



**The Coal
Authority**



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For the Attention of: Mr Neil Bearcroft – Case Officer
Kirklees Council

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

07 March 2019

Dear Mr Bearcroft

PLANNING APPLICATION: 2019/62/90486/W

Demolition of existing dwelling and erection of 8no. dwellings; 120 Laund Road, Salendine Nook, Huddersfield, Kirklees, HD3 3TY

Thank you for your consultation letter of 20 February 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 information indicates that the eastern half of site is likely to have been subject to historic unrecorded coal mining at shallow depth.

The application is accompanied by a Phase 1 Report, prepared by Earth Environmental & Geotechnical for Mr Ali, dated November 2017. Section 1.6 and 7.4 of this Report identifies that a Coal Mining Risk Assessment has previously been carried out for the site by Earth Environmental & Geotechnical (A0697/14/G/1). On checking the Local Planning Authority website, this information does not appear to be available for us to review.

It is noted that the Coal Authority was consulted on the previously approved scheme for this site: 2014/62/93584/W (Demolition of dwelling and erection of 10 dwellings) of which the applicant (Mr Ali) provided the aforementioned Coal Mining Risk Assessment Report. The Coal Authority raised no objection subject to the proposal subject to the imposition of an appropriate planning condition to secure site investigation works. We are disappointed to note however that a condition was not imposed by the LPA.

Whilst the Coal Mining Risk Assessment has not been submitted in support of this current application, and it would appear that ground investigations have yet to be undertaken, if the LPA consider that the Assessment can be used in support of this current proposal, we would have **no objections** to them doing so, **subject to the LPA imposing a condition to secure site investigations specifically to assess the ground conditions relative to coal mining legacy.**

The Coal Authority considers that borehole investigations within the eastern part of the site (incorporating the area upon which plots 5-8 are proposed, as per Drawing 02 – Proposed Site Plan) would be necessary in order to investigate the presence of shallow coal seams, unrecorded workings and the potential for mine gas emissions.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings 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.

The applicant should be made aware that the nature and extent of the ground investigations works will require written consent / agreement from the Coal Authority's Permitting Section as part of the permissions process.

The Coal Authority Recommendation to the LPA

In light of the above, in order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is 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 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.