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]

10 April 2017

Dear Ms Thompson

PLANNING APPLICATION: 2017/62/90710/E

Erection of 2 semi-detached dwellings with detached garage at 1 Park Side, Flockton, Huddersfield, WF4 4AD

Thank you for your consultation email of 21 March 2017 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: **Fundamental concern**

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.

In addition to the mining of several coal seams at deep to moderate depths, The Coal Authority's information indicates that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. In addition, the zone of influence of an off-site mine entry (shaft, 424415-066) encroaches into the western part of the application site. We hold no details of any treatment of this coal mining related feature and, due to potential plotting inaccuracies, the actual position of the shaft could deviate from its recorded position by several metres.

The applicant has submitted a Coal Mining Risk Assessment Report (March 2017, prepared by RGS) to accompany the planning application; however, The Coal Authority

does not consider that this adequately addresses the impact of coal mining legacy on the specific scheme of development currently proposed.

The Coal Authority therefore **objects** to the proposal, and we consider that the applicant needs to revise and resubmit the Coal Mining Risk Assessment Report to the LPA.

In addition to highlighting the potential presence of historic unrecorded underground coal mine workings, The Report correctly identifies the presence of a recorded mine to the west of the application site and highlights that this feature poses a potential risk to stability at the application site. The Report recommends that an intrusive investigation is undertaken in order to confirm that the feature is not present within the site. It goes on to strongly recommend that any proposed development within close proximity to the shaft is relocated and that an appropriate 'no-build' zone is adopted around this feature.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. The Coal Authority would take this opportunity to make the applicant aware of our adopted policy which can be found at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

The Coal Authority's information suggests that, at its maximum departure from its plotted position, the mine entry could potentially be located on or just inside the western boundary of the application site i.e. adjacent to or under the proposed detached garage.

The Coal Authority therefore does not consider that the applicant has adequately interpreted the impact of coal mining legacy on the proposed development. In particular the implications of the mine entry and its associated zone of influence, and the consequential need to define a 'no-build' zone within the site to avoid this feature.

The site layout has therefore failed to take into account the mine entry, the application fails to demonstrate any influence on development proposal, fails to demonstrate site is safe and stable without undertaking intrusive site investigation prior to determination, and no appropriate mitigation measures have been proposed regarding the mine entry.

It is a requirement of paragraphs 120-121 of the NPPF that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

The Coal Authority Recommendation to the LPA

The Coal Mining Risk Assessment Report has been prepared based on a desk-based review of relevant coal mining information. This information has revealed that there is a significant risk to any development of the application site, and it is the opinion of The Coal Authority that the risk and uncertainty is such that further specialist investigation regarding

the recorded mine entry is required before the LPA can be satisfied that the application site can be safely developed.

The applicant should therefore be advised of The Coal Authority's view and should be required to carry out intrusive site investigation works, prior to the determination of the planning application and subject to obtaining Coal Authority permission, to determine the extent of past coal mining activities and the implications for the layout and design for their development proposal. Any remedial, preventive and mitigation measures should then be proposed as part of the revised Coal Mining Risk Assessment Report, as necessary, to address any issues of land instability.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, 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 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.