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For the attention of: Ms C. Booth – Case Officer
Bury Council

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

20 January 2026

Dear Ms Booth

Re: Planning application 71329

Outline application with 'Access' and 'Layout' for the erection of a warehouse unit at Land to side of Genesis House, Stopes Road, Radcliffe, Manchester, M26 3TL – FURTHER RECONSULTATION

Thank you for your notification of 19 January 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) on the above planning application.

The Coal Authority response: MATERIAL CONSIDERATION

You will recall that we initially commented on this application for outline planning permission in our consultation response letter of 19 December 2024. In this letter, we raised no objection to the proposal subject to the imposition of relevant conditions on any planning permission granted.

We note that the LPA is now in receipt of amended plans, which include a revised Location Plan showing an enlarged red line application site boundary and a revised Proposed Site Plan. The latter plan shows the proposed warehouse positioned further to the south in the plot to safeguard a visibility splay at the access onto Stope Road along with a turning and parking area to the south of the building. We also note that the applicant is now seeking approval of 'Access' and 'Layout' details.

As mentioned in our initial consultation response letter, in addition to the site lying in an area where coal mining has taken place at shallow depth and where further historic unrecorded shallow coal mining is likely to have occurred, our records also suggest that the eastern part of the site extends marginally within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods.

Where opencast mining has taken place, general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures. The Coal Authority considers that development should avoid buried highwall features wherever possible. We would typically expect the applicant to undertake suitable intrusive site investigations prior to approval of a detailed layout in order to ensure that the built development avoids any buried highwall present.

The amended plans indicate that the proposed building may extend marginally into the area where past opencast mining activity may have taken place. However, given the size of the site and other constraints, including highways access requirements, we acknowledge that it may be considered unreasonable and unrealistic to require the highwall, if present, to be avoided in the layout proposed.

We also note that the applicant's original supporting Coal Mining Risk Assessment acknowledges that past opencast mining activity is recorded at the eastern boundary of the site, which may pose a risk of ground instability, depending on the fill material, compaction methods and location of any buried high wall. The report author is satisfied that following the undertaking of drilling / probing to confirm the extent of opencast (and the position of any buried highwall) and to establish the type and strength of backfill material, suitable foundations, such as piled or raft foundations, may be adopted to mitigate any risk present.

In consideration of the above, the Coal Authority's Planning & Development Team wishes to raise **NO OBJECTION** to the amended proposed scheme of development. We do, however, wish to revise our recommendation as follows:

The Coal Authority Recommendation to the LPA (revised)

Should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the decision notice:

- 1. No above ground development shall commence (excluding the demolition of existing structures) until;***

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow and surface (opencast) coal mining activity; and*
- b) any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, as may be necessary, 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, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

- 2. Prior to the occupation of the development, 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.*

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 and 197 of the National Planning Policy Framework.

We also request that the following Informative Notes are included on any planning permission 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 Mining Remediation 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 Mining Remediation Authority permission and further guidance can be obtained from: 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 Mining Remediation 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 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.

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 wish to discuss the above matters 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.