

COAL MINING RISK ASSESSMENT
AT
POPLAR FARM
BRIESTFIELD
FOR
NORTHERN DESIGN PARTNERSHIP
REPORT REF: 3175

Engineering Geologists and Environmental Scientists



Ashton Bennett



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ASHTON BENNETT CONSULTANCY

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JULY 2014

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1. INTRODUCTION

This report describes the results of a Coal Mining Risk Assessment undertaken on a site known as Poplar Farm, Briestfield Road, Dewsbury, WF12 0PA. The work was undertaken for Northern Design Partnership on behalf of their client. The assessment was carried out by this Consultancy, the Ashton Bennett Consultancy.

The purpose of this coal mining risk assessment was to assess the risk of past shallow and deep underground coal mining being present beneath the site and potentially affecting proposals to redevelopment on the site. The mining risk assessment involved the collation and assessment of available information on the site including geological maps, topographical maps, available borehole records and a Coal Authority Report.

This report describes the research work carried out, presents the results of the Coal Mining Risk Assessment (CMRA) and assesses the risk to the site from deep and shallow underground coal mining and disused mine shafts.

2. THE SITE

The site is located on the south side of Briestfield Road within Briestfield in West Yorkshire WF12 0PA.

The site is presently occupied by multiple buildings in the north part of the site and open ground with unknown materials in the south of the site. It is proposed to develop the site for housing.

The site is bounded to the west by Bank Farm with further residential properties beyond. The site is bounded to the east by the 'Shoulder of Lamb' restaurant with fields and farms beyond. The site is bounded to the north by Bristfield Road with fields and buildings beyond. The site is bounded to the south by farmed fields and Bristfield Beck.



Figure 1 Site Location Plan

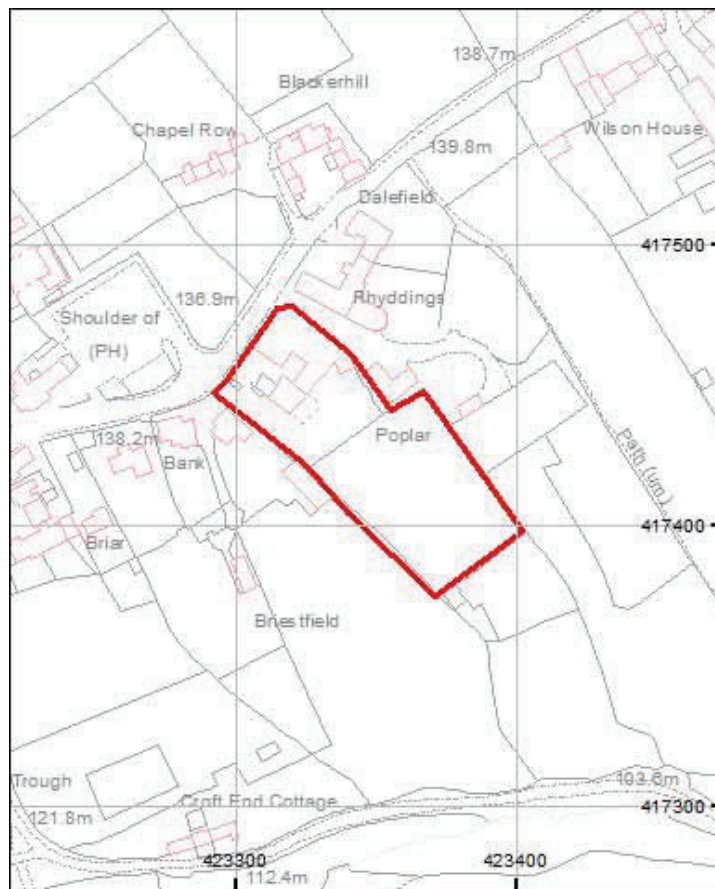


Figure 2 Detailed Site Location Plan

The site is centered at National Grid Reference 423337^E 417439^N at a height of approximately 135m above Ordnance Datum.

A Site Location Plan is presented as Figure 1 and a Detailed Site Location Plan as Figure 2 and a Geology Plan and BGS Borehole Location plan as Figure 3. A Plan of the Outcrop of Coal Seams is presented as Figure 4. The Coal Authority Report is presented in Appendix A.

3. REPORT OBJECTIVE AND REPORT SCOPE

The objective of this Coal Mining Risk Assessment (CMRA) desk study is to examine the topographical, geological and mining data readily available for the site and determine the risk to the proposed development from past deep and shallow underground coal mining and disused mine shafts.

In addition to the above this study has used the extensive knowledge and experience of the staff of Ashton Bennett Consultancy to assess the data and to interpret the data findings.

4. SITE GEOLOGY

4.1 Geology

The published British Geological Survey (BGS) maps at a scale of 1:10,000 (SE21NW) show the site area to be underlain by the sandstones, mudstones and interbedded coal seams of the Pennine Lower Coal Measures. The strata immediately beneath the site are shown to be Emley Rock Sandstones underlain by mudstones interbedded with the Flockton Thin Coal, the Birstall Rock Sandstone and the three Brown Metal Coals in turn underlain by further Lower Coal Measures. A plan of the geology and boreholes used for geological sequence confirmation is presented in Figure 3 and a plan indicating the outcrop of the shallow coal seams is presented as Figure 4.

The sequence of strata beneath the site to circa 65m bgl comprises:

Emley Rock Sandstone
Mudstone
Flockton Thin Coal
Mudstone
Birstall Rock Sandstone
First Brown Metal Coal
Mudstone
Second Brown Metal Coal
Mudstone
Third Brown Metal Coal

The Flockton Thin Coal outcrops through the middle of the site and underlies part of the site at shallow depth. The First Brown Metal Coal lies at around 38m below ground level and outcrops to the south east of the site.

BGS boreholes do not hold records of any local boreholes which could confirm the exact depths of strata and coal seams.

4.2 Geological Faults

The geological maps indicate the presence of several known geological faults. There is a NW-SE trending, SW dipping fault following the eastern boundary of the site, and further NW-SE trending

faults to the north and south of the site. There are no other faults shown to cross the site, however the Coal Measures strata are heavily faulted from past tectonic activity and small unrecorded faults may also be present.

The faults are unlikely to detrimentally affect the stability of the site unless shallow mined ground is present beneath the site.



Figure 3 Geology and BGS Borehole Location Plan

5. MINING

5.1 The Coal Authority Report

The Mining Report obtained by the client from The Coal Authority for the site states that according to their records the property is not within the zone of likely physical influence on the surface from past underground workings.

However the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past.

The property is not in the likely zone of influence of any present underground coal workings. The property is not in an area for which the Coal Authority is determining whether to grant a licence to

remove coal using underground methods. The property is not in an area for which a licence has been granted to remove or otherwise work coal using underground methods. The property is not in an area that is likely to be affected at the surface from any planned future workings. However reserves of coal exist in the local area which could be worked at some time in the future.

No notice of the risk of the land being affected by subsidence has been given under section 46 of the Coal Mining Subsidence Act 1991.

The Coal Authority is not aware of any evidence of damage arising due to geological faults or other lines of weakness that may have been affected by coal mining. The property is not within the boundary of an opencast site from which coal has been removed by opencast methods. The property does not lie within 200m of the boundary of an opencast site from which coal is being removed by opencast methods. The property is not within 800m of the boundary of an opencast site for which the Coal Authority is determining whether to grant a licence to remove coal by opencast methods. The property is not within 800m of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50m, since October 1994. There is no current stop notice delaying the start of remedial works or repairs to the property. The Authority is not aware of any request having been made to carry out preventative works before coal is worked under Section 33 of the Coal Mining Subsidence Act 1991.

There is no record of any mine gas emissions requiring action by the Coal Authority, under its Emergency Surface Hazard Call Out procedures.

The property has not been subject to remedial works, by or on behalf of the Authority, under its Emergency Surface Hazard Call Out procedures.

The Coal Authority Report is presented in Appendix A and should be read in full.



Plan of Outcrop of Coal Seams

5.2 Shallow Coal Mining

The Coal Authority Report states that shallow mining may have occurred beneath the site as they believe coal seams may be present at or near the ground surface. The Coal Authority records only date from 1872 and as shallow mining often occurred before that date, there are no records of the early mined coal seams. The coal seams present at shallow (<30m bgl) depth beneath the site are shown in Table 1 with the probability of the each seam being worked.

The Flockton Thin, and the First, Second and Third Brown Metal Coal seams were extensively worked in the local area.

The Flockton Thin Coal seam was mined and voids remain in the mined seam and if insufficient competent strata lies above the voids, then the voids may migrate by successive roof collapse over the years producing subsidence at ground level.

If sufficient thickness of competent strata overlies voids then the voids may become choked before they reach the ground surface.

As there is one coal seam within the upper 30m bgl beneath the site there is a **medium to high risk** that the site may be undermined. This is also evidenced by the former presence of Croft End Colliery to the immediate south west of the site. If the site is undermined there may be sufficient overlying competent strata to prevent voids migrating to the surface. This will depend on the depth of the coal seams and which seams, if any, have been mined. Alternatively there may be insufficient cover and ground stabilisation may be required.

TABLE 1
Estimated Shallow Coal Seams beneath Site

Strata	Thickness in m	Depth bgl in m	Worked on site	Worked in vicinity of site
Emley Rock Sandstone	0-2	0-2		
Mudstone	13-15	13-17		
Flockton Thin Coal	0.5-0.8	13.5-17.8	possibly	yes
Mudstone	8	21.5-25.8		
Bristall Rock Sandstone	18	39.5-43.8		
First Brown Metal Coal	0.3-0.7	39.8-44.5	possibly	yes
Mudstone	10	49.8-54.5		
Second Brown Metal Coal	0.3-0.7	50.1-55.2	possibly	yes
Mudstone	10	60.1-65.2		
Third Brown Metal Coal	0.2-0.6	60.3-65.8	possibly	yes

Note. There are additional thin coals, mudstone and sandstone sequences not shown.

5.3 Deep Coal Mining

The Coal Authority have no record of any deep coal mining beneath the site. The First, Second and Third Brown Metal Coals lie >30m bgl and are overlain by circa 18m of The Birstall Rock Sandstone. It is a **low risk** that any deep mining in these seams will detrimentally affect the stability of the site.

5.4 Mine Shafts

The Coal Authority Report states that the Coal Authority do not have records of any mine shaft within or within 20m of the site boundary. The Coal Authority records are incomplete and any circular features detected on site should always be assessed by an engineer in case they represent an unstable mine shaft.

6. RISK ASSESSMENT

The Coal Mining Risk Assessment undertaken has indicated that the site is underlain by the Pennine Lower Coal Measures comprising mudstones, sandstones and interbedded coal seams. Based on the BGS geological maps the site is expected to be underlain by sandstone in turn underlain by mudstones with one shallow interbedded coal seam and further sandstones and mudstones with interbedded coal seams.

The shallowest coal seam, the Flockton Thin Coal, has been mined extensively in the area. If mined, the coal seams are likely to contain voids and there may be insufficient strata overlying the coal seams to prevent voids migrating by successive roof collapse and causing ground settlement and structural damage to the overlying development in the future.

Any **shallow coal** (Flockton Thin Coal) workings therefore pose a **medium to high risk** to future development.

The Coal Authority have no records of mined coal seams beneath the site. The Coal Authority records only date from 1872 and any coal mined before this date will be unrecorded. Any subsidence from mining at depths >30m bgl should be complete. If voids remain in any pillar and stall workings in the deep coal seams (>30m bgl) it is unlikely they will migrate to the surface and cause ground subsidence due to the thickness of competent strata overlying the workings.

The risk of the site being detrimentally affected by workings in **coal at depth** (>30m bgl) is a **low risk** due to the cover of competent strata.

The risk that collapse of underground workings could cause subsidence at the ground surface above is normally empirically assessed using the T10 rule (developed by the National Coal Board in 1973 and based on experience) whereby if a thickness of 10 x the worked seam thickness of competent cover (i.e. rock) is present over the worked seam then it is deemed sufficient to be able to choke the voided ground without giving rise to surface settlement.

Given the expected shallow depth of the Flockton Thin at 14m bgl and expected thickness of the seam and the extensive workings of the seam in the locality, it is considered **a medium to high risk that the proposed development could be affected by past underground unrecorded shallow coal mining.**

Based on the local geology, the former presence of Croft End Colliery lying to the west of the site, the risk of a **disused mine shaft** detrimentally affecting the site is considered a **low risk**. However precautions should be taken to check for any circular features on the ground before development.

7. CONCLUSIONS AND RECOMMENDATIONS

The evidence gathered in this coal mining risk assessment report suggests that there is a **medium to high risk** to the proposed development from shallow coal mining causing ground subsidence in

the future. It is thus recommended that the footprint of the proposed development is proof drilled to investigate the ground sequence down to a depth of 30m prior to any construction taking place. It is recommended that the proposed investigation follows the following course:

- Initially, four boreholes taken down to prove at least 30m of competent strata bedrock to confirm the ground conditions and assess the presence of any voids in the ground and the thickness of any competent cover above the voids.
- If the coal seams are not mined, or if sufficient competent strata overlies any voids to prevent then causing ground settlement, then ground stabilisation will not be required and founding strata can be determined.
- If insufficient competent cover is found over any mined coal seams then additional boreholes will be required over the footprint of the structure to confirm the extent of workings (on the basis that the boreholes striking coal could have struck a pillar).
- If underground workings are proved and there is insufficient competent cover then ground treatment is likely to be required prior to proceeding with construction to stabilise the ground and further consideration will be required for foundation design.

Ashton Bennett would be able to design, tender, procure and supervise the proposed drilling works together with any follow-on ground treatment work that may be necessary and provide an updated risk assessment report for issue to the regulatory authorities as required. Ashton Bennett will acquire the necessary Coal Authority Permits required to drill through the coal.

8. GENERAL REMARKS

This report truly reflects the conditions found during the coal mining risk assessment study. Whilst the mining risk assessment was undertaken in a professional manner taking due regard of additional information which became available as a result of ongoing research, the results portrayed only pertain to the information attained and the ground and mining conditions expected. It is possible that other undetected information, undetected ground conditions and undetected mining conditions may exist. The mining risk assessment was only undertaken within the site boundaries and should not be used for interpretation purposes elsewhere. The conclusions are only a brief summary of the report, and it is recommended that the report is read in full to ensure that all recommendations have been understood.

This report is provided for the sole use of the client (Northern Design Partnership) and no responsibility will be accepted by this Consultancy to any other parties who rely on this report entirely at their own risk. The copyright for this report is held by Ashton Bennett Consultancy and no reproduction of any part or all of the report can be undertaken or any other reproduction undertaken without the written approval of this Consultancy.

Frances A Bennett
BSc, CGeol, FGS, FIMMM, CEnv, MCIWEM, AIEMA, MIEEnvSci.

Appendix A





The Coal Authority

Issued by:

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

Website: www.groundstability.com Phone: 0845 762 6848 DX 716176 MANSFIELD 5

ASHTON BENNETT CONSULTANCY
UNIT K BRIDGE MILLS
HOLMFIRTH
WEST YORKSHIRE
HD9 3TW

Our reference: **51000588870001**
Your reference: **3175**
Date of your enquiry: **21 July 2014**
Date we received your enquiry: **21 July 2014**
Date of issue: **21 July 2014**

This report is for the property described in the address below and the attached plan.

Residential Coal Authority Mining Report

POPLAR FARM, BRIESTFIELD ROAD, BRIESTFIELD, DEWSBURY, WEST YORKSHIRE, WF12 0PA

This report is based on and limited to the records held by, the Coal Authority, and the Cheshire Brine Subsidence Compensation Board's records, at the time we answer the search.

Coal mining	See comments below
Brine Compensation District	No

Information from the Coal Authority

Underground coal mining

Past

According to the records in our possession, the property is not within the zone of likely physical influence on the surface from past underground workings.

However the property is in an area where the Coal Authority believe there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered prior to any site works or future development activity. Your attention is drawn to the Comments on Coal Authority Information section of the report.

Present

The property is not in the likely zone of influence of any present underground coal workings.

Future

The property is not in an area for which the Coal Authority is determining whether to grant a licence to remove coal using underground methods.

The property is not in an area for which a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area that is likely to be affected at the surface from any planned future workings.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notice of the risk of the land being affected by subsidence has been given under section 46 of the Coal Mining Subsidence Act 1991.

Mine entries

There are no known coal mine entries within, or within 20 metres of, the boundary of the property.

Coal mining geology

The Authority is not aware of any evidence of damage arising due to geological faults or other lines of weakness that have been affected by coal mining.

Opencast coal mining

Past

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

Present

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

Future

The property is not within 800 metres of the boundary of an opencast site for which the Coal Authority is determining whether to grant a licence to remove coal by opencast methods.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres, since 31st October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

Mine gas

There is no record of a mine gas emission requiring action by the Coal Authority within the boundary of the property.

Hazards related to coal mining

The property has not been subject to remedial works, by or on behalf of the Authority, under its Emergency Surface Hazard Call Out procedures.

Comments on Coal Authority information

In view of the mining circumstances a prudent developer would seek appropriate technical advice before any works are undertaken.

Therefore if development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply good engineering practice developed for mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or mines of coal without the permission of the Coal Authority. Developers should be aware that the investigation of coal seams/former mines of coal may have the potential to generate and/or displace underground gases and these risks both under and adjacent to the development should be fully considered in developing any proposals. The need for effective measures to prevent gases entering into public properties either during investigation or after development also needs to be assessed and properly addressed. This is necessary due to the

public safety implications of any development in these circumstances.

Information from the Cheshire Brine Subsidence Compensation Board

The property lies outside the Cheshire Brine Compensation District.

Additional Remarks

This report is prepared in accordance with the Law Society's Guidance Notes 2006, the User Guide 2006 and the Coal Authority and Cheshire Brine Board's Terms and Conditions 2006. The Coal Authority owns the copyright in this report. The information we have used to write this report is protected by our database right. All rights are reserved and unauthorised use is prohibited. If we provide a report for you, this does not mean that copyright and any other rights will pass to you. However, you can use the report for your own purposes.

Where this Report is for a residential property, insurance is included to cover any loss in property value caused by any changes in the information contained in this report. Please see the attached certificate of insurance for the terms and conditions of this insurance. The insurance does not cover non-residential property or interpretive reports.

Issued by:	The Coal Authority, 200 Lichfield Lane, Mansfield, Nottinghamshire, NG18 4RG
Tax Point Date:	21 July 2014
Issued to:	ASHTON BENNETT CONSULTANCY UNIT K BRIDGE MILLS HOLMFIRTH WEST YORKSHIRE HD9 3TW
Property Search for:	POPLAR FARM, BRIESTFIELD ROAD, BRIESTFIELD, DEWSBURY, WEST YORKSHIRE, WF12 0PA
Reference Number:	51000588870001
Date of Issue:	21 July 2014
Cost:	£25.00
VAT @ 20%:	£5.00
Total Received:	£30.00
VAT Registration	598 5850 68

Location map



Approximate position of property

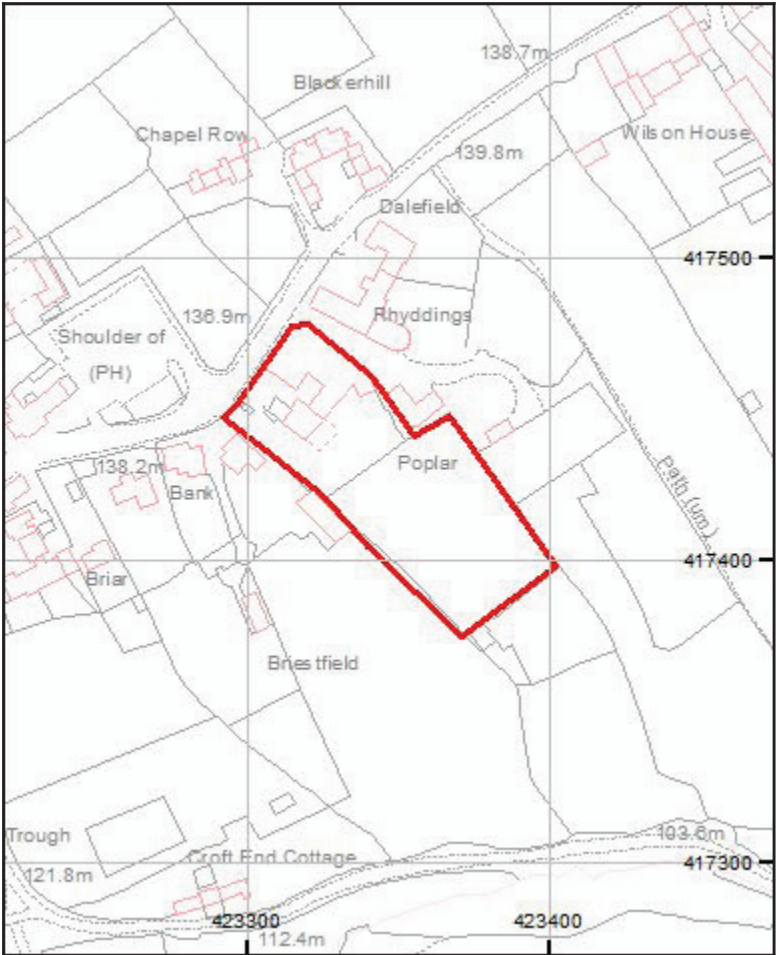


Enquiry boundary

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Key

Approximate position of enquiry boundary shown



Policy Summary – Coal & Brine Search Report Insurance

This is a summary of the policy and does not contain the full terms and conditions of the cover which can be found in the policy document. It is important that you read the policy document carefully when you receive it.

Name of the Insurer

The insurer is Aviva Insurance Limited. Registered in Scotland No. 2116. Registered Office: Pitheavlis Perth PH2 0NH. Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.

The Coal Authority

The Coal Authority, a NDPB (non-departmental public body) sponsored by DECC (Department for Energy and Climate Change) 200 Lichfield Lane Mansfield Nottinghamshire NG18 4RG is responsible for producing the coal & brine search report, issuing the policy, collecting the premium and declaring the existence of the policy to Aviva Insurance Limited.

Type of Insurance and Cover

- a. The policy is evidenced by the policy that is attached to the coal & brine search report provided by The Coal Authority in respect of a search in form CON29M (2006).
- b. Where a coal & brine search report has been obtained in connection with a sale of the property, cover is provided for the benefit of a purchaser and their lender; in the case of a re-mortgage or where the existing owner chooses to obtain a coal & brine search report, cover is provided for the benefit of the owner and their lender.
- c. The policy offers protection against loss sustained by the owner of the property if any new problems or adverse entries are revealed in a subsequent coal & brine search report which were not revealed by the original report to which the policy was attached.

Significant features or benefits under the policy and the term/duration of the policy

- a. Cover is provided for loss that you suffer up to an amount of £50,000.00.
- b. For the purposes of the policy loss includes:-
 - (i) any reduction in the market value of the property directly attributable to changes in the information revealed in the coal & brine search report compiled against the property; and
 - (ii) all other costs and expenses incurred which we have agreed, in writing, to cover.
- c. A single premium has been paid in respect of the cover provided under the policy; the policy remains in effect until you sell the property, or if you are the lender, the debt secured by the mortgage has been repaid.
- d. You cannot transfer the benefits of the policy to anyone else. However, if you die whilst you still have the benefit of the cover provided by the policy, the benefit will pass to your estate and beneficiaries.

Significant or unusual Exclusions or Conditions under the policy

- a. Full details can be found in the Cover and Exclusions sections of the policy.
- b. The policy does not cover your costs in relation to the loss of a transaction for the sale or purchase of the property.
- c. The property must be an existing (i.e. it must have been lived in) single residential house, flat or maisonette in the United Kingdom.
- d. The policy does not cover loss relating to structural or other physical damage caused to the property by subsidence, flooding or otherwise.
- e. The policy does not cover you for any loss in relation to any matter revealed in the coal & brine search report to which the policy is attached nor in relation to any matter that you were otherwise aware of on or before the policy was issued.

Cancellation Rights

You have the statutory right to cancel your policy within 14 days either from the day of purchase of the policy or the day on which you receive your policy, whichever is the later. If you wish to cancel and the insurance cover has not yet commenced, you will be entitled to a full refund of the premium paid.

How to claim

If you need to make a claim please write to Aviva Legal Indemnities, PO Box 6, 14 Surrey Street, Norwich, NR1 3NS, quoting your policy number. Telephone 0800 158 2236. Please enclose your policy and the coal & brine search report attached to it together with the subsequent coal & brine search report giving rise to the claim.

Telephone Call Recording

For your and our joint protection telephone calls may be recorded and/or monitored.

If You Have a Complaint

We hope that you will be very happy with the service that we provide. However, if for any reason you are unhappy with it, we would like to hear from you. In the first instance, please contact The Legal Indemnity Manager. You can write to Aviva Legal Indemnities at, PO Box 6, 14 Surrey Street, Norwich, NR1 3NS, or telephone 0800 158 2236, whichever suits you. We are covered by the Financial Ombudsman Service. If you have complained to us and we have been unable to resolve your complaint, you may refer it to this independent body. Following the complaints procedure does not affect your right to take legal action. The full complaints procedure is set out in the policy.

Financial Services Compensation Scheme

We are members of the Financial Services Compensation Scheme (FSCS). You may be entitled to compensation from this scheme if we cannot meet our obligations, depending on the type of insurance and the circumstances of your claim.

Further information about the scheme is available from the FSCS website www.fscs.org.uk, or write to Financial Services Compensation Scheme, 10th Floor, Beaufort House, 15 St. Botolph Street, London, EC3A 7QU.

Coal & Brine Search Report Insurance Policy

We welcome you as a Policyholder of Aviva, a worldwide organisation offering you a local insurance service for your personal and business requirements.

This Policy is your evidence of insurance and may be required in the event of a claim.

Property: POPLAR FARM, BRIESTFIELD ROAD, BRIESTFIELD, DEWSBURY, WEST YORKSHIRE, WF12

Definitions

You/Your means the person insured by this Policy. You may be

- i. The person who asked for the Coal & Brine Search Report in connection with your purchase of the Property (and your mortgagee)
- ii. The person who purchased the Property (and your mortgagee) if the person selling the Property has asked for a Coal & Brine Search Report for the benefit of the purchaser as part of a seller's pack or if the Property has been purchased by way of auction
- iii. The owner of the Property (and your mortgagee) if you are re-mortgaging the Property or the owner of the Property who has chosen to obtain a Coal & Brine Search Report.

We/Us/Our means the insurer, Aviva Insurance Limited. Registered in Scotland No. 2116. Registered Office: Pitheavlis Perth PH2 0NH. Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority.

TCA means The Coal Authority a NDPB (non-departmental public body) sponsored by DECC (Department for Energy and Climate Change) 200 Lichfield Lane Mansfield Nottinghamshire NG18 4RG. TCA is responsible for producing the Coal & Brine Search Report, issuing this Policy, collecting the Premium and declaring the existence of this Policy to us.

Coal & Brine Search Report means the attached Coal & Brine Search Report that TCA has prepared for the Property following a Coal Mining & Brine Subsidence Search providing information compiled from

- i. TCA's records in relation to past, present and future underground and opencast coal-mining activity, shafts and adits (vertical and horizontal entries to mines), coal-mining geology, coal-mining related hazards, coal-mining subsidence and mine gas and
- ii. The records of the Cheshire Brine Subsidence Compensation Board in relation to Cheshire Brine.

Effective Date means the date of the Coal & Brine Search Report attached to this Policy.

Limit of Cover means an amount of £50,000.

Market Value means the value determined by a Surveyor appointed following agreement by you and us (or appointed by an arbitrator in the absence of such agreement).

Period of Insurance means the period from the Effective Date until

- i. You sell the Property or
- ii. The debt secured by the mortgage is repaid if you are a mortgagee.

Premium means the total amount of £0.95p paid in consideration of the cover provided by this Policy which includes Insurance Premium Tax at the appropriate rate.

Property means the property the address of which appears at the top of this Policy and in respect of which TCA has provided the attached Coal & Brine Search Report.

Surveyor means a person approved by us who has one or more of the following qualifications: FRICS or MRICS.

Cover

Subject to the terms and conditions of this policy and provided TCA has collected the Premium we will cover you up to the Limit of Cover for all claims made during the Period of Insurance in respect of

1. The loss in Market Value of the Property directly attributable to any changes in the information revealed in a subsequent coal & brine search report which was not revealed in the Coal & Brine Search Report attached to this Policy which was carried out on the Effective Date, such loss in Market Value to be calculated at the date of the subsequent coal & brine search report, and
2. All other costs and expenses which we have agreed in writing to cover.

Exclusions

1. We will not pay more than the Limit of Cover in total for any loss in Market Value of the Property and costs and expenses covered by this Policy. You cannot claim the benefit of more than one policy provided by us in this form in relation to the Property.
2. We will not be responsible for any loss you might suffer:
 - i. if at the date of the claim you are not the legal or beneficial owner of the Property
 - ii. if the Property is not a single private home in the United Kingdom which is used only for residential purposes
 - iii. in relation to loss of a transaction for the sale or for the purchase of the Property nor for any costs incurred by you in relation to the loss of such transaction
 - iv. in respect of structural or other physical damage caused to the Property by subsidence flooding or otherwise
 - v. as a result of any change in information in response to questions 3(a) 3(b) 8(a) or 8(b) of a Coal Mining & Brine Subsidence Search (form CON29M (2006)).For the avoidance of doubt this Policy does not provide buildings or contents insurance cover.
3. We will not be responsible for any loss which happens as a result of
 - i. an entry on any subsequent coal & brine search report after the Effective Date if this entry also appears on the attached Coal & Brine Search Report
 - ii. any problem revealed by the first coal & brine search report after the Effective Date if you or your legal representative knew about the problem on or before the Effective Date
 - iii. any change to the Coal Mining & Brine Subsidence Search (form CON29M (2006)) made after the Effective Date which affects our responsibility under this Policy if we would not have been responsible for the loss before such change
 - iv. any change in the interpretation of data upon which the Coal & Brine Search Report was produced provided such data remains unchanged.
4. We will not be responsible for any loss for which TCA or the Cheshire Brine Subsidence Compensation Board may be required to pay by law.

Conditions

1. You cannot transfer the benefit of this Policy to anyone else. If you die during the Period of Insurance the benefit of the Policy will pass to your estate and beneficiaries.
2. If you receive information about any claim, loss or incident for which we may be responsible under this Policy you must contact us as soon as possible as set out below in the section; How to claim.
3. If there is any claim under this Policy which is also covered by any other insurance we will pay no more than our rateable proportion of the loss and any costs and expenses connected with it.
4. You agree to do and permit to be done all things that we consider necessary to minimise loss under the Policy. We will be responsible for any expense incurred in complying with this Condition.
5. You must not make any offer promise or payment or incur any costs or expenses unless we have agreed in writing to cover such costs and expenses.
6. If there is a claim under this Policy we have the right to instruct a Surveyor to assess the Market Value of the Property.
7. Where we have accepted a claim and there is disagreement over the amount to be paid the dispute can be referred to an agreed arbitrator (or in the absence of an agreement an arbitrator appointed by the President of the Chartered Institute of Arbitrators) in accordance with the law at the time.

Cancellation Rights (Statutory Cooling Off Period)

You have the right to cancel your policy within 14 days from the day of purchase of the policy or the day on which you receive your policy, whichever is the later. If you wish to cancel and the insurance cover has not yet commenced, you will be entitled to a full refund of the premium paid.

Customers with Disabilities

This policy and other associated documentation are also available in large print, audio and Braille. If you require any of these formats, in the first instance, please contact Aviva Legal Indemnities, PO Box 6, 14 Surrey Street, Norwich, NR1 3NS, quoting your policy number. Telephone 0800 158 2236.

Data Protection Act – Information Uses

For the purposes of the Data Protection Act 1998, the Data Controllers in relation to any personal data you supply are Aviva Insurance Limited and The Coal Authority.

Insurance Administration

Your information may be used for the purposes of insurance administration by the insurer, its associated companies and agents by reinsurers and TCA. It may be disclosed to regulatory bodies for the purposes of monitoring and/or enforcing the insurer's compliance with any regulatory rules/codes. Your information may also be used for research and statistical purposes and crime prevention. It may be transferred to any country, including countries outside the European Economic Area for any of these purposes and for systems administration. Where this happens, we will ensure that anyone to whom we pass your information agrees to treat your information with the same level of protection as if we were dealing with it.

If you give us information about another person, in doing so you confirm that they have given you permission to provide it to us and for us to be able to process their personal data (including any sensitive personal data) and also that you have told them who we are and what we will use their data for, as set out in this notice.

In the case of personal data, with limited exceptions, and on payment of the appropriate fee, you have the right to access and if necessary rectify information held about you.

Information may also be shared with other insurers either directly or via those acting for the insurer (such as loss adjusters or investigators).

Fraud Prevention and Detection

In order to prevent and detect fraud we may at any time:

- Share information about you with other organisations and public bodies including the Police;
- Undertake credit searches and additional fraud searches;
- Check and/or file your details with fraud prevention agencies and databases, and if you give us false or inaccurate information and we suspect fraud, we will record this.

We can supply on request further details of the databases we access or contribute to.

We and other organisations may also search these agencies and databases to:

- Help make decisions about the provision and administration of insurance, credit and related services for you and members of your household;
- Trace debtors or beneficiaries, recover debt, prevent fraud and to manage your accounts or insurance policies;
- Check your identity to prevent money laundering, unless you furnish us with other satisfactory proof of identity.

Use of Language

Unless otherwise agreed, the contractual terms and conditions and other information relating to this contract will be in English.

How to claim

If you need to make a claim please write to Aviva Legal Indemnities, PO Box 6, 14 Surrey Street, Norwich, NR1 3NS, quoting your policy number. Telephone 0800 158 2236. Please enclose your policy and the Coal & Brine Search Report attached to it together with the subsequent coal & brine search report giving rise to the claim.

Please be aware of the Conditions of this Policy.

Telephone Call Recording

For your and our joint protection telephone calls may be recorded and/or monitored.

Choice of Law

The law of England and Wales will apply to this contract unless at the date of the contract you are a resident of Scotland or Northern Ireland in which case the law of that country will apply.

Our Promise of Service

Our goal is to give excellent service to all our customers but we recognise that things do go wrong occasionally.

We take all complaints we receive seriously and aim to resolve all our customers' problems promptly. To ensure that we provide the kind of service you expect we welcome your feedback. We will record and analyse your comments to make sure we continually improve the service we offer.

What will happen if you complain

- We will acknowledge your complaint promptly.
- We aim to resolve all complaints as quickly as possible.

Most of our customers' concerns can be resolved quickly but occasionally more detailed enquiries are needed. If this is likely, we will contact you with an update within 10 working days of receipt and give you an expected date of response.

What to do if you are unhappy

If you are unhappy with any aspect of the handling of your insurance we would encourage you, in the first instance, to seek resolution by contacting The Legal Indemnity Manager. You can write to Aviva Legal Indemnities at, PO Box 6, 14 Surrey Street, Norwich, NR1 3NS, or telephone 0800 158 2236, whichever suits you, and ask your contact to review the problem.

If you are unhappy with the outcome of your complaint you may refer the matter to the Financial Ombudsman Service at: The Financial Ombudsman Service, South Quay Plaza, 183 Marsh Wall, London E14 9SR. Telephone: 0800 023 4567 (free from landlines) or 0300 123 9123. Or simply log on to their website at www.financial-ombudsman.org.uk.

Whilst we are bound by the decision of the Financial Ombudsman Service, you are not. Following the complaints procedure does not affect your right to take legal action.

Financial Services Compensation Scheme

We are members of the Financial Services Compensation Scheme (FSCS). You may be entitled to compensation from this scheme if we cannot meet our obligations, depending on the type of insurance and the circumstances of your claim.

Further information about the scheme is available from the FSCS website www.fscs.org.uk, or write to Financial Services Compensation Scheme, 10th Floor, Beaufort House, 15 St. Botolph Street, London, EC3A 7QU.

