



The Coal  
Authority

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**For the attention of: Mr C. Harrison – Case Officer**  
Cumberland Council (Copeland area)

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

3 February 2026

Dear Mr Harrison

**Re: Application 4/26/2016/DOC**

**Discharge of conditions 5, 6, 7 and 10 of planning application 4/22/2466/0f1 at Land Adjacent to Border Yard, Coach Road, Whitehaven**

Thank you for your notification of 26 January 2026 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) on the above application.

**The Coal Authority response:**

The Coal Authority's particular interest in planning permission 4/22/2466/0f1 lies with Conditions 6 and 17, which state:

6. *No development shall commence until;*
- a) *a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;*
  - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*

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

17. *Prior to occupation of the first dwelling hereby approved a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved in writing by the Local Planning Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

We note that the applicant has applied to discharge Condition 6. Whilst the condition does not require the submission of any information for approval, they have nevertheless submitted a Coal Mining Risk Assessment report (15 December 2025, prepared by Geo Environmental Engineering Ltd) for consideration by the LPA.

This report reviews coal mining and geological information relevant to the site, along with the results of previous intrusive investigations and concludes:

*'As a result of the conflicting information and resulting uncertainty, it is recommended that targeted intrusive investigation works are undertaken prior to the development commencing, in the form of rotary boreholes (at least 5 no.), should be undertaken targeting the northwestern portion of the site and western site boundary to determine the ground conditions with greater certainty and the level of risk posed to the site from known subjacent coal workings. These rotary boreholes are necessary to determine if the site requires remedial measures to stabilise the ground prior to development commencing (e.g., pressure grouting).'*

The application is also accompanied by Phase 2: Ground Investigation Report (15 December 2025, again prepared by Geo Environmental Engineering Ltd). This report signposts the aforementioned Coal Mining Risk Assessment and reiterates its recommendations for the need for a rotary borehole investigation.

**The Coal Authority's Planning & Development Team welcomes the apparent intention to undertake further intrusive investigations at the site to fully assess the risks posed by coal mining legacy. However, on the basis that no information has been presented to confirm that these have been carried out (as required by part a) of Condition 6) and that any necessary remediation works / mitigation measures have been implemented (part b) of the condition), we do not consider that it has been demonstrated that the requirements of Condition 6 of the issued consent have been satisfactorily addressed.**

In due course, we would be pleased to review and to provide comment on the statement/declaration submitted by the applicant to discharge Condition 17, which should include information on the findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The applicant should note that Permission is required from our Permitting Team before undertaking any activity which may disturb our property. Any comments that we may have made in a Planning context are without prejudice to the outcomes of a Permit application.

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 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.*