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For the attention of: Ms J. Townsend – Case Officer

Bury Council

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

15 April 2025

Dear Ms Townsend

Re: Planning application 71528

Erection of single storey warehouse and storage building for Class use B8 with steel portal frame, rendered blockwork base, steel clad roof, walls and doors, including extension to service area and carparking from existing contractors service yard at RTK Grab Hire Ltd, Plant Hire Yard, Wellington Street, Bury, BL8 2BD

Thank you for your notification of 26 March 2025 seeking the views of the Coal Authority (operating 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 northern end of the application site falls within the defined Development High Risk Area (DHRA). This is on the basis that our information indicates that a coal seam of potentially workable thickness is conjectured to outcrop beyond the northern site boundary, dipping in a southerly direction beneath the site. Such workings can pose a risk to surface stability and public safety.

Having reviewed the Site Plan (Drawing no. Z344.003 Rev.3) we note that the proposed building will be sited entirely outside the DHRA, i.e. in the Development Low Risk Area. It does not appear that any works requiring significant groundworks are proposed within the part of the site which falls within the DHRA. As such, and in light of our published guidance, we would not require the submission of a Coal Mining Risk Assessment in support of the planning application.

Despite the above, we note that the application is accompanied by a Preliminary Risk Assessment (February 2025, prepared by Zig Zag Environmental Limited), Section 5 of which relates to mining and ground stability matters. Based on a review of coal mining information, the report concludes that the proposed building '*will not be affected by shallow coal/coal mine workings and therefore no specific investigation or mitigation measures are required.*'

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team considers that the content and conclusions of the Preliminary Risk Assessment are sufficient for the purposes of the planning system in demonstrating that coal mining legacy issues are not significant within the application site. We therefore wish to raise **no objection** to the proposed development. However, further 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 the proposed development, we request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

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 Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, 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 Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches,

development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

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.

Mine Gas

It should be noted that wherever coal resources or coal mine features are present 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.

Please do not hesitate to contact me if you would like to discuss this matter further.

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 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.