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

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

24 December 2024

Dear Ms Papaleo

Re: 4/24/2252/0F1

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

Thank you for your notification of 18 December 2024 seeking the views of the Coal Authority on further information submitted in support of the above.

The Coal Authority response: **Material Consideration**

As you are aware, the Coal Authority objected to the layout of the development in our previous letter to you dated 12 August 2024. Due to the presence of the on-site mine entry (CA shaft ref: 303517-006), it was unclear how this specific mining feature had influenced the layout of the development in order that adequate separation between any buildings and the mine entry had been incorporated.

The planning application is now accompanied by a Supplementary Mining Investigation Report (GEO2024-6310, dated 06.08.2024) and a Summary on Geo-Environmental Investigations (GEO2024-6517, dated 07.11.2024) both prepared by Geo Environmental Engineering.

The reports has been informed by the recommendations made within their Phase 1 Report (detailed within our previous comments to the LPA) together with the finding of initial ground investigations detailed within their Ground Investigation Report (2023-5496, dated 03.02.2023). We note that the objective of the Supplementary Report is to confirm the depth and condition of any shallow coal mine workings and the exact location and condition of the on-site mine shaft.

Based on the results and a detailed analysis of the findings of the investigation works, the report author has confirmed that because shallow unrecorded coal mining has been confirmed, recommendations have been made that remediation measures, in the form of ground stabilisation works (drilling and grouting), will be required to mitigate the risk and facilitate the proposed development.

We note that ground anomalies within the vicinity of the site (grid co-ords: Eastings: 303377.8, Northings: 517408.2) have been identified as likely being the location of the on-site mineshaft, however, further investigations (rotary drilling) are required to confirm this. The finding will inform how this feature will need to be treated (grouted and capped). The applicant is aware that any remedial works will need to be carried out under the terms and condition of a Coal Authority Permit. 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.

We are pleased to note that Geo Environmental Engineering have advised the applicant that no houses are constructed within the zone of influence of the mine shaft, which based on ground conditions encountered, has been calculated as 5m from the shaft edge. We note that the revised layout plan (Drawing No. 2201-07 Revision C – Revised Site Plan) illustrates the position of the mineshaft, which we are assuming has been informed by the above recommendations.

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.

The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority considers that based on the professional opinion provided by Geo Environmental Engineering, informed by the results of intrusive site investigations, the applicant has demonstrated to the LPA that the site can be made safe and stable for the proposed development as required by the NPPF paras. 187, 196 and 197. This is subject to the development being approved as per Drawing No. 2201-07 Revision C and the undertaking of further site investigations works / remedial measures.

We would therefore recommend that the LPA impose the following condition:

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the further intrusive site investigations, as recommended by Geo Environmental Engineering and the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority **withdraws its objection** to the proposed development **subject to the imposition of the conditions** to secure the above.

It is also requested that the following Informative Notes are included on any planning permission granted:

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.

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

Yours sincerely

D Roberts

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 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.