



**The Coal
Authority**



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For the Attention of: Liz Chippendale – Case Officer
Kirklees Council

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

20 August 2018

Dear Ms Chippendale

PLANNING APPLICATION: 2018/62/91490/E

Demolition of nursing home and erection of 8 detached dwellings with associated landscaping, boundary treatment and vehicular access at Holme House Care Home, Oxford Road, Gomersal, Cleckheaton, Kirklees, BD19 4LA

Thank you for your consultation letter of 1 August 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

The application site falls within the defined Development High Risk Area; therefore within the 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 historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth.

The planning application is accompanied by a Phase 1 Desk Study & Geo-Environmental Appraisal report (April 2018, prepared by Mugen Geo Ltd). Based on a review of appropriate sources of coal mining and geological information, the submitted report identifies that unrecorded mine workings are potentially present within the Middleton Little Coal seam at shallow depth beneath the application site.

Accordingly, Section 3.3.1 of the report makes appropriate recommendations for the carrying out of intrusive ground investigations in the form of boreholes in order to establish

the presence or otherwise of any shallow coal mine workings and to further assess the risk they posed to the proposed development. Gas monitoring is also recommended during site investigations.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of their permit application.

The Phase 1 Desk Study & Geo-Environmental Appraisal report does not outline what remedial measures are likely to be required in the event that mine workings are encountered beneath the site. The findings of the intrusive site investigations should therefore be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and 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 Phase 1 Desk Study & Geo-Environmental Appraisal report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development (excluding the demolition of existing structures):

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval; and
- * The implementation of those remedial works.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition to secure the above.**

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.