



The Coal
Authority



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For the Attention of: Ms K. Chew – Case Officer
Kirklees Council

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

14 July 2020

Dear Ms Chew

PLANNING APPLICATION: 2020/62/91092/W

Demolition of existing dwelling (no. 81 Common End Lane) to be replaced with a new detached dwelling at Land Adj, 81 Common End Lane, Lepton, Huddersfield, Kirklees, HD8 0AF – FURTHER RECONSULTATION

Thank you for your consultation letter of 10 July 2020 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

You will recall from our previous consultation responses that the Coal Authority objected to the proposal due to the lack of a site specific Coal Mining Risk Assessment Report, or an equivalent report, to identify and assess the risks posed to the proposed development by coal mining legacy.

We are therefore pleased to note that the applicant has now submitted a development specific Coal Risk Assessment report (July 2020, prepared by RGS) in support of their planning application. Based on a review of appropriate sources of coal mining and geological information, the report concludes that possible shallow mine workings associated with the Black Bed Coal pose a moderate to high risk of instability at the site.

Accordingly, the report makes appropriate recommendations for the carrying out of intrusive ground investigations, in the form of boreholes, in order to establish the depth and condition of shallow coal seams/workings.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of a Permit application.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The submitted report considers that the potential for mine gas poses a moderate risk to the proposed development. In the event that evidence of mine workings is encountered during site investigations, the report recommends that a detailed gas risk assessment is undertaken in accordance with relevant guidance. The Coal Authority recommends that the LPA seek comments from the Council's Environmental Health / Public Protection Team on this matter and any resultant need for the incorporation of appropriate gas protection measures within the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- ***No development shall commence (excluding the demolition of existing structures) until intrusive investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.***
- ***Where the findings of the intrusive site investigations (required by the condition XX above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence (excluding the demolition of existing structures) until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.***

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of the above conditions**. 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 note that whilst we recommend that the above planning conditions are applied if planning permission is granted, due to the Covid-19 pandemic, our own staff resources are significantly reduced. Until further notice we are therefore not able to offer any comments in relation to further related applications that may be made for the discharge of conditions.

We would be very grateful if you could refrain from sending the Coal Authority any consultations relating to the discharge of conditions until further notice. We trust that in this difficult time the local planning authority will appropriately consider the information submitted by applicants to assess whether any mining legacy related conditions have been duly complied with.

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

James Smith *BSc. (Hons), Dip.URP, 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:

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.