



The Coal Authority

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For the attention of: Ms H. Morrison – Case Officer

Cumberland Council (Copeland area)

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

16 December 2025

Dear Ms Morrison

Re: Planning application 4/25/2411/0F1

Full planning permission for the erection of 2no. buildings for B2 general industrial and ancillary office use, comprising 6,356sqm gea floorspace, associated car parking, hard and soft landscaping, associated infrastructure and landscaping and biodiversity enhancements across the wider Leconfield estate at Plots 9 & 12, Leconfield Industrial Estate, Cleator Moor

Thank you for your notification of 11 December 2025 seeking the views of the Coal Authority (trading as the Mining Remediation 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

We note that the application site falls into two distinct parts; the eastern 'construction' zone and the western 'BNG offsetting' zone. We can confirm that both parts of the application site fall within the defined Development High Risk Area. As such, within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

With regards to the construction zone, our information indicates that a coal seam is conjectured to outcrop at or close the surface which may have been subject to unrecorded working in the past. Voids and broken ground associated with such workings can pose a risk to surface stability and public safety.

Our records indicates that the BNG offsetting zone lies in an area where underground coal mining is recorded to have taken place at shallow depth and where further historic unrecorded shallow coal mining associated with an outcropping coal seam may have occurred. In addition, our records indicate that there are six mine entries (shafts) present within this part of the application site or within 20m of its boundary. Due to potential plotting inaccuracies, the actual positions of these features could depart/deviate from their plotted positions by several metres. We hold no details of any past treatment of the shafts. This coal mining legacy can pose a significant risk not only to surface stability but also public safety.

The application is accompanied by a Phase 1: Desk Study (October 2024, prepared by Solmek Ltd), the study area for which relates to the construction zone. Based on a review of coal mining and geological information, the report notes that insufficient overlying rock cover may be present over the shallowest recorded mine workings in the Main coal beneath this part of the site to ensure surface stability. It also identifies the potential for the shallower Ten Quarters coal to have been worked. It goes on to recommend the undertaking of a rotary borehole investigation to further investigate the coal mining situation beneath the site.

The application is also accompanied by a Phase 2: Site Investigation (October 2024, prepared by Solmek Ltd). As with the Phase 1 report, the study area for the report relates to the construction zone. The report indicates that investigations undertaken at the site included the drilling of six boreholes to a maximum depth of 40.0m bgl. The report states at Section 4.4 that '*With respect to coal/ironstone workings, no voids were encountered. Intact coal was present within RBH05 (22.00-22.70m) and haematite was noted within the sandstones of RBH03.*'

The Phase 2 report provides no definitive conclusion with regards to the risk posed by coal mining legacy to the proposed development. However, given that it makes no recommendations for any further investigations or remedial/mitigatory measures in respect of coal mining legacy, we assume that the report authors are satisfied that the construction zone may be considered safe, stable and suitable for development in this regard.

It does not appear that the significant coal mining legacy affecting the BNG offsetting zone is acknowledged or addressed in supporting application documentation. However, whilst the breaking up of an existing concrete slab is proposed on this part of the site, we

acknowledge that this is part of biodiversity enhancement, and we note that built development is not proposed in this area. We assume that there will be no increased public accessibility over this area.

Nevertheless, we wish to highlight that the coal mining legacy present, which includes mine shaft 301515-009 beneath the existing concrete slab, poses a potential risk to public safety and the safety of operatives undertaking works to create the BNG offsetting zone. We therefore recommend that the LPA makes the applicant aware of the legacy present within this part of the application site. The LPA may also consider it prudent to explore with the applicant the possibility of permanently fencing off the parts of the site where the recorded mine shafts and their associated zones of influence are present to prevent accessibility over these areas of potential instability.

The applicant should note that Permission is required from our Permitting Team before undertaking any activity, such as groundworks, which have the potential to disturb our property, which includes coal seams, associated mine workings and mine entries. Any comments that we may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Based on the information submitted and the professional opinions contained therein, and subject to the LPA receiving confirmation from the report authors that our assumption with regards to the stability of the construction zone is correct, the Coal Authority's Planning & Development Team would have **NO OBJECTION** to this planning application.

Should planning permission be granted for the proposal, we request that the following Informative Notes in italics are included on the planning permission decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

2 - 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 Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

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.

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 the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

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.

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.