



The Coal
Authority

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For the attention of: Sarah Papaleo – Case Officer
Cumberland Council (Copeland area)

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

19 May 2026

Dear Ms Papaleo

Re: 4/26/2131/0B1

Variation of condition 2 (plans) to increase scale of building of planning application 4/23/2085/0F1 - erection of two new buildings (one to contain units 1 & 2 and one to contain unit 3) to include commercial shop front, manufacture, warehousing & distribution (use classes b2 and b8); Units 1, 2 & 3 Joe McBain Avenue, Moresby Parks

Thank you for your notification of 29 April 2026 seeking the views of the Coal Authority on the above.

The Coal Authority (now trading as the Mining Remediation 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.

It is noted that the Coal Authority were consulted by the LPA as part of the planning consultation process for the approved development: 4/23/2085/0F1 - *Erection of two new buildings (one to contain Units 1 & 2 and one to contain Unit 3) to include commercial shop front, manufacture, warehousing & distribution (Use Classes B2 and B8)*. Based on our coal mining data at that time we advised the LPA that the application site did not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area only; letter dated 12 April 2023. We are pleased to note that our Standing Advice was included within the Decision Notice.

However, our records now state that the site lies within the Development High Risk Areas; specifically coal seams of workable thickness, infer to outcrop at or close to the surface of the site that may have been historically worked from the surface to shallow depths within and beneath the site. This could affect public safety and surface stability for the proposed development.

However, it is acknowledged that planning permission has already been approved by the LPA, and development commenced in August 2024 as part of the approved consent. We are therefore assuming that no coal mining features were identified as part of the ground excavations works.

In light of the above, we have no objections to this variation of condition application, however we would request that our Informative Note is added to any new planning permission granted. In the event that any coal mining features are encountered as part of any further ground excavation works, all works should cease and ground conditions should be assessed by a competent and experienced engineer.

Informative Note

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

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

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

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

Yours sincerely



Deb Roberts M.Sc. MRTPI

Planning & 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.