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For the attention of: Laura Anthony – Case Officer
Amber Valley Borough Council

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

19th March 2026

Dear Ms Anthony

Re: Planning application AVA/2026/0162

Proposed erection of self-build single storey dwelling with associated parking and amenity space at Land adj 77 Flowery Leys Lane, Flowery Leys Lane, Alfreton, Derbyshie

Thank you for your notification of 17 March 2026 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) on the above.

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: **Material Consideration**

I have reviewed the site location plan, the proposals and supporting information submitted and available to view on the LPA website and can confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicates that the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to

buildings and structures. The Coal Authority seeks to ensure that proposal avoid the siting of built development over or within the immediate vicinity of highwalls wherever possible.

In addition, our records also indicate that a coal seam outcrops to the northeast of the site, dipping in a south westerly direction beneath the site, which may have been worked in the past. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

The current application does not appear to be supported by a Coal Mining Risk Assessment. However, we are aware that coal mining legacy matters were considered in a Coal Mining Risk Assessment (Emcus Ltd, 1st September 2021) which supported previous full planning application AVA/2022/0257 for the erection of a dwelling on site.

In our response dated 7th April 2022 to application AVA/2022/0257, we noted that the Coal Mining Risk Assessment carried out a review of available information, and the report author considered that in order to confirm the level of risk at the site and to inform the extent of any remedial and/ or mitigation measures that may be required to ensure development at the site will be safe and stable, intrusive ground investigations are required. We therefore raised no objection to the planning application subject to the imposition of conditions to secure the undertaking of site investigations and any necessary remedial works required.

We note that the previous application was refused on the 10th August 2022. Also, after having reviewed our records, it does not appear that a permit has been issued by colleagues in our Permitting Team for works that might disturb our property (coal seams / workings) and we therefore assume that the recommended site/ ground investigation works have yet to be carried out. However, if our assumption on this matter is incorrect, we would be pleased to comment on any report prepared in respect of intrusive site investigations carried out on the site, their findings and any recommendation made in light of these.

We note that the current proposed dwelling would appear to be within the footprint of the previous proposal, so the Coal Authority's Planning & Development Team considers that our comments regarding the previous application are valid for the current planning application, and we have **no objection** to the proposed development **subject to the imposition of the conditions set out below**.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team notes the conclusions of the previously submitted Coal Mining Risk Assessment; 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 proposed 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 above ground development shall commence until;***

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

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

   The intrusive site investigations, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

2. ***Prior to the occupation of the development, or it being taken into beneficial 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 Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.***

This is our recommendation for condition wording. 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.

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 187, 196 and 197 of the National Planning Policy Framework.

We also request that the following Informative Notes are included on any planning permission decision notice:

1 - Ground Investigations and groundworks

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 Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, 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 Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

3 - 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.

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

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.

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

Yours sincerely

Bradley Shelton

Bradley Shelton

Apprentice Town Planner

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.