



The Coal  
Authority



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For the Attention of: Mr N. Hayhurst – Case Officer  
Cumberland Council (Copeland area)

**[By Email: Development.Control3@cumberland.gov.uk]**

13 December 2023

Dear Mr Hayhurst

**PLANNING APPLICATION: 4/21/2432/0F1**

**Hybrid application seeking full planning permission for the erection of 139 residential dwellings (C3), new vehicular accesses off high road, public open space and ancillary infrastructure and outline planning permission for residential development units, retail (E(A,B,C,E,F), F2(A) and ancillary infrastructure with all matters reserved other than access at Former Marchon Chemical Factory, High Road, Whitehaven - RECONSULTATION**

Thank you for your consultation email of 30 November 2023 seeking the further views of the Coal Authority on the above planning application.

**The Coal Authority Response: Holding Objection**

We last commented on this application in a letter to the LPA dated 18 November 2021. Relevant comments from this letter are reproduced in italics below:

*The application site falls partly 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.*

*The Coal Authority records indicate that mine shafts 296515-001 and 296515-002 and their associated potential zones of influence are present within the southern part of the*

*outline application site area. Records indicate that these shafts were filled and subsequently capped with reinforced caps in 1977. Our records also indicate that the potential zone of influence of off-site mine shaft 296516-002 encroaches into the western part of the full application site area, into an area of proposed Public Open Space. Our records indicate this shaft is filled with clay to an unknown specification.*

*In light of the above, the planning application should be supported by a Coal Mining Risk Assessment, or an equivalent report, which assesses the risks posed to the proposed development by coal mining legacy and, where necessary, proposes mitigation measures to address any issues of land instability.*

*Having reviewed the LPA website it is noted that a raft of technical reports have been submitted in support of the planning application, however, no specific Coal Mining Risk Assessment appears to be listed. We would therefore be grateful for clarification as to which, if any, of the supporting documents provides the required assessment of the risk posed by coal mining legacy to development at the site.*

*Until we have been directed to / provided with the relevant report, and offered the opportunity to provide the LPA with comments on its content and conclusions, this letter constitutes our holding objection to the planning application.*

We understand from your reconsultation letter that the LPA is now in receipt of additional and updated information in relation to the proposed scheme of development. Unfortunately, your letter does not address the matter raised in our initial response and, as such, we must maintain our **holding objection** to the application.

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 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.