



The Coal
Authority



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For the Attention of: Katie Wilson – Case Officer
Kirklees Council

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

29 September 2020

Dear Katie Wilson

PLANNING APPLICATION: 2019/62/92422/E RECONSULTATION

**Erection of agricultural building and demolition of existing building; Pog Hall Barn,
Penistone Road, High Flatts, Huddersfield, HD8 8XU**

Thank you for your consultation letter of 16 September 2020 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 21 February 2020. We had requested that the applicant submit a Coal Mining Risk Assessment to support their planning application.

The Coal Authority now welcomes the submission of Coal Mining Risk Assessment Report (Haigh Huddleston & Associates, 10 July 2020). This report is informed by appropriate mining and geological information for the application site and proposed development.

The report considers that there is the potential for shallow coal beneath the site and recommends that intrusive site investigations should be undertaken. These investigations are required to determine the exact ground conditions and the presence or otherwise of shallow mine workings.

If workings are encountered within influencing distance of the surface then a scheme of remedial measures may be required, the Coal Authority usually expects in such instances that a scheme of drilling and grouting is undertaken.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to

establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

Please note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

The Coal Authority Recommendation to the LPA

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. *No development shall commence until;*
 - a) *a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;*
 - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.*

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,

George Weightman | MSc, BSc (Hons)
Assistant 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.