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For the attention of: Ms R. Carney – Case Officer

Rochdale Metropolitan Borough Council

[By email: development.management@rochdale.gov.uk]

15 September 2025

Dear Ms Carney

Re: Planning application 25/00680/FUL

Construction and operation of 17 wind turbines with a maximum height to the tip of the blade of 180 metres (above ordnance datum), together with associated ancillary infrastructure comprising crane pads and hardstandings; new access tracks; improvement and widening works to Scout Road; onsite substation; underground electrical infrastructure and cabling; fencing and boundary treatments; external lighting; drainage infrastructure; habitat and moorland restoration works; public right of way works; landscaping; temporary construction compound and staging area; underground electrical grid connection to the Rossendale Bulk Supply Point; and associated engineering works; alongside the retention of and improvements to existing access tracks associated with the existing Scout Moor Wind Farm at Scout Moor Wind Farm, Rochdale

Thank you for your notification of 26 August 2025 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority response: MATERIAL CONSIDERATION

The application site falls within the defined Development High Risk Area. Therefore, within the site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

Our records indicate that there are 87 mine entries (shafts and adits) within the application site or within 20m of its boundary, of which two are associated with flagrock mining and lie outside of the remit of the Coal Authority to comment upon. Due to potential plotting inaccuracies, the actual positions of these features could depart/deviate from their plotted positions by several metres. We hold limited treatment details for 7 of the mine entries. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

We take this opportunity to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. We have adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided, even following treatment. Our adopted policy can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

In addition, our records indicate that there are a number of discrete areas within the site where coal mining has taken place at shallow depth, with shallow unlicensed roadways present. Also, several coal seams of potentially workable thickness outcrop at or close to the surface across the site. These seams are likely to have been subject to historic unrecorded mining activity at shallow depth. Voids and broken ground associated with such workings can pose a risk to surface stability and public safety.

Our records indicate that an area within the western part of the lies within the boundaries of a site from which coal has been extracted by surface (opencast) mining methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures. This are of past surface mining is situated away from the proposed turbines.

There have been six surface hazards reported to our Public Safety & Subsidence Team within the application site and a further four hazards report relating to land within 50m of the site boundary.

The application is accompanied by a Mining Risk Assessment report (June 2025, prepared by Pell Frischmann). This report provides a review of a range of sources of coal mining and geological information and acknowledges that the site has a substantial coal mining legacy. It concludes that there exists the potential for recorded and unrecorded mine workings to be present within influencing distance of some elements of the scheme of development.

The report goes on to recommend that an intrusive ground investigation should be carried out, predominantly focussed on investigating workings in the Sand Rock Coal and Lower Mountain Coal seams, in order to confirm the depth of the seams and potential presence and extent of workings and possible faulting. The results of these investigations will inform any micro siting of the turbines to avoid areas of potential instability and/or the undertaking of grouting stabilisation works.

Figure 1 contained in Appendix A of the report shows the positions of recorded mine entries in the context of the proposed development layout (but not including the full grid connection options). In light of our adopted policy, we are pleased to note that this demonstrates that the proposed turbines have been sited to avoid the recorded mine entries and their associated potential zones of influence. However, we note that there are some instances where mine entries are recorded close to the alignment of access tracks. This includes shaft 385419-005 close to the track between turbines T8 and T9 and the cluster of three adits (384418-001, 384418-002 and 384418-003) potentially extending beneath the track to the west of turbine T8.

Whilst it may be the case that development along the chosen grid connection routes will not require significant groundworks, when considering wider information, there would also appear to be some instances where mine entries are present within the alignment of the two alternative grid connection options (not shown on Figure 1). For clarity and the avoidance of doubt, the LPA may consider it prudent to request a plan from the applicant showing those recorded mine entries in the context of the full alignments of the grid connection options.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons to properly assess ground conditions and to establish the exact situation regarding mining legacy and the risks it may pose to the development as a whole. We would expect due consideration in the design of these investigations to the undertaking of works to establish the risk of instability posed by those mine entries present within influencing distance of new infrastructure associated with the wind turbine development.

The results of the investigations should be 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, including the turbines and associated infrastructure and access roads.

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 Mining Remediation Authority property. Any comments that we may have made in a Planning context are without prejudice to the outcomes of a Permit application.

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. 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 recommendations of the Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development 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 until;**
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by 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.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 2. Prior to the development 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 therefore has **no 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 paragraphs 187, 196 and 197 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 - Ground Investigations and groundworks

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.

2 - 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.

3 - 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.

If you would like to discuss this matter further, please contact me on the above number.

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 and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed 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 advisors for this development in relation to ground conditions and the acceptability of development.

