

Alan Wood

Clerk to the Local Review Body
Committee Team
Communications and Democratic Services
East Lothian Council
John Muir House
HADDINGTON

16 January 2017

Dear Sirs

**Erection of Storage/ Distribution Building
Unit 20a Macmerry Industrial Estate – SA Fairgrieve Ltd
Planning Approval 16/00403/P**

I refer to the Notice of Approval dated 28 October 2016 for the above, and to the Conditions listed therein.

On behalf of my client SA Fairgrieve Ltd we would wish to raise an objection to the conditions imposed by the Coal Authority and ask that these be reconsidered in light of the following.

We had a Risk Assessment Report carried out by DLM Mining Consultants Ltd in response to the Coal Authority objection on 28 June 2016 and this was subsequently submitted to the Planning Authority. This Report recognises that the whole area of Macmerry (Industrial Estate) has charted and uncharted workings and these have questionable support for any building. To provide full support would require extensive works, including drilling and grouting of these works.

DLM Mining Consultants Ltd (page 9) take the view that as the proposed building is (relatively speaking) of a small scale then a suitably reinforced foundation system will “go a long way towards mitigating the effects of belated ground subsidence.....”

We also commissioned a report from Stuart Findlay Associates Ltd, Consulting Civil and Structural Engineers, (9 September 2016) also submitted in response to the Coal Authority objection and this too recommended a suitable foundation system should provide adequate protection, given the type of building and its location in the midst of similar buildings which show no signs of distress.

We now submit a further letter from Stuart Findlay Associates Ltd, 13 Jan 2017, which again outlines the suggested foundation detailing as being reasonable for the type of building and the nature of the site. They do recognise that if there is any deflection then the resultant damage should be easily repaired. Further discussion indicates this is only likely to be to the concrete block walls which infill the lower part of the perimeter of the proposed building, with the main steel portals being designed to be reasonably flexible.

So we have a real dilemma which has far reaching consequences.

If the workings below the site have to be drilled and grouted the cost could be well over £50,000. This makes the development of this area of the Industrial Estate uneconomical for the simple Storage/Distribution building proposed.



If the Coal Authority insist on this standard of investigation/consolidation for future buildings at Macmerry, developers might shy away from here, preferring a more stable site. This is not good for the local economy.

Another question which perhaps has significance is how many of the other building (of similar and more traditional design) around the application site have had such drilling and grouting carried out. Given that many were built from the 1960's we are not aware of any that have had to be demolished due to site problems, nor are we aware of any sink holes or other surface problems caused by collapse of workings.

In conclusion we think that the Coal Authority conditions are perhaps much more aimed at a high cost/risk development, eg a housing estate, a high tech office development or a multi storey complex, where the cost of collapse of workings would be extremely significant in relation to consolidation works.

We are quite prepared to recognise the concerns of the Coal Authority on the workings and are quite prepared to proceed entirely at our own risk with a foundation design from Stuart Findlay Associates Ltd in conjunction with DLM Mining Consultants Ltd, particularly the final paragraph of their report (page 9) "a careful watch be kept during the site preparation works for any evidence of past mining activity which if found should be thoroughly investigated".

If the conditions on intrusive site investigation and any mitigation measures can be agreed for removal then we can proceed to the application for Building Warrant, which in its own process requires structural engineering input and certification together with Coal Authority approval, but without their removal we can go no further.

If necessary, paragraphs can be inserted into the Title Deeds for the land and shed, absolving the Coal Authority from any future claim. The form of this can be agreed.

I trust this is a correct format for appeal against conditions, but if not please let me know. I do think it will be sufficient for the lodging of an appeal within 3 months of the actual date of approval. I assume you will advise us of the process for the appeal, and if we are required to attend any hearing. If further information is required please let me know.

Yours

faithfully

ALAN WOOD

cc Mr G Fairgrieve. SA Findlay Associates Ltd.

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Stuart Findlay Associates Ltd

Consulting Civil and Structural Engineers

13 January 2017

S A Fairgrieve
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Dear Sirs

Erection Storage Distribution Building at Unit 20A Macmerry Industrial Estate.
Planning Application no 16/00403/P

I refer to the Planning Permission granted for the above and the conditions contained therein.

I have discussed the conditions with DLM Mining Consultants and we are both perplexed by the conditions set.

We cannot see the logic of instigating an intrusive mining investigation as this will only confirm what we already know ie workings will be present at shallow depth and therefore the stability of the site cannot be guaranteed.

However the intrusive investigation will cost in the region of £3000 and grouting is likely to cost in the region of £50,000 and my understanding is that with an estimated budget cost of £70,000 these oncosts are unrealistic and your client is unlikely therefore to proceed with the project.

Your client would prefer to take a risk based approach where a building capable of accommodating some movement is built, eg a portal frame and the foundations are designed to deal with any ground movement that could occur eg ground beams that tie column bases together and are capable of spanning over any notional void that may develop.

Your client is fully aware of the risks with this approach but is prepared to proceed on the basis that if any ground movement occurs then the damage to his building will be nominal and easily repaired, certainly cheaper to repair than grout the workings.

I would suggest that a copy of this letter be forwarded to the Planners with a request to reconsider the conditions set.

Yours Faithfully


Stuart Findlay