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For the attention of: Ms R. Godson – Case Officer
Amber Valley Borough Council

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

8 October 2026

Dear Ms Godson

Re: Planning application AVA/2026/0634

Construction of a detached dwelling at 42 Main Road, Lower Hartshay, Ripley, Derbyshire, DE5 3RP

Thank you for your notification of 5 October 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 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 information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Such workings can pose a risk to surface stability and public safety.

The application is accompanied by a 'Rotary probe investigation for shallow mine workings' report (5 February 2026, prepared by Erda Associates Ltd). We are aware that this report was also submitted in support of application COND/2026/0022 in connection with the discharge of a coal mining legacy related condition attached to planning permission AVA/2025/0115 for a very similar scheme of residential development at the site.

This report indicates that three rotary boreholes were drilled to depths of 30.0m bgl immediately adjacent to the footprint of the proposed dwelling footprint to prove or disprove the presence of unrecorded shallow mine workings beneath the site. These works were carried out following the issuing of Mining Remediation Authority Permit ref. 30984.

The report indicates that two coal seams of potentially workable thickness were encountered in each borehole. It advises that these seams were found intact and that no evidence of mine workings was recorded during drilling. As such, the report considers that the risk of instability from shallow unrecorded mine workings beneath the site is very low.

It goes on to conclude that based on the results of the borehole investigation, and subject to a watching brief being maintained during development for any unrecorded mine entries as precautionary measure and any necessary follow up work implemented if one is encountered, '*it is considered that the site can be made suitable for the proposed development*.' We taken this opportunity to highlight that should any unrecorded mine entry be encountered during development, appropriate treatment of the feature will be required in accordance with details permitted under a Mining Remediation Authority Permit.

The Coal Authority recommendation to the LPA:

The Coal Authority's Planning & Development Team considers that the content and conclusions of the submitted report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that coal mining legacy issues are not significant within the application site and that the site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

Should planning permission be granted for this proposal, we request that the following Informative Note is included on the decision notice:

1 – Mining Remediation Authority Permit

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, 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.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

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.