



The Coal
Authority



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

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

13 September 2016

Dear Ms Bearcroft

PLANNING APPLICATION: 2016/62/92811/E

Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works; Flockton Hall Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW

Thank you for your consultation letter of 26 August 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 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

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 underground coal mining has taken place at shallow depth and in addition there exists the potential for further historic, unrecorded, underground, coal mining to be present at shallow depth. There are also two recorded mine entries (shafts) located outside the application site boundary with their associated zones of influence extending into the site.

The Coal Authority previously provided a consultation response to planning application 2014/62/94027E. Based on the recommendations made within the Phase I Geo-environmental Report (December 2014, prepared by Haigh Huddleston & Associates),

which proposed the investigation of both the mine entries and shallow coal workings, The Coal Authority recommended the LPA impose a suitable planning condition to ensure such works and any necessary remedial measures were undertaken prior to the commencement of development.

The Coal Authority now notes the subsequent Geo-environmental Ground Investigation Report which supports this resubmission (May 2015, prepared by Haigh Huddleston & Associates) the content of which confirms that identified shallow coal mine workings will require further investigation and consolidation, but that mine shaft ref.423414-006 is not actually present within the application site. Consequently, and on the basis building foundation design would be a matter for Building Regulations to ensure that the dwellings would be appropriately safeguarded from the potential collapse of the shaft off-site, The Coal Authority would raise no objections subject to a revised recommendation, albeit slight to that previously proposed.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Geo-environmental Ground Investigation Report (May 2015, prepared by Haigh Huddleston & Associates); 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 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 is 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
- * 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

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:

<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 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.

