



200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

T: 01623 637 119 (Planning Enquiries)

E: planningconsultation@coal.gov.uk

W: www.gov.uk/coalauthority

For the attention of: Ms S. Papaleo – Case Officer
Cumberland Council (Copeland area)

[By email: Development.Control3@cumberland.gov.uk]

1 September 2026

Dear Ms Papaleo

Re: Planning application 4/25/2353/0F1

Demolition of an existing outbuilding and development of a new residential coach house including associated vehicle parking area and gardens at 17 Irish Street, Whitehaven – FURTHER RECONSULTATION

Thank you for your notification of 27 August 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) on the above planning application.

The Coal Authority response: MATERIAL CONSIDERATION

As you are aware, the application site falls within the defined Development High Risk Area. Our information indicates that a coal seam is conjectured to outcrop at or close to the surface within the site, which may have been subject to unrecorded mining activity in the past. Voids and broken ground associated with such workings can pose a risk to surface stability and public safety.

You will recall that we objected to the proposal in our previous consultation responses due to the lack of a Coal Mining Risk Assessment to identify and assess the risks posed to the proposed development by coal mining legacy. We are therefore pleased to note that the applicant has now submitted a Coal Mining Risk Assessment (13 August 2026, prepared by the Mining Remediation Authority's commercial arm) in support of their application.

Based on a review of coal mining and geological information the report concludes that probable unrecorded mine workings associated in a number of shallow coal seams, including the outcropping Bannock (Bricks) coal seam, pose a medium risk of instability to the proposed development. Accordingly, the report goes on to recommend the carrying out of intrusive investigations in order to investigate ground conditions and the mining situation beneath the site and to inform any necessary remedial measures.

These investigations should be designed and carried out by competent persons, in cognisance of the conclusions of the submitted report, and should be appropriate in terms of assessing the ground conditions at the site in order to establish the coal mining legacy present and the risks it may pose to the development.

The results of the investigations should be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

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

The submitted report concludes that the risk to ground stability at the site from recorded mine entries is low. However, it identifies the potential for unrecorded mine entries to be present within the site and recommends a watching brief be maintained during site works. We take this opportunity to highlight that should any previously unrecorded mine entry be encountered during development, appropriate treatment of the feature will be required, in accordance with details permitted under a Mining Remediation Authority Permit.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. In this case, the submitted report recommends that a gas risk assessment should be undertaken, which may recommend the incorporation of basic gas protection measures within the development.

The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team notes the conclusion of the supporting Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to development at the site and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the decision notice:

1. ***No above ground development shall commence (excluding the demolition of existing structures) until;***
 - a) ***a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and***
 - b) ***any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.***
2. ***Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.***

The Coal Authority's Planning & Development Team therefore **withdraws its objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with policies L2 and P2 of the National Planning Policy Framework.

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 – Site investigation and remediation/mitigation guidance

Coal mining legacy related site investigations and any subsequent remediation works and/or mitigation measures shall be undertaken in accordance with authoritative UK guidance (CIRIA C758D – Abandoned mine workings manual) and under the provisions of a Mining Remediation Authority Permit.

2 – Mining Remediation Authority Permit

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

3 - Requirement for Incidental Coal Agreements

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

4 - Shallow coal seams

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

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response, The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.