RISK BASED APPROACH TO DEVELOPMENT MANAGEMENT

RESOURCES FOR ENGLISH LOCAL PLANNING AUTHORITIES

CONTENTS

1. How this document can help you

2. The Coal Authority
   2.1 How we manage statutory planning consultations

3. The risk based approach to development management
   3.1 The consultation area
   3.2 The process and flowchart
   3.3 The “exemptions list”

4. Desk based Coal Mining Risk Assessment Reports
   4.1 Model template
   4.2 General guidance

5. “Exemptions” with the Development High Risk Area

6. Development Low Risk Areas – Standing Advice

7. Frequently asked questions

8. Suggested Local Validation List Requirement

9. Contacts
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 issued in 2010. The principal changes include the following:

- An update on the national policy basis for unstable land;
- A revised flow chart of the process;
- Consolidation of guidance material based upon feedback;
- A few more commonly occurring questions and issues based upon feedback; and
- A revised format.

Date of Publication: December 2012

Revision scheduled for: December 2014

1.1 Your comments and suggestions are always welcome

The next revision of this document is scheduled for December 2014, 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:

Miss Rachael A. Bust
Chief Planner / 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 Energy and Climate Change (DECC). 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; handle subsidence claims (which are not the responsibility of licensed coal mine operators); deal with historic property and liability issues; and provide information on coal mining.

2.1 **How we manage statutory planning consultations**

The Coal Authority re-engaged with the three planning systems and the 179 constituent LPAs across England, Scotland and Wales in 2008 to represent the interests of DECC 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\(^2\).

The Coal Authority is a **statutory consultee** for development within the defined coal mining areas under Town and Country Planning (Development Management Procedure) (England) Order 2010, Article 16, Schedule 5(k). 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 **specific consultation body** for planning policy matters under Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008. Regulation 2 (2) (d).

Planning and Local Authority Liaison is based within the central office; no planning related work is undertaken in the regional sub office network.

All consultations should be sent to the single email address: [planningconsultation@coal.gov.uk](mailto: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 to receive a response.

---


All telephone enquiries for planning matters should use 01623 637 119. No individual/direct telephone numbers should be used.

In order to maximise our time management we aim to return all telephone calls after 4pm on the same day it is received. This is similar to many LPAs.

All of our planners operate on a national basis covering England, Scotland and Wales. There is no nominated person for defined regions or LPAs.

<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>7 calendar days (from receipt)</td>
<td>100% by deadline</td>
</tr>
<tr>
<td>Pre-Application Enquiries from any source</td>
<td>21 calendar days (from receipt)</td>
<td>100% by deadline</td>
</tr>
<tr>
<td>Planning Applications from LPAs only</td>
<td>21 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>

We have a duty to respond to the decision maker (under Section 54\(^3\) and also Article 20\(^4\)), therefore LPAs are the primary customer; second priority is third parties.

Therefore if there is a delay in the LPA issuing the consultation request then we reserve the right to take up to 21 days to provide a response.

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 works require pre-commencement planning condition); or
- No Comment

---

\(^3\) Planning and Compulsory Purchase Act 2004 (as amended)
\(^4\) Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended)
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.

The process was piloted across the three planning systems during 2009. Following the pilot phase some of the Coal Authority planners held individual meetings with coalfield LPAs during 2010 as part of the roll out and implementation of the process. All coalfield LPAs have implemented the risk based approach.

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.”

These areas were formerly called “Coal Mining Development Referral Areas,” they have been renamed to provide a shorter and snappier title and also for consistency with our [Interactive Map Viewer](#) which was launched in 2012 to make information more accessible.

The Consultation Area data was provided to each individual LPA in GIS and paper formats during 2010. In the future, the updates to this data will be available from a new data portal facility to be implemented during 2013.
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 (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.

Photographs courtesy of The Coal Authority

**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.

Mine Gas Vents

**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 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.
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 and new development proposals need to assess and mitigate these risks 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 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.”

The National Planning Policy Framework (2012) states that:

109. “The planning system should contribute to and enhance the natural and local environment by:

- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

121. Planning policies and decisions should also ensure that:

- the site is suitable for its new use by taking into account ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and

- adequate site investigation information, prepared by a competent person, should be submitted.
The NPPF therefore retains the principle that land instability is a material planning consideration which was established through the former Planning Policy Guidance Note 14 (1990) “Development on Unstable Land” and supporting Annex 2.

Whilst PPG14 and its supporting annexes have been superseded by the publication of the NPPF, their contents are still relevant and useful background information on the issue.

Local Planning Authorities are permitted to request information to support the decision making process under the Town and Country Planning (Development Management Procedure) (England) Order 2010. The DCLG “Guidance on Information Requirements and Validation” published in March 2010 provides Local Planning Authorities with the opportunity to identify coal mining legacy as a locally distinctive matter which requires supporting information within planning application.

The Coal Authority prepared and circulated to English LPAs a suggested Local List Requirement to assist the administrative process for development management. All English LPAs where coal mining legacy was a significant locally distinctive issue who prepared or reviewed their list incorporated the suggestion.
DEVELOPMENT PROPOSALS IN COALFIELD AREAS

Where is the site located?

Site is within the Coal Authority “Development High Risk Area”

Is proposal or application type on the Coal Authority’s “Exemptions List?”

NO: Desk based Coal Mining Risk Assessment IS required

LPA advises applicant to go to the Coal Authority website for “CMRA Model Template and Guidance” CMRA to be prepared by competent person and include:
1. Obtain site specific information;
2. Assess how this affects development and layout;
3. Specify mitigation;
4. Will Coal Authority Permission be required for mitigation works?

NO: Desk based Coal Mining Risk Assessment IS required

Applicant commissions a desk based Coal Mining Risk Assessment and submits to LPA

YES: Desk based Coal Mining Risk Assessment IS NOT required

Desk based Coal Mining Risk Assessment IS NOT required

LPA attaches Coal Authority “Standing Advice” to the Decision Notice

NO consultation with the Coal Authority is required

“Informative Note” is the deemed response

LPA attaches Coal Authority “Informative Note” to the Decision Notice

NO consultation with the Coal Authority is required

“Standing Advice” is the deemed response

LPA attaches Coal Authority “Standing Advice” to the Decision Notice

Statutory Consultation

The Coal Authority reviews the Coal Mining Risk Assessment (or equivalent) and provides bespoke consultation response back to the LPA by the statutory deadline

LPA sends Coal Mining Risk Assessment (or equivalent) to the Coal Authority for statutory consultation period

Imposition of planning conditions if appropriate in accordance with the recommendations of the Coal Authority and Coal Mining Risk Assessments

LPA decision making process

Consult the Coal Authority on the Application to Discharge relevant Planning Conditions

Is a Coal Mining Risk Assessment Required?

YES: Desk based Coal Mining Risk Assessment IS NOT required

NO: Desk based Coal Mining Risk Assessment IS required

Applicant commissions a desk based Coal Mining Risk Assessment and submits to LPA

NO consultation with the Coal Authority is required

“Standing Advice” is the deemed response

LPA attaches Coal Authority “Standing Advice” to the Decision Notice

NO consultation with the Coal Authority is required

“Informative Note” is the deemed response

LPA attaches Coal Authority “Informative Note” to the Decision Notice

LPA sends Coal Mining Risk Assessment (or equivalent) to the Coal Authority for statutory consultation period

Imposition of planning conditions if appropriate in accordance with the recommendations of the Coal Authority and Coal Mining Risk Assessments

LPA decision making process

Consult the Coal Authority on the Application to Discharge relevant Planning Conditions

Is the site located?

Site is within the Coal Authority “Development Low Risk Area”
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.

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>Reserved Matters / Reserved Details</td>
<td>No</td>
<td>Assumes the issue has been dealt with as a matter of principle (outline stage) – if not then it would be required.</td>
</tr>
<tr>
<td>Householder Development</td>
<td>No</td>
<td>No spatial influence over development location</td>
</tr>
<tr>
<td>Extension of Time (specific simplified applications measure for the temporary period until October 2013)</td>
<td>No</td>
<td>Unless the original application did not identify and specify the mitigation measures</td>
</tr>
<tr>
<td>Change of Use</td>
<td>No</td>
<td>Assumes it is a pure change of use with no other built development proposed</td>
</tr>
<tr>
<td>Variation or Removal of Condition</td>
<td>No</td>
<td>Unless the condition relates to land stability</td>
</tr>
<tr>
<td>Heritage Consents (Listed Building or Conservation Areas)</td>
<td>No</td>
<td>No ground works</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>No ground works</td>
</tr>
<tr>
<td>Prior Notification (any type)</td>
<td>No</td>
<td>No formal consultation process is undertaken</td>
</tr>
<tr>
<td>Hazardous Substances Consent</td>
<td>No</td>
<td>Limited scope of influence</td>
</tr>
<tr>
<td>Tree or Hedgerow 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 CMRA 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 (land or buildings) – where no other built development is proposed</td>
<td>Agriculture to garden; office to residential</td>
<td>No</td>
<td>No significant ground works</td>
</tr>
<tr>
<td>Temporary structures with no ground works</td>
<td>Portacabins; sheds; storage units; storage bins; decking; smoking shelters;</td>
<td>No</td>
<td>No significant ground works</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, benches</td>
<td>No</td>
<td>No significant ground works</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>
<tr>
<td>Non-commercial private/domestic stables</td>
<td></td>
<td>No</td>
<td>No significant ground works, no public uses</td>
</tr>
</tbody>
</table>

In the spirit of the current localism 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 CMRAs, whilst still allowing LPAs a degree of flexibility and discretion.
4. Desk Based Coal Mining Risk Assessment Reports

The National Planning Policy Framework, paragraph 121, refers to the need for a competent person to prepare the assessment. A suitably qualified person who is familiar with ground stability and mining legacy related issues.

The following extract from the now cancelled Planning Policy Guidance Note 14 (Development on Unstable Land), provides details of the criteria which suitably qualified people would be expected to meet:

Extract from Appendix 2E of Planning Policy Guidance Note 14 (PPG14) “Development on Unstable Land” DoE, 1990:

“2.E.1. For development in areas potentially liable to subsidence, or that is likely to cause subsidence, a local planning authority may request a ground stability report. This will allow the applicant to demonstrate that subsidence will not unacceptably adversely affect a proposed development or it can be satisfactorily mitigated in the design of the development.

2.E.2 The preparation of a ground stability report is a technical task demanding a wide range of expertise in engineering geology, geomorphology, hydrogeology, mining, geotechnical engineering and foundation design. Such reports should be prepared by a competent person with proven experience in the fields relevant to subsidence of natural and mining/industrial cavities and due to adverse foundation conditions. Appropriately qualified people would be expected to be chartered members of a relevant professional institution, such as the Geological Society, the Institute of Civil Engineers, the Institution of Mining and Metallurgy, the Royal Institute of Chartered Surveyors or other relevant professional institutions.......”

Web links to the relevant professional institutions:

- Institute of Civil Engineers: [www.ice.org.uk/homepage/index.asp](http://www.ice.org.uk/homepage/index.asp)
- Royal Institute of Chartered Surveyors: [www.rics.org.uk](http://www.rics.org.uk)
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 or Ground Stability Report from www.groundstability.com or 0845 762 6848.
- Information obtained from a visit to The Coal Authority’s Mining Records Office in Mansfield, Nottinghamshire (By appointment: 01623 637 233).
- 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”

Occasionally 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 Permission

Prior written permission from The Coal Authority 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 permissions process can be found at: www.coal.gov.uk/services/permissions/index.cfm

The report should state whether enquiries have been made or will be made; whether applications have submitted or permission 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
COAL MINING RISK ASSESSMENT
REPORT STRUCTURE

1. INTRODUCTION

2. SOURCES OF INFORMATION USED TO INFORM THE REPORT

3. IDENTIFICATION AND ASSESSMENT OF SITE SPECIFIC RISKS

4. MITIGATION STRATEGY PROPOSED

5. CONCLUSION

RELEVANT APPENDICES

GENERAL GUIDANCE NOTES – LAST UPDATED DECEMBER 2012

⇒ Description and layout of proposed development
⇒ Site location plan
⇒ The purpose and scope of the Coal Mining Risk Assessment:
  o Desktop review of available up to date site specific information
  o Identify and assess the risks (individually and cumulatively) to the proposed development
  o Set out mitigation strategy and how coal mining legacy has influenced the development
  o Demonstrate to the Local Planning Authority that the site is, or can be made safe and stable
⇒ Identify the sources of information used which could include, but not limited to:
  o Coal Mining Report
  o Coal Authority Records (i.e. abandonment plans)
  o Geological information at the British Geological Survey
  o Historic Ordnance Survey mapping
  o Past ground condition surveys for the site/nearby sites
  o Past intrusive site investigation works for the site/nearby sites
⇒ Summarise the site specific risks identified
⇒ Assess how the risks both individually and cumulatively affect the proposed development
⇒ Explain how the risks have influenced the proposed development layout/design
⇒ Set out the proposed mitigation strategy for the risks identified
⇒ For exceptional circumstances, set out the strategy for further site investigations
⇒ Identify whether Coal Authority Permission will be required
⇒ Summarise the risks and the mitigation
⇒ Clearly identify whether the site is, or can be made safe and stable
⇒ Include copies of the information used in section 2
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 have are “exemptions” the LPA should 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 lies within an area with recorded coal mining legacy, however the type or nature of development is unlikely to be at a significant risk. It is based upon the former, now cancelled, Householder Informative Note which was in place 2010-2012.

---

**Informative Note**

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. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

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 Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. 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 Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority’s Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Informative Note valid from 1st January 2013 until 31st December 2014
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. Unrecorded coal mining related hazards could still exist.

It is not necessary to consult the Coal Authority on any planning applications which fall within the Development Low Risk Area so the LPA should attach the following 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 2010-2012.

<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 0845 762 6848.</td>
</tr>
<tr>
<td>It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.</td>
</tr>
<tr>
<td>Further information is also available on The Coal Authority website at <a href="http://www.coal.decc.gov.uk">www.coal.decc.gov.uk</a></td>
</tr>
<tr>
<td>Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority’s Property Search Service on 0845 762 6848 or at <a href="http://www.groundstability.com">www.groundstability.com</a></td>
</tr>
<tr>
<td>Standing Advice valid from 1st January 2013 until 31st December 2014</td>
</tr>
</tbody>
</table>
7. **Frequently Asked Questions**

- **Is this a new requirement?**
  No, the requirement for an applicant to prove that a site is safe and stable has been established in planning policy since 1990; what is different is that this risk based approach to development management is a more consistent approach across the coalfields to dealing with the issue.

- **Is a Coal Mining Risk Assessment a validation requirement?**
  This is a matter for the LPAs to decide as they prepare the Local Lists of Information for Validation. The Coal Authority would prefer this 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 CMRA.

- **Is a Coal Mining Risk Assessment required for the specific application form “Extension of Time Application”?**
  This application type is available until October 2013.

  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.
• 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 Local Planning Authority formally implementing the risk based approach to development management. However, some form of assessment of ground conditions should have been required in accordance with national policy established since 1990.

• 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 then these works can be covered by a pre-commencement condition.

• 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.

• Isn’t this issue already covered elsewhere at the moment – e.g. building regulations, and doesn’t this approach therefore attempt to duplicate another regime?
The planning process determines the principle of the development and the 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?
There is sufficient emphasis within the NPPF to refuse an application that does not provide sufficient information. The CA will support the LPA at subsequent appeals if this is the case and the correct procedures have been followed.

• Does the report have to be called a Coal Mining Risk Assessment?
Not specifically, providing it is an assessment of the coal mining legacy risks within the site.

• 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 the confirmation of the situation whatever the age of the report.

• What about the risks associated with “Permitted Development”?
Permitted development is subject to the same risks however there is no well established mechanism of raising awareness. In the absence of this mechanism, it is important to raise awareness through information published on-line and where LPAs and/or The Coal Authority receive general enquiries about permitted development then this is another opportunity to raise awareness.

• What is expected of a CMRA 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 CMRA 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 CMRA 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 30m will typically be recommended.
8. Suggested Local Validation List Requirement

The DCLG suggest that Local Validation Lists should be prepared and then kept under review.

The Coal Authority as a statutory consultee formally requests that the wording contained in the following box should be included within the Local List, it follows the format recommended in Table B of “Guidance on Information Requirements and Validation” originally published by DCLG in March 2010.

<table>
<thead>
<tr>
<th>Information Item:</th>
<th>Coal Mining Risk Assessment (CMRA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy Driver:</td>
<td>National Planning Policy Framework, paragraphs 109 and 121</td>
</tr>
<tr>
<td>Types of Application that require this information:</td>
<td>All non-householder development which falls within the Development High Risk Areas as defined by The Coal Authority and held electronically by the Local Planning Authority.</td>
</tr>
<tr>
<td>Note: there are ‘exemptions’ which are set out in a guidance note from The Coal Authority. 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.</td>
<td></td>
</tr>
<tr>
<td>Geographic locations where this information is required:</td>
<td>Development High Risk Areas as defined by The Coal Authority and held electronically by the Local Planning Authority.</td>
</tr>
<tr>
<td>What information is required:</td>
<td>The desk based Coal Mining Risk Assessment should be prepared by a suitably qualified and competent person (see extract from former PPG14 for definition). It should contain:</td>
</tr>
<tr>
<td>1. Site specific coal mining information</td>
<td>Including past/present/future underground mining, shallow coal workings (recorded or probable), mine entries (shafts and adits), mine gas, current licensed areas for coal extraction, any geological features, any recorded surface hazards, past/present surface mining sites (past sites may have used the old style opencast extraction methods);</td>
</tr>
</tbody>
</table>
2. Identify what risks these coal mining features, including cumulative effects, pose to the new development;

3. Identify how coal mining issues have influences the proposed development scheme, (e.g. layout) and what mitigation measures will be required to manage those issues and/or whether any changes have been incorporated into the development proposals;

4. Confirm whether the prior written permission of the Coal Authority will be required for the site investigations and/or mitigation works; and indicate when this permission will be sought.

Any development that involves intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or mine entries require the prior written permission of the Coal Authority in the interests of public safety and state property management.

Note: if the development is subject to the Environmental Impact Assessment process under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended), it is suggested that the Coal Mining Risk Assessment can be incorporated into the Environmental Statement.

Where to look for further assistance:
National Planning Policy Framework, section 11 conserving and enhancing the natural environment.

The Coal Authority website: www.coal.decc.gov.uk/services/planning

The Coal Authority - Planning and Local Authority Liaison
Telephone 01623 637 119 (direct line for planning enquiries)
Email: planningconsultation@coal.gov.uk

The Local Planning Authority has been provided with the Development High Risk/Low Risk spatial areas by The Coal Authority.
Justification
The Coal Authority considers that such a request would meet all of the policy tests set out in Table A of “Development Management Policy Annex: Information Requirements and Validation for Planning Applications” published by CLG in March 2010 for the following reasons:

Necessity
The National Planning Policy Framework states that the stability of the ground is a material consideration which should be taken into account when deciding a planning application (paras. 20 & 22).

It places a clear requirement on developers to provide sufficient information to satisfy the Local Planning Authority that any potential instability has been properly taken into account and addressed. Para. 34 goes on to state that when there are good reasons to believe that instability could adversely affect a development, or neighbouring land, a specialist investigation and assessment by the developer to determine the stability of the land and identify any remedial measures needed to deal with any instability may be required before the application can be decided.

The Coal Authority considers the requirement for a Coal Mining Risk Assessment for development proposals within defined Coal Mining Development Referral Areas is wholly consistent with this national policy guidance.

Precision
The Coal Authority has defined the parts of the coalfield where one or more recorded coal mining legacy features exist. The Development High Risk Area represents 15% of the spatial area of the coalfield. Within the Development High Risk Area, Coal Mining Risk Assessments will be required. These spatial areas will provide clear guidance on the precise geographical areas in which the information requirement will arise.

In addition, The Coal Authority will continue to provide clear guidance to Local Planning Authorities on the precise types of development that will need to include a Coal Mining Risk Assessment.

This will be based on the principle of proportionality in order that the requirement does not place an undue burden on applicants.

Proportionality
It is currently intended that the requirement for a Coal Mining Risk Assessment will apply to any development proposal which intersects the ground, except ‘exempt’ applications or specific developments.

This is intended to ensure that the requirement does not apply to unnecessary planning applications (i.e. those that do not involve disturbing the ground and which
are therefore unlikely to raise significant concerns in relation to coal mining legacy issues) or place an unduly onerous burden on small-scale or temporary developments which do not intersect the ground to any significant depth.

**Fitness for Purpose**
The Coal Authority will provide clear guidance to both Local Planning Authorities and developers on the issues that will need to be considered and addressed within Coal Mining Risk Assessments. This will help to ensure that all necessary information is provided in order to allow planning applications to be properly assessed in accordance with the guidance in the National Planning Policy Framework (NPPF) (following on from the former PPG14). It will also help to ensure that developers are clear about what is expected of them. It is important to stress, however, that The Coal Authority does not intend the requirements of a Coal Mining Risk Assessment to be unduly onerous – they will focus purely on the matters needed to ensure a proper assessment of the application in relation to any land stability or other public safety risks associated with former coal mining activities.

**Assistance**
The Coal Authority will provide a bespoke consultation response for any planning applications that are located Development High Risk Areas and are accompanied by a Coal Mining Risk Assessment. This will assist Local Planning Authorities in their assessment of such applications. The Coal Authority is also happy to provide information and assistance, where relevant, to developers.
9. Contacts

Planning and Local Authority Liaison Service

Tel: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.coal.decc.gov.uk/services/planning/index.cfm

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

Email: groundstability@coal.gov.uk

Tel: 0845 762 6848

Licensing and Permissions Service

Email: licensing&permissions@coal.gov.uk

Tel: 01623 637 339

For prior extraction of incidental coal and other coal mining operations

Website: www.coal.gov.uk/services/licensing/index.cfm

For permission to enter or disturb coal mine entries and coal seams

Website: www.coal.gov.uk/services/permissions/index.cfm

The Coal Authority

200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG