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

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

10 October 2024

Dear Christie

**Re: 4/24/2336/DOC**

**Discharge of conditions 9, 10 and 21 of planning application 4/23/2076/001; land off Dalzell Street, Moor Row, Egremont**

Thank you for your notification of 8 October 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: Substantive Concern**

Condition 10 of the planning permission seeks to address coal mining legacy issues including the undertaking of intrusive site investigations and the implementation of any necessary remedial measures.

The Coal Authority records indicate that the site has been subject to recorded underground coal mining at shallow depth. In this instance, our records indicate shallow coalmine workings in two seams of coal underlying the northeast and eastern part of the application

site. The seams are indicated to underlie the site at depths of only 5m and 11m with extraction thicknesses of 1.44m and 1.22m.

Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The applicant has submitted a Phase II Ground Investigation Report (September 2024, prepared by GeoCon Site Investigations Ltd), in support of the discharge of the aforementioned condition. However, the content of appears to fail to identify the recorded workings, which we know underlie the site, with only one borehole advanced in the area affected. Whilst the borehole encountered intact coal, this could represent a pillar in an area of coal otherwise worked. Consequently, the Planning and Development Team at the Coal Authority considers that the Report fails to adequately assess the risks posed by recorded shallow coalmine workings, which we know underlie the site and that the investigations undertaken were not so significant to the extent to establish those risks.

On account of the above, the Planning and Development Team at the Coal Authority **is unable to recommend the LPA discharge Condition 10.**

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

Yours sincerely

# Chris MacArthur

**Chris MacArthur** *B.Sc.(Hons), DipTP, MRTPI*

**Planning Liaison Manager**

## General Information for the Applicant

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 will result in trespass, with 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:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

## Requirement for Incidental Coal Agreements

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 from the Coal Authority. 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>

## 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.

