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For the attention of: Rebecca Godson – Case Officer
Amber Valley Borough Council

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

22nd May 2026

Dear Ms Godson

Re: Planning Application AVA/2025/0626

Demolition of existing unit and proposed distribution warehouse with integral two-storey office accommodation; Rock Fall, Unit 55, Wimsey Way, Somercotes, Alfreton, Derbyshire, DE55 4LR - 4TH RECONSULTATION

Thank you for your notification of 8 May 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) on the above.

The Coal Authority response: **Material Consideration**

The Planning team most recently commented on this application in a letter to the LPA dated 30th April 2026 and noted that based on the supporting Probe Drilling Investigation for Recorded Mine Entry report prepared by Erda Associates Ltd, dated 20th April 2026; the author of this report concluded "*"given the absence of any identified mine entry, the risk associated with the recorded mine entry is considered to be negligible within the context of the proposed development, subject to the adoption of suitable foundation solutions to accommodate the identified made ground conditions."* However, we highlighted outstanding concerns in relation to opencast highwalls.

We note that this application is accompanied by an amended Probe Drilling Investigation for Recorded Mine Entry prepared by Erda Associates, dated 5th May 2026. The report author has now reviewed the intrusive investigation data with specific consideration of the risk posed to the site by opencast highwalls.

The report author comments that *"the intrusive investigation and probe drilling were focused within the footprint of the proposed building, where the risk to the development is most critical. Within this area, the consistency of made ground thickness and the absence of abrupt variations in rockhead elevation or material transitions indicate no evidence of steep-sided excavation faces or remnant highwall features."*

The report author concludes in their professional opinion that *"on this basis, the potential for instability associated with opencast highwalls is considered to be negligible within the footprint of the proposed development. Any residual variability in ground conditions can be appropriately addressed through the adoption of suitable foundation design."*

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.

The Coal Authority Recommendation to the LPA (Revised)

The Planning Team concurs with the conclusions of the Coal Mining Risk Assessment and subsequent amended Probe Drilling Investigation for Recorded Mine Entry reports; that measures are required to mitigate ground movement derived from possible coal mining legacy and to ensure the safety and stability of the proposed development.

As such, should the LPA be minded to grant planning permission 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 the mitigation measures outlined in the supporting Probe Drilling Investigation for Recorded Mine Entry report, to protect the development from the effects of potential land instability associated with opencast extraction, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.***

   The mitigation measures shall be carried out in accordance with authoritative UK guidance.

2. ***Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site 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 that the mitigation measures necessary to address the risks posed by past coal mining activity have been implemented in full.***

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the above conditions (as amended).** 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.

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.

3- Requirement for Incidental Coal Agreements

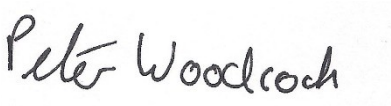
If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Mining Remediation Authority.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

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.

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

Yours sincerely,



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 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.