The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Case Officer
Staffordshire Moorlands District Council

[By Email: planning@staffsmoorlands.gov.uk]

23 May 2016

Dear Sir/Madam

PLANNING APPLICATION: SMD/2016/0184

Outline planning permission with all matters reserved for a detached bungalow - Land off Akesmore Lane, Gillow Heath, Biddulph

Thank you for your notification of 11 May 2016 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 of Energy and Climate Change. 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: **Substantive Concern**

I have reviewed the proposals and confirm that 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 recorded and unrecorded shallow coal mine workings and mine entry zone of influence.

The applicant has submitted some coal mining information to accompany the planning application; however, the Coal Authority does not consider this adequately addresses the impact of coal mining legacy on the proposed development.

The Coal Authority therefore **objects** to this planning application, and we consider that the applicant needs to submit the required Coal Mining Risk Assessment Report, or equivalent, to the LPA.

It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guide in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application, prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

The applicant has simply submitted a Coal Mining Report (such as a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report) in support of this planning application. The submission of a Coal Mining Report is not a Coal Mining Risk Assessment. The Coal Mining Report provides the basic coal mining information in relation to the application site; it does not provide an assessment of the risks to any proposed new development on the site.

The applicant should use this coal mining information to assess whether or not past mining activity poses any risk to their development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive site investigation to ensure that the LPA has sufficient information to determine the planning application.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

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

Yours faithfully

Melanie Lindsley

Melanie Lindsley *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Planning Liaison Manager

General Information for the Applicant
The coal mining information within the Coal Mining Report (such as a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report) already obtained

should be used as the basis for a Coal Mining Risk Assessment Report (CMRA). The CMRA should assess whether or not past mining activity poses any risk to the development proposal and, if necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The need for a Coal Mining Risk Assessment is set out in the National Planning Practice Guide at:
http://planningguidance.planningportal.gov.uk/blog/guidance/land-stability/land-stability-guidance/

The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:
https://www.gov.uk/planning-applications-coal-mining-risk-assessments

Guidance on how to produce a Coal Mining Risk Assessment and a template which the "competent body" can utilise is also contained at:
https://www.gov.uk/planning-applications-coal-mining-risk-assessments

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.