The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Ms E Thompson – Case Officer
Kirklees Council

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

6 January 2017

Dear Ms Thompson

PLANNING APPLICATION: 2016/62/93480/E

Erection of coffee shop (A1 and A3) and management suite (B1) with associated works; Birstall Shopping Park, Holden Ing Way, Birstall, Batley, Kirklees, WF17 9DT

Thank you for your consultation letter of 21 December 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**

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 likely historic unrecorded underground coal mining at shallow depth. Our records also indicate that the site is located within the boundary of former surface mine.

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 Coal Mining Risk Assessment Report (October 2016, prepared by Wardell Armstrong), which has been submitted in support of the application.

In considering the content of the Report, on the basis that the proposed building would avoid the highwall of the former surface mining extraction, as confirmed by our records, but that further ground investigations will be required to identify both possible shallow underground workings and to inform a foundation design specific to address potential risks posed by differential settlement associated with the opencast backfill, The Coal Authority raises no objections to this planning application subject to the LPA imposing a suitable planning condition. The foundation design would be a matter for the Building Regulations process.

The applicant should ensure that the exact form of any intrusive site investigations 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 Coal Mining Risk Assessment Report (October 2016, prepared by Wardell Armstrong); 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 mining, the condition should ensure that the remedial works identified by the site investigation to consolidate any shallow mine workings are 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 the shallow coal workings for approval;
* The undertaking of that scheme of intrusive site investigations;
* The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken;
* 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 Coal Mining Risk Assessment Report (October 2016, prepared by Wardell Armstrong) 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

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.