



The Coal
Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

T: 01623 637 119 (Planning Enquiries)

E: planningconsultation@coal.gov.uk

W: www.gov.uk/coalauthority

For the attention of: Mr C. Harrison – Case Officer
Cumberland Council (Copeland area)

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

16 March 2026

Dear Mr Harrison

Re: Application 4/26/2016/DOC

Discharge of conditions 5, 6, 7 and 10 of planning application 4/22/2466/0f1 at Land Adjacent to Border Yard, Coach Road, Whitehaven – FURTHER RECONSULTATION

Thank you for your notification of 11 March 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) on the above application.

The Coal Authority response:

As you are aware, we commented in our previous consultation response letter that it had not been demonstrated that the requirements of Condition 6 of the issued consent have been satisfactorily addressed in full. This was on the basis that the applicant's technical consultants, Geo Environmental Engineering Ltd, had advised that further borehole investigation or proof drilling and grouting was required in the locality of Plots 32 – 35.

We note that the LPA is now in receipt of an email dated 4 March 2026 from Curtis R. Evans of Geo Environmental Engineering Ltd. Mr Evans reiterates that the rotary drilling investigation undertaken has demonstrated that the majority of the site is minerally stable and is not at risk from shallow coal mine workings but acknowledges that further works are required in respect of Plots 32–35.

On this basis, Mr Evans comments that *'we believe that Conditions 6a and 6b can be formally discharged, and that Condition 17 [also coal mining legacy related] is not applicable to these*

areas.' He goes on to comment that '*Conditions 6a, 6b, and 17 should remain in place for Plots 32-35 until the recommended investigation and/or remediation works have been completed, subject to site access and budgetary considerations.*'

We wish to comment that pre-commencement Condition 6 does not mention the phasing of development, and we note that neither the application covering letter or application form suggest that the applicant is seeking to demonstrate only partial compliance with Condition 6. Nevertheless, based on the submission of Mr Evans' email, we assume that the applicant is seeking to demonstrate compliance with Condition 6 across the majority of the site in order to enable the commencement of development on these areas prior to the undertaking of the further works in the locality of Plots 32-35.

On the basis of the submitted information and the professional opinions contained therein, the Coal Authority's Planning & Development Team would have no objection to this phased approach, subject to the LPA being satisfied that the condition provides sufficient control to ensure the undertaking of the further works required in the locality of Plots 32-35 prior to the commencement of development in this part of the site.

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

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 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 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 advisors for this development in relation to ground conditions and the acceptability of development.