



The Coal
Authority



INVESTOR IN PEOPLE



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For the Attention of: Mr D Paterson – Case Officer
Falkirk Council

[By Email: dc@falkirk.gov.uk]

19 July 2018

Dear Mr Paterson

PLANNING APPLICATION: P/18/0384/PPP

Erection of dwellinghouse; Land East Of, 39 Braefoot Road, Bo'ness, Falkirk, EH51 9TX

Thank you for your notification of 6 July 2018 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 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.

Our records indicate that there are two mine entries and their resultant zones of influence within the application site. The site is also in an area of likely historic unrecorded coal mine workings at shallow depth.

The application is supported by a Mineral Stability & Coal Mining Risk Assessment, dated July 2017 and prepared by MM-EC Geoenvironmental Ltd. This report sets out details of the intrusive site investigations which have been carried out to date.

The report acknowledges the coal mining legacy present and states that the exploratory works for the mine entries proved inconclusive and further works for these and the shallow mine workings are required. We also note that the report includes no build areas within the site around the areas of the mine entries. 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>

We would expect these further investigations to be carried out on site, the location of the mine entries and their zones of influence (no build zones) identified prior to the consideration of any detailed layout for this site, or concurrent with this information being submitted to the LPA. The applicant should be able to demonstrate to the LPA that the coal mining legacy present has been established and the findings of these works used to inform the site layout. This should ensure that adequate separation is provided between the recorded mine entries, their zones of influence and any building proposed.

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exaction situation in respect of coal mining legacy, for both the mine entries and shallow coal mine workings, and the potential risks posed to the development by past coal mining activity. 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 findings of the intrusive site investigations should inform any remedial measures which may be required.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site further investigation works in order that the findings of these can be used to inform the detailed layout for the site.

A condition should therefore require prior to the reserved matters:

- * The undertaking of appropriate intrusive site investigations for both the mine entries and shallow mine workings;*
- * As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;*
- * As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;*
- * As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;*
- * As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and*


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

- * Implementation of those remedial 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 BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader

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.