



The Coal
Authority

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For the attention of: Pet Twigg – Case Officer
High Peak Borough Council

[By email:]

17 January 2024

Dear Pet

Re: Planning application HPK/2023/0509

Proposed steel framed structure to enclose existing storage yard area to end of site. Enclosed area to be Class E storage and commercial unit as per the other units at Gisbourne Works, Buxton Road, Whaley Bridge

Thank you for your notification of 4 January 2024 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 Coal Authority's defined Development High Risk Area. Therefore, within the site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

More specifically, the Coal Authority's information indicates that a coal seam is conjectured to outcrop to the west of the site, dipping in an easterly direction beneath the site, which

may have been worked in the past. 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.

In addition, our information indicates that the potential zones of influence of two off-site recorded mine entries encroach across the northern section of the access road to the proposed development. However, we note that this access route already exists and it does not appear that any further works are proposed in this part of the site.

The application is accompanied by a Coal Mining Risk Assessment report (June 2019, prepared by Peak Environmental Solutions). We note that this report was previously submitted in support of planning application HPK/2019/0186 for storage and commercial units at the application site. The report was considered acceptable by the Coal Authority at the time of the previous application in 2019.

Based on a review of appropriate sources of coal mining and geological information, the report points out that there are no known shallow coal mine workings beneath the site. The report acknowledges that the Big Smut / Upper Mountain coal seam is likely to underlie the site at shallow depth, nevertheless the report author is satisfied that this seam was not worked in this area. They go on to indicate that it is not considered probable that unrecorded shallow workings are present beneath the site and, as such, they consider that the risk posed by underground mine workings to development proposals to be very low.

No investigatory or remedial measures are proposed in respect of shallow coal mining activity, although recommendations are made to ensure that any coal exposed in foundation excavations is removed or suitably blinded to address issues of spontaneous combustion.

The report advises that the presence of unrecorded mine entries within the site cannot be ruled out. We therefore welcome the recommendation that vigilance should be maintained during construction works for any anomalous ground conditions that may be related to such a feature. Should a previously unrecorded mine entry be encountered during development, appropriate treatment will be required in accordance with details permitted under a Coal Authority Permit.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team considers that the Coal Mining Risk Assessment report and the professional opinions contained therein are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

Should planning permission be granted for this proposal, we request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

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.

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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.

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.