RISK BASED APPROACH TO DEVELOPMENT MANAGEMENT

GUIDANCE FOR SCOTTISH LOCAL PLANNING AUTHORITIES

Photograph courtesy of the Coal Authority: 2010
RISK BASED APPROACH TO DEVELOPMENT MANAGEMENT

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1. **How this document can help you**

We want to provide a good service as a statutory consultee during the development management process. We recognise that all consultees to the planning process have different requirements and issues. This document is aimed at Local Planning Authorities and is intended to be a resource to assist in dealing with planning applications in the areas with recorded coal mining legacy.

This document supersedes and replaces the previous version (Version 3) issued in 2014. The principal changes include the following:

- An update on the Exemptions List;
- Reconfirmation and update to the Standing Advice and Informative Notes; and
- The introduction by the Coal Authority of chargeable pre-application advice services to the development industry.

Date of Publication: December 2016

Next revision scheduled for: December 2018

1.1 **Your comments and suggestions are always welcome**

The next revision of this document is scheduled for December 2018, unless legislation, policy or any other material circumstances require an earlier review.

If anyone has any comments on the contents of this document at any point which could be incorporated into the next revision, please direct comments and suggestions to:

Mr Mark Harrison
Principal Manager

The Coal Authority - Planning and Local Authority Liaison

Email: planningconsultation@coal.gov.uk
2. The Coal Authority

The Coal Authority is a Non Departmental Public Body, established in 1994, currently sponsored by the Department for Business, Energy & Industrial Strategy (BEIS). The Coal Authority has a national remit covering England, Scotland and Wales from a central office base in Mansfield, Nottinghamshire.

The Coal Authority has specific statutory responsibilities associated with the licensing of coal mining operations; handling subsidence claims (which are not the responsibility of licensed coal mine operators); dealing with historic property and liability issues; and providing information on coal mining.

2.1 How we manage statutory planning consultations

The Coal Authority re-engaged with the three planning systems and the 180 coalfield LPAs across England, Scotland and Wales in 2008 to represent the interests of BEIS (formerly the Department for Energy and Climate Change) by:

- Protecting coal resources from unnecessary sterilisation which could adversely affect future energy security\(^1\); and
- Ensuring that new development is undertaken safely to reduce the future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining.

Scottish Planning Policy (June 2014), paragraph 237 indicates that mineral extraction can, if properly dealt with through restoration and aftercare, provide benefits in areas of existing land instability.

The Coal Authority is a **statutory consultee** for development within the defined coal mining areas under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, Regulation 25, Schedule 5(7). This is in part due to one of our specific responsibilities being to manage the environmental legacy of coal mining.

The Coal Authority is also a **consultee** for planning policy matters. The Coal Authority is not part of the Scottish Government family and therefore not defined as a “key agency” for the purposes of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008.

Planning and Local Authority Liaison is based within the central office; all of our planners operate on a national basis covering England, Scotland and Wales. There is no nominated person for defined regions or LPAs.

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\(^1\) Scottish Planning Policy (2014), paragraphs 235, 237 and 239
All consultations should be sent to the single email address: planningconsultation@coal.gov.uk to enable them to be registered. If consultations are sent through to an individual/personal email then no guarantee is given for them receiving a response.

All telephone enquiries for planning matters should use 01623 637 119.

<table>
<thead>
<tr>
<th>Type of Consultation</th>
<th>Timescales for the Coal Authority to issue a response</th>
<th>Performance Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Enquiries from any source</td>
<td>21 calendar days (from receipt)</td>
<td>100% by deadline</td>
</tr>
<tr>
<td>Planning Application consultations from LPAs only</td>
<td>14 calendar days (from date of request) in accordance with regulations</td>
<td>100% by deadline</td>
</tr>
<tr>
<td>Re-Consultations from LPAs only</td>
<td>14 calendar days (unless specified by LPA)</td>
<td>100% by deadline</td>
</tr>
<tr>
<td>Follow-up questions or queries from Applicants or Agents</td>
<td>21 calendar days (from date of request)</td>
<td>100% by deadline</td>
</tr>
</tbody>
</table>

Our role as a statutory consultee is to assist the decision maker; therefore our primary stakeholder is the LPA. We will respond to consultations in the order of the date received; consequently if there is any delay in the LPA issuing the consultation request then we reserve the right to take up to 14 days to provide a response.

Since April 2013 we operate a bespoke GIS based system to manage the 7,500 – 8,000 planning application consultation requests we receive per year. This prioritises all consultations according to their deadlines and issues responses as either PDF or Word documents within a “zipped” file. There is no back-end administrative process.

All our consultation responses are classified in accordance with DCLG consultation document: “Improving Engagement by Statutory and Non-Statutory Consultees” published December 2009:

- Fundamental Concern (i.e. no Coal Mining Risk Assessment);
- Substantive Concern (i.e. some information but not sufficient, some missing information or misinterpretation of information);
- Material Consideration (i.e. satisfactory Coal Mining Risk Assessment and/or site investigation/remedial works require pre-commencement planning condition); or
- No Comment

Pre-application Advice:
In line with many other statutory consultees, the Coal Authority no longer provides responses to pre-application enquiries without a charge. We would therefore
request that LPAs direct any applicants that are seeking pre-application advice regarding coal mining legacy issues because their site falls within the Development High Risk Area to us and we can provide them with a quotation for providing our advice.
3. The Risk Based Approach to Development Management

In common with other consultees, the approach involves the definition of a spatial area and then a process with guidance on the types of planning applications which require specific supporting information and assessments.

3.1 The Consultation Area

The Coal Authority used its extensive mining records to divide the coalfield into two spatial areas: “High Risk” and “Low Risk.”

The Consultation Area data was originally provided to each individual LPA in GIS and paper formats during 2011. Since April 2013 annual data updates have been made available to all coalfield LPAs through our data portal facility. For any enquiries or queries regarding the data portal please contact 01623 637 119 or email planningconsultation@coal.gov.uk.

The Development Low Risk Area is the remainder of the defined coalfield; whilst coal mining has taken place it was at such depth not to pose a risk to new development and it therefore contains no known recorded risks.

The Development High Risk Areas contain specific recorded coal mining legacy risks to the surface including:

- mine entries;
- shallow coal workings (recorded and probable);
• workable coal seam outcrops;
• mine gas sites and areas;
• recorded coal mining related hazards;
• geological features (fissures and break lines); and
• former surface mining sites / high wall (sometimes using historic opencast extraction methods).

**Mine Entries (with 20m radius for the zone of influence)**

There are approximately 171,000 recorded mine entries within the Coal Authority system. The amount of information held on each of these is variable; some have full records including the known position, condition and details of how it has been treated. The majority have virtually no records other than the approximate position.

Mine entries have the potential to collapse causing potential land instability, but there is a further risk that mine entries provide a potential pathway to the surface for mine gases and mine water.

**Mine Entries: Open Countryside and within Existing Developed Areas**

**Shallow and Probable Shallow Coal Mine Workings (no buffers)**

Recorded shallow workings and associated probable shallow mine workings make up a large proportion of the Development High Risk Areas.

Shallow mining is usually defined as depth of less than 30m. Where coal mining has taken place at shallow depth there is a risk that these workings could collapse and cause instability problems at the surface. Development activities or vehicle movements could provide a trigger for these problems to occur.
In addition to potential instability caused by shallow mine workings there is the further risk that pathways through the covering strata can allow the transmission of mine gases and mine water to the surface.

The Collapse of Shallow Coal Mining Workings

Coal Seam Outcrops (with 10m buffer)
Coal mining in the UK originated from working outcropping coal seams from the surface. There are few records of this early coal mining and as a result there is the potential for unrecorded shallow mine workings in the vicinity of all workable outcropping coal seams. The position of outcropping coal seams within the Coal Authority system is derived from a mixture of geological data and Coal Authority records.

Mine gas sites and areas (no buffers)
Mine workings (and surrounding ground) can contain toxic and explosive pressurised gases. The main gases found in coal mines are carbon dioxide, methane, carbon monoxide, oxygen deficient air and hydrogen sulphide. All are very dangerous and can cause loss of life. Mine gases can find routes to the surface through mine openings and other points of weakness in the overlying strata including porous sandstone strata. How, where and when gases move is very difficult to predict and can extend for some distance from the origin.

The Coal Authority regularly monitors and manages existing and suspected mine gas with the installation of vents to safely disperse the gases to atmosphere. Occasionally mine gases affect residential properties which are monitored with special meters with alarms to ensure that the concentrations do not pose a risk to health or safety.
Surface mining sites (no buffers) (formerly known as Opencast Mining Sites)
Surface coal mining is a relatively modern way of mining coal. Although the location of the sites are fairly well known; there is less information recorded in some cases about the extent and depth of the excavated areas or the nature, state and condition of the material used to backfill the site following the end of mining operations.

The Development High Risk Areas include the boundaries of past surface mining sites, but not the extent of the excavation. It is the backfill material which can contain toxic and explosive gases. The base of excavation may be connected to open underground workings which can be the pathway for the migration of these gases from deeper underground workings. Any disturbance or alteration of backfill materials can change its physical properties with the potential for instability, particularly in the area of the high wall which can create differential settlement, as well as the potential for the emission of mine gases and mine water.

Recorded Coal Mining Related Hazard Sites (no buffers)
All coal related surface hazard sites that the Coal Authority has dealt with are recorded and form part of the Development High Risk Area. They give an indication that there has been and may be coal related public safety issues within a site or its locality that need to be considered.

Geological Features (5m buffer)
Out of the 500 surface hazards reported annually to the Coal Authority, approximately 5% are attributable to geological disturbances and fissures.

Fault lines, breaks and weaknesses exist due to natural geological activities. The underground extraction of coal creates additional stresses and strains that can exacerbate the existing faults and breaks causing weaknesses within the rocks and sometimes large cracks (fissures) to appear at the surface. Development activities and vehicle movements could cause land instability problems as well as the opportunities for mine gas and mine water emissions.
Coal Mining Related Fissures
3.2 The Process

The basic principle which underpins the process is that within the Development High Risk Area there are existing recorded risks to the ground stability which need to be assessed and mitigated as part of the new development proposals in the interests of public safety.

Any planning application for development which intersects the ground in the Development High Risk Area REQUIRES a desk based Coal Mining Risk Assessment AND consultation with the Coal Authority UNLESS it is an application or development type that features on the Exemptions List.

The desk based Coal Mining Risk Assessment (CMRA) report should accompany the planning application in order to demonstrate to the Local Planning Authority how the developer will ensure that the proposed development which intersects the ground will be safe and stable. There are some exceptions to this principle which are set out in the “Exemptions List” in Section 3.3.

Land instability is a material planning consideration as the Scottish Planning Policy indicates that it can be a product of mineral extraction. This Coal Authority process is designed to address the historic legacy of coal mining.

Scottish Planning Policy (2014) states that in relation to new mineral extraction “consent should only be granted for surface coal extraction proposals which are either environmentally acceptable or provide local or community benefits”. This paragraph goes on to comment that site boundaries within 500mm of the edge of settlements will only be environmentally acceptable where local circumstances such as small scale extraction or the stabilisation of mining legacy justify a lesser distance.

SPP paragraph 237 also includes the following reference to unstable land:

“Plans should set out factors that specific proposals will need to address, including:
• restoration and aftercare (including any benefits in terms of the remediation of existing area of dereliction and instability).”

This means that future mineral extraction should strive to avoid a future legacy of unstable land.

Furthermore, recent Scottish Reporters’ comments on the Coal Authority’s representations to emerging coalfield Local Development Plans have confirmed that land instability is one of the planning issues which should be considered in forward planning.

The Coal Authority has defined the areas (Development High Risk Areas) that illustrate the historical legacy of coal mining. The risk based approach to development management is designed to ensure that the historic legacy from past
mineral extraction does not adversely affect the future land stability for new developments.

Local Planning Authorities are permitted to request information to support the decision making process under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, Regulation 24.
3.3 The “Exemptions List”

The overall process aims to provide a consistent approach to assessing development proposals across the coalfields. It is recognised that flexibility and discretion is a necessary part of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.

The Exemptions List is divided into two parts: Type of Application and Nature of Development. Only one of these needs to be met, either it is the application type or nature of development which would exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the LPA to consult the Coal Authority. The LPA should attach our Informative Note to the Decision Notice if planning permission is granted.

Part A – Type of Application

<table>
<thead>
<tr>
<th>Type of Application</th>
<th>CMRA required? (Yes / No)</th>
<th>Justification / Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Householder Development</td>
<td>No</td>
<td>No spatial influence over development location (i.e. no/limited ability to re-position extensions)</td>
</tr>
<tr>
<td>Heritage Consents (Listed Building or Conservation Areas)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Advertisement Consent</td>
<td>No</td>
<td>No significant ground works</td>
</tr>
<tr>
<td>Lawful Development Certificates</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Prior Notification (any type)</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Hazardous Substances Consent</td>
<td>No</td>
<td>Limited scope of influence</td>
</tr>
<tr>
<td>Tree Works (TPO or in Conservation Area)</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

Part B - Nature of Development

There may also be exemptions made for the nature of development, where the engineering operations are minimal and therefore would not require the applicant to obtain a Coal Authority Permit for ground works that intersect coal/workings.

The key consideration for LPAs as to whether or not it may be appropriate to exercise discretion in the requirement for a Coal Mining Risk Assessment is whether the development will result in ground works significant enough to pose a risk to the safety and stability of the proposed development from past coal mining features. The LPA is therefore making that local judgement.
This list is not exhaustive, but is an illustration based upon recent example cases.

<table>
<thead>
<tr>
<th>Nature of Development</th>
<th>Typical Recent Examples</th>
<th>CMRA required? (Yes / No)</th>
<th>Justification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change of Use with no associated works (land or buildings) – where no engineering</td>
<td>Agriculture to garden; office to residential</td>
<td>No</td>
<td>No significant ground works / scale of ground works</td>
</tr>
<tr>
<td>works or ground works are proposed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-permanent structures with no ground works</td>
<td>Back-up generators; solar arrays; portacabins; decking;</td>
<td>No</td>
<td>No significant ground works</td>
</tr>
<tr>
<td></td>
<td>smoking shelters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Means of enclosure</td>
<td>Fences, walls</td>
<td>No</td>
<td>No significant ground works</td>
</tr>
<tr>
<td>Street type furniture</td>
<td>Signage; public art, lighting/CCTV columns, cycle racks,</td>
<td>No</td>
<td>No significant ground works</td>
</tr>
<tr>
<td></td>
<td>benches</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alterations to existing non-residential buildings that create no new floor space</td>
<td>New shop frontages, new windows or door openings, signage</td>
<td>No</td>
<td>No significant ground works</td>
</tr>
</tbody>
</table>

In the spirit of the current deregulation agenda, it is important to protect public safety, but also strike an appropriate balance between providing LPAs with sufficient clarity on the requirements for the submission of Coal Mining Risk Assessments, whilst still allowing LPAs a degree of flexibility and discretion.
4. Desk Based Coal Mining Risk Assessment Reports

It is important that a suitably qualified and competent person who is familiar with ground stability and mining legacy related issues prepares the Coal Mining Risk Assessment.

Web links to the relevant professional institutions:

- Geological Society: [www.geolsoc.org.uk](http://www.geolsoc.org.uk)
- Institute of Civil Engineers: [www.ice.org.uk](http://www.ice.org.uk)
- Institute of Materials, Minerals and Mining: [www.iom3.org](http://www.iom3.org)
- Royal Institute of Chartered Surveyors: [www.rics.org/uk](http://www.rics.org/uk)
- Institution of Structural Engineers: [www.istructe.org](http://www.istructe.org)
COAL MINING RISK ASSESSMENT
MODEL REPORT TEMPLATE

1. INTRODUCTION

Name of applicant has submitted a planning application for the proposed development at site location of description of development.

Name of company/individual has been commissioned to prepare a Coal Mining Risk Assessment Report of the proposed development site, in order to provide the Local Planning Authority with information on coal mining and an assessment of its impact on land stability.

Site Location and Description
Insert relevant information and include the site location plan in the Appendix.

Description and Layout of Proposed Development
Insert planning application description and include the layout plans wherever possible.

Scope of the Coal Mining Risk Assessment
The purpose of this Coal Mining Risk Assessment Report is to:

• Present a desk-based review of all available information on the coal mining issues which are relevant to the application site;
• Use that information to identify and assess the risks to the proposed development from coal mining legacy, including the cumulative impact of issues;
• Set out appropriate mitigation measures to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influenced the proposed development; and
• Demonstrate to the Local Planning Authority that the application site is, or can be made, safe and stable to meet the requirements of national planning policy with regard to development on unstable land.

2. SOURCES OF INFORMATION USED TO INFORM THIS REPORT

Provide details of the sources of information obtained upon which the risk assessment of coal mining issues has been based. Reports/extracts should be appended. This could include, but is not limited to:

• An up-to-date Coal Mining Report from www.groundstability.com
• Information obtained from a visit to the Coal Authority’s Mining Records Office in Mansfield, Nottinghamshire (By appointment: 01623 637 000).
• Geological information obtained from the British Geological Survey (www.bgs.ac.uk or 0115 936 3100).
• A site history based on historic Ordnance Survey mapping of the area.
• Past desk-based assessments of ground conditions for the application site or adjacent/nearby sites.
• Results of past intrusive site investigation works undertaken to assess ground conditions for the application site or adjacent/nearby sites.
### 3. IDENTIFICATION AND ASSESSMENT OF SITE SPECIFIC COAL MINING RISKS

The table below summarises the potential risks associated with coal mining legacy for the proposed development site, identified from list sources of information.

<table>
<thead>
<tr>
<th>Coal Mining Issue</th>
<th>Yes</th>
<th>No</th>
<th>Risk Assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Underground coal mining (recorded at shallow depths)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Underground coal mining (probable at shallow depths)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mine entries (shafts and adits)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Coal mining geology (fissures)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Record of past mine gas emissions or potential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recorded coal mining surface hazard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Surface mining (opencast workings)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For those coal mining issues identified as “yes” a more detailed discussion and assessment should be made of the risks, both individually and cumulatively, to the application site and the proposed development.

### 4. MITIGATION STRATEGY PROPOSED

This section is the key part of the Coal Mining Risk Assessment Report. It should explain how the coal mining issues have influenced the proposed layout and design of the development. The mitigation strategy will set out and illustrate with plans where necessary how the on site issues identified in section 3 will be dealt with to ensure safety and stability of the development. This should include the assessment of mine gas and the necessary mitigation measures required as necessary. You may wish to refer to the Construction Industry Research and Information Association (CIRIA) publication Special Publication 32 “Construction over Abandoned Mine Workings”.

In circumstances where the desk-based assessment cannot conclude with certainty the extent of the coal mining risks on the site; details of further proposed on-site intrusive investigation works should be set out.

However, it is of paramount importance that this does not simply evade the issue and therefore place the Local Planning Authority in a position where it cannot be satisfied that coal mining legacy could give rise to some doubt that planning permission could not be granted.

**The Coal Authority Permit**

A Coal Authority Permit is required for intrusive activities which will disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits). Further information on the Coal Authority’s permitting process can be found 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)

The report should state whether enquiries have been made or will be made; whether a permit application has been submitted or if a permit has already been obtained from the Coal Authority for the mitigation and/or further site investigation works.

### 6. CONCLUSION

The Coal Authority would expect the Coal Mining Risk Assessment Report to conclude with a brief summary of risks and the remedial measures required for the proposed development site.

The Report should demonstrate a clear strategy for addressing the coal mining legacy and how the requirements of national planning policy with regard to development on unstable land have been addressed.

### RELEVANT APPENDICES

The Coal Authority will expect copies of the information that are identified in section 2 and have been used within the report to be included within the appendices.
5. “Exemptions” within the Development High Risk Areas

Where a desk based Coal Mining Risk Assessment Report is not required because of the type of application or the nature of the development.

It is not necessary to consult the Coal Authority on proposals which are “exemptions” (see section 3.3); instead the LPA must attach the following Informative Note to the Decision Notice. This Informative Note is the deemed consultation response.

This Informative Note is designed to identify to the applicant/developer that their site falls within an area with recorded coal mining legacy. Whilst the type or nature of development is unlikely to be at significant risk it highlights the need to consider ground conditions as part of the Building Standards process (if relevant).

<table>
<thead>
<tr>
<th>Informative Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.</td>
</tr>
<tr>
<td>It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Standards approval (if relevant). Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:</td>
</tr>
<tr>
<td>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.</td>
</tr>
</tbody>
</table>
Property specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Informative Note valid from 1st January 2017 until 31st December 2018
6. Development Low Risk Areas - Standing Advice

The Development Low Risk Area is the remainder of the coalfield where coal mining has taken place. However, as this coal mining activity was undertaken at depth, no recorded surface hazards currently exist which could pose a risk to new development. Although extremely unlikely, unrecorded coal mining related hazards could still exist in the low risk area.

It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area; instead the LPA should attach the following Standing Advice informative note to the Decision Notice. This informative note is the deemed consultation response.

This short Standing Advice will simply remind the applicant/developer that their site lies within the coalfield and if unrecorded hazards are found during development then the developer should contact the Coal Authority for further advice. This replaces the former, now cancelled, Standing Advice which was in place 2015-2016.

<table>
<thead>
<tr>
<th>Development Low Risk Area - Standing Advice</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</td>
</tr>
<tr>
<td>Further information is also available on the Coal Authority website at: <a href="http://www.gov.uk/government/organisations/the-coal-authority">www.gov.uk/government/organisations/the-coal-authority</a></td>
</tr>
<tr>
<td>Standing Advice valid from 1st January 2017 until 31st December 2018</td>
</tr>
</tbody>
</table>
7. Frequently Asked Questions

- **Is this a new requirement?**
  Ground conditions should have always been a material consideration in decision making on planning applications. This risk based approach to development management simply presents a more consistent approach across the coalfields to dealing with the issue.

- **Is a Coal Mining Risk Assessment a validation requirement?**
  If the LPA has prepared a formal Local Validation List then the Coal Authority would prefer for Coal Mining Risk Assessments to be a validation requirement as it clearer for everyone.

- **Why isn’t a Coal Mining Report sufficient?**
  The submission of a Coal Mining Report is not adequate, as this simply presents coal mining information for the application site. It is not an assessment of the risks.

  A Coal Mining Report only represents the first stage of the risk assessment process. The more important stages are to use the information to identify any risks to the proposed development and to outline any mitigation measures that are required to ensure the development will not be adversely affected – these are the key requirements of the Coal Mining Risk Assessment.

- **Is a Coal Mining Risk Assessment required for applications which are purely seeking an extension of time?**
  The Coal Authority view is that if ground conditions were adequately considered through the original application then the new application need not submit the same information; however there should be appropriate planning conditions imposed to ensure that the site investigations (if necessary) and the mitigation measures are implemented.

  If there is no evidence that ground conditions were considered in the original application, then there is a need for a Coal Mining Risk Assessment.

- **What about retrospective planning applications to regularise development undertaken without planning permission?**
  The planning application will need to include some written evidence to demonstrate how the ground conditions have been considered and taken into account in the construction phase. In the absence of this, retrospective site investigations and/or remedial measures may be required.
• **A Coal Mining Risk Assessment Report wasn’t required for a previous planning application, what’s changed?**
It depends upon when it was submitted. It may not have been required for nature of the development. If it was submitted prior to the LPA formally implementing the risk based approach to development management then a Coal Mining Risk Assessment would not have been required.

• **Does the report have to be called a Coal Mining Risk Assessment?**
Not specifically, providing it contains an assessment of the coal mining legacy risks within the site. The risk assessment can be contained within the appropriate section of an Environmental Statement.

• **When is a Coal Mining Risk Assessment (or equivalent) too old and out of date?**
A desk based assessment uses information sources which can change over time. A general rule of thumb would be that any desk based report which is more than 2-3 years old is likely to be too old since information can and does change. A site investigation report however is different because it has already intrusively explored the ground and therefore the results will provide confirmation of the situation even if the report is more than 2-3 years old.

• **How expensive is it likely to be?**
This will be dependent on the author preparing the report and the complexity of the site. It is a desk based assessment using existing sources of information. The risk assessment needs to be proportionate and not be unnecessarily lengthy; it simply has to demonstrate that the developer has sufficient understanding about the ground conditions and how they will be mitigated to demonstrate that the development will be safe and stable.

• **Why can’t this matter be dealt with by condition?**
The Coal Mining Risk Assessment needs to inform the principle of the development. It should directly inform the layout and design. Where the Coal Mining Risk Assessment is completed too late in the development management process it could result in developers having to pay for unnecessary site investigation works or having to re-submit a planning application to amend the layout to avoid the cost of expensive engineering works. Where the Coal Mining Risk Assessment recommends site investigations and remedial measures if necessary then these works can be covered by a pre-commencement condition. This approach is similar to that of contaminated land.

• **Is there is a model planning condition that LPAs can use?**
There are many variations in style and format of planning conditions used by LPAs and therefore a blanket style condition may not always be appropriate. The Coal Authority can suggest wording upon request as it depends upon the
circumstances of each case. The LPA has the power to impose planning conditions providing they meet the statutory tests. Imposing a planning condition is the only mechanism for ensuring that the recommended works are implemented. There is no statutory consultation within the Building Standards procedures and the Coal Authority cannot guarantee that in every case there is an automatic connection between the Planning and Building Standards regimes.

- Isn’t this issue already covered elsewhere at the moment – e.g. building standards, and doesn’t this approach therefore attempt to duplicate another regime?
  The planning process determines the principle of the development which should not be left to the subsequent building warrant process. If mining issues are not covered within the planning process then the developer may be faced with a planning permission that is too expensive or potentially cannot be implemented as it is too late in the process to have the option to make spatial changes. This means that the developer has to re-submit the planning application.

- Are you expecting LPAs to refuse planning permission if a Coal Mining Risk Assessment isn’t provided or isn’t of an adequate standard and, if so, will you support us at any subsequent appeal?
  If the LPA has insufficient information then there is always the option for the LPA to refuse permission. The Coal Authority will support the LPA at subsequent appeals if this is the case and the correct procedures have been followed.

- What about the risks associated with “Permitted Development”?
  By its nature permitted development in Development High Risk Areas is not subject to any controls through the planning process. Where an LPA receives a pre-application enquiry from an applicant that is deemed permitted development within the High Risk area, we would request that the LPA raises their awareness to the need to afford due consideration to ground conditions and coal mining legacy as part of the subsequent Building Standards process, if relevant.

- What is expected of a Coal Mining Risk Assessment if probable shallow workings are identified?
  Because of the historic nature of coal mining activities in the UK, not all mine workings are recorded. There will be some cases where an application site lies in an area where unrecorded shallow workings are suspected. If a Coal Authority Mining Report is used as the source of information, this will be identified in the section relating to past underground mining.
In areas of suspected unrecorded shallow mining, the Coal Mining Risk Assessment should contain as much information as possible to help quantify (or potentially discount) the likely risk of such workings. This could include drawing on information such as British Geological Survey (BGS) records (www.bgs.ac.uk) or, where available, other site investigations that have taken place in the vicinity of the application site.

The Coal Mining Risk Assessment would also be expected to identify any further works that might be required to prove/disprove the presence of shallow mine workings and outline what mitigation measures are likely to be necessary in the event that they are found. These measures could then be secured by condition if planning consent is granted.

- **Where any shallow coal workings are present within the site, what site investigations are required?**
  The precise detail of the site investigations is determined on a site by site basis depending upon the nature of the development through the Coal Authority permitting process. However, as general rule of thumb, boreholes to a depth of 30 metres will typically be recommended.
8. Contacts

Planning and Local Authority Liaison Service
Tel: 01623 637 119
Email: planningconsultation@coal.gov.uk
Website: www.gov.uk/planning-applications-coal-mining-risk-assessments

Other Useful Contacts

Surface Hazards 24 Hour Emergency Service
Tel: 01623 646 333

Mining Reports Service
To purchase site specific coal mining information
Website: www.groundstability.com

Licensing and Permitting Service
Email: licensing&permissions@coal.gov.uk
Tel: 01623 637 339
For prior extraction of incidental coal and other coal mining operations
Website: www.gov.uk/get-a-licence-for-coal-mining
For permission to enter or disturb coal mine entries and coal seams
Website: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

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