



The Coal
Authority



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For the Attention of: Mrs H Leamey- Case Officer
West Lancashire District Council

[By Email: plan.apps@westlancs.gov.uk]

25 November 2019

Dear Mrs Leamey

PLANNING APPLICATION: 2019/0366/FUL

Demolition of existing structures and erection of Class A1 foodstore and flexible use (Class A1/A2/A3) unit with associated access, car parking, servicing and hard and soft landscaping ; Pennylands House, High Street, Skelmersdale

Thank you for your notification of 05 November 2019 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 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

I have reviewed the proposals and confirm that 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 indicate that the site is in an area of probable shallow coal mining that could be attributed to the thick coal seam conjectured to outcrop through the central part of the site.

This planning application is accompanied by a Coal Mining Risk Assessment (JMC/C3788/7390, January 2018) prepared by Brownfield Solutions Ltd. Based on the review of available geological and coal mining information, the report author identified that

ground investigations are required in order to confirm the presence or otherwise of shallow coal seams / workings beneath this site. The report author identifies that in the event that shallow workings are encountered, stabilisation works (drilling and grouting) may be required.

The planning application is also accompanied by a Geo-Environmental Assessment Report (JM/C3788/7517 Rev A, May 2018) also prepared by Brownfield Solutions Ltd. This Assessment has been informed by the results of intrusive ground investigations (Section 4.2) based on the recommendations made within the above Coal Mining Risk Assessment.

Based on the findings of the ground investigations Section 7 identifies that three coal seams of workable thickness (shallowest seam at 21.5m, maximum seam thickness 1m) are present beneath the site. However, the report author indicates that no evidence of workings were encountered within these coal seams (no voids / loss of flush). Section 7.8.3 states that even if the seams had been worked the depth of competent rock cover is sufficient that will not affect the foundations of the proposed store. The report author concludes that based on their professional opinion, there appears to be no significant risk from shallow mine workings to this proposal, based on the information to date. Accordingly, no precautions are considered necessary (Section 9.1.6).

However we are pleased to note that recommendations have been made that due to the presence of the existing building (which prohibited current access), additional boreholes, post demolition, are required in order to test the ground at these locations matches the rest of the ground investigation report findings. In addition, due to the unknown obstruction encountered in one of the boreholes (RO08), further investigations are also required within the specific area. However, the nature and extent of these additional works will require the Coal Authority's written consent / agreement from our Licensing and Permitting team.

The Coal Authority Recommendation to the LPA

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out (in accordance with the NPPF, paragraph 179 - 179). Therefore, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the full extent of the site is safe and stable for the development proposed you may wish to consider the imposition of planning conditions which cover the issues set out below.

Prior to the commencement of development:

- * The undertaking of an additional scheme of intrusive site investigations (post demolition), designed by a competent person and adequate to assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations and any remedial / mitigatory measures necessary,
- * Implementation of the remedial / mitigatory works.

The Coal Authority has **no objection** to the proposed development, **subject to the imposition of a planning condition or conditions to secure the above.**

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.

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. 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:

<https://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.