



**The Coal
Authority**



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For the Attention of: Farzana Tabasum – Case Officer
Kirklees Council

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

23 January 2019

Dear Farzana

PLANNING APPLICATION: 2018/60/94189/E

Outline application for residential development of up to 309 dwellings and extra care of up to 60 units; Land Off, Soothill Lane, Batley

Thank you for your notification of 11 January 2019 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 indicate that the site has been subject to both recorded and historic unrecorded underground coal mining at shallow depth and the zone of influence from an off-site recorded mine entry (shaft ref: 425423-006) which extends into the south eastern part of the site. The Coal Authority hold no treatment details for this mine entry and due to plotting inaccuracies, there could be some deviation, by several metres from the current plotted position; this could result in the mine entry being present within the site.

In addition to the above the site is also within the boundary of a site from which coal has been removed by surface mining (opencast) methods.

The planning application is accompanied by a Phase 1 Geo-Environmental and Coal Mining Risk Assessment (3514191A.3171 / July 2015) prepared for the proposed development by Parsons Brinckerhoff which has been informed by an appropriate range of sources of information. It is noted that this report was previously used in support of previous planning application: 2015/49/92908/E, which is predominantly for the same site (previous application included a larger area within the south western area which identified a mine adit).

Therefore as the Coal Authority have previously been consulted on a planning application for this site of which was supported by this Phase 1 Geo-Environmental which is for the same type of development, I can confirm that as no results of any site investigations have been submitted for this proposal, our comments are predominantly the same.

Having reviewed the available coal mining and geological information the report identifies that there are coal mining legacy issues on the site which require further investigations. The report recommends that a site wide site investigation is carried out in order to establish the exact situation in respect of coal mining legacy issues. Although this is not specifically identified in the report, the Coal Authority would expect the site investigations to include locating the presence or otherwise of the off-site mine entry 425423-006. The investigations for this mine entry should information any remedial measures which may be required. If this mine shaft is found present within the site the exact location including an appropriate no build zone should be identified in order to inform the layout of the development to ensure that the relationship between any buildings proposed and this mining feature is acceptable. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The Coal Authority would also expect the site investigations to identify if the highwall, from the surface mining activities carried out, is present within the site. If this feature is found to be within the site the Coal Authority would expect its location to also inform the development layout. The Coal Authority recommends that gas monitoring is also carried out as part of the above investigations.

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, treatment and capping of the mine shaft, specific foundation design and / or gas protection measures, if deemed necessary, to ensure the safety and stability of the proposed development.

The applicant should also be aware that should remedial measures be required an alternative to grouting stabilisation works, wherever possible, is to remove the remnant shallow coal present beneath a site. This will enable the land to be stabilised and treated

by a more sustainable method; rather than by the grout fill of any voids and consequently unnecessarily sterilising the nation's asset.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Phase 1 Geo-Environmental and Coal Mining Risk Assessment (3514191A.3171 / July 2015); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry and areas of shallow mine workings etc. to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- * The submission of a scheme of intrusive site investigations for the mine entry 425423-006 for approval;
- * The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- * The investigation of the location of the highwall, if necessary;
- * The undertaking of these schemes of intrusive site investigations;

- * As part of the reserved matters application the submission of a report of findings arising from the intrusive site investigations;
- * As part of the reserved matters application the submission of a layout plan which identifies an appropriate zone of influence for the mine entry: 425423-006 and the highwall, if necessary, and the definition of a suitable 'no-build' zone;
- * As part of the reserved matters application the submission of a scheme of treatment for the mine entry, if found present on-site for approval;
- * As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- * Implementation of those remedial works.

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

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>

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.