



The Coal
Authority



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For the Attention of: Jennie Townsend – Case Officer
Bury Metropolitan Borough Council

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

1 August 2023

Dear Jennie

PLANNING APPLICATION: 69863

Erection of private day nursery, together with outdoor forest school and play area, access, associated infrastructure and landscaping (Use Class E(f)); Lan Doff, Croft Lane, Bury, BL9 8QA

Thank you for your consultation letter of 26 July 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: Material Consideration

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that 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, specifically probable coal workings at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The supporting Coal Mining Risk Assessment (dated 21 May 2023, prepared by Envirosolution Ltd), which accompanies the planning application correctly identifies that

the application site may have been subject to past coal mining activity and has been informed by an appropriate range of sources of information.

Based on this review of existing sources of geological and mining information the report confirms that the two recorded coal seams which sub-crop to the north of the will be at sufficient depth beneath the site not to unduly implicate on ground stability, should they have been worked. However, taking into consideration a fault, the report goes on to confirm that one of those seams could be present beneath the site at a shallow depth in the far southern portion of the site, which if worked could pose a risk to ground stability. Despite this, on the basis that no built development is proposed in this area, the report author is able to conclude that the proposed built development will be safe and stable, so as to not warrant any mitigation.

Mine Gas

It should be noted that 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.

SUDS

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.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the supporting Coal Mining Risk Assessment are sufficient for the purposes of the planning system in demonstrating that the area where the built development is proposed is safe and stable. The Coal Authority therefore **has no objection** to the proposed development.

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

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison 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 records held by The Coal Authority on the date of the response. 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.