The Coal Authority

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

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

17 March 2021

Dear Ms Mansell

PLANNING APPLICATION: 2020/60/92307/W

Outline application for erection of residential development at Penistone Road/rowley Lane, Fenay Bridge, Huddersfield, HD8 0JS - RECONSULTATION

Thank you for your consultation letter of 12 March 2021 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 partly within the defined Development High Risk Area. More specifically, the Coal Authority's information indicates that the Better Bed Coal seam is conjected to outcrop at or close to surface within the eastern part of the site, dipping in a north easterly direction. This coal seam may have been worked in the past.

You will recall from our initial consultation response letter of 16 November 2020 that we objected to the planning application. Our concerns related to the assessment in the supporting Phase 1 Geo-environmental Assessment report (May 2020, prepared by ECUS Ltd) of the potential risk posed by possible unrecorded mining activity associated with the Better Bed Coal seam.

We are therefore pleased to note that the applicant has now submitted a revised Phase 1 Geo-environmental Assessment report (March 2021, prepared by ECUS Ltd) in

support of their application. This report provides an enhanced assessment of the risk posed by shallow coal mining legacy, drawing upon the results of a previous borehole investigation carried out at the site in 2017, which did not encounter any shallow coal or possible evidence of shallow abandoned mine workings.

The revised report acknowledges that the Better Bed coal seam outcrops in the vicinity of the site. However, it considers that the outcrop is likely to be present beyond the eastern site boundary, with no shallow coal or associated mine workings present beneath the site. The report concludes that the risk posed by shallow mine workings is 'low' and, as such, no further investigation or mitigation measures are considered to be necessary in respect of shallow mine working related instability matters.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the revised Phase 1 Geo-environmental Assessment report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal

Authority therefore **withdraws its objection** to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

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

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development 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.