The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Mr A Walker – Case Officer
Kirklees Council

[By Email: planning.contactcentre@kirklees.gov.uk]

12 May 2016

Dear Mr Walker

PLANNING APPLICATION: 2016/62/91158/E

Erection of 87 dwellings and demolition of existing working mens club; Flockton Green Working Mens Club, 157 Barnsley Road, Flockton, Wakefield, WF4 4AA

Thank you for your consultation letter of 22 April 2016 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 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**

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that 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, specifically both recorded and likely historic unrecorded underground coal mining at shallow depth and the presence of four recorded mine entries (shafts). The Coal Authority has no information as to the precise locations or conditions of these shafts. In addition, the site is located within the boundary of former surface mining (opencast) operations.

Appropriate mining and geological information for the proposed development site has been obtained on behalf of the applicant and has been used to inform the Geoenvironmental Appaisal (October 2015, prepared by Lithos Consulting Ltd), which accompanies the

planning application. The Appraisal has also been informed by the results of a preliminary site investigation, which was undertaken with The Coal Authority's prior approval (Permit 11249).

Based on a review of these sources of geological and mining information the Geoenvironmental Appraisal identifies that: shallow coal mine workings; the recorded mine entries; high walls; and possible mine gas emissions pose risks to development at the site. Accordingly, the Report makes appropriate recommendations for the consolidation of the shallow coal mine workings (15.2.3), the identification and treatment of the mine entries (15.9.4), gas monitoring and potential mitigation (15.3.2) and trenching to locate high walls (15.9.2).

Notwithstanding the above, it would appear that parts of the site layout do not appear to have been designed around certain coal mining hazards. Specifically, Plots 73 and 72 appear to conflict with the conjectured position of shaft 421415-069 and Plot 83 shaft 421415-066. In addition, Plots 16, 49, 50 and the garages to Plots 51, 56 and 59 appear to straddle the high wall to the former open cast area. Despite this, on the basis that investigations have been undertaken to try and locate shafts 421415-0069 and 421415-066, the results of which may suggest they are both located outside of the planning boundary, and that a condition could be imposed to ensure that the layout is amended in the event that dwellings are proven to straddle the high wall, The Coal Authority has no objections to this planning application subject to appropriately worded planning conditions being imposed on any consent granted.

Finally, it is noted that the applicant has afforded due consideration to the prior extraction of remnant shallow coal as part of any mitigation strategy, in line with National Planning Policy in the NPPF. Whilst prior extraction of remnant shallow coal can prove to be a more economically viable method of site remediation than grout filling of voids, the justifications made within Section 14.5, which confirm that the prior extraction of any coal would not be economically viable, are considered acceptable.

The applicant should ensure that the exact form of any intrusive site investigations, including those relating to the recorded mine entries, are agreed with The Coal Authority's Licensing and Permitting Department as part of their permit application. The findings of these intrusive site investigations should inform any mitigation measures which may be required in order 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 Geoenvironmental Appraisal (October 2015, prepared by Lithos Consulting Ltd); that coal mining legacy potentially poses a risk to the proposed development and that further 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 (excluding demolition). In the

event that the site investigations confirm that any of the proposed dwellings would straddle the high wall, or that remedial works would be needed to treat the recorded mine entries beneath any parts of the site where built development is proposed, this should be conditioned to ensure that the site layout is amended to avoid them. The condition should also ensure that any remedial works identified by the site investigation to consolidate any shallow mine workings are undertaken prior to commencement of the development (excluding demolition).

A condition should therefore require prior to the commencement of development (excluding demolition):
* The submission of a scheme of intrusive site investigations for the mine entries and high wall for approval;
* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
* The undertaking of both of those schemes of intrusive site investigations;
* The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
* The submission of a scheme of treatment for the recorded mine entries for approval;
* The submission of a scheme of remedial works for the shallow coal workings for approval;
* The implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Geoenvironmental Appraisal (October 2015, prepared by Lithos Consulting Ltd) 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 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

Chris MacArthur

Chris MacArthur B.Sc. (Hons), DipTP, MRTPI
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

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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 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.