



**The Coal
Authority**



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

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

1 July 2016

Dear Ms Clarke

PLANNING APPLICATION: 2016/92029

Erection of extension to existing Kingsgate Shopping Centre to form new Leisure Development including new cinema and restaurants, and demolition of existing buildings on the site including 20-24 Cross Church Street (partly within a Conservation Area); 20 - 26 Cross Church Street, Huddersfield, HD1 2PT

Thank you for your consultation letter of 24 June 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; 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 applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Geo-Environmental Report (dated 21 January 2016, produced by Arup), which accompanies this planning application.

The Geo-Environmental Report correctly identifies that the application site has been subject to past coal mining activity, namely unrecorded probable historic shallow coal workings.

Section 7.6 of the Geo-Environmental Report identifies that: *“No evidence of mine workings was encountered during the 1998 Kingsgate development.”* In addition, it then goes on to conclude that: *“The findings of the risk assessment carried out indicated the potential risk posed to the proposed development from shallow mine workings to be low.”*

Notwithstanding that conclusion the Arup report identifies at the end of Section 7.6 the need for further intrusive site investigations to be undertaken to confirm the conclusions reached.

The Coal Authority Recommendation to the LPA

The Geo-Environmental Report concludes 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 therefore based on the Arup report conclusion 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 the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

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

- * The undertaking of that scheme of intrusive site investigations; and
- * Implementation of any remedial works identified as necessary.

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

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:

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.