



The Coal
Authority



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For the Attention of: Christie M Burns – Case Officer
Cumberland Council (Copeland area)

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

23 August 2023

Dear Christie

PLANNING APPLICATION: 4/23/2220/0F1

ERECTION NEW DWELLING (RESUBMISSION OF 4/23/2012/0F1); land at Montreal Place, Moor Row

Thank you for your consultation letter of 3 August 2023 seeking the views of the Coal Authority on the above planning application.

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: Material Consideration

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that 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, specifically a recorded mine entry (shaft) is within close proximity of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

The Coal Authority notes that the applicant has obtained appropriate and up-to-date coal mining information for the proposed development site, along with information obtained from intrusive investigations undertaken. This has been used to inform the Intrusive Site Investigation Report (dated 20 December 2022, prepared by Geoinvestigate Ltd), which accompanies the planning application. The Report correctly identifies the recorded mine entry (shafts) present within close proximity of the site boundary.

However, on the basis that the Report is able to demonstrate that the footprint of the proposed building would be outside any zone of influence of the shaft, no further remedial measures or investigations are proposed. The Report further reinforces this by referencing the previous treatments applied to the shaft.

Mine Gas

It should be noted that 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.

SUDS

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.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the Intrusive Site Investigation Report (dated 20 December 2022, prepared by Geoinvestigate Ltd) are sufficient for the purposes of the planning system in demonstrating that the

application site is safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely



Chris MacArthur B.Sc. (Hons), DipTP, MRTPI
Planning Liaison Manager

General Information for the Applicant

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining 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.

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

