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For the attention of: Helen Pressley – Case Officer

Bury Metropolitan Borough Council

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

29 April 2025

Dear Ms Pressley

Re: 71645

Outline application for erection of up to 275 no. units with associated car parking, landscaping and infrastructure works (access only to be considered); Land Off Church Street, & Scobell Street, Tottington, Bury, BL8 3DE

Thank you for your notification of 17 April 2025 seeking the views of the Coal Authority on the above.

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**

I have reviewed the proposals and confirm that part of the application site falls within the Coal Authority's defined Development High Risk Area. Therefore within the application 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.

The Coal Authority records indicate that within or within 20m of the site there are two mine entries (CA shaft ref: 377411-003 (within the site); and 377411-001 (within 20m of the site). The Coal Authority hold no treatment details for these mine entries and therefore should be considered as untreated. An untreated or an inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. In addition, due to the historic source plans used to record their current positions, these could vary by several metres. The applicant should be made aware that 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>

In addition to the above, parts of the site lies within areas of probable unrecorded shallow coal mining and coal seams of workable thickness infer to outcrop at or close to the surface of the site (predominantly within the central and south western part of the site) that may have been historically worked from the surface. These coal mining features currently present a risk to public safety and surface stability for the proposed development.

The planning application is accompanied by a Coal Mining Risk Assessment Report (10/2399/002 Rev. 00, April 2024) prepared for the application site by Clancy Consultancy Ltd (Environmental Statement Volume 3: Technical Appendix 13.2). The Report has been informed by an appropriate range of sources of historical, geological and coal mining information (Section 2.1).

Having carried out a review of the available information, the report authors concur with our records and informs that currently, coal mining legacy presents a high risk to the proposed development as a result of shallow unrecorded mining within the Cannel Mine and Half Yard coal seams and the presence of two mineshafts. The area affected by coal mining legacy has been illustrated on Drawing No. D01 – Site Features Plan. In order to mitigate the risks identified within the Report, appropriate recommendations have been made that intrusive site investigations are required. The findings of which should inform

the extent of any remedial works and / or mitigation measures that may be required to ensure the proposed development can be made safe and stable as required by the NPPF paras. 187, 196 & 197.

We are pleased to note that intrusive site investigations into the presence of the mineshafts has been carried out and detailed within the Mine Shafts Investigation Report, dated 11 September 2024 prepared by Eccles Associates Limited. The investigations were carried out under the terms and condition of two Coal Authority Permits (28673; and 28743). It is noted that Permit 28673 relates to the two mineshafts that relate to this current application site. The Report provided details of the design and the undertaking of the investigation works into three historical mineshafts and includes trial pit logs / photographs etc. The report authors informs that based on results and an analysis of the findings of the investigations, no evidence of the mineshafts were observed. Notwithstanding the above, recommendations have been made that a geophysical survey is undertaken to cover a wider area than that which has currently been investigated.

In light of the above, as the applicant is seeking outline consent with access only being considered, and the illustrative layout (Drawing No. 0005 P03) indicates that no buildings are likely to be within or within 20m of the recorded positions of the mine entries, we would have no objection to the LPA granting outline consent. This is subject to the LPA imposing a suitably worded condition to secure the undertaking of the geophysical survey, prior to the submission of the reserved matters application in order that the findings can inform the layout of the development. Site investigations into shallow coal mine workings can be secured prior to commencement of development, as this specific coal mining features has no implications for the layout.

The intrusive site investigations have been designed (Section 3.3: Coal Mining Risk Assessment) and therefore should be 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.

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.

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:

The undertaking of the additional investigations for the two mineshafts (CA shaft ref: 377411-003 and 377411-001) as detailed within Section 4 of the Mine Shafts Investigation Report, dated 11 September 2024 prepared by Eccles Associates Limited.

As part of the reserved matters application

The submission of a Report based on the findings of the further investigation works (as per above); and any remediation works and/or mitigation measures to address land instability arising from the mine entries, as may be necessary, have been identified in order to ensure that the site can be made safe and stable for the development proposed. This should include the submission of a layout plan which identifies the location of the on-site mine entries (if found within the site) together with the calculated zones of influence and the definition of suitable 'no-build' exclusion zone for all mine entries within or within influencing distance of the site.

Prior to commencement of development,

Any remediation works and/or mitigation measures to address land instability arising from such workings, informed by the findings of the site investigations, 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.

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 has **no 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:

1 – Mine entries

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

2 - Ground Investigations

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 \(www.gov.uk\)](#)

3 - 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.

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.