The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Ms Lisa Howard
Staffordshire Moorlands District Council

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

23 December 2016

Dear Ms Lisa Howard

PLANNING APPLICATION: SMD/2016/0764

Outline planning permission (with all matters reserved) for residential development; Land Adjacent Rakeway Grange, Rakeway Road, Cheadle, Staffordshire, ST10 1QH

Thank you for your consultation letter of 14 December 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 Business, Energy and 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: **Substantive Concern**

The applicant has submitted a Coal Mining Risk Assessment Report, referred to as Notes on Mining Report (undated and un-authored) to accompany the planning application; however, The Coal Authority does not consider that this adequately addresses the impact of coal mining legacy on the proposed development.

The Coal Authority therefore **objects** to the proposal, and we consider that the applicant needs to revise and resubmit the Coal Mining Risk Assessment Report (CMRA) to the LPA.

The CMRA is wholly unsatisfactory, it is not prepared by a competent person, fails to demonstrate any influence on development proposal, fails to demonstrate site is safe and stable, and does not propose any appropriate investigation and/or mitigation proposals.

It is a requirement of paragraphs 120-121 of the NPPF 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 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 unrecorded probable shallow coal workings.

The Coal Authority Recommendation to the LPA

The Coal Authority recommends that the LPA advise the applicant that the Coal Mining Risk Assessment Report as submitted does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome.

The applicant needs to use this coal mining information obtained in the CON29M Non-Residential Mining Report 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.

Alternatively if the applicant is unwilling to supply a CMRA and the LPA were to wish to determine this application. Then the only way to address our objection would be to impose a planning condition requiring intrusive site investigations to be undertaken.

It should be noted however that a CMRA as a desk-based study is designed to prevent the need where feasible to undertake intrusive site investigations. In the absence of a CMRA however a precautionary approach needs to be taken. Any developer should be aware that intrusive site investigations are potentially significantly more costly than undertaking a desk-based CMRA.

If the LPA propose to follow this course of action then 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;
* The submission of a scheme of remedial works for approval; and
* Implementation of those remedial works.

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

Yours sincerely

Anthony B Northcote

Anthony B Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIOB, MInstLM, MCMI, MRTPI*
Consultant Planning Advisor to The Coal Authority

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your 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/

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where 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 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

As the coal mining legacy issue that needs further consideration in this particular case is potential historic shallow mining the British Geological Survey (BGS) may prove a useful source of geological and mining information: www.bgs.ac.uk

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. Application forms for

Coal Authority permission and further guidance can be obtained from the Coal Authority's website at:
https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

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.