



The Coal
Authority



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For the Attention of: Jennie Townsend – Case Officer
Bury Metropolitan Borough Council

[By Email: J.L.Townsend@bury.gov.uk]

12 February 2019

Dear Jennie

PLANNING APPLICATION: 63002

Erection of 14 no. dwellings and associated access road; land adjacent to 41 Station Close, Radcliffe, Manchester, M26 4GW - RECONSULTATION

Thank you for your consultation letter of 01 February 2019 seeking the views of The Coal Authority on the additional information submitted in support of the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. 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

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records show that the site is within an area of unrecorded past shallow workings, some of which may be associated with a thick coal seam outcrop.

The applicant previously submitted a Phase 1 & 2 Environmental Liability & Contamination Assessment and a Revised Risk Assessment. However, on the basis that the Report failed to identify that the site featured within the defined Development High Risk Area and appeared only to focus on contaminated land issues The Coal Authority objected to the planning application.

The Coal Authority is therefore now pleased to note that the applicant has submitted a Coal Mining Risk Assessment Report (January 2019, prepared by the Demeter Environmental Ltd), to accompany this planning application.

The Coal Mining Risk Assessment Report has been informed by an appropriate range of sources of information; including a Coal Authority Mining Report and geological plans. Based on this review of existing sources of geological and mining information the Report correctly identifies the Trencherbone coal seam outcropping through the site and the risks posed by shallow coal mine workings.

Accordingly, and in order to mitigate potential workings, appropriate recommendations are included for intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

The applicant should ensure that the exact form of any intrusive site investigations are agreed with The Coal Authority's Licensing and Permitting Department as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures which may be required in order to ensure the safety and stability of the proposed development.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the submitted the Coal Mining Risk Assessment Report (January 2019, prepared by the Demeter Environmental Ltd); that probable shallow mine workings potentially pose a risk to both public safety and the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.

The Coal Authority is therefore able to recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works, the condition should ensure that the remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of an appropriate scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.**

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:

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.

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 advisers for this development in relation to ground conditions and the acceptability of development.