



The Coal
Authority



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For the Attention of: Mr A Monaghan – Case Officer
Kirklees Council

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

28 May 2019

Dear Mr A Monaghan

PLANNING APPLICATION: 2019/62/90634/E RECONSULTATION

Erection of detached dwelling with associated landscaping, incorporating existing garage and private driveway; Adj Netherfield House, Riley Lane, Kirkburton, Huddersfield, Kirklees, HD8 0RY

Thank you for your consultation letter of 15 May 2019 seeking the views of The Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

The Coal Authority previously commented on this planning application in a letter to the LPA dated 20 March 2019. The applicant previously submitted some coal mining information; however, this did not adequately address the impact of coal mining legacy on the proposed development.

The applicant has now submitted a Coal Mining Risk Assessment Report (Geoinvestigate, 24 April 2019) which is informed by appropriate and up-to-date coal mining information for the proposed development and application site.

This report identifies that the application site could potentially be underlain by unrecorded coal mining at shallow depth. The report recommends intrusive site investigations to locate shallow workings and to determine the exact ground conditions of the application site. In addition, the report considers that the risk posed by gas to the application site is high until proven otherwise by drilling and gas monitoring.

The Coal Authority concurs with the conclusions and recommendations of the Coal Mining Risk Assessment Report (Geoinvestigate, 24 April 2019) which accompanies this planning application. The exact form and extent of intrusive site investigations need to be agreed

with the Permitting Section of The Coal Authority as part of the applicant's permit application. These intrusive site investigations should be prepared and conducted by a suitably competent person and findings used to inform an appropriate scheme of remedial measures if necessary. In addition, it would be prudent if consideration was also afforded to the risk posed by mine gas to the application site and proposed development.

The Coal Authority Recommendation to the LPA

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 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 commencement of development:

- * The undertaking of an appropriate scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.**

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,

George Weightman

George Weightman | BSc (Hons), MSc
Trainee Planning Liaison Manager

General Information for the Applicant

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>

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.