



The Coal
Authority



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For the Attention of: Helen Pressley – Case Officer
Bury Metropolitan Borough Council

[By Email: development.control@bury.gov.uk]

22 December 2022

Dear Ms Pressley

PLANNING APPLICATION: 68809

Outline application for Erection of 4no. dwellings and associated parking (all matters reserved except Access); Land To Rear Of, Wells Street, Bury, BL9 0TU

Thank you for your notification of 13 December 2022 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. 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: Fundamental Concern

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that a recorded mine entry (CA shaft ref: 380410-001) lies within the northern part of the site. The Coal Authority hold no treatment details for this mine entry and therefore should be considered as being untreated. Due to the historic

source plans used to plot its current position, this could vary by several metres. This mining feature presents a significant risk (public safety and surface instability) for the redevelopment of this site. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The planning application is accompanied by a Phase 1 Environmental Assessment Report (CL101 Version 2, 28 October 2022) prepared for the proposed development by EnvioSolution Ltd.

The Report has been prepared predominantly to assess the environmental risks associated with this site, and Section 3.3, informed by the Consultants Coal Mining Report (15 October 2022), identifies that there may be coal mining related hazards within the northern part of the site. However no further assessment to the risks this mining feature has on the proposed development, has been made.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report, to support this planning application. This assessment should be prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application.

The Coal Mining Risk Assessment which may need to be informed by intrusive site investigations to locate the mine entry and establish its exact location and condition. It would be prudent to carry out a positional review of the mine entry in order that the best plot position can inform the intrusive investigations. The Risk Assessment should also make recommendations for any remedial works necessary to ensure the safety and stability of this feature and to define a no build zone around the mine entry. The location of any buildings proposed should avoid being located over or within influencing distance of the mine entry, if found to be present on site. If found to be present on site a plan should be submitted to demonstrate how the layout of the development has been designed to take account of the location of the mine entry and its zone of influence.

Based on the information currently submitted, we do not consider that applicant demonstrates to the LPA that the application site can safely accommodate the scale and layout of development proposed. Accordingly, the Coal Authority **objects** to this planning application as a result of the significant layout implications presented by the recorded mine entry.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

General Information for the Applicant

The need for a Coal Mining Risk Assessment is set out in the National Planning Practice Guide at:

<http://planningguidance.planningportal.gov.uk/blog/guidance/land-stability/land-stability-guidance/>

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. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

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.