



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

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

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

29 March 2023

Dear Ms Pressley

PLANNING APPLICATION: 69215

Erection of 1 no. dwelling; Land Adjacent To, 76 Countess Lane, Radcliffe, Manchester, M26 3NH

Thank you for your notification of 10 March 2023 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 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: Fundamental Concern (Layout)

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 within the application site is the presence of a recorded on-site mine entry (CA shaft ref: 376407-010); probable historic shallow coal mining and a coal seam of workable thickness infers to outcrop at or close to the north of the site that may also have been historically worked at shallow depths beneath the site. These coal mining features have a significant risk to public safety and surface stability for the proposed development.

The planning application is accompanied by a Desk Based Coal Mining Risk Assessment Report (LKC 23 1042, February 20223) prepared for the proposed development by LK Consult. The Report has been informed by an appropriate range of historical, geological and coal mining information.

Having carried out a review of the available information, the report author identifies the coal mining risks at this site. Appropriate recommendations have been made that further, intrusive site investigations are required to determine the exact ground conditions (shallow coal mining / location and condition of the mine entry) in order to inform the remedial measures that may be required to ensure that the development is, or can be made safe and stable (NPPF paras. 183 and 184).

Whilst we acknowledge that an adequate assessment has been made by LK Consult, as a result of the on-site mine entry and the significant layout implications that this has to the development, we would have expected the applicant to have commissioned the site investigations in order that the layout is informed by the confirmed position of this mining featured. 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> Therefore, adequate separation between any buildings and the mine entry should be incorporated within the overall design of the development.

Based the site layout being considered as part of this proposal (SHT 5 of 8 – Proposed Site Layout) the dwelling and potentially the garage could be over and within influencing distance of the mine entry. Therefore, the layout does not accord with our adopted policy (above).

Accordingly, the Coal Authority **objects** to this planning application as a result of the significant layout implications presented by the recorded mine entries. We consider that the applicant has failed to demonstrate to the LPA that the application site can safely accommodate the development proposed.

The applicant should be advised that the recommended intrusive site investigations should be undertaken to locate and determine the condition of the recorded mine entry within the site. The zone of influence should be calculated for this mining feature and the zone should be considered as no-build exclusion zone. The no-build exclusion zone should then inform the site layout. We would expect that these works are undertaken prior to determination and a report of the findings along with a layout plan plotting the found location of the mine entry and its no-build exclusion zones should be submitted for consideration along with any remedial and mitigatory measures proposed. 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 intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order 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 note 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 entry used for waste disposal

The Coal Authority's records indicate that close to this site there is a mine entry (376408-007) in which it is believed waste material may have been deposited. Consideration will need to be given to the potential risks this may pose, not only to the development itself but also to any investigatory and remedial operations necessary to ensure its safety and stability. Appropriate advice from a technically competent person should be sought on the potential risks posed by any fill material and the possible implications of this for the works proposed.

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.

We welcome the opportunity to review and comment on further information submitted in support of this planning application.

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

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.

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 advisers for this development in relation to ground conditions and the acceptability of development.