



The Coal  
Authority



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Learning Partner

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

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

18<sup>th</sup> September 2023

Dear Ms Papaleo

**PLANNING APPLICATION: 4/23/2236/0F1**

**DECONSTRUCT AN SECTION OF EXISTING OUTER LEAF BRICKWORK TO REAR ELEVATION AND PARAPET WALL THAT FORMS PART OF THE REAR ELEVATIONS TO ALL GROUND FLOOR FLATS (62-76 DUKE STREET) AND WALKWAY ACCESS TO THE FIRST FLOOR MAISONNETTES. THE PARAPET AND SECTION OF THE REAR ELEVATION OUTER LEAF IS TO BE DECONSTRUCTED DUE TO THE BRICKWORK BOWING & BECOMING UNSAFE. THE OUTER LEAF BRICKWORK IS TO BE REBUILT WITH BLOCKWORK AND THEN ROUGHCAST RENDER APPLIED TO THE GROUND FLOOR AND PARAPET WALL ONLY; 62 - 76, Duke Street, Whitehaven**

Thank you for your consultation notification of 07 September 2023 seeking the views of The Coal 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: Fundamental Concern**

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls

within the defined Development High Risk Area and that a Coal Mining Risk Assessment is required to be submitted to support this application.

The Coal Authority records indicate that a coal outcrop runs through the site and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

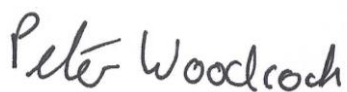
In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report to support this planning application. As no relevant information has been submitted at this time the Coal Authority **objects** to this planning application.

***Please draw the applicants attention to the fact that the Coal Mining Risk Assessment needs to interpret and assess the coal mining risks present and should be based on up-to-date information on the recorded coal mining features on site. If the applicant merely submits a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report, obtained from [www.groundstability.com](http://www.groundstability.com) or a similar product from private land search suppliers, this will not overcome our objection to the planning application.***

The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

Yours sincerely,



**Peter Woodcock | BSc (Hons)  
Assistant Planning and Development Manager**

#### General Information for the Applicant

A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from [www.groundstability.com](http://www.groundstability.com). A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development.

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies and guidance on how to produce a Coal Mining Risk Assessment can be found at:

[www.gov.uk/planning-applications-coal-mining-risk-assessments](http://www.gov.uk/planning-applications-coal-mining-risk-assessments)

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 Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, 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 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](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property).

Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regard to this issue, the Coal Authority’s adopted policy, Development and Mine Entries, can be found here:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

#### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available 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.