The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Mr Anthony Monaghan – Case Officer
Kirklees Council

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

13 June 2018

Dear Mr Monaghan

PLANNING APPLICATION: 2018/62/91086/E

Erection of detached dwelling; 19 Prospect Road, Hartshead, Liversedge, Kirklees, WF15 8BA

Thank you for your consultation letter of 23 May 2018 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 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; 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 information indicates that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth together with thick coal seam outcrops at or close to the surface that may have been worked in the past.

The planning application is supported by a Coal Mining Risk Assessment prepared by Earth Environmental & Geotechnical Ltd, Ref: A2519/G/1 (dated May 2018), which has been informed by an appropriate range of sources of information.

Based on this review of existing geological, historical and mining information, Section 4.7 – 4.12 identifies that the site is likely to be at risks from unrecorded shallow mine workings

and coal seam outcrops likely to have been worked beneath the site. Accordingly, in order to ascertain the ground conditions, the Report author makes appropriate recommendations that intrusive site investigations are required. Whilst Section 4.13 concludes that it would be prudent to drill two boreholes, the number, depth and distribution of the boreholes should be in agreement with the Coal Authority's Permitting Department as part of the permitting process to ensure that these are adequate for the development proposed.

Once the exact ground conditions have been established a competent person can then confirm and design an appropriate mitigation strategy such as grouting and stabilisation works, specific foundation design and / or gas protection measures, if deemed necessary, to ensure the safety and stability of the proposed development.

We would like to add that mine gases can find routes to the surface through mine openings and other points of weakness in the overlying strata. How, where and when gases move is very difficult to predict and can extend for some distance from the origin. Therefore, we would expect gas monitoring installations to also be carried alongside the above site investigation works. Alternatively we would request that gas protection measures are incorporated into the foundation design.

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out. Therefore, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is, or can be made, safe and stable for the development proposed (as per requirement of emerging local policy PLP 53 – Contaminated and Unstable Land of Kirklees Draft Local Plan Strategy & Policies, Publication Version and the NPPF, paragraphs 120-121) you may wish to consider the imposition of planning conditions which cover the issues set out below.

Prior to the commencement of development:
* The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity;
* The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary;
* Implementation of the remedial works and/or mitigation measures.

The Coal Authority therefore has **no objection** to the proposed development, **subject to the imposition of a planning 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

D Roberts

Deb Roberts *M.Sc.*
Planning Liaison Officer

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

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at:
https://www.gov.uk/get-a-licence-for-coal-mining

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.