



The Coal  
Authority



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For the Attention of: Mr K Brown – Case Officer  
Falkirk Council

[By Email: [dc@falkirk.gov.uk](mailto:dc@falkirk.gov.uk)]

15 September 2017

Dear Mr Brown

**PLANNING APPLICATION: P/17/0517/FUL**

**Erection of 2 dwellinghouses - Land To The North East Of Standburn Villa, Main Street, Standburn, Falkirk, FK1 2HR**

Thank you for your notification of 28 August 2017 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 Energy and Climate Change. 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 there is a recorded mine entry just outside the eastern boundary of the site with a zone of influence which extends into the site. The site is also in an area of recorded and likely unrecorded underground coal mine workings at shallow depth.

The planning application is supported by Mining Stability Report, dated 28 January 2009 and prepared by Simpson Mining and Geotechnical Ltd and a Mining Risk Assessment Report, dated 3 August 2017 and prepared by W Simpson. My comments are made on the basis of a review of the recent Mining Risk Assessment as this is specific to the current

development. The Mining Risk Assessment has been informed by a range of sources of information including; geological maps and mine abandonment plans.

Having reviewed the available Mining Risk Assessment the report author concludes that the shallow workings are deep enough to ensure that the site is stable from a mining view point and no further works in this respect are required.

In respect of the recorded mine entry the report author concludes that in his professional opinion the old shaft will not affect the stability of Plot 1. The Coal Authority does not agree with this view and considers that the recorded mine entry does pose a potential risk to the safety and stability of the dwelling proposed for Plot 1.

The Coal Authority holds no treatment records for this mine entry and therefore its recorded position could be subject to significant departure and it could be within the application site. The Coal Authority would therefore expect intrusive site investigations to be carried out on site in order to discount, or confirm, the presence of the mine entry from being on the application site. If the mine entry is found to be present on the site then we would expect the feature to be treated and capped. If the presence of the mine entry is discounted from being on the site then we would expect the plotted position of the mine entry, its potential departure and zone of influence to be identified on a layout plan in order to demonstrate how this feature relates to the development. The findings of these intrusive site investigations should inform any remedial works or mitigation measures which may be required. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process.

#### The Coal Authority Recommendation to the LPA

The Coal Authority considers that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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

In the event that the site investigations confirm the need for remedial works or mitigation measures to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any works identified by the site investigations are undertaken prior to commencement of the development.

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

- \* The submission of a scheme of intrusive site investigations for the mine entry approval;
- \* The undertaking of that scheme of intrusive site investigations;
- \* The submission of a report of findings arising from the intrusive site investigations, including a plan showing its exact location and zone of influence if established, or its

recorded position, potential departure and zone of influence if discounted from being present on the site, and how these relate to the development layout;

\* The submission of a scheme of remedial works or mitigation measures, if necessary, for approval; and

\* Implementation of those approved works.

The Coal Authority therefore has **no 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

*Melanie Lindsley*

**Melanie Lindsley** BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI  
**Planning Liaison Manager**

#### General Information for the Applicant

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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.*