



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Adam Walker – Case Officer
Kirklees Council

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

3 June 2020

Dear Adam

PLANNING APPLICATION: 2020/62/90942/W

Erection of 30 dwellings and associated works; land at Ainley Top, Yew Tree Road and Burn Road, Birchenclyffe, Huddersfield, HD2 2EQ

Thank you for your consultation letter of 19 May 2020 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

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that 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, specifically a recorded mine entry (shaft).

The Coal Authority notes the submitted Preliminary Geoenvironmental Investigation Report (April 2014, prepared by Lithos Consulting Ltd), which accompanies the planning application. However, the Coal Authority considers that this does not adequately address the inter-relationship between the proposals and a **recorded mine entry, which could be within the planning boundary**. We must therefore **object** to the proposed development in principle.

The recorded mine entry which is of concern to us is 412418-02 identified on our records just to the west of the application site. The Coal Authority has no precise details as to the condition of the shaft or its exact location, which could be up to 8m away from its conjectured position. Consequently, it could be within the planning boundary.

It is therefore necessary to consider the inter-relationship between the mine entry and the proposed development layout further. From the information supplied there appears to be no evidence of any intrusive site investigations to locate the mine entry, although there appears some commitment to do so. The investigations should be undertaken prior to the determination of the application to justify the proposed development layout.

Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regards to this issue, The Coal Authority's adopted policy, Development and Mine Entries, can be found here:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The Coal Authority does not support in principle the provision of built development within the zone of influence of a mine entry, even where this has been treated due to the public safety risks arising.

The Coal Authority Recommendation to the LPA

It is the opinion of the Coal Authority that the risk and uncertainty is such that further specialist investigation is required before the LPA can be satisfied that the application site can be safely developed.

The applicant should be advised that they should be required to carry out intrusive site investigation works to prove/disprove the mine entry from being within the site, which if in the case of the latter, a worst case scenario of the zone of influence of the shaft should be annotated on the proposed plan, with all built development avoiding it.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

The Coal Authority therefore **objects to this planning application**.

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

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison 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>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining 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.