



**The Coal
Authority**



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For the Attention of: Mr Glenn Wakefield – Case Officer
Kirklees Council

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

08 August 2018

Dear Mr Wakefield

PLANNING APPLICATION: 2018/62/91661/E

Outline permission for residential development and facilitating engineering operations and full planning permission for access and spine road; Land At, Walkey Terrace And Brunswick Street, Heckmondwike, Kirklees

Thank you for your consultation letter of 19 July 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 records indicates that both recorded and unrecorded coal mining has taken place at shallow depth and the presence of four recorded mine entries; two within the application site boundary; and two just outside the western side of the site. The Coal Authority hold no treatment details for these mine entries, and there could be some deviation, by several metres from the current plotted positions.

The applicant has submitted a Stage 1 Desk Study Report prepared for the proposed development by ARP Geotechnical Limited, dated June 2017 (Ref: YKS/01r1) in support of

this planning application which has been informed by an appropriate range of sources of evidence.

Based on this review of existing mining and geological information the Report author has concluded that as there is the possibility of unrecorded shallow coal workings beneath the site, therefore ground conditions will need to be fully assessed by way of intrusive site investigations in the form of rotary boreholes. In addition, the two mine entries present on-site will need to be located at an early stage of the development to ensure that the development layout can be planned to avoid construction of buildings over these mining features. The mine entries will also need to be treated / capped to ensure long term stability.

The number, depth and distribution of the boreholes should be designed by a competent person and in agreement with the Coal Authority's Permitting Department as part of the permitting process. In addition, if coal workings are found to be present, we expect gas monitoring installations to also be carried alongside the above site investigation works.

Once the exact ground conditions have been established by the above investigation works, a competent person can then confirm and design an appropriate mitigation strategy such as grouting and stabilisation works, specific foundation design, gas protection measures / no build exclusion zones etc to ensure the safety and stability of the proposed development.

As the Coal Authority holds no records of any treatment details for the mine entries this could result in the two off-site mine entries being present within the application site boundary. Whilst we can see that this area is also a steeped bank area (google map images only) we would request that further commentary on these two mining features and / or confirmation from ARP Geotechnical Limited that there will be no disturbance to the bank to facilitate the proposed development. We consider it would be prudent for the report author to provide a statement to the LPA in order that you are satisfied that site and surrounding properties will not be affected from any forms of development taking place within the western part of the site.

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 submission of the reserved matters:

- * 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;

- * As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations and any remedial measures necessary, including the submission of a layout plan which identifies the exact location of the mine entries and appropriate zones of influence of the mine entries on site, and the definition of suitable 'no-build' zones;

* As part of the reserved matters application the submission of a statement confirming that the proposed development and surrounding properties will not be affected from any forms of development within the western part of the site;

Prior to the commencement of development:

* Implementation of the remedial works.

The Coal Authority would therefore have **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>

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. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and

environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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.