

SECOND SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE

24th May 2018

Agenda item 6

Application ref. 18/00062/FUL

Lodge Farm, Newcastle Road, Talke

Since the preparation of the main agenda report and also following publication of a First Supplementary Report the views of the **Coal Authority** have now been received on the Historical Coal Mining Risk Assessment Report submitted by the applicant.

The **Coal Authority** maintains their objection to the scheme. They initially objected to this planning application on the basis that without a Coal Mining Risk Assessment Report (Risk Assessment), or equivalent, the risks to human safety arising from historical coal mining cannot be properly understood or properly safeguarded against.

They comment that the applicants submitted Risk Assessment has acknowledged the presence of recorded shallow coal workings, together with three recorded mine entries. The Coal Authority records indicate that two of the recorded mine entries have treatment details (capped by National Coal Board in 1979), however there is no record of such treatment details for the remaining third mine entry and there could be some deviation, by several metres, from the current plotted position. As a result the Coal Authority are seeking further investigatory information for one of the mine entries to be undertaken by an appropriately qualified person, and are maintaining their objection to the application in the meantime.

Your Officer's views

It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the Planning Authority, where land is affected by land stability issues including from mining, that the application site is suitable for its new use and the development is safe.

The proposed manege is potentially over or within the influencing distance of the particular mine entry of concern. The Coal Authority as a result would expect the mine entry to be fully remediated (filled and capped). They also advise that alternatively if that is not possible, once the exact location of the mine entry is known, the manege would potentially need to be repositioned and the mine entry securely fenced off in order to prevent public access (on grounds of public safety) within that specific part of the site. The latter approach outlined would require a fresh planning application for the agreement of any revised plans significantly different to those considered.

The applicants submitted Risk Assessment does give a review of existing sources of geological, historical and mining information, the Report author considers that there are significant risks to the site users, primarily the three recorded mine entries. The Report author considers that based on this particular proposal, shallow mine workings recorded at 25m and 27m depth would only pose a low risk to the stables and outdoor equine end-use and considers that the migratory measures identified within the Report are appropriate for this particular proposal.

Taking into account the views of the Coal Authority there are grounds for refusal however the view of your Officer is that a planning condition requiring further technical investigations and appropriate mitigation could overcome the risks posed to public safety.

Such a condition would require consultation with the Coal Authority for its successful release as well as there being a separate permit system for the applicant to apply for with the Coal Authority directly.

The RECOMMENDATION be altered to the following:-

A. That subject to there being no objections from Kidsgrove Town Council by 12th June, which cannot be addressed by appropriate conditions, delegated Authority be given to the Head of Planning to :-

PERMIT the application subject to conditions relating to:-

- 1. Time limit.**
- 2. Plans.**
- 3. Materials.**
- 4. Tree protection measures.**
- 5. Approval of a landscaping scheme.**
- 6. External lighting levels.**
- 7. Provision for the storage and disposal of stable waste.**
- 8. Horse boxes, trailers and vehicles associated with the use of the site for a stables and manege shall not be moved on the shared access driveway between the hours of 10.00pm and 08.00 on any day.**
- 9. Provision of the submitted parking and turning area and its retention for the lifetime of the development.**
- 10. The development shall be restricted to a maximum of 9 horses.**
- 11. The proposed manege shall only be used by horses which are stabled at the site.**
- 12. Any conditions recommended by the Coal Authority or otherwise to deal with historical coal mining risk.**

B. In the event of objections being received from Kidsgrove Town Council by the 12th June, which cannot be addressed by appropriate conditions, the application be referred back to the Planning Committee for reconsideration.