



**The Coal
Authority**



INVESTOR IN PEOPLE



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For the Attention of: Ms L Bearcroft – Case Officer
Kirklees Council

[By Email: DC.Admin@kirklees.gov.uk]

20 December 2017

Dear Ms Bearcroft

PLANNING APPLICATION: 2017/62/94129/E

Demolition of existing buildings and erection of 30 dwellings with associated garages and parking - West Yorkshire Fire And Rescue Service, Oakroyd Hall Oakroyd Drive, Birkenshaw, Bradford, BD11 2DY

Thank you for your notification of 12 December 2017 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Business, Energy & Industrial Strategy. 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

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth.

The planning application is supported by a Phase 2 Geotechnical & Geoenvironmental Site Investigation, dated July 2017 and prepared by Eastwood & Partners. This report sets out details of the intrusive site investigations carried out on site and their findings.

The report states that five boreholes have been drilled on site to depths of up to 30m. The report notes that shallow coal seams and evidence of shallow coal workings were encountered during the site investigations. On the basis of the findings of the intrusive site investigations the report authors conclude that in certain parts of the site the shallow coal workings will need to be grouted in order to ensure the safety and stability of the development. The nature and extent of the remedial works required should be designed by a competent person and agreed with the Permitting Section of the Coal Authority as part of the permissions process.

It is noted that the report states that gas monitoring was still being carried out on site and the time the report was prepared. The Coal Authority would expect the findings of the monitoring process to inform any remedial measures which may be required.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Phase 2 Geotechnical & Geoenvironmental Site Investigation; that coal mining legacy potentially poses a risk to the proposed development and remedial measures are required.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these remedial measures prior to commencement of development.

A condition should therefore require prior to the commencement of development:

- * The submission of a report setting out details of the remedial works necessary for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above**.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Team Leader - Planning Liaison

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you

are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

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.