



The Coal
Authority



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

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

01 August 2019

Dear Farzana Tabasum

PLANNING APPLICATION: 2019/62/91549/W

Erection of detached dwelling and creation of parking spaces for existing and proposed dwellings; Land Adjacent To, 144 Weatherhill Road, Birchencliffe, Huddersfield, Kirklees, HD3 3QY

Thank you for your consultation letter of 16 July 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: Substantive Concern

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 the presence of an outcrop crossing the application site which may have been subject to past unrecorded coal mining at shallow depth.

The applicant has submitted a Coal Mining Risk Assessment Report (Rogers Geotechnical Services Ltd, May 2019). The Coal Authority considers that the report, as submitted, is inconclusive in determining the potential risks posed to the development by coal mining legacy and we therefore **object** to this planning application.

I note the submitted report considers that there is sufficient rock cover above the 36 Yard Coal when considering the anticipated depths and thickness. However, it is unclear as to where the author has sourced the seam thickness. Further commentary on this issue would be appreciated.

Having reviewed the report, it is also unclear as to the depth at which rock head has been identified, and where this information has been taken from. Additional commentary and clarification of this issue would be helpful.

Therefore, we are unable to concur with the report's conclusions at this stage and request that further information, as noted above, is submitted by applicant. I would appreciate if the author of the report could provide additional commentary.

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

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.