



The Coal
Authority

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For the attention of: [REDACTED] - **Case officer**
Barnsley Metropolitan Borough Council

[By email: developmentmanagement@barnsley.gov.uk]

Copy to: [REDACTED]

8th February 2024

Dear [REDACTED]

Re: 2021/1090 - Hybrid application for residential development for 1,560 dwellings comprising: a) Full planning permission for: earthworks to create development platforms; strategic drainage ponds/dry detention basins and associated drainage infrastructure; construction of a new link road; location of strategic landscaping and ecological areas; demolition of existing buildings; works to Hermit Lane; and erection of Phase 1(a) residential development comprising 216 dwellings, b) Outline planning permission for: Residential development comprising up to 1,344 dwellings; new primary school; small shops and community facilities; and associated infrastructure works, (Amended Description and Amended Plans) - Land South of Barugh Green Road and East of Higham Common Road, Barnsley (Residential)

As you aware we have now been provided with additional information to the support the above planning application.

We last commented on this submission in a letter to the LPA dated 18th January 2024 and at that time we noted the report authors conclusion regarding LT1, as identified on the Proposed Site Plan, that risks posed to surface stability are deemed to be insignificant. We also noted that the report authors acknowledged that for this area due to the presence of the surface mining high wall more detailed consideration will be required in respect of foundation design for the buildings proposed.

We have now been provided with a Preliminary Geoenvironmental Investigation Report, dated January 2024, and prepared by Lithos. This report covers plot Land Transfer 2 (LT2). My understanding is that this plot is being considered in outline. This report acknowledges that shallow mine workings may be present beneath the site and therefore recommends that intrusive site investigations are carried out to establish the exact situation in this regard. The report authors also make recommendations in respect of investigations to locate the surface mining high wall. Where this feature is present we would advise that layouts are designed to avoid buildings straddling this structure in order to avoid risks posed by differential settlement.

The report authors note the 6 mine entries are recorded to be present on site. They conclude that it is highly likely that these features have been removed as part of the surface mining activity. I have liaised further with my colleagues in the Mining Information team and they have now confirmed deletion of mine entries 431306-002 to 431406-006, leaving only mine entry 432407-008 in this area. We would expect the presence of this feature to be investigated and its risks posed to the development established. It is noted that this feature appears to be in an area of open space and not close to any built development in the masterplan.

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>

Alongside other ground conditions reports submitted previously, I have also reviewed a Geoenvironmental Appraisal, dated December 2022 and prepared by Lithos for the site at Barnsley West - Pogmoor Land. For this site the report authors note that shallow coal workings are present beneath the site which will require a programme of consolidation works (drilling and grouting). The report authors also acknowledge the presence of recorded mine entries within the site, although they note that no mine entries have been located as yet due to thickness of made ground.

We would expect more detailed consideration, and investigation, of these mine entries and the risks they pose. Where their presence cannot be discounted we would expect a calculated no build to be identified around the best plot position and departure of these features and the layout of built development designed to avoid these areas.

We would expect intrusive site investigations to extend to all areas of the site as a whole where risks posed by past coal mining activity have been identified and not investigated fully.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish

the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of any Permit application.

SUDs

It should be noted that 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.

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.

The Coal Authority recommendation to the LPA

This is our recommendation for condition wording, although we appreciate that you may wish to make some amendments to the choice of words.

- 1. *Prior to, or concurrent with, the submission of reserved matters for each phase of development, the applicant shall submit to the LPA for consideration and approval;***
 - a) Findings of intrusive site investigations carried out on site to establish the risks posed to the development by past coal mining activity, including location of mine entries and surface mining high walls, and***
 - b) Details of the remediation works and any mitigation measures necessary to address land instability arising from coal mining legacy.***

- 2. Prior to commencement of the development, on each phase of development, as necessary, remedial works and any mitigation measures approved under Condition XX shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.***

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 3. Prior to the first occupation of each phase of development, as necessary, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and any mitigation necessary to address the risks posed by past coal mining activity.***

The Coal Authority **withdraws its objection** to the proposed development **subject to the imposition of a 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 189 and 190 of the National Planning Policy Framework.

It is also requested that the following Informative Notes are included on any planning permission granted:

1 - Ground Investigations

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 to enter or disturb our property will result in 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: 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.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely



Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Principal Planning & 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 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 advisors for this development in relation to ground conditions and the acceptability of development.