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: Ms R. Godson – Case Officer
Amber Valley Borough Council

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

1 June 2026

Dear Ms Godson

Re: Planning application AVA/2026/0297

Detached composite building for use ancillary to existing day nursery at Kingfisher Day Nursery Car Park, Rawson Green, Kilburn, Belper, Derbyshire

Thank you for your notification of 18 May 2026 seeking the views of the Coal Authority Trading as the Mining Remediation Authority) on the above planning application.

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

The application site falls within the defined Development High Risk Area. Therefore, within the site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

More specifically, our records indicate that there are two recorded mine shafts and their associated potential zones of influence present within the applicant's wider land holding. Our records indicate that these former coal mining features were treated by the Coal

Authority in 2024. Both shafts were capped with reinforced concrete caps, and whilst shaft 437346-013 is also recorded to have been filled with clean stone, shaft 437346-005 is recorded as being void beneath its cap. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

We take this opportunity to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. We have adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

The application is accompanied by a Coal Mining Risk Assessment (February 2026, prepared by Erda Associates Ltd). We note that this report was produced to inform an earlier proposal for the siting of the new building centrally within the applicant's land holding. Based on a review of coal mining and geological information, the report is essentially able to discount any significant risk in terms of land instability to development at the site from past underground mine workings.

However, the report acknowledges the presence of the two previously treated mine shafts within the site. It goes on to comment, that '*This assessment has identified moderate risk of instability from the recorded mine entry 437346-005 beneath the site which has been capped but left voided. Where possible, building above or adjacent to mine entries should be avoided. As such it should be considered if it is possible to relocate the proposed building elsewhere in the wider nursery site if possible*.'

In light of the above, we are pleased to note that the applicant has acted upon the report recommendation such that the scheme of development currently under consideration by the LPA would see the building sited within the northern corner of the shafts, away from the shaft positions. We note that the recorded shaft positions relative to the proposed scheme of development are shown on the Proposed Site Plan (Drawing No. P001 E).

Based on the nature of the past treatment afforded to the shafts and in consideration of the professional opinions expressed in the supporting Coal Mining Risk Assessment, the Coal Authority's Planning & Development Team is satisfied that the layout of the proposed development has been suitably informed by the presence of the recorded mine entries. We therefore wish to raise **NO OBJECTION** to this planning application.

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.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
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.