



**The Coal  
Authority**



INVESTOR IN PEOPLE



**RTPI**  
Learning Partner

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Mr Josh Kwok – Case Officer  
Kirklees Council

**[By Email: [DC.Admin@kirklees.gov.uk](mailto:DC.Admin@kirklees.gov.uk)]**

18 January 2019

Dear Mr Kwok

**PLANNING APPLICATION: 2018/62/92806/E**

**Erection of detached dwelling with integral garage; Rear of 9 Riley Lane, Kirkburton, Huddersfield, Kirklees, HD8 0RZ: Re-consultation**

Thank you for your notification of 17 January 2019 seeking the views of the Coal Authority on further information submitted in support of the above planning application.

**The Coal Authority Response: Material Consideration**

As you are aware, the Coal Authority objected to this planning application in our previous letter to the Local Planning Authority dated 19 December 2018 due to the lack of a Coal Mining Risk Assessment Report, or equivalent, to identify the risks posed to the proposed development by coal mining legacy.

We welcome the submission of the Coal Mining Risk Assessment (ref: CCG-C-18-10746, dated January 2019) prepared for the proposed development by CC Geotechnical Limited which has been informed by an appropriate range of sources of information.

Based on this review of existing geological, historical and up-to-date coal mining information, the report author considers that it is inconclusive as to whether coal has / has not been worked at shallow depth beneath the site and therefore there remains the potential risk of surface instability impacting on the proposed development.

In order to verify the ground conditions in relation to shallow workings, appropriate recommendations have been made that intrusive ground investigation works, including a gas monitoring programme are required. The report author has confirmed that if workings are found, stabilisation (drill and grouting grid) of these works will be required. As part of the above ground investigation works, the location of the mine entry (adit) by trail trenching

will also take place in order to determine the exact location / condition of this mine entry. The applicant should be made aware that if the mine adit is found present within the site, this mining feature will also require grouting / stabilisation works. Whilst a plan showing where the boreholes should be drilled has been provided, the extent and nature of these investigations including the search for the mine adit, will need to be agreed by the Coal Authority's Licensing and Permitting Department as part of the permissions process

Once the exact ground conditions have been established however, 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.

#### The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (ref: CCG-C-18-10746, dated January 2019) based on the professional opinion of CC Geotechnical Limited; that coal mining legacy poses a risk to the proposed development and that intrusive site investigation works are required prior to commencement of development, in order to establish the exact situation regarding coal mining legacy issues on 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 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.*