

<b>Application Reference Number:</b>	2026/0266.
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<b>Application Type:</b>	<i>Prior Notification – Class MA – commercial, business and service uses to dwellinghouses.</i>
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<b>Proposal Description:</b>	<i>Application to determine if prior approval is required for the change of use of an office building (Use Class E(g)(i)) to 9 apartments (Use Class C3) via Schedule 2, Part 3, Class MA.</i>
<b>Location:</b>	<i>23 Queens Road, Barnsley, S71 1AN.</i>

<b>Applicant:</b>	<i>Whitshaw Developments Ltd.</i>
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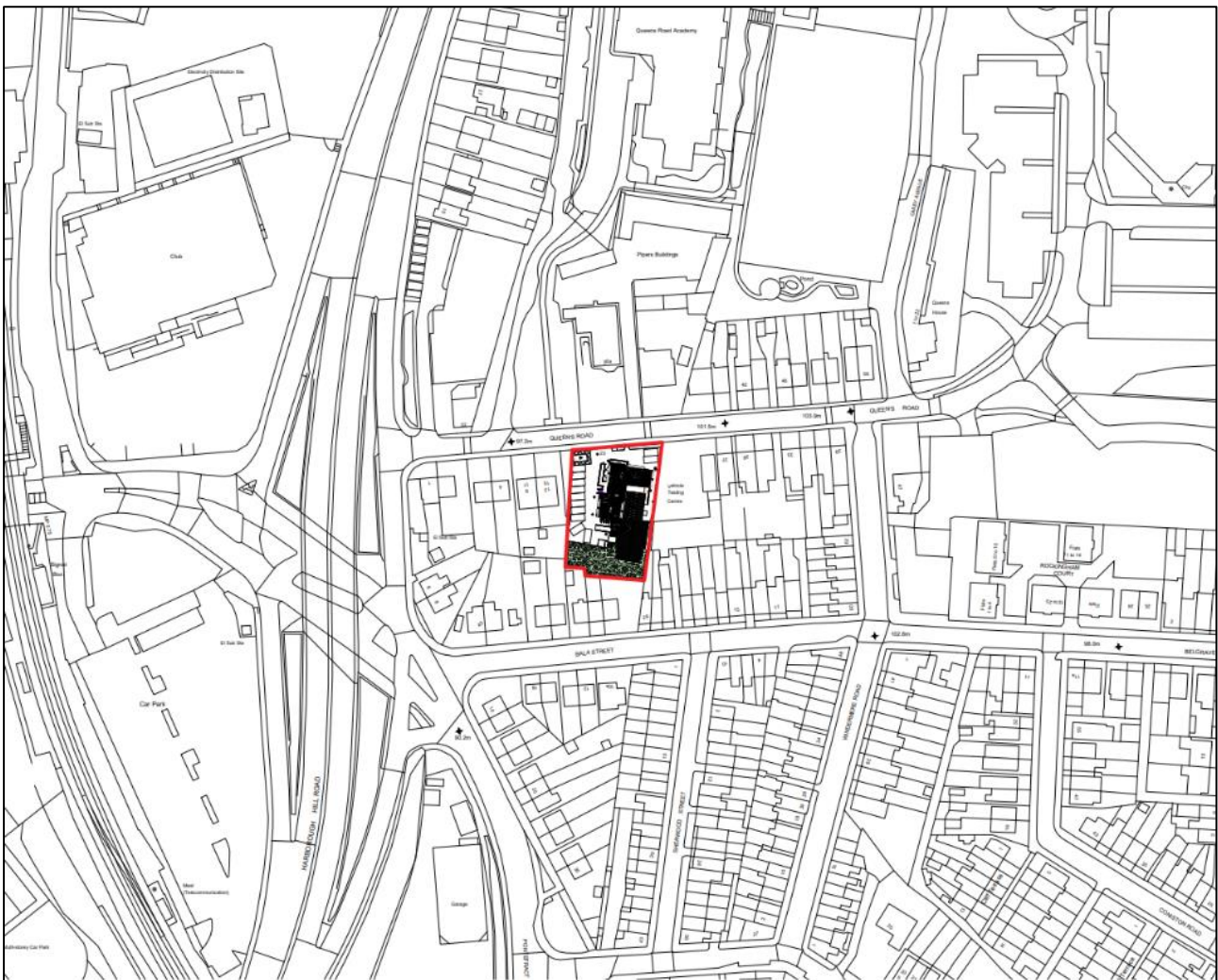
<b>Third-party representations:</b>	<i>X1 Comment.</i>	<b>Parish:</b>	
		<b>Ward:</b>	<i>Central.</i>

<b>Summary:</b>
<p>This application has been submitted under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).</p> <p>This application is being considered within the scope of Class MA, Part 3 of Schedule 2 of the GPDO. Class MA specifically permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, if the relevant criteria and conditions are complied with. Exclusions to this are set out by paragraph MA.1.</p> <p>Having checked these specifications, the proposed development would comply with the legislation and requirements for permitted development under Class MA, Part 3 of Schedule 2 of the GPDO and therefore, this notification is awarded a positive recommendation that further prior approval is not required, and this application should be granted subject to the necessary conditions.</p> <p>Recommendation: <b>Prior Approval – Granted subject to conditions.</b></p>

## Site Description

This application relates to a large plot located on the south side of Queens Road. The development site benefits from an edge of Town Centre location and is within an area that is characterised by a mix of uses, including various housing types and small-scale commercial uses and a nearby Dental Surgery. Queens Road Academy is also located to the north with an adjacent Vehicle Testing Centre to the east. The development site is accessible to both pedestrians and cyclists with public transport facilities nearby. The development site benefits from an existing private access and off-street parking arrangement. Queens Road also benefits from existing parking restrictions comprising double yellow lines on both sides of the road and no stopping restrictions on entrance markings during a specified period. The topography of the area falls gradually east-to-west and north-to-south.

The application building is a part single storey part two-storey detached offices building constructed of mixed red brick with small areas of rendering on the east, south and west elevations and pitched, hipped and Jerkinhead concrete tiled and flat roofs. The single storey part benefits from a large roof light. A ground floor bay window and a second-floor dormer window is located on the west elevation. Ramped and stepped pedestrian accesses are located on the north, east and west elevations, and to the south is a vegetated buffer area. The remainder of the development site is hardstanding with an existing hedge on the north boundary.



## Planning History

Application Reference	Description	Status
B/92/0022/BA	Change of use to offices and non-residential training centre Class B1 & D1.	Approved.
2006/1924	Demolition of existing building and erection of 16 Apartments.	Approved.
2026/0265	Amendments to existing car park entrance and layout.	Under Consideration.

## Proposed Development

This application has been submitted under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order is permitted development under Class MA, Part 3 of Schedule 2 of the GPDO subject to condition MA.2.(2), which requires the developer to apply to the Local Planning Authority (LPA) for a determination as to whether prior approval is required.

The application proposal involves the change of use of an office building (Use Class E(g)(i)) to 9no. apartments (Use Class C3).

There would be 5no. apartments at ground level that would comprise a kitchen, dining and living area, a bedroom with an en-suite shower room or bathroom, and storage. Communal storage areas, a post room, a plant room, and a bike store would also be provided at ground level.

There would be 4no. apartments at first-floor level that would comprise kitchen, dining and living areas, a bedroom with an en-suite shower room or bathroom, and storage. Communal storage areas would also be provided at first-floor level.

## Relevant Policies

No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

Class MA, Part 3 of Schedule 2 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order subject to an assessment of the following matters:

### Development not permitted

*MA.1.— (1) Development is not permitted by Class MA—*

- b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*
- d) if land covered by, or within the curtilage of, the building—*

- i. *is or forms part of a site of special scientific interest;*
  - ii. *is or forms part of a listed building or land within its curtilage;*
  - iii. *is or forms part of a scheduled monument or land within its curtilage;*
  - iv. *is or forms part of a safety hazard area; or*
  - v. *is or forms part of a military explosives storage area;*
- e) *if the building is within—*
- i. *an area of outstanding natural beauty;*
  - ii. *an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
  - iii. *the Broads;*
  - iv. *a National Park; or*
  - v. *a World Heritage Site;*
- f) *if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*
- g) *before 1 August 2022, if—*
- i. *the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
  - ii. *the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

(2) *The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—*

- a) *the following classes of the Schedule as it had effect before 1st September 2020—*
- i. *Class A1 (shops);*
  - ii. *Class A2 (financial and professional services);*
  - iii. *Class A3 (food and drink);*
  - iv. *Class B1 (business);*
  - v. *Class D1(a) (non-residential institutions – medical or health services);*
  - vi. *Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*
  - vii. *Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*
- b) *on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

## Conditions

MA.2.— (1) *Development under Class MA is permitted subject to the following conditions.*

(2) *Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—*

- a) *transport impacts of the development, particularly to ensure safe site access;*
- b) *contamination risks in relation to the building;*
- c) *flooding risks in relation to the building;*
- d) *impacts of noise from commercial premises on the intended occupiers of the development;*
- e) *where—*
  - i. *the building is located in a conservation area, and*
  - ii. *the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;*
- f) *the provision of adequate natural light in all habitable rooms of the dwellinghouses;*
- g) *the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;*
- h) *where the development involves the loss of services provided by—*
  - i. *a registered nursery, or*
  - ii. *a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and*
- i) *where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.*

(3) *An application for prior approval for development under Class MA may not be made before 1 August 2021.*

(4) *The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—*

- a) *for paragraph (e) of sub-paragraph (2) there were substituted—*

*“(e) where—*

- i. *sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;*
- ii. *sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development.”;*

b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;

c) after sub-paragraph (6) there were inserted—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

## Representations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

On representation was received raising concerns regarding an existing vegetated area of land to the south within the development site. It was stated that this area had been left to become overgrown in previous years and that there were concerns this could happen again if not properly maintained and managed.

While the concerns raised are acknowledged, they are not material to the determination of the prior approval application under consideration. Nonetheless, these concerns have been raised have been relayed to the applicant.

## Consultations

Highway Drainage	<i>No objection(s).</i>
Highways Development Control	<i>No objection(s) subject to condition(s).</i>
Mining Remediation Authority	<i>No comment(s) received.</i>
Pollution Control	<i>No objection(s) subject to condition(s).</i>
South Yorkshire Mining Advisory Service	<i>No objection(s) subject to informative(s).</i>

## Planning Assessment

### Principle of Development

This application is being considered within the scope of Class MA, Part 3 of Schedule 2 of the GPDO. Class MA specifically permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, if the relevant criteria and conditions are complied with. Exclusions to this are set out by paragraph MA.1.

The application proposal involves the change of use of an office building (Use Class E(g)(i)) to 9no. apartments (Use Class C3) and is not an excluded form of development when assessed against the criteria set out by paragraph MA.1.

Paragraph MA.2(2) sets out the criteria in which this application can be assessed against. This includes (a) transport impacts of the development, particularly to ensure safe site access; (b) contamination risks in relation to the building; (c) flooding risks in relation to the building; (d) impacts of noise from commercial premises on the intended occupiers of the development; and (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

The application building is not located within a Conservation Area or in an area that the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. The application building would not result in the loss of services provided by a registered nursery or a health centre. As such, paragraphs MA.2. (e), (g) and (h) are not applicable in this instance.

Paragraph MA.3 establishes that development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will (a) contain two or more dwellinghouses; and satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Paragraph 3 of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 sets out the height condition. The height condition is that (a) the building is 18 metres or more in height; or (b) the building contains 7 or more storeys.

Paragraph 7 of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 supports paragraph 3 by providing details of how the height of a building should be measured.

Regarding paragraph MA.2(2)(i) and considering the above, this proposal would not meet the fire risk condition and therefore, the fire safety impacts on the intended occupants of the building are not under consideration at this stage. Nonetheless, this proposal would be subject to Building Regulations approval and therefore, fire risk and fire safety would be considered during future regulatory stages.

The relevant applicable criteria (MA.2(2) (a), (b), (c), (d), and (f)) have been assessed as follows.

#### Transport impacts of the development

The development site is considered to be in a sustainable location within an existing settlement occupying an edge of town centre location which is accessible for both pedestrians and cyclists and within easy reach of local services and amenities and public transport facilities. Queens Road Academy is located to the north; Queens Road Dental Care is located to the east; and Barnsley Town Centre and Transport Interchange are located to the west. The immediate surrounding area is principally residential alongside some small-scale commercial uses to the north and west, including an adjacent Vehicle Testing Centre.

The development site benefits from an existing private access and off-street parking arrangement. Queens Road also benefits from existing parking restrictions comprising double yellow lines on both sides of the road and no stopping restrictions on entrance markings during a specified period.

Highways Development Control were consulted; and it was stated that this proposal would not require additional off-street parking provision, nor would it result in an intensification of the use of the development site or existing vehicular access. The development site being in a sustainable

location was noted. It was also stated that proposed cycle store shown on the proposed ground floor plan (2026-2190 08 Rev. A) would be of a sufficient size to accommodate at least one cycle parking space per apartment in accordance with national and local planning policies and guidance. As such, Highways Development Control colleagues raised no objections subject to a condition to secure a scheme for the storage of bicycles as shown on the submitted plans.

The Local Planning Authority (LPA) has no reason to disagree with the professional opinions of Highways Development Control colleagues in this instance.

Considering the above, this proposal is considered acceptable regarding transport impacts.

### Contamination Risks

The development site is within a development high risk area as identified by the Mining Remediation (Coal) Authority.

The Mining Remediation Authority (MRA) and the South Yorkshire Mining Advisory Service (SYMAS) were consulted. No comments were received from the MRA. SYMAS stated that the development site is identified as a high-risk referral area due to the probable presence of shallow coal and the potential for unrecorded mine workings. It was added that the proposed development would consist of a change of use with no new foundations and minimal ground works. As such, the SYMAS do not consider that further coal mining risk assessments (beyond the submitted Phase 1 Environmental Desk Study Report C5856/26/E/09093 dated 18<sup>th</sup> March 2026) are required in this instance and that the proposed development is exempt from the MRA Coal Mining Risk Assessment (CMRA) requirements. As such, the SYMAS raised no objections subject to the MRA informative note being attached to the decision notice.

Notwithstanding the above, the LPA is not aware of any known sources of contamination in this location that would otherwise necessitate further investigation in association with this scale of development. The development site has been deemed fit for human occupation as evidenced by the former use of the application building. The proposed works would also be mostly internal with only minor alterations to the external appearance of the building or minimal ground works to the existing car park. The risk of encountering contamination is anticipated to be low. However, a directive could be included to instruct that the LPA be contacted should any made ground be identified.

Considering the above, this proposal is considered acceptable regarding contamination risks.

### Flooding Risks

The development site is located within Flood Zone 1 which has the least probability of flooding. A Flood Risk Assessment (FRA) is therefore not required in this instance.

Considering the above, the proposal is considered acceptable regarding flooding risks.

### Impacts of noise from commercial premises on the intended occupiers of the development

An adjacent Vehicle Testing Centre is located to the east of the development site and other small-scale commercial premises are located to the north comprising light industrial and office uses.

It is acknowledged that there is the potential for noise impacts on, and future noise complaints from, any potential future occupants of the proposed development, and therefore, Environmental Health (Pollution control) colleagues were consulted. No objections were received subject to a recommended condition being imposed to secure a suitable mitigation scheme and to control the hours of construction and demolition works.

The Local Planning Authority (LPA) has no reason to disagree with the professional opinions of Environmental Health colleagues in this instance.

Considering the above, this proposal is considered acceptable regarding impacts of noise from commercial premises on the intended occupiers of the development subject to conditions.

#### The provision of adequate natural light in all habitable rooms of the dwellinghouses

The proposal would provide windows or rooflights to all habitable rooms as indicated on the submitted drawings 2026-2190 08 Rev. A; 2026-2190 09 Rev. A; 2026-2190 10; 2026-2190 11; and 2026-2190 12 Rev. A.

Considering the above, the proposal is considered acceptable regarding the provision of adequate natural light in all habitable rooms of the dwellinghouses.

#### Other Matters

The submitted plans 2026-2190 08 Rev. A and 2026-2190 09 Rev. A demonstrates that all apartments appear to comply with the Nationally Described Space Standard (NDSS) technical requirements. The overall floorspace of apartments 1,2 and 7 are sufficient for one person. All other apartments are sufficient for two people.

#### Conclusion

Having checked these specifications, the proposed development would comply with the legislation and requirements for permitted development under Class MA, Part 3 of Schedule 2 of the GPDO and therefore, this notification is awarded a positive recommendation that further prior approval is not required, and this application should be granted subject to the necessary conditions.

**RECOMMENDATION: Prior Approval – Granted subject to conditions.**

#### **Justification**

#### **Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.**

In dealing with the application, the Local Planning Authority (LPA) has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Address discrepancies with the submitted plans.*

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

## Conditions:

1. The development hereby permitted under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) shall be completed within a period of 3 years starting with the prior approval date.

**Reason: In order to comply with condition MA.2. (5) of Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).**

2. Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

**Reason: In order to comply with condition MA.2. (6) of Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).**

3. The development hereby approved shall be carried out strictly in accordance with the amended plans:

2026-2190 06 Site Levels.

2026-2190 08 Rev. A Proposed GF Plan received 1<sup>st</sup> May 2026.

2026-2190 09 Rev. A Proposed 1F Plan received 1<sup>st</sup> May 2026.

2026-2190 10 Proposed Roof Plan.

2026-2190 11 Proposed Elevation N.S.

2026-2190 12 Rev. A Proposed Elevation W.E. received 1<sup>st</sup> May 2026.

2026-2190 14 Proposed Sections.

2026-2190 16 Site Plan.

Phase 1 Environmental Desk Study Report Ref. C5856/26/E/9093 prepared by RGS and dated 18<sup>th</sup> March 2026.

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**

4. Prior to commencement a noise impact assessment shall be submitted to and approved in writing by the local planning authority which shall have been used to inform the layout and design of the scheme such that mitigation is implemented to achieve the following sound levels within all dwellings;

Bedrooms: LAeq (8 hours) - 30dB (2300 to 0700 hours);

Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);

Bedrooms: LAFmax - 45dB (2300 to 0700 hours). 10 events.

Where the above noise criteria cannot be achieved with windows partially open, the scheme shall include a system of alternative acoustically treated ventilation to all habitable rooms if appropriate. The assessment shall be accompanied by a plan which clearly identifies the different types of mitigation measures proposed, where each type of mitigation is proposed and a programme of implementation. Thereafter the development shall be carried out in accordance with the approved measures which shall be fully implemented prior to occupation.

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.**

5. Prior to occupation, the scheme for the storage of bicycles as shown on the submitted plans [2026-2190 08 Rev. A] shall be fully implemented and retained thereafter.  
**Reason: In the interests of encouraging the use of sustainable modes of transport in accordance with Local Plan Policy T3: New Development and Sustainable Travel.**
6. The external materials shall match those used in the existing building.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.**
7. Construction or demolition-related activity shall only take place between the hours of 08:00am – 18:00pm Monday to Fridays, 09:00am – 14:00pm Saturdays and at no time on Sundays and Bank Holidays.  
**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.**

#### **Informative(s):**

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. It is recommended that measures are taken to prevent a nuisance/or affect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke, odour, light or dust. No waste should be burnt. If a Statutory Nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, light, odour, dust or smoke nuisance from being created.
3. The applicant/contractor should note that to deposit mud/debris on the public highway, or anything which may cause a nuisance or possible danger to road users, is an offence under provisions of the Highways Act 1980.
4. The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at: Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website 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) What is a permit and how to get one? - GOV.UK ([www.gov.uk](http://www.gov.uk))

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK