planning-application/?appnumber=AVA-2025-0626

Please let the case officer know if you cannot reply by then.

Sarah Brooks
Planning Manager