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For the attention of: Rosie Dinnen – Case Officer
Staffordshire Moorlands District Council

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

16th September 2024

Dear Ms Dinnen,

Re: Application DOC/2024/0071

Discharge of Condition 17 in relation to application SMD/2023/0263; Proposed Development of a Battery Storage System, associated infrastructure and access at Land at Draycott Cross Road, Cheadle

Thank you for your notification of 11 September 2024 seeking the views of the Coal Authority on the above application.

The Coal Authority response:

The application site falls within the Coal Authority's defined Development High Risk Area. Within the application site there are three expected coal outcrops, one outcrop positioned beneath the access road and remaining two beneath the main site area. These coal seams underlie parts of the site at shallow depth and they may have been exploited by mining in the past. If worked they may pose risks that should be considered as part of the planning process.

The original planning application included a Coal Mining Risk Assessment (CMRA) produced by NKC Geotech which was appended to Smith Grant LLP Stage 1 Contamination Assessment (Report No. R3108-R01). Based on the conclusions and recommendations

contained in this report, the Coal Authority's Planning & Development Team raised no objection to the application subject to the inclusion of relevant conditions on any planning permission granted. We are therefore pleased to note that our recommendation is reflected in Conditions 17 and 18 of the issued consent, which state:

17. *No development shall commence until;*
a) *a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;*
b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.*
The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.
18. *Prior to the occupation of the development, or it being taken into beneficial use, 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 and approved 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.*

We note that the applicant has applied to discharge Condition 17 in full. Whilst this condition does not require the submission of any information for approval the applicant has nevertheless submitted a Coal Mining Investigation Report produced by NKC Geotech Report Ref. 2223 dated 15th August 2024 for consideration by the LPA.

The report presents the findings of 10 rotary drilled boreholes taken to depths of 15 to 30m across the development site. These works were carried out under Coal Authority Permit No. 28507.

Attention is drawn to borehole log RBHF and the occurrence of a 3m void at 9.5m depth with a remaining rock cover of just 7.5m. Borehole RBHF was constructed within the area of the proposed control room, welfare and substation DNA room but also close to the north eastern most proposed battery enclosures, inverters and transformers. The details and implications of RBHF are not specifically discussed within the report and rather the calculated rock cover referred to as '17m under most of the site'. Consequently, the applicant should be requested to address the apparent disparity between record and conclusion since it is necessary for the applicant to establish the risks posed to the development as required by Condition 17a.

The Coal Mining Investigation report acknowledges that for a conventional building development unrecorded shallow mine workings present beneath the site would require

remedial stabilisation. However, it concludes that the proposals, by virtue of their nature with 'little or no ground disturbance', in the 'majority', meet the Coal Authority published exemption list definitions. It further concludes that as a result there is no requirement to carry out any remedial works.

We wish to clarify that Part B of the Coal Authority's Exemptions List sets out those instances where a CMRA would not necessarily be required by the Coal Authority to support a planning application based on the nature of development proposed, such as the erection of buildings or structures with minimal foundations or groundworks. As you are aware, in this case the original application was accompanied by a CMRA which identified a potential risk of shallow coal mining legacy related instability, which has been confirmed through the subsequent investigations.

Irrespective of our exemptions list, part b) of Condition 17 requires any remediation works and/or mitigation measures to address land instability is to be carried out in accordance with authoritative UK guidance documentation to ensure the safety and stability of the development. You will also be aware that paragraph 190 of the NPPF makes it clear that where a site is affected by land stability issued, responsibility for securing a safe development rests with the developer and/or landowner.

The Coal Authority's Planning & Development Team welcomes the investigatory works carried out and we note the opinions expressed within the submitted report. However, the report appears to provide an incomplete interpretation of the investigation findings and does not recommend any remedial/mitigation works to ensure the safety and stability of the development.

The applicant's technical consultants should therefore be requested to provide further commentary on these matters. Until the above considerations has been satisfactorily resolved, we are unable to recommend that the LPA discharge Condition 17 of the issued consent.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely,

Leigh Sharpe

Leigh Sharpe
Geotechnical & 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 and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed 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 advisors for this development in relation to ground conditions and the acceptability of development.