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

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

19 December 2024

Dear Ms Booth

Re: Planning application 71329

Outline application for erection of warehouse unit with all matters reserved at Land to side of Genesis House, Stopes Road, Radcliffe, Manchester, M26 3TL

Thank you for your notification of 10 December 2024 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; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application.

More specifically, the Coal Authority records indicate 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. In addition, our records indicate that the site lies 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. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The application is accompanied by a Desk Based Coal Mining Risk Assessment (May 2024, prepared by LK Group). Based on a review of coal mining and geological information, the report concludes that recorded shallow workings in the Roger coal seam and possible further unrecorded shallow coal workings pose a potential risk of ground instability at the site surface. It also acknowledges that past opencast mining activity is recorded at the eastern boundary of the site, which may pose a risk of ground instability at the site, depending on the fill material, compaction methods and location of any buried high wall.

Accordingly, the report goes on to recommend the undertaking of rotary drilling across the site to confirm the depth, thickness and condition of shallow coal seams beneath the site. It also recommends 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. The results of these investigations will be used to determine appropriate remedial works / mitigation measures.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of intrusive investigations to establish the exact situation regarding coal mining legacy affecting the site. These should be designed and carried out by competent persons in cognisance of the conclusions of the submitted.

We take this opportunity to highlight that 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.

In this particular case, we acknowledge that the applicant is not seeking approval of a detailed layout of development. The results of the recommended intrusive site investigation should therefore be interpreted by competent persons and used to inform the final layout of the site to ensure that built development avoids any buried highwalls present. They should also be used to inform the exact form of any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

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.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team concurs with the conclusions of the Desk Based Coal Mining Risk Assessment; that coal mining legacy poses a potential risk to the proposed development and that investigations are required, along with possible remedial/mitigatory measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. Prior to the submission of any reserved matters application seeking approval of a detailed layout of development, a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past opencast and shallow coal mining activity. These works shall be carried out in accordance with authoritative UK guidance.***
- 2. Any reserved matters application seeking approval of a detailed layout of development, shall be accompanied by: the findings of the intrusive site investigations (required by condition X above), and a proposed layout plan which identifies the alignment of any buried opencast highwall present within the site and defines an appropriate 'no build' zone over this feature.***
- 3. Prior to commencement of above ground development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.***

4. Prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site 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 completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. 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 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 196 and 197 of the National Planning Policy Framework.

Should planning permission be granted for this proposal, we also 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, the piling of foundations, 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.

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.