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For the attention of: Sarah Papaleo – Case Officer

Cumberland Council (Copeland area)

[By email: Development.Control3@cumberland.gov.uk]

12 August 2024

Dear Ms Papaleo

Re: 4/24/2252/0F1

Erection of 18 No 2 Bedroom dwellings and associated external works; LAND BETWEEN GRIFFIN CLOSE, AND GREENVALE COURT, FRIZINGTON

Thank you for your notification of 30 July 2024 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. 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: **Fundamental Concern (Layout)**

I have reviewed the proposals and confirm that the application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the application site and surrounding area there are recorded coal mining features present at surface or shallow

depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records indicate that within or within 20m of the application site there are two mine entries (1 x on-site mine shaft ref: 303517-006, and 1 x off-site mine shaft ref: 303517-003). However based on the information that we hold for these mine entries, it is only the on-site mine entry that we consider affects the proposed development. The Coal Authority hold no treatment details for the on-site mine entry and therefore should be considered as untreated. Due to the historic source plans used to record its current position, this could vary by several metres. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries> In addition, coal seams of workable thickness infer to outcrop at or close to the surface within the site and surrounding area that may have been historically worked from the surface of the site. These coal mining features present a significant risk to public safety and surface stability for the proposed development.

The planning application is accompanied by a Phase 1: Desk Top Study Report (2022-5436, 17-08-2022) prepared for the proposed development by Geo Environmental Engineering. It should be noted that the report is in 'Draft' format and therefore our comments have been made on this version only.

We note that one of objectives of the Report is to assess the ground conditions relative to former coal mining activity at the site and has been informed by an appropriate range of sources of historical, geological and coal mining information.

Having carried out a review of the available information the report author considers that currently there may be a potential stability risk to the proposed development from unrecorded shallow coal mine workings and the on-site mine entry. Therefore recommendations have been made that intrusive site investigations are required in order to confirm the exact ground conditions beneath and within the site to inform the extent of any remedial and / or mitigation measures required. We are pleased to note that the report author informs the applicant that due to the presence of the on-site mineshaft, the layout may need to be revised.

In accordance with the Proposed Block Plan submitted (Drawing No. 22031-06), built development is proposed over and / or within influence of the on-site mine shaft and therefore the layout does not accord with our aforementioned policy. Accordingly, the Coal Authority **objects** to this planning application as a result of the significant layout implications presented by the recorded mine entry. We consider that the applicant has failed to demonstrate to the LPA that the application site can safely accommodate the quantum of development proposed.

The applicant should be advised that the recommended intrusive site investigations should be undertaken to locate and determine the condition of the recorded mine entry within the site. Zones of influence should be calculated for this feature and the zones should be considered as no-build exclusion zones. These no-build exclusion zones should then inform the site layout and an appropriate level of development should be proposed where necessary. We would expect that these works are undertaken prior to determination and a report of the findings along with a layout plan plotting the found location of the feature and its no-build exclusion zone should be submitted for consideration along with any remedial and mitigatory measures proposed.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

However, if the applicant is unable to carry out intrusive site investigation at this time, they should provide the LPA with a revised layout to demonstrate that no buildings will be over or within the influencing distance of the on-site mine entry. This will need to be based on its current recorded position, any deviation from the current recorded position and a calculated zone of influence based on current records: we would then have no objections to the proposed development. This would be subject to the LPA imposing a suitably worded condition to secure the undertaking of the intrusive ground investigations (identified by Geo Environmental Engineering) and to inform a robust remediation strategy

to render the site safe and stable as a result of the former coal mining activity identified at this site.

Mine Gas

Wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Sustainable Drainage

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

We welcome the opportunity to review and comment on further information submitted in support of this planning application.

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*

Planning & Development Manager

General information for the applicant

1 – Mine entries

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

2 - Ground Investigations

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 to enter or disturb our property may result in 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

3 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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.