



The Coal
Authority



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For the Attention of: Mr Christopher Carroll – Case Officer
Kirklees Council

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

07 August 2018

Dear Mr Christopher Carroll

PLANNING APPLICATION: 2019/60/90902/E RECONSULTATION

Outline application for demolition of dwelling and erection of 92 dwellings; Land To The Rear Of, 271 Cliffe Lane, Gomersal, Cleckheaton, Kirklees, BD19 4SB

Thank you for your consultation letter of 26 July 2019 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority Response: Fundamental Concern

The Coal Authority previously commented on this planning application in a letter to the LPA dated 16 April 2019. The Coal Authority objected to this planning application because our records indicated 2 no. recorded mine entries (420426-005 & 420426-006) within the application site boundary. These recorded mine entries pose a significant risk to the safety and stability of the application site and had not informed the layout. This is compounded with the fact that the detailed layout is being determined at this stage and not at the reserved matters stage.

I had clearly stated in my letter, dated 16 April 2019, that The Coal Authority expects that intrusive site investigations are undertaken within the application site boundary prior to determination, in order to establish the location and condition of the 2 no. mine entries. Findings from these investigations should then be used to formulate an appropriate scheme of remediation and to identify appropriate 'no-build' zones around the entries so that revisions can be made to layout plan in order to ensure that built development avoids the 'no-build' zones.

The applicant has now submitted a letter (Geodyne, 9 July 2019) which is in response to my previously discussed letter. This letter states that the intrusive site investigations and the potential scheme of remediation for probable unrecorded shallow workings could be

specified as part of a planning condition. I note that this could be the case if and when the layout implications of the two mine entries have been remedied as per my recommendations to LPA.

It is apparent in the letter from Geodyne that the applicant has only undertaken a geophysical survey thus far in an attempt to locate the two mine entries. I acknowledge “that geophysical surveying techniques are viewed as being an appropriate investigation (in the first instance) for the identification of mine shafts” (page 2). However, they are only appropriate in so far as they allow for the identification of an appropriate area to focus intrusive site investigations.

The Coal Authority does not consider that the letter submitted by the applicant (Geodyne, 9 July 2019) adequately addresses the impact of the two mine entries on the proposed development and does not adequately demonstrate that the application site is safe, stable and suitable for development in accordance with paragraphs 178-179 of the National Planning Policy Framework. Therefore, The Coal Authority **maintains its objection** to this planning application.

The Geophysical investigations have not conclusively determined the location or condition of the mine entries in the manner in which intrusive site investigations would have. At this stage the depth of superficial deposits, diameters of and treatment details for the mine entries are all unknown; as shown on the ‘Shaft Plans and Data Sheets’ enclosed with the letter. Despite this a 10 metre standoff has been applied to each mine entry based upon an “estimate of ‘rockhead’ being located at 2mbgl” (JPG email enclosed with letter). This depth is an estimate with no supporting evidence; therefore, the validity of the data at this stage is questionable. As such the revisions made to the Proposed Site Plan, as shown in drawing no. 1332 SK 19D, may be inappropriate and do not reliably remove the layout implications of the two mine entries.

The applicant should be advised that my recommendations made to the LPA in my previous letter have not been satisfactorily carried out. The Coal Authority expects that intrusive site investigations are undertaken within the application site boundary prior to determination, in order to establish the location and condition of the 2 no. mine entries. Findings from these investigations should be used to formulate an appropriate scheme of remediation and to identify appropriate ‘no-build’ zones around the entries. Revisions to the site layout should then be made in order to ensure that built development avoids the ‘no-build’ zones which should be clearly defined on the site layout plan. This revised layout plan should then be submitted for consideration along with any remediation and mitigatory measures proposed.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours Sincerely,

George Weightman

George Weightman | MSc, BSc (Hons)

Trainee Planning Liaison Manager

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.