The Coal Authority

INVESTOR IN PEOPLE

RTPI Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr John Ritchie – Case Officer
Kirklees Council

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

27 March 2017

Dear Mr Ritchie

PLANNING APPLICATION: 2016/44/94208/E CONDITIONS

Discharge of conditions 3, 4, 6, 7, 11 - 16 & 19 - 22 on previous permission no. 2016/62/91158/E; Flockton Green Working Mens Club, Barnsley Road, Flockton, Huddersfield, WF4 4AA - RECONSULTATION

Thank you for your consultation letter of 14 March 2017 seeking the views of The Coal Authority on the additional information submitted in support of the above discharge of condition 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: **Substantive Concern**

Condition 15 of planning permission 2016/91158 requires no development to take place (excluding demolition) until an intrusive site investigation report for the mine entries and high wall and the shallow coal workings as identified in the approved Geoenvironmental Appraisal (October 2015) has been submitted to and approved in writing by the LPA. The condition requires the report to detail the findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken.

Where site remediation is recommended in the Intrusive Site Investigation Report approved pursuant to Condition 15, Condition 16 requires no development to commence until a scheme of treatment for the recorded mine entries and a scheme of remedial works for the shallow workings (as necessary) has been submitted to and approved in writing by

the LPA. The Condition requires the scheme(s) to include a timetable for the implementation and completion of the approved remediation measures.

Condition 17 of the planning permission requires the remediation of the site to be carried out and completed in accordance with the remediation scheme(s) approved pursuant to Condition 16. In the event that remediation is unable to proceed in accordance with the approved scheme(s), Condition 17 requires all works on site to cease and not to recommence until revisions to the Remediation Strategy have been submitted to and approved writing. Thereafter, the condition requires the remediation of the site to be undertaken in accordance with the revised remediation scheme(s).

The applicant previously submitted a Geoenvironmental Appraisal (June 2016, prepared by Lithos) and a Gas Risk Assessment (Also prepared by Lithos, February 2016) in support of the discharge of the aforementioned condition. However, and whilst The Coal Authority considered that the site investigations undertaken, which identified both mitigation measures necessary to safeguard the development from the highwall and remedial measures necessary to stabilise shallow coal mine workings were sufficient, we did have concerns that the search criteria applied to the mine shafts (i.e. limited trial trenching) was not so sufficient to discount the three unidentified shafts from being within the site in order to ascertain any necessary remedial measures. The Coal Authority therefore sought further clarification regarding this and was unable to recommend the LPA discharge any of the conditions applied for.

In considering the content of the submitted document titled *'Specification for the Stabilisation of Shallow Mineworkings'*, which predates the previous Geoenvironmental Appraisal submitted, on the basis that the Report does not provide the clarification as previously requested, **the comments made in The Coal Authority's letter dated 5 January 2017 remain valid.**

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

<u>Disclaimer</u>

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.