200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

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

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

24 March 2026

Dear Ms Anthony

Re: AVA/2026/0124

Outline application for 4 dwellings; Windmill View Nurseries, Spanker Lane, Nether Heage, Belper, Derbyshire, DE56 2AT - RECONSULTATION

Thank you for your notification of 19 March 2026 seeking the views of the Coal Authority on further information submitted in support of the above.

The Coal Authority response: **Material Consideration**

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 4th March 2026 as no Coal Mining Risk Assessment had been provided to assess and address the risk that former coal mining activity recorded at the site may have for the proposed development.

The planning application is now accompanied by a Coal Mining Risk Assessment Report (EAL.450.25, March 2026) produced by Erda Associates Ltd for the proposed development.

The Report has been informed by an appropriate range of sources of geological and coal mining information (Section 3).

Having carried out a review of the available information, the report author concurs with our records and states that the site is likely to be affected by differential settlement/instability from the recorded opencast workings due to the presence of deep made ground/potential buried high walls; and ground instability from unrecorded shallow mining (Belper Lawn seam). In order to mitigate the risk, recommendations have been made that intrusive site investigations are required to confirm the exact ground conditions beneath the site and establish if the highwall associated with opencast workings is present within the site. The findings should inform the extent of any remedial works and mitigation measures that may be required to ensure that the site can be made safe and stable for the proposed development. The Coal Authority would expect the investigations to be carried out prior to the submission of the reserved matters application in order that the findings inform the layout to ensure that no buildings straddle the highwall (if found present) due to differential settlement / instability.

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

The applicant should be aware 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

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.

Sustainable Drainage

It should be noted 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

In light of the above, the Coal Authority recommends the imposition of the following conditions:

Prior to the submission of the reserved matters application a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity

As part of the reserved matters application, a Report shall be submitted in order to present the findings of the site investigations and outline any remedial and / or mitigation measures to address land instability arising from coal mining legacy, as may be necessary. This should include the submission of the proposed layout plan to illustrate the exact location and delineation of the opencast highwall (if found) to demonstrate how this feature relates to the layout being considered. Where possible no buildings / structures should straddle the highwall.

No development shall commence until any remediation works to address land instability arising from 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 and remedial works 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 Coal Authority **withdraws its objection** to the proposed development **subject to the imposition of the conditions** to secure the above.

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 & 197 of the National Planning Policy Framework.

It is also requested that the following Informative Notes are included on any planning permission granted:

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property
What is a permit and how to get one? - GOV.UK (www.gov.uk)

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

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. Further information regarding Incidental Coal Agreements can be found here - https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*
Planning & 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 on the information provided to the Coal Authority by the Local Planning Authority and/or 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.