



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]

4 March 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 - RECONSULTATION

Thank you for your notification of 3 March 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) on the above application.

The Coal Authority response:

As you are aware, our 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.*

You will recall from our previous consultation response letter of 3 February 2026 that we advised that the submitted information did not demonstrate that the requirements of Condition 6 of the issued consent have been satisfactorily addressed.

We note that the applicant has now submitted a Coal Mining Investigation Report (25 February 2026, prepared by Geo Environmental Engineering Ltd) for consideration by the LPA. This report indicates that five open-hole rotary boreholes were drilled at the site to depths of 30.0m bgl to further assess the risk posed by shallow coal mining legacy. These works were carried out under Mining Remediation Permit ref. 31117.

The report indicates that no evidence of shallow coal workings was encountered in the boreholes. However, it does point out that a significant thickness of productive coal (1.90m) was recorded within RBH01 at shallow depth (14.10m bgl) in the northern part of the site, which the report considered representative of the Bannock / Brick coal seam.

The report comments that *'When considering the MRA's inference that workings exist within Bannock / Brick coal seam, as shown on mine abandonment plan records, there could be a degree of inaccuracy when overlying the recorded workings onto modern mapping, whereby workings are shown to encroach within the northwestern portion of the site. Nonetheless, the potential for the intact coal identified at the location of RBH01 could be representative of an unmined 'pillar' of mineral coal left to support the roof within a network of pillar-and-stall workings, and therefore at this stage the presence of shallow coal workings cannot be wholly dismissed at this location.'*

Given that the coal seam identified in borehole RBH01 lies within influencing distance of the surface in the locality of Plots 32 - 35, the report goes on to recommend one of the following:

1. *Carry out additional rotary boreholes (3 no.) to further evaluate the ground conditions below Plots 32 to 35 and the potential presence of recorded mining; or*
2. *Engage a specialist drilling and grouting contractor to review the investigation findings and provide a scope of works and cost estimate for a drilling and grouting programme. In this scenario, probe holes would be drilled on a typical 3 – 6m centres across the proposed footprints of plots 32 to 35, and any suspected workings encountered would need to be treated in the form of pressure grouting to mitigate the risk to the development.*

The Coal Authority's Planning & Development Team welcomes the works undertaken and the recommendations made to undertake further intrusive investigations/remedial works at the site to fully assess and address the risks posed by coal mining legacy. However, on the basis that no information has been presented to confirm that these further works have been carried out, we remain of the view that it has not 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 further works undertaken 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.

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.

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.