



The Coal
Authority



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For the Attention of: Ms R. Simpkin – Case Officer
Hinckley and Bosworth Borough Council

[By Email: planning@hinckley-bosworth.gov.uk]

28 March 2023

Dear Ms Simpkin

PLANNING APPLICATION: HPK/2023/0061

Outline planning application for affordable housing with access considered and all other matters reserved (resubmission of HPK/2020/0180) at Land to the West of Bridgemont, Whaley Bridge

Thank you for your consultation letter of 14 March 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: Material Consideration

The application site falls partly within the defined Development High Risk Area (DHRA); therefore within the 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.

More specifically, the Coal Authority's information indicates that historic unrecorded coal mining activity is likely to have taken place at shallow depth beneath the

southern end of the site. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

We note that the planning application is accompanied by the same Coal Mining Risk Assessment report (June 2020, prepared by Peak Environmental Solutions), which was submitted in support of the previous proposed scheme of residential development at the site, considered by the LPA under planning application HPK/2020/0180.

Based on a review of appropriate sources of coal mining and geological information, the report concludes that possible unrecorded mine workings in the Red Ash Coal seam in the southernmost part of the site (corresponding with the Coal Authority's defined DHRA) pose a potential risk of future surface ground movement within this part of the application site.

The report goes to recommend that the risk posed by shallow coal mining legacy can be mitigated by adopting one of two options. The first option is the carrying out of intrusive ground investigations, in the form of boreholes, in the vicinity of the structures in the southern part of the site in order to establish the depth and condition of shallow coal seams/workings and to inform any necessary remedial measures. The second option is to exclude built development from the defined DHRA.

We note that the Indicative Site Plan - Option 2 indicates that built development would be located outside the Development High Risk Area, although an area of car parking would be present in this area. However, we acknowledge that the applicant is seeking outline planning permission with all matters, with the exception of access, to be reserved for future approval. The Coal Authority considers that both of the aforementioned options represent appropriate approaches to mitigating the risk posed by past shallow coal mining activity.

Once the reserved matters layout details are determined, and should intrusive site investigations be required, these works be designed and carried out by competent persons, in cognisance of the conclusions of the Coal Mining Risk Assessment report. They should be sufficient in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

The Coal Authority welcomes the precautionary measures set out within Section 5.0 of the report (observational technique) which are recommended in order to mitigate the risk posed by any unrecorded mine entries that may present within the application site. Should any previously unrecorded mine entry be encountered during development, appropriate treatment will be required, in accordance with details agreed permitted under a Coal Authority Permit.

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.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations may be required, along with possible remedial measures, in order to ensure the safety and stability of any development proposed within the defined Development High Risk Area.

As such, should outline planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. *Should any subsequent reserved matters approval relating to the detail of layout propose development within the Coal Authority's defined Development High Risk Area, as shown on Figure 3 of the supporting Coal Mining Risk Assessment report, no development shall commence within this part of the application site until;*

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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.

2. *Should development be proposed within the Coal Authority's defined Development High Risk Area, prior to the occupation of the development, or it being taken into beneficial use, 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 to the Local Planning Authority for approval in writing. 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.*

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

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 183 and 184 of the National Planning Policy Framework.

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development 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. 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

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.

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.