

Matter 26 – General approach in Part 2 of the Plan

Issue – Does Part 2 of the Local Plan set out an effective framework for the delivery of allocations and the protection of designation sites, which is robust and in line with national policy??

c) Are other site constraints and related mitigation measures clearly defined in Part 2 of the Plan? Is there sufficient detail to effectively guide development and make it clear what will be permitted? In relation to this:

i. should further information be provided on access points and local highway improvements?

1. Site H591 is currently a number of fields within the current Green Belt in the village of Gomersal and is bounded by two lanes, Ferrand Lane and Cliffe Lane, Ferrand Lane is narrow and unmade giving access to Throstle Nest Farm and Fan Woods Scout and Guide Centre.
2. Cliffe Lane is tarmac and made up to Highways standard having a speed limit of 30 mph but at the Point where access to H591 is proposed is only 21Ft or 6.4 Metres wide and is used as access to nearby residential, horticultural and agricultural properties.
3. To enable access to the site it is proposed to narrow the width of Cliffe Lane even further in order to facilitate the required visibility splay as this cannot be achieved with the access currently.
4. From 13th August 2013 and 3rd February 2014 Kirklees Council Highways Department installed a Speed Indicator Device (SID) adjacent to the proposed access to H591 (APPENDIX A) which recorded that 302,185 vehicles passed this location and average of 1,737 vehicles per day. This time period included the Christmas and New Year.
5. Kirklees Council have approved App 2015/62/94048/E for W.S. Bentley less than quarter of a mile west of the site which currently generate up to 16 large HGV movements in Cliffe Lane per day, 365 days per year past the proposed access with a Transport and Traffic Plan which states that the number of vehicle will increase once the development is complete.
6. In recent years Kirklees Council approved development of the former Thomas Burnleys Mill site for 360 houses less than quarter of a mile east of the site and the former Roundhill Mill site for 18 houses approximately quarter of a mile west of the site.
The traffic generated from these developments use Cliffe Lane.
7. If the Site H591 is included in the approved Local Plan it is proposed that at least 136 residential properties will be built, using the National Travel Survey 2002-2014 formulae of 3.5 vehicle movements per household per day the H591 site would generate an extra 476 vehicle movements onto Cliffe Lane and an already stretched transport Infrastructure in and surrounding the village of Gomersal.

8. I am of the opinion that the inclusion of site H 591 falls down on at least sub paragraphs 2 and 3 of the NPPF Guidelines Paragraph 32

National Planning Policy Framework

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- **the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure**
- **safe and suitable access to the site can be achieved for all people**
- **improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe**

vii. should constraints on/near allocations, including heritage assets, environmental designations, noise sources & hazardous installations, be specifically named?

9. On 22nd August 2017 Kirklees Council Pollution Officers requested the Cabinet to declare certain areas Air Quality Management Areas including Birkenshaw and Heckmondwike, Gomersal is midway between these two towns, after pollution levels have been found too high and exceed the annual levels of NO₂ (Nitrogen Dioxide). The report further states

“Declaring such an area is a legal requirement where pollution levels have been shown to exceed the National Air Quality Objectives, which are the pollution limits set by Government to comply with European Union directives on air quality and health”

The report adds: **“The declaration of an AQMA is a positive step for the health of the residents of Kirklees as we have identified areas of the borough where there are unacceptable levels of pollution and we can then start the process of action planning to reduce the levels of pollution in these areas to acceptable levels”**

10. To allow more vehicles onto the roads in such areas is bad for the health of residents and countering the work of the Pollution Officers of the same authority.

The current site H591 is Green Belt and as such does through natural plant photosynthesis absorb pollutants from the atmosphere through natural processes and would be lost to natural pollution controls if built on.

f) What are the implications of a site being located within a High Risk Coal Referral Area?

1. Much of the Land in the village of Gomersal is within a mining area and most planning applications in this area require mining reports and comprehensive investigation work as many of the mining works are not mapped.
2. Attached are three reports from the then NCB regarding the land at H591 (Appendices 1-13).
These three reports relate to developments over many years on three sides of the site.
3. Appendix 13 Map shows the known mine workings in the area.
4. Appendix 14 – 20 Is the relevant part of a desk top study prepared for and submitted by the applicant to Kirklees Planning department in support of their planning application, App 2015/62/94048/E for W.S. Bentley for an extension to their Greenhouse facilities which is less than a quarter of a mile from H591
5. Appendix 21 – 23 is The Coal Authorities response to the above study.
6. In a report submitted by a prospective developer at the Public consultation stage it was stated that because of the Topography of site H591 Piling would be necessary when construction of houses was required.
7. To allow development on this Green Belt land could cause the mine workings to be disturbed and subsidence to occur to any properties built on the land and potentially any surrounding properties.
8. This has been highlighted by reports by the British Geological Survey.

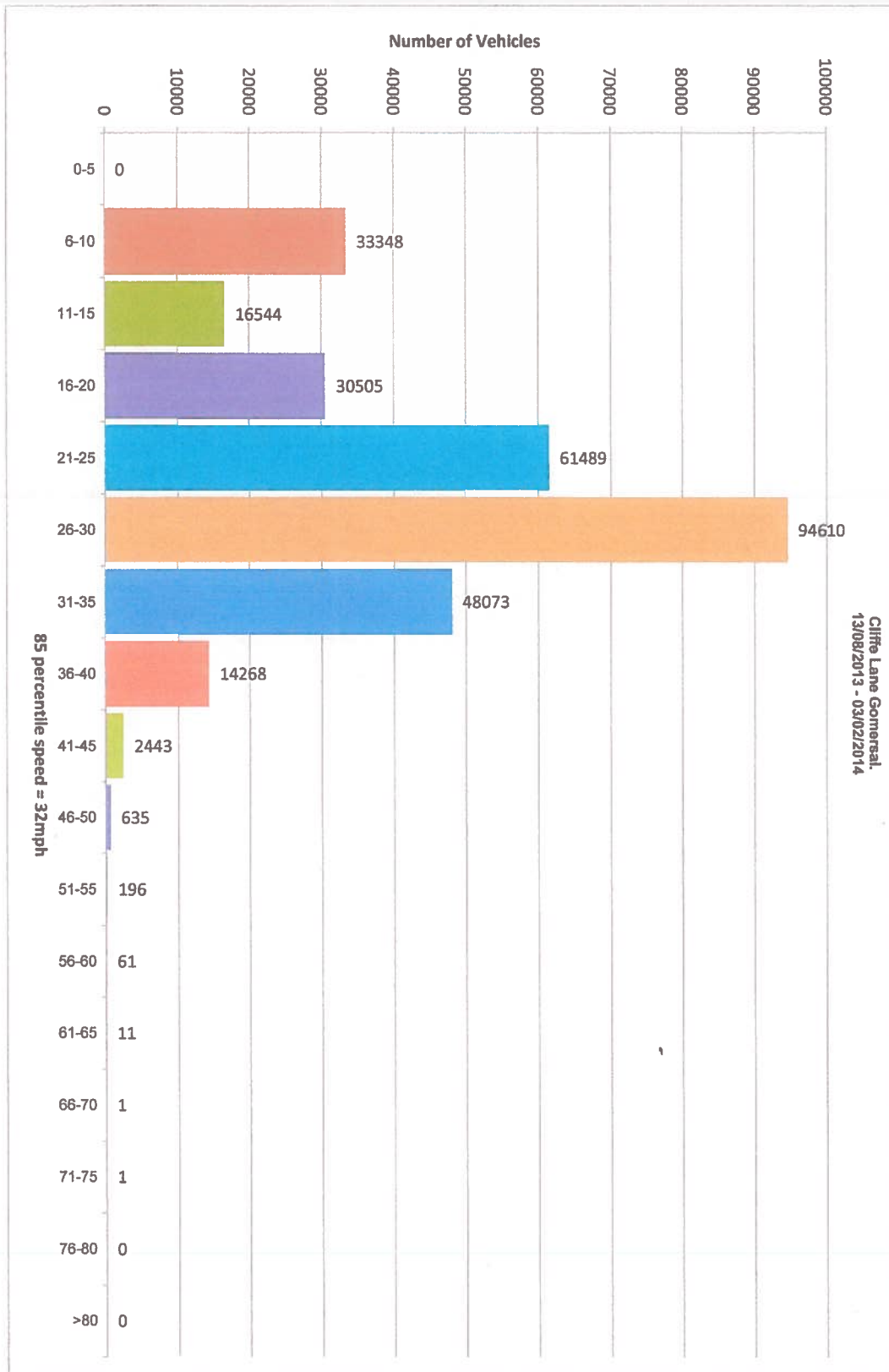
“Building works

Construction and development are also potential triggers. Modifying surface drainage or altering the loads imposed on the ground without adequate support can caused sinkholes to develop”.

I) Part 2 of the Plan specifies that employment sites are allocated for ‘employment uses’. Does this cover Use Classes B1 to B8, or are other uses accepted? Is the Council’s approach justified and clearly articulated?

9. During the public consultation process by Kirklees Council it was suggested that a more suitable and larger site located less than half a mile from H591 which was known as Whiteleys Mill (St. Peg Mill B&S 17) and which has been derelict for a considerable time after being purchased by Tesco and now cleared and for sale with residential potential but appears to have been ignored by Kirklees.
10. The Whiteley's Mill site has at least two access points both with good visibility and on to much wider and A class highways with passing public transport routes. This site measures 6.5 Acres and even if only half this site was used for Housing that would preserve existing Green Belt land and particularly site H591.

Appendix A



Appendix 1

Alfred Eyster,
Gatcliffe.

MR REF: 2279/792/HE.

YOUR REF: 39/606.

10th March, 1970.

Messrs. Barton, Mason & Wilson,
Solicitors,
City House,
New Station Street,
Leeds,
LS1 1JY.

Dear Sir(s),

RE: Proposed Development by Messrs. Cooper & Wood,
Bawson Cliffe, Cliffe Lane, Gomersal.

Thank you for your letter of

You will, of course, be aware that the Board's working plans are open for inspection on payment of a small statutory fee and it is usual for surface owners or their professional advisers to inspect these plans when enquiring into the mining position.

However, on the basis that I am not hereby creating a precedent and purely as a matter of courtesy, I give below a short note of the position as it affects your/client's property mentioned above.

1.	<u>SEAMS WORKED</u>	<u>THICKNESS</u>	<u>DEPTH FROM SURFACE</u>	<u>DATE WORKED</u>
	Silkestone	3'6"	31 yards	Old.
	Blockling	2'4"	67 yards	Old.
	Low Beeston	2'6"	130 yards	1957.
2.	<u>SEAMS TO BE WORKED</u>	<u>THICKNESS</u>	<u>DEPTH FROM SURFACE</u>	<u>DATE TO BE WORKED</u>
	Possible - Black Bed	2'2"	200 yards	15 - 20 years.

3. REMARKS

Any subsidence due to past coal mining operations would have ceased over 12 years ago. Further settlement would occur in the future if the workings referred to in 2 above take place. This however is a very remote possibility but one which should not be ignored entirely.

There is an old mine shaft in this vicinity but provided that development is restricted to the area shown coloured red on your plan then it should be of no consequence.

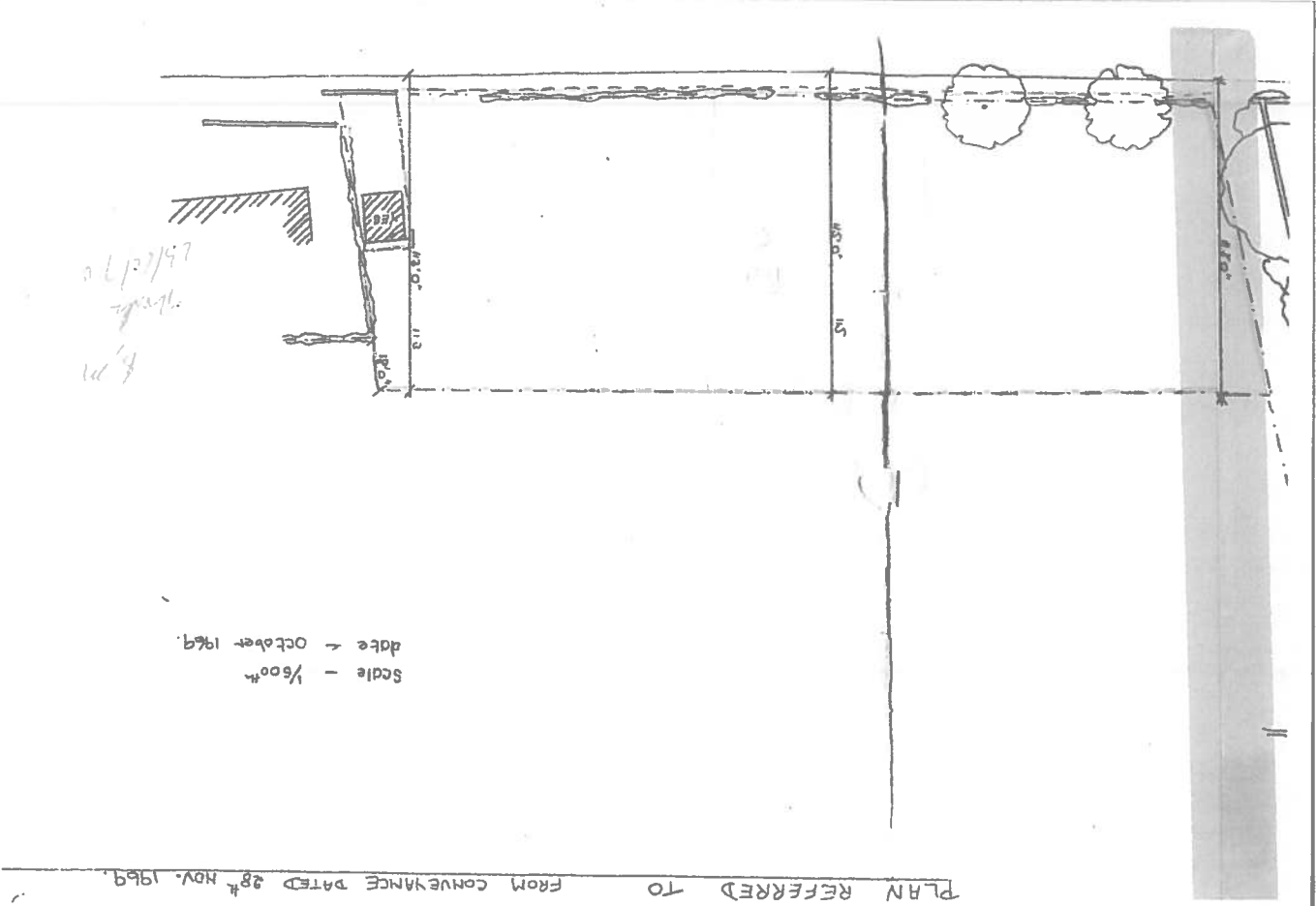
The dates in 2 above are based on our future planning as seen at the present date, and no guarantee can be given that our plans will not be altered in the light of future circumstances.

I should appreciate it if you would remit the sum of 21/- in respect of the cost of investigation and collection of the information given above.

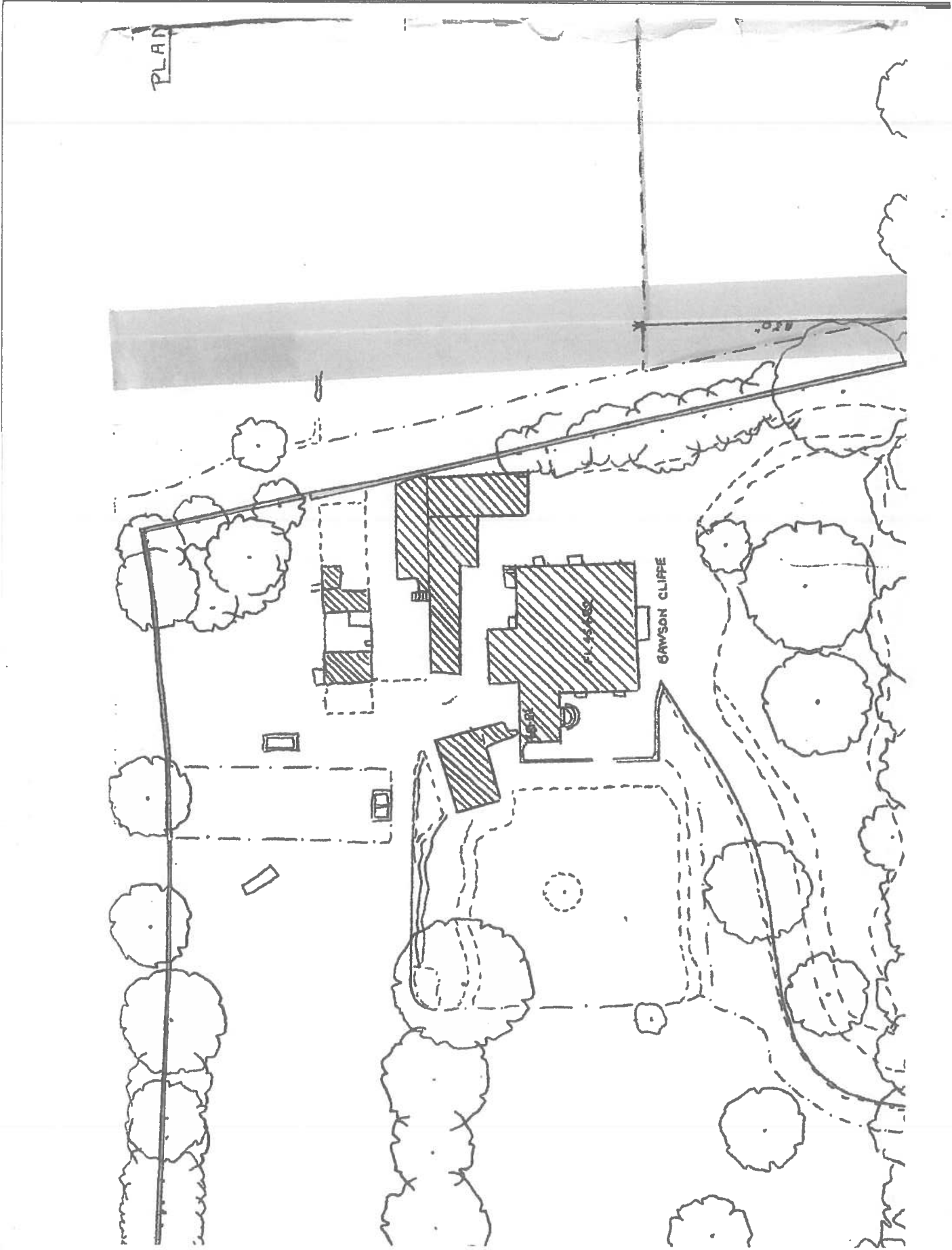
Yours faithfully,

for Area Surveyor and Minerals Manager

Appendix 2



Appendix 3



Appendix 4

Our Ref: 22 NW/2026/GPB. Your Ref: R/KET/32973.1

Messrs. Dibb, Lupton & Co.,
Solicitors,
6, Butts Court,
Leeds,
LS1 5JX.

National Coal Board,
North Yorkshire Area,
ALLERTON BY WATER,
Castleford, West Yorkshire,
WF10 2AL.

Tel: No. Castleford 556511.
Extension 2325.

Date 19th October, 1978.

Telephone Enquiries to :
Mr. G.P. Bratley.

Dear Sir(s),

Re: "Bawson Cliffe", Cliffe Lane, Gomersal,
Cleckheaton, West Yorkshire.

Thank you for your letter dated 13th October, 1978.

The details given below indicate the mining position as it affects the site to which you refer.

	Thickness Cms.	Depth from Surface - Metres	Date worked or to be worked
1) <u>Seams Worked</u> Subsidence to the site resulting from past workings should have long since ceased.			
2) <u>Seams not yet Worked</u> This site is situated within the abandoned coalfield and therefore will not be affected by any further workings.			
3) <u>Remarks</u> The published Ordnance Survey Geological Map indicates the calculated line of outcrop of a coal seam nearby the site. There is a possibility, therefore, that very old shallow workings may have taken place. We have no record of any such workings. Should the seam be encountered during site excavations then any coal which is not of necessity removed should be sealed from the atmosphere with some inert material in order to minimise any danger of spontaneous combustion. It would be prudent also to test the site for voids which may exist near the surface.			

The above information is submitted as being the mining position at the date of this report and the Board cannot be prejudiced by the views expressed. No guarantee can be given that our plans will not be altered in the light of future circumstances.

Thank you for your remittance value £4.32.

Approved :-

A.S. & M.H. _____

A.P.E. _____

Yours faithfully

Area Surveyor and Minerals Manager.

Appendix 5

North Yorkshire Area, P.O. Box 13
Allerton Bywater, Castleford West Yorkshire WF10 2AL
Telephone: Castleford 556511
Telegrams: Coal Area, Allerton Bywater, Castleford



Telephone Enquiries to Miss B. Fenton Ext.2325.

Our ref 22NW/2026/BF

Your ref ML/JB

Lee and Priestley,
Queen Anne Chambers,
41/43 Sunbridge Road,
Bradford

1st September 1980

Dear Sir,

"Bawson Cliffe", Cliffe Lane, Gomersal, Cleckheaton

Thank you for your letter dated 21st August 1980.

The details given below indicate the mining position as it affects the site to which you refer.

PAST WORKINGS

Any ground movements associated with past workings should have ceased long ago.

The published Ordnance Survey Geological Map indicates the calculated line of outcrop of a coal seam on the site.

There is a possibility, therefore, that very old shallow workings may have taken place. We have no record of any such workings.

It would therefore be prudent to test the site for voids which may exist near the surface. Should the seam be encountered during site excavations then any coal which is of necessity removed should be sealed from the atmosphere with some inert material in order to minimise any danger of spontaneous combustion.

FUTURE WORKINGS

This site is situated within the abandoned coalfield and therefore will not be affected by any further workings.

REMARKS

The above information is submitted as being the mining position at the date of this report and the Board cannot be prejudiced by the views expressed. No guarantee can be given that our plans will not be altered at some later date

Some or all of the information upon which this report is based may have been obtained from records not made by the Board and it is not practicable for the Board to verify these.

The Board will not accept liability for any loss, injury or damage resulting from inaccuracy in or incompleteness of records not made by them and on which the information given above is based.

CHI200,1

Appendix 6

-2-

Thank you for your remittance value £4.60.

Yours faithfully,

Area Surveyor & Minerals Manager

APPENDIX 7

National Coal Board
North Yorkshire Area, P.O. Box 13
Allerton Bywater, Castleford West Yorkshire WF10 2AL
Telephone: Castleford 556511
Telegrams: Coal Area, Allerton Bywater, Castleford

NCB

Our ref PB.178/232NW/215/RR
Your ref

Mr. Smith,
7, Thatcher Way,
Gomersal,
Nr. Leeds.
West Yorkshire.

12th April, 1985.

Dear Sirs,

RE: Old Mine Shaft at Rear of 7, Thatcher Way

Further to your telephone conversation with our Mr. Ramsden on 1st April, 1985, an inspection was carried out of the site of the old mine shaft, as depicted on the Ordnance Survey County Sheet recently loaned to us by Bradford M.D.C., but there was no evidence of instability of the infill. The position of this shaft is some 5 metres from that previously inspected, the location of which was obtained from an old abandonment plan, and although it is likely that they are one and the same, the possibility that there are two old shafts in the extension to your back garden, cannot be ruled out until further investigation has been undertaken.

As you may already be aware, the ownership of old shafts for coal mining purposes vests in the National Coal Board by virtue of the relevant provisions of the Coal Act, 1938 and the Coal Industry Nationalisation Act, 1946.

Furthermore, Section 151 of the Mines and Quarries Act, 1954 imposes certain obligations (on the owners) in relation to the keeping safe of old shafts i.e. that the surface entrance to every shaft or outlet thereof is provided with an efficient enclosure, barrier or plug or other device so designed and constructed as to prevent any person from accidentally falling down the shaft or from accidentally entering the outlet and that every device so provided is properly maintained.

I submit therefore that the Board's obligations are fulfilled in respect of this shaft.

You will appreciate I am sure that whilst these remain in the ownership of the National Coal Board, it is not in the Board's interest that the existing safety devices are in any way disturbed and that it is essential that the Board ensure proper maintenance of these devices at all times.

It is not known if the shaft was filled from the bottom or from some intermediate staging, or only covered over at the top. In order that it can be made safe enough to be able to withstand the surface loading likely to be imposed upon it, the shaft should be located, filled as necessary with good hardcore and then covered over with a suitably reinforced concrete cap. The cap should be of a size at least twice the diameter of the shaft and should be sited at rockhead or on piles down to some rockhead. Any building should not however be sited over the shaft or allowed to straddle the shaft cap in which a permanent marker plate showing above ground level should be incorporated if possible. Any contractor so employed, should be made aware of the situation and advised against the use of heavy machinery in the immediate shaft vicinity, unless special precautions are taken to bridge and support the area.

APPENDIX 8

-2-

It is further submitted that as it is in the interests of yourselves, this land may be developed with the consequent disturbance of this shaft and the possibility of sudden collapse due to surface loading, then the locating thereof and the making of it permanently safe for the necessary protection of any envisaged development, together with any costs involved, are the responsibilities of the Developer, and not those of the National Coal Board.

The National Coal Board therefore cannot be responsible for any actions, claims and demands which may arise out of or in connection with any forthcoming operations in connection with this shaft which are likely to be carried out by yourselves and the Board will look to yourselves for indemnity.

I enclose herewith in duplicate the Board's usual form of indemnity and would request that prior to commencement of any work in connection with the shaft, you would arrange please for this to be signed on behalf of yourselves and one copy returned.

The most convenient course may be for you to take the conveyance of the site of this shaft from the Board upon the usual terms which provide for a purely nominal consideration, subject to an indemnity covering the Board's statutory responsibilities.

I enclose a specimen drawing of a reinforced concrete shaft cap showing the basic requirements. The detailed drawing and specification for the proposed cap should be submitted to this office for approval by our Area Civil Engineer.

I should be pleased if you would let me know when an inspection can be made (prior to concrete pour) to confirm that the shaft cap site has been excavated to a suitable horizon, and subsequently (when pour is made) to confirm shaft cap is as per approved specification.

I will gladly give any further assistance in this matter.

Yours faithfully,


C. RICHARDSON,
Area Surveyor and Minerals Manager.

+ MR KAYE

APPENDIX 9

The
COAL
AUTHORITY



200 Lichfield Lane,
Berry Hill,
Mansfield,
Nottinghamshire.
NG18 4RG.
DX:716177 Legal Mansfield 5

Mrs Smith
7 THATCHERS WAY
GOMERSAL
CLECKHEATON

Tel: 0845 762 6848
01623 637 000 (Switchboard)
Fax: 01623 637 398
Email: mine-entries@coal.gov.uk
Web: www.coal.decc.gov.uk

BD19 4TB

Date: 22/11/2011

Our Reference: ME/115/13936/3984/L1

Dear Mrs Smith

Your mine shaft report

Thank you for your help with our recent inspection of the mine shaft(s) on your property. We are pleased to tell you that our inspector did not find any problems.

The results of our national inspection programme help us to keep our mine records up to date and identify any issues as soon as possible.

What happens next?

You do not need to do anything - just keep this letter in a safe place. We will advise you if we intend to carry out a follow-up inspection as part of our rolling programme of inspections across Britain in the next few years.

Should I tell my mortgage company or insurer about the mine shaft?

Seven million properties lie within Britain's coalfields. If there was a search when you bought your property, your mortgage company should already know about it. As far as your insurer is concerned, the discovery that there is an old mine shaft on your property is not necessarily a 'change in circumstances'. But it is probably worth checking the terms of your agreement - in case you have a responsibility to tell them.

What if I want to build near the mine shaft?

If you want to build above or near the mine shaft, we can provide information and advice. Disturbing old mines can be dangerous - so depending on what you want to do, you may need our permission as well as consent from your local planning authority. If you're using a contractor, make sure he or she knows about the mine shaft. Call our building advice line on **0845 762 6848** for more information.

What if I notice a change near the mine shaft?

If you are worried that a mine shaft looks dangerous, has caused damage or allows access to the mine, please call our emergency line on **01623 646 333**. Your safety is our priority and our lines are open 24 hours a day.

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200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire. NG18 4RG
Tel: 01623 637000 Web: www.coal.gov.uk

What to look for

- Old brickwork, markers, covers or fences that may need maintenance.
- A depression near the mine shaft.
- Cracks in structures or in the ground by the mine shaft.
- A boggy area or water flowing from a mine shaft.

Even if any of these conditions are present, it does not necessarily mean that there is a problem.

**Remember: our teams are specialists in mine inspections.
NEVER explore a mine shaft yourself.**

What happens if I call the emergency line?

We will send one of our inspectors to investigate after we receive your call to our emergency line. The Coal Authority is responsible in most cases for the condition of the mine shaft and for putting right damage due to coal mining subsidence.

Thank you again for your help. As promised, we enclose a map showing the position of the mine shaft(s) on your property.

Yours faithfully,

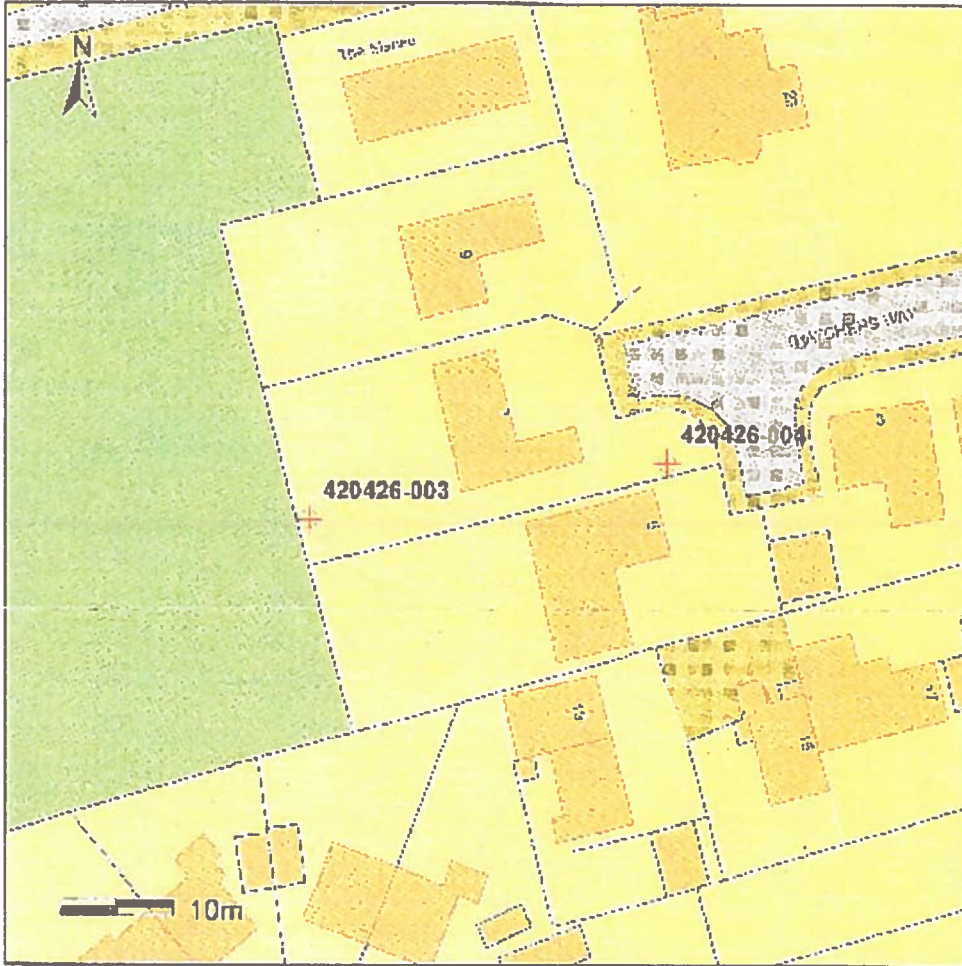
B. Iwanskyj

**Principal Manager
Mine Entry Inspections**



200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG18 4RG
Tel: 01623 637000 Web: www.coal.gov.uk

Shaft Location
7 THATCHERS WAY GOMFRSAI CLECKHEATON BD19 4TB



This plan shows the approximate location of the disused mine entries. For reason of clarity, not every entry symbol may not be drawn to the same scale as the plan.

Approximate position of disused mine shaft is shown by

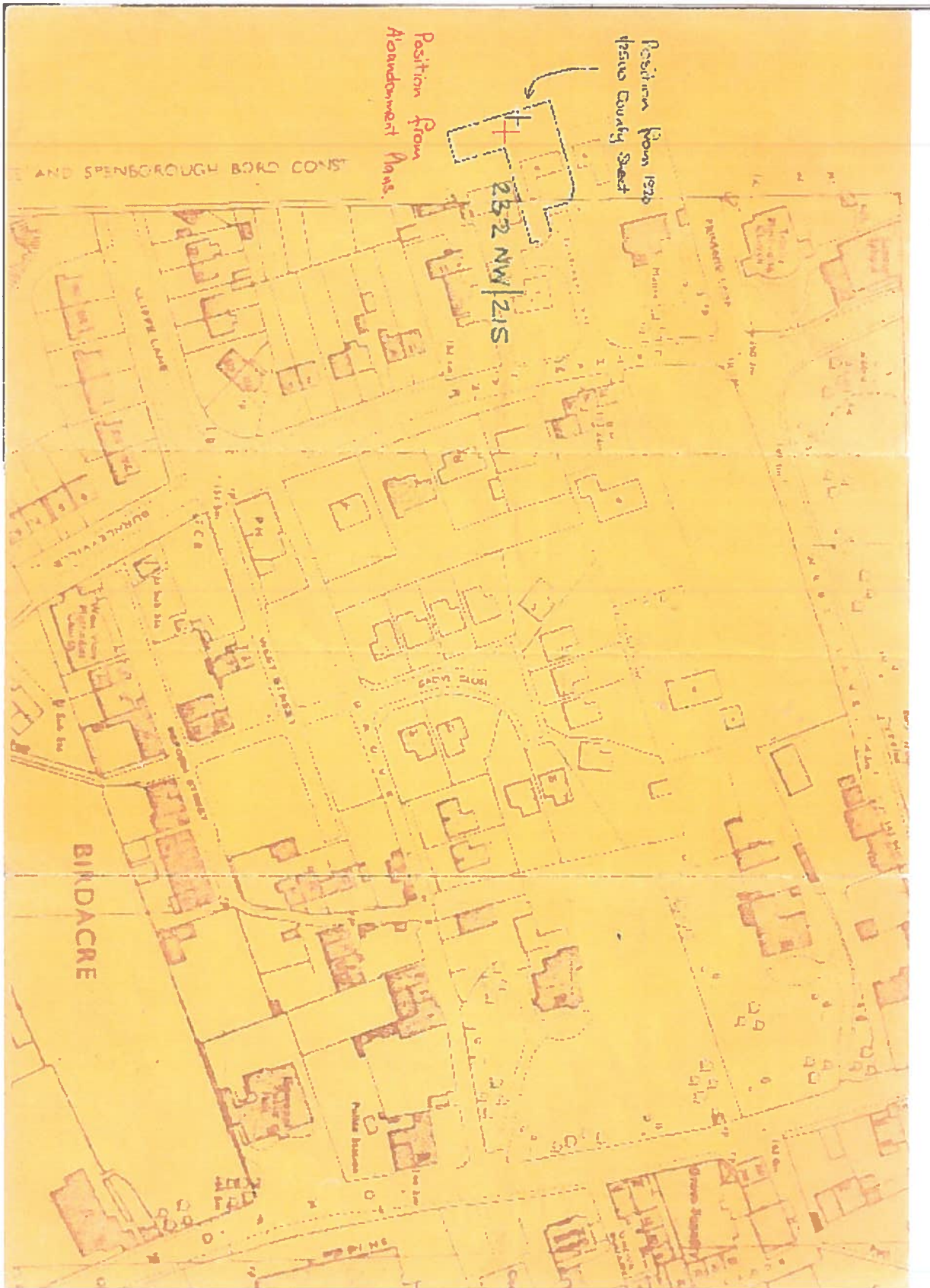
Approximate position of disused mine adit is shown by

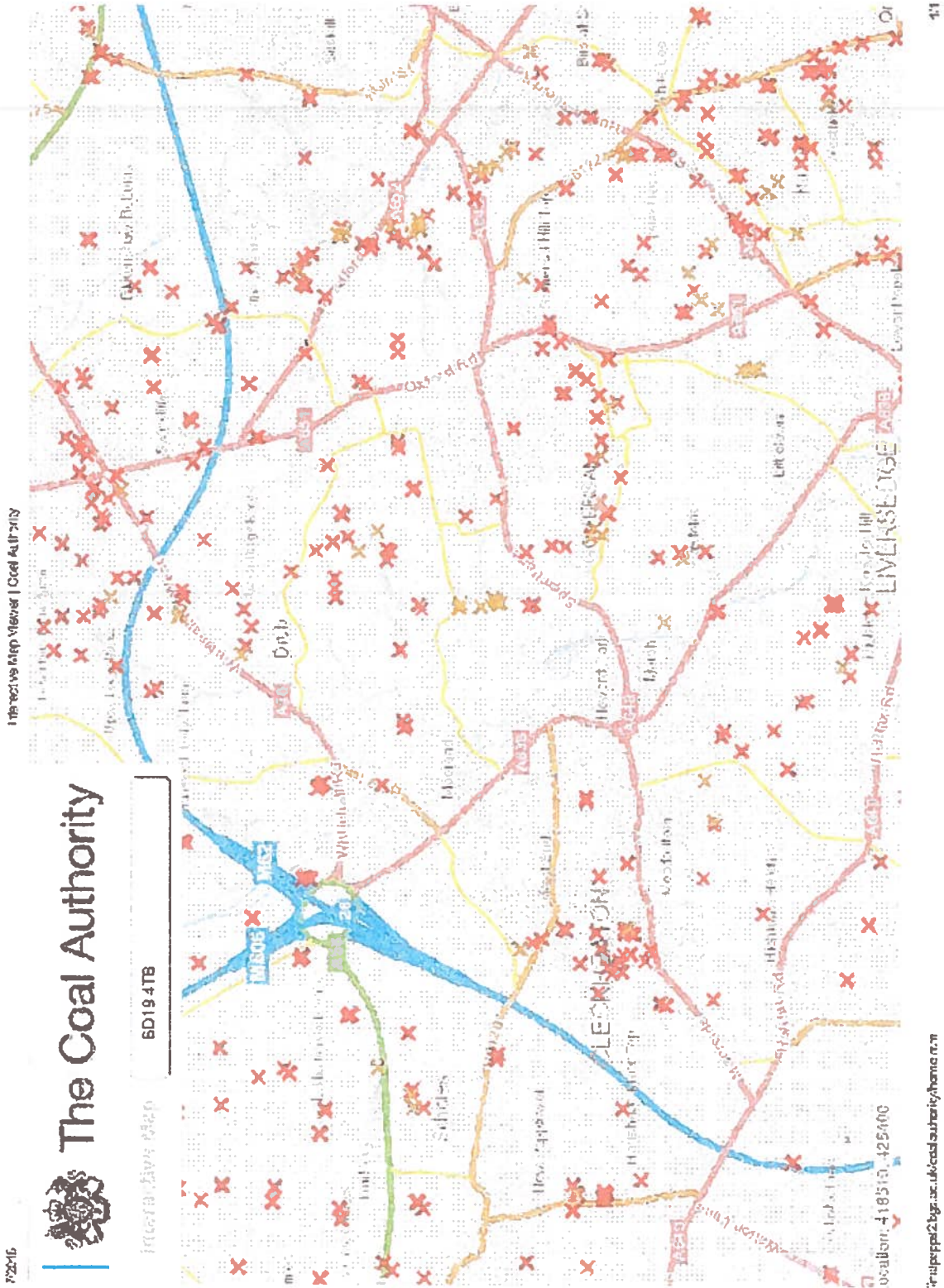
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Note: The symbols used to mark the recorded position of the coal mine entries are of disproportionate size.

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3 GEOLOGY AND MINING**3.1 Geology**

3.1.1 Maps of the British Geological Survey (BGS), in particular 1:10,560 sheet 732NW and 1:50,000 sheet 77 show the site to be underlain by the Carboniferous Middle Coal Measures, comprising mudstones, siltstones, shales and sandstones.

3.1.2 There is a northwest-southeast trending fault believed to pass beneath or very close to the development. There are no drift deposits shown to affect the site.

3.2 Mining

3.2.1 The 6" to 1 mile geological sheet 232NW shows the conjectured outcrop of the Middleton Little Coal to lie in a roughly north-south direction through the development area. It is recorded as conjectural, which means the actual position is uncertain. A former shaft is located a short distance to the north as this records the underlying Middleton Main coal to be approximately 16m below the Middleton Little Coal.

3.2.2 However the more recent geological maps show the development area to lie between the Middleton Little Coal and Middleton Main Coal, such that the Middleton Main Coal dips in an easterly direction below the site. This should be the more accurate representation of seam positions.

3.2.3 The geological memoir for Ruddersfield, published in 1930, states that the Middleton Main Coal (also known as the Cromwell or New Hards Coal) "has been worked by deep-cuts and open workings and has been mined east of Gomersal, where it is practically worked out". It also states that at the west end of Gomersal Tunnel, a section records the seam to be approximately 1.4m thick, which is an average for the area. This suggests that the seam may well have been worked beneath the site, particularly since the thickness and quality of the coal made is a valuable seam.

3.2.4 A mining report has been obtained from the Coal Authority, and is reproduced in full in Appendix 1. It states that there has been recorded deep mining beneath the site in 2 seams of coal at 70m to 120m depth, with the last known workings in 1957.

3.2.5 The report does however mention that shallow unrecorded workings might also be present, but that none have been recorded. It states;

"The property is in an area where the Coal Authority believes 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".

This is most likely to refer to the Middleton Main Coal.

3.2.6 There are no recorded past, present or future opencasts in the immediate vicinity of the site.

4 CONCLUSIONS AND RECOMMENDATIONS

- 4.1 The Middleton Main is estimated to lie at approximately 5m to 15m below the development area. It is known to have been worked extensively. As such, shallow mine workings are likely to be present at shallow depth, and these could potentially affect surface stability.
- 4.2 In the first instance, it is recommended that three or four rotary openhole boreholes are sunk to determine whether there are any shallow mine workings, and whether they are sufficiently shallow that they could affect surface stability. It is a requirement to obtain a licence from the Coal Authority before such work is carried out.
- 4.3 It is recommended that full time supervision and logging of the drilling is carried out by a Chartered Geologist or a Fellow of the Geological Society.
- 4.4 Once this information is known, the risk to the glass house can be properly assessed.

Coal Mining Risk Assessment for Cliffe Lane, Womersley

5

A D Joyce

BSi MSc ARSM CEng CGeol CEnv MICE FGS SILC

January 2016

This report is subject to the provisions of the Copyright Acts and is for the sole benefit of the W S Bentley in respect of a Coal Mining Risk Assessment of the site. The report cannot be assigned to, or relied on, by any other party without prior permission.

Michael D Joyce Associates LLP

Report No. 3597



**The Coal
Authority**

Issued by:
The Coal Authority, Property Search Services, 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire, NG10 4RG
Website: www.groundstability.com Phone: 0145 762 6848

GROUNDSURE LIMITED	Our reference:	51001093966001
SOVEREIGN HOUSE	Your reference:	HMD-354-2705400
CHURCH STREET	Date of your enquiry:	28 January 2016
BRIGHTON	Date we received your enquiry:	28 January 2016
BN1 3UJ	Date of issue:	28 January 2016

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

Non-Residential Coal Authority Mining Report

420000, 426200, WEST YORKSHIRE

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

The property is in the likely zone of influence from workings in 2 seams of coal at 70m to 120m depth, and last worked in 1957.

Any ground movement from these coal workings should have stopped by now.

In addition 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.

Records may be incomplete. Consequently, there may exist in the local area mine entries of which the Coal Authority has no knowledge.

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.

Withdrawal of support

The property is in an area for which notices of entitlement to withdraw support were published in 1951, 1954.

The property is not in an area for which a notice has been given under section 41 of the Coal Industry Act 1994, revoking the entitlement to withdraw support.

Working facilities orders

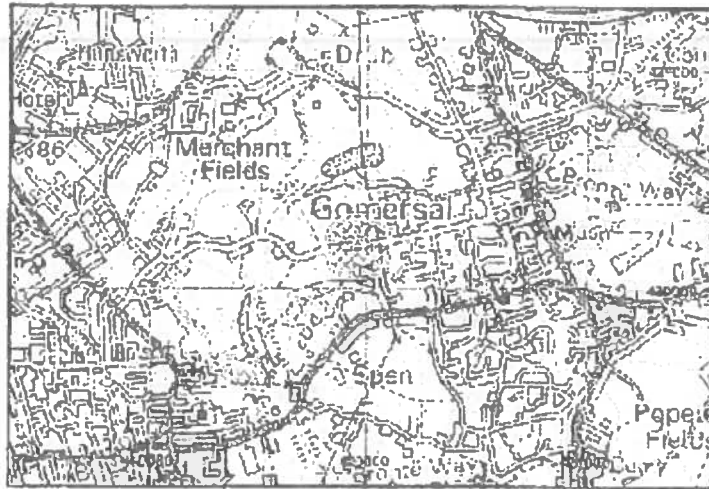
The property is not in an area for which an Order has been made under the provisions of the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof.

Payments to owners of former copyhold land

Location map



Approximate position of property

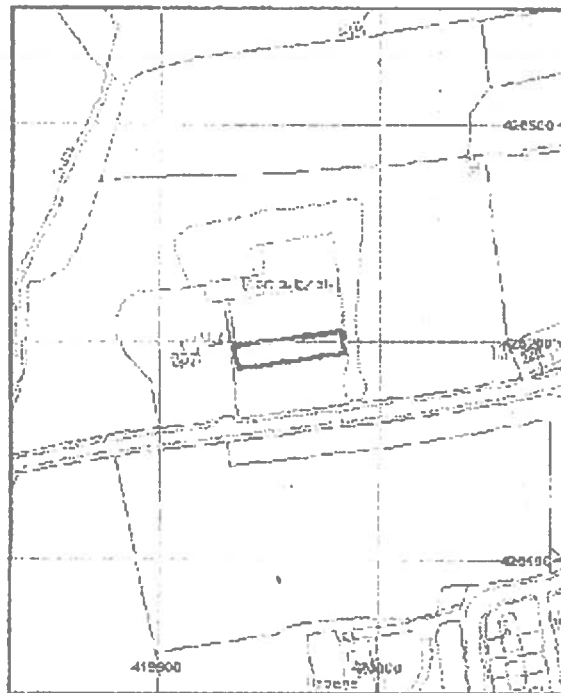


Enquiry boundary

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Key

Approximate position of enquiry boundary shown



APPENDIX 21



200 Lichfield Lane
Berry Hill
Manfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Ms S. Longbottom – Case Officer
Kirklees Council

[By Email: sarah.longbottom@kirklees.gov.uk]

16 February 2016

Dear Ms Longbottom

PLANNING APPLICATION: 2015/62/94048/E

Erection of extension to existing glasshouses at WS Bentley Ltd, Cliffe Lane, Gomersal, Cleckheaton, BD19 4SX - FURTHER RECONSULTATION

Thank you for your consultation email of 11 February 2016 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. 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

As you are aware 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.

You will recall that The Coal Authority previously objected to the proposal in our initial consultation response of 7 January 2016 due to the lack of a Coal Mining Risk Assessment Report, or equivalent, to identify risks posed to the proposed development by coal mining legacy.

The Coal Authority is therefore pleased to note that appropriate and up-to-date coal mining information for the proposed development site has been obtained on behalf of the applicant and has been used to inform a Coal Mining Risk Assessment Report (January 2016, prepared by Michael D. Joyce Associates LLP), which now accompanies this planning application.

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The Coal Mining Risk Assessment Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of two deep coal seams, our records indicated that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

The Coal Mining Risk Assessment Report has been informed by appropriate sources of information including a Coal Authority Mining Report and geological mapping and memoirs. Based on a review of these sources of geological and mining information, Section 4 of the Report concludes that shallow mine workings are likely to be present beneath the site at shallow depth within the Middleton Main Coal seam.

Accordingly, the Report goes on to recommend the carrying out of an intrusive ground investigation in the form of the drilling of a number of boreholes in order to ascertain the ground conditions and to establish the presence or otherwise of mine workings. In the event that shallow mine workings are encountered, The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The applicant should ensure that the exact form of any intrusive site investigation, including the number, location and depth of boreholes, is agreed with The Coal Authority's Permitting Team as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures, such as drilling and grouting stabilisation works, foundations solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

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

- * The submission of a scheme of intrusive site investigations for approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and

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* The implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to secure the above.

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

Yours sincerely

James Smith

James Smith BSc (Hons), Dip.URP, (MRTP)
Planning Liaison Manager

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:

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 coal mining 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