The Coal Authority

RISK BASED APPROACH TO DEVELOPMENT MANAGEMENT

GUIDANCE FOR DEVELOPERS

Photograph courtesy of The Coal Authority: 2010

VERSION 3

2014

The Coal Authority

RISK BASED APPROACH TO DEVELOPMENT MANAGEMENT

GUIDANCE FOR DEVELOPERS

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1. 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 works with the Department of Communities and Local Government (DCLG) on planning matters in England. In addition the Coal Authority works with the Scottish Government and the Welsh Government on planning issues in the devolved administrations.

The Coal Authority has specific statutory responsibilities associated with the licensing of coal mining operations; handling subsidence claims (which are not the responsibility of licensed coal mine operators); dealing with historic property and liability issues; and providing information on coal mining.

Further information on the Coal Authority and it's interaction with the planning system can be found at: www.gov.uk/coalauthority

1.1 Consultation on Planning Applications

The Coal Authority is a **statutory consultee**[1] on planning applications for development within the defined coal mining areas of England, Scotland and Wales. This is in part due to one of our specific responsibilities being to manage the environmental legacy of coal mining.

The Coal Authority has provided all 179 coalfield Local Planning Authorities (LPA) in England, Scotland and Wales with GIS data specifying the areas within which we are to be consulted on planning applications.

1.2 Consultation Standards

All planning work is undertaken by the Coal Authority's Planning and Local Authority Liaison Department based within the central office.

In the majority of cases your contact and correspondence will be directly with the relevant LPA, as it is the LPA that processes and determines your planning application. However, if you do need to contact the Coal Authority directly please use only the following:

[1] Town and Country Planning (Development Management Procedure) (England) Order 2010, Article 16, Schedule 5(k);
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, Regulation 25, Schedule 5(7); and
Town and Country Planning (Development Management Procedure) (Wales) Order 2012, Article 14, Schedule 4(i)

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All queries should be sent by email to: **planningconsultation@coal.gov.uk** to enable them to be registered into our consultation system. If enquiries 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**.

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

Type of Consultation	**Timescales for The Coal Authority to issue a response**	**Performance Standard**
General Enquiries from any source	7 calendar days (from receipt)	100% by deadline
Pre-Application Enquiries from any source	21 calendar days (from receipt)	100% by deadline
Planning Applications from LPAs only	England – 21 calendar days (from date of request) in accordance with Regulations Scotland – 14 calendar days (from date of request) in accordance with Regulations Wales – 14 calendar days in (from date of request) in accordance with Regulations (although some Welsh LPAs allow 21 days)	100% by deadline
Re-Consultations from LPAs only	14 calendar days (from date of request) (unless an alternative is specified by LPA)	100% by deadline
Follow-up questions or queries from Applicants or Agents	21 calendar days (from receipt)	100% by deadline

All our substantive 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

2. The Risk Based Approach to Development Management

In common with other consultees, the approach to defining where the Coal Authority wants to be consulted on planning applications, involves the definition of a spatial area. Then a process with guidance on the types of planning applications upon which we want to be consulted is specified. These planning applications will require specific supporting information and assessments.

2.1 The Consultation Area

The Coal Authority has used its extensive mining records to divide the coalfield into two spatial areas: "High Risk" and "Low Risk."

"Development High Risk Area" "Development Low Risk Area"

If you wish to check whether your proposed development site falls within the High Risk area, Low Risk area, or off the coalfield, please use our Interactive Map Viewer: https://www.gov.uk/using-coal-mining-information#coal-authority-interactive-map-viewer

The **Development Low Risk Area** encompasses approximately 85% of the defined coalfield; whilst coal mining has taken place in this area, it was at such depth not to pose a public safety or ground stability risk to new development.

If your proposed development is within the Development Low Risk Area **there is no need for you to submit any coal mining information with your planning application** and The Coal Authority will not be consulted by the LPA. The LPA will include our Standing Advice as an informative note with the decision notice.

2.2 The Development High Risk Area

The **Development High Risk Areas** covers approximately 15% of the coalfield; it contains specific recorded coal mining legacy risks which pose a public safety and/or ground instability risk 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.

Photographs courtesy of The Coal Authority

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 thick 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.

Photographs courtesy of The Coal Authority

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 future coal related public safety issues within a site or its locality that need to be considered.

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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.

Photographs courtesy of The Coal Authority

Coal Mining Related Fissures

2.3 Submission Requirements for Development in High Risk Areas

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.

The desk based Coal Mining Risk Assessment Report (CMRA) provides this assessment and should accompany the planning application in order to demonstrate to the LPA how you will ensure that your 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."

In England, the Planning Practice Guidance produced by DCLG gives guidance on the need for CMRAs to accompany relevant planning applications and the Coal Authority's role in the planning system. That advice can be seen at: http://planningguidance.planningportal.gov.uk/blog/guidance/land-stability/land-stability-guidance/

In Wales a CMRA is included on the National Validation List for planning applications as set out in 'Table 1: Validation Requirements for Outline or Full Planning Permission for Major and Minor Development (excluding Householder Applications)' in the document 'Guidance on the use of the standard application form ('1app') and validation of applications'. A copy of that document can be viewed at: http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/1appguidance/?lang=en

The following diagram sets out the process for how planning applications are considered by LPAs within coalfield areas:

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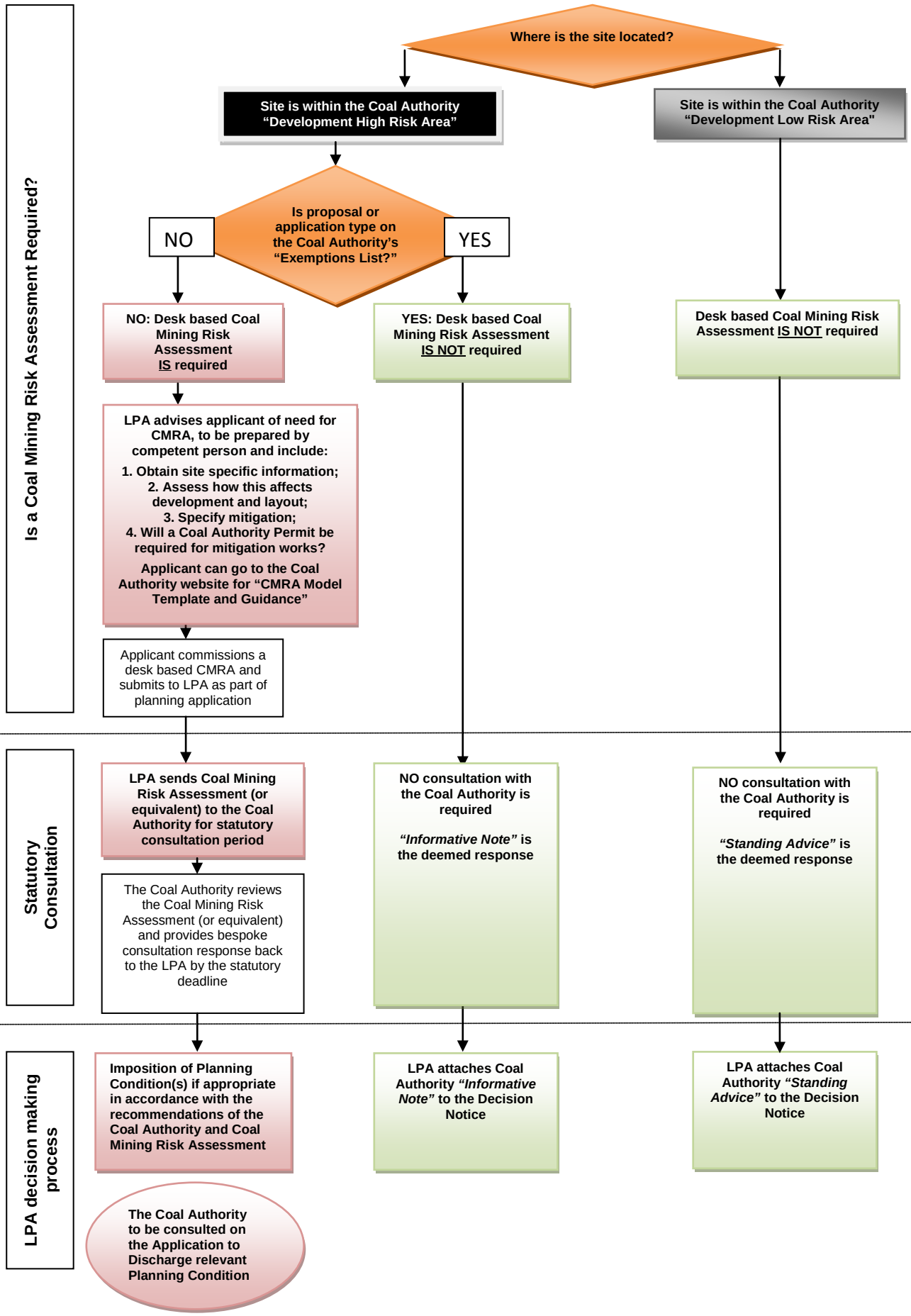
DEVELOPMENT PROPOSALS IN COALFIELD AREAS



2.4 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 an applicant to submit a desk based Coal Mining Risk Assessment in support of a development proposal 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

Type of Application	**CMRA required? (Yes / No)**	**Justification**
Reserved Matters / Reserved Details Approval of Matters Specified in Conditions	No	**Assumes** issue has been dealt with as a matter of principle (outline stage) – if not CMRA **will** be required
Householder Development	No	No spatial influence over development location
Changes of Use*	No*	**Assumes** no alterations, extensions or other built development is proposed
Variation or Removal of Condition	No	**Unless** the condition relates to land stability
Heritage Consents (Listed Building or Conservation Areas)	No	
Advertisement Consent	No	No significant ground works
Lawful Development Certificates	No	Legal factual determination only
Prior Notification or Prior Approval (any type)*	No*	
Hazardous Substances Consent	No	Any buildings or structures would require a separate planning application
Tree or Hedgerow Works (TPO or in Conservation Area)	No	
*Note * - Where the change of use is to residential, or the prior approval involves a change to residential it may be necessary to consider public safety issues such as gas ingress that need to be considered where a premises is to be permanently occupied*		

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Part B - Nature of Development

There may also be exemptions made for the nature of development, **where the building and/or 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 LPA will be able to advise you if you are in any doubt as to whether or not you need to submit a Coal Mining Risk Assessment with your planning application.

This list is not exhaustive, but is an illustration based upon recent example cases.

Nature of Development	**Typical Recent Examples**	**CMRA required? (Yes / No)**	**Justification**
Temporary structures with no ground works*	Small Portacabins; sheds; storage units; storage bins; decking; smoking shelters;	No*	No significant ground works
Means of enclosure	Fences, walls	No	No significant ground works
Street type furniture	Signage, public art, lighting/CCTV columns, cycle racks, benches	No	No significant ground works
Alterations to existing non-residential buildings that create no new floor space	New shop frontages, new windows or door openings, signage	No	No significant ground works
Non-commercial private/domestic stables		No	No significant ground works, no public uses
*Note * - Where a temporary building is to be placed on a concrete foundation or where the building or structure is of such a size that a significant new ground loading will occur a CMRA may be necessary. Where a temporary building is to be utilised for a use involving highly sensitive occupiers, such as a school classroom then a CMRA should be undertaken.*			

3. Desk Based Coal Mining Risk Assessment Reports

Your Coal Mining Risk Assessment Report (CMRA) will need to be prepared by a suitably qualified 'competent' person with a recognised relevant qualification, sufficient experience in dealing with ground stability and mining legacy related issues, and holds membership of a relevant professional organisation.

Web links to relevant professional institutions:

- Geological Society: www.geolsoc.org.uk/index.html
- Institute of Civil Engineers: www.ice.org.uk/homepage/index.asp
- Institute of Materials, Minerals and Mining: www.iom3.org
- Royal Institute of Chartered Surveyors: www.rics.org/uk
- Institution of Structural Engineers: www.istructe.org

In addition, there may be members of other relevant professional disciplines or institutions that have appropriate expertise to undertake Coal Mining Risk Assessments.

The Coal Authority website contains further guidance on Coal Mining Risk Assessments at:
https://www.gov.uk/planning-applications-coal-mining-risk-assessments

The following pages provide a Model Report Template and Guidance Notes on the expected scope and contents of a Coal Mining Risk Assessment:

COAL MINING RISK ASSESSMENT

MODEL REPORT TEMPLATE

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 from www.groundstability.com*
- *Information obtained from a visit to The Coal Authority's Mining Records Office in Mansfield, Nottinghamshire (By appointment: 01623 637 000).*
- *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*.

Coal Mining Issue	Yes	No	Risk Assessment
Underground coal mining (recorded at shallow depths)			
Underground coal mining (probable at shallow depths)			
Mine entries (shafts and adits)			
Coal mining geology (fissures)			
Record of past mine gas emissions or potential			
Recorded coal mining surface hazard			
Surface mining (opencast workings)			

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 Permit

A Coal Authority Permit 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 permitting process can be found at: https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

The report should state whether enquiries have been made or will be made; whether a permit application has been submitted or if a permit has already been obtained from the Coal Authority for the mitigation and/or further site investigation works.

5. 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	GENERAL GUIDANCE NOTES – LAST UPDATED DECEMBER 2012
1. INTRODUCTION	✦ 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
2. SOURCES OF INFORMATION USED TO INFORM THE REPORT	✦ 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
3. IDENTIFICATION AND ASSESSMENT OF SITE SPECIFIC RISKS	✦ Summarise the site specific risks identified ✦ Assess how the risks both individually and cumulatively affect the proposed development
4. MITIGATION STRATEGY PROPOSED	✦ 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 a Coal Authority Permit will be required
5. CONCLUSION	✦ Summarise the risks and the mitigation ✦ Clearly identify whether the site is, or can be made safe and stable
RELEVANT APPENDICES	✦ Include copies of the information used in section 2

4. 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 in the UK 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?**
  In England and Scotland this is a matter for the LPAs to decide as they prepare the Local Lists of Information for Validation. In England the DCLG produced Planning Practice Guidance makes it clear that a Coal Mining Risk Assessment should be submitted alongside planning applications in the 'Development High Risk' area defined by the Coal Authority. In Wales the submission of a Coal Mining Risk Assessment is included on the National Validation List for planning applications.

- **Why isn't a Coal Mining Report sufficient?**
  The submission of a Coal Mining Report or Enviro-all-in-one Report or similar is not adequate. These reports are principally designed for property search purposes and they simply contain the factual coal mining information for the application site. It is not an assessment of the risks posed by the coal mining features present.

  A Coal Mining Report or Enviro-all-in-one Report or similar 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 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. If appropriate mitigation or engineering measures have not been incorporated then a Coal Mining Risk Assessment will need to identify what retrofitted measures are now proposed to be undertaken to ensure public safety. In some circumstances it may be necessary to undertake intrusive site investigations under the unauthorised building or structure.

- **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 the nature of the previous development or it may have been 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. A Coal Mining Risk Assessment is now required to meet the relevant National Planning Policy and Advice.

- **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 also directly inform the layout and design, for example mine entries and their zones of influence should not be built over, even once the mine entry has been treated. 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 in many cases, but not always, be covered by a pre-commencement condition.

- **Isn't this issue already covered elsewhere at the moment – e.g. building regulations/standards, and doesn't this approach therefore attempt to duplicate another regime?**
  The planning process determines the principle of the development and 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 the LPA at any subsequent appeal?**
  There is sufficient emphasis within national planning policy to refuse an application that does not provide sufficient information. The Coal Authority 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. It can be included as a section within an Environmental Statement or be included within a wider Ground Investigation Report or similar.

- **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 is expected of a Coal Mining Risk Assessment if likely shallow mine 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 Coal Mining Risk Assessment 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) borehole and other records (www.bgs.ac.uk) or, where available, other site investigations that have taken place in the vicinity of the application site.

  The Coal Mining Risk Assessment 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. Trial Pits will not normally suffice, although may be useful to confirm the position of a coal seam outcrop.

5. Prior Extraction of Surface Coal Resources

Across the country valuable surface coal resources are being needlessly sterilised by new non-mineral development. In England the NPPF and Planning Practice Guidance sets out the Government's desire to ensure that minerals are safeguarded from sterilisation through the definition of Mineral Safeguarding Areas (MSAs). Similar requirements for MSAs in Wales are set out in Minerals Planning Policy Wales and Minerals Technical Advice Note 2: Coal. In Scotland minerals are required to be safeguarded, although they don't use MSAs, under Scottish Planning Policy.

Defining MSAs and other safeguarding areas for minerals does not achieve the Government's aims on its own; safeguarding area policies need to be properly implemented when applications for non-mineral development come forward in such areas. Part of that consideration includes the need to assess the potential for the mineral to be extracted ahead of development being undertaken. This is known as prior extraction or pre-extraction.

The prior extraction of coal resources has been successfully undertaken across the country both in urban and rural areas over many decades. In addition, this can address mining legacy and land instability issues on some sites thereby facilitating safe development. On other sites it can generate much needed additional revenue from coal sales. In all cases where coal is present on a development site, a licence is needed from the Coal Authority to remove the coal because it is owned by the State; this is a simple process dealt with by the operator themselves:
https://www.gov.uk/government/collections/coal-mining-licence-applications

Prior extraction of coal can take place within major urban conurbations, it can occur on a small or large scale, and examples are recorded on sites ranging from 0.3 hectares to 28 hectares.

Practical Example: Sackville Street/Fitzwilliam Street in Barnsley, which was the brownfield site of the former Canister Works. 0.85 hectares mixed use development including 188 residential units with ground floor A1/A3 units and parking within the main built up area Barnsley town centre. The site is located within an area of surface coal resource and also former mining legacy including shallow workings and mine entries. 1,600 tonnes of coal were extracted within 4 weeks as part of the site preparation works. This development therefore achieved two national policy objectives: avoiding the unnecessary sterilisation of coal and removed existing land instability caused by former coal mining. The development was successfully completed and now makes a vibrant contribution to the street scene.

Such extraction is usually undertaken as part of the overall groundwork activities on site and it normally only takes a matter of days or weeks rather than months or years. Also the appearance of such prior extraction looks more like other site preparation activity; it does not look like what most people would consider as mineral extraction.

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Pillars of coal being extracted as part of ground works: prevents sterilisation and effective method of remediating unstable ground caused by former coal workings

Coal close to the surface being extracted as part of ground works: prevents sterilisation and effective method of remediating unstable ground caused by former coal workings

Outcrop of coal close to the surface which would be sterilised without prior extraction and has the potential to cause instability for surface development

Outcrop of coal close to the surface which would be sterilised without prior extraction and has the potential to cause instability for surface development

As the protection of coal as a valuable energy mineral is important to the future diversity and flexibility of the UK energy market, the Coal Authority is charged with ensuring that the surface coal resource across the country is not needlessly sterilised by non-mineral development as one of the organisation's objectives. Further information on coal resource issues and the planning system can be found on the Coal Authority's website:
https://www.gov.uk/government/publications/safeguarding-surface-coal-resources

The Confederation of UK Coal Producers (CoalPro) is the Industry Body and together with the individual operating companies is keen to promote the opportunities for prior extraction of coal resources amongst decision makers and developers. Further details of operators can be obtained from www.coalpro.co.uk/members.shtml

6. The Coal Authority Permitting Process

Separate to the Coal Authority's role as a statutory consultee on planning applications, a Coal Authority Permit is required for any activities that intersect with coal seams or coal mining legacy features.

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 a permit will result in trespass, with the potential for court action.

Application forms for a Coal Authority Permit and further guidance can be obtained from the Coal Authority's website at:
https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

The Coal Authority has also adopted policies for development affected by mine entries and for drilling and piling in coalfield areas, which are available to view at:

Development and Mine Entries Policy
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Drilling and Piling Near Coal Policy
http://webarchive.nationalarchives.gov.uk/20140721140515/http://coal.decc.gov.uk/assets/coal/whatwedo/4860-guidance-on-managing-the-risk-of-hazardous-gases-w.pdf
Note – this policy is viewable via our previous website platform that is now sited on the National Archive platform, it has not been moved to the gov.uk platform.

The Coal Authority

7. Contacts

Planning and Local Authority Liaison Department

Tel: 01623 637 119

Email: planningconsultation@coal.gov.uk

Website: www.gov.uk/planning-applications-coal-mining-risk-assessments

Other Useful Contacts

Surface Hazards Emergency Service
Tel: 01623 646 333
(Open 24 hours a day, 7 days a week)
24-hour number for reporting public safety hazards and incidents associated with coal mining

Mining Reports Service
To purchase site specific coal mining information
Website: www.groundstability.com

Licensing and Permitting Service
Email: licensing&permissions@coal.gov.uk
Tel: 01623 637 339

For prior extraction of incidental coal and other coal mining operations
Website: www.gov.uk/get-a-licence-for-coal-mining

For permission to enter or disturb coal mine entries and coal seams
Website: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

The Coal Authority
200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG