



**The Coal
Authority**



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

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

19 February 2019

Dear Mr Monaghan

PLANNING APPLICATION: 2018/62/91282/E

Erection of agricultural building; Land adjacent to Redhouse Farm, Briestfield Road, Briestfield, Dewsbury, Kirklees, WF12 0NX: Further Information Received

Thank you for your notification of 13 February 2019 seeking the views of the Coal Authority further information received in support of the above planning application.

The Coal Authority Response: Material Consideration

As you are aware, the Coal Authority have raised concerns to the Local Planning Authority (LPA) due to the lack of a Coal Mining Risk Assessment Report, specific to this proposal, to identify the risks posed to the proposed development by coal mining legacy.

We welcome the submission of the Coal Mining Risk Assessment, (B21627 CMRA-2, dated February 2019) which has been prepared for the proposed development by jnpgroup Consulting Engineers. The report has been informed by an appropriate range of sources of information including; coal mining, geological and historic information together with the results of rotary drilling investigations on land immediately to the east of this site.

Having reviewed the available information the Coal Mining Risk Assessment concludes that there is a potential risk posed to the development by past coal mining activity within the Middleton Main coal seam. Section 4 therefore makes appropriate recommendations that further investigations is required, (rotary drilling up to 30m below ground level) in order to investigate for evidence of unrecorded shallow workings beneath the site. The nature and extent of these intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process.

We are pleased to note that in the event that shallow mine workings are encountered (Section 4.1.2) the applicant is aware that treatment of these workings may be required to

mitigate the risks of land instability affecting the proposed development. However the findings of these intrusive site investigations will inform any remedial measures which may be required.

The Coal Authority Recommendation to the LPA

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site / proposal has now been carried out (as required by emerging local Policy: PLP 53 and the NPPF paragraph 178 - 179). 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 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 **withdraws its objection** to the proposed development, **subject to the imposition of a planning condition or conditions to secure the above.**

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*
Planning 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 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.