The Coal Authority

INVESTOR IN PEOPLE

RTPI Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Ms T. Critchlow – Case Officer
Staffordshire Moorlands District Council

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

10 October 2016

Dear Ms Critchlow

PLANNING APPLICATION: SMD/2016/0528

Demolition of existing building yard sheds and erection of 3no. 2 storey residential properties at Newfold Farm, Sytch Road, Brown Edge

Thank you for your consultation email of 20 September 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 for Business, Energy & Industrial Strategy. 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 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.

Appropriate and up-to-date coal mining information for the proposed development site has been obtained on behalf of the applicant and that this information has been used to inform a Coal Mining Risk Assessment Report (16 September 2016, prepared by Wardell Armstrong) which accompanies this planning application.

The Coal Mining Risk Assessment Report correctly identifies that the application site is in an area which may have been subject to past coal mining activity. The Coal Authority's information indicates that thick coal seams outcrop at or close to the surface of the site and that historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth.

The Coal Mining Risk Assessment Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, Coal Authority datasets, BGS mapping, geological data and the archives of Wardell Armstrong.

Based on a review of these sources of geological and mining information, the Report identifies that the principal risks to the proposed development are unrecorded mine workings within shallow coal seams (Ribbon and Two Foot coal seams) and the potential presence of unrecorded mine entries.

Accordingly, the Report makes appropriate recommendations for the carrying out of intrusive ground investigations in the form of boreholes to depths of 30m in order to investigate ground conditions, to ascertain the presence or otherwise of shallow mine workings and to inform any remedial mitigatory measures required. In the event that mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures, such as the excavation of shallow coal, grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority welcomes the precautionary measures set out within the Report which are recommended for adoption by site workers in order to mitigate the risk posed by any unrecorded mine entries which may present within the application site. Should any previously unrecorded mine entry be encountered during development, appropriate treatment will be required i.e. filling and capping. This may also necessitate revisions to the site layout.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:
* The submission of a scheme of intrusive site investigations for approval;
* The undertaking of that scheme of intrusive site investigations;
* The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;
* The submission of a scheme of remedial works for approval; and
* The implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition to secure the above**.

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 Liaison Manager

General Information for the Applicant
Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. 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

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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.