



The Coal  
Authority



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For the Attention of: Mr V Grayson – Case Officer  
Kirklees Council

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

26 August 2020

Dear Mr Grayson

**PLANNING APPLICATION: 2020/60/92331/E**

**Outline planning application for demolition of existing dwellings and development of phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1/D2 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure; Land East Of, Leeds Road, Chidswell, Shaw Cross, Dewsbury: Re-consultation**

Thank you for your notification of 18 August 2020 seeking the views of the Coal Authority on further information submitted in support of the above planning application.

**The Coal Authority Response: Material Consideration**

As you are aware, the Coal Authority objected to this planning application in our previous correspondence dated 12 August 2020, as the identified Phase I Desk Study Report / Coal Mining Risk Assessment had not been made available for us to review at that time.

We welcome the notification that the above reports are now available and can be found within Appendix 12.2 of the EIA Environmental Statement. The Coal Authority's specific interest is the Coal Mining Risk Assessment, dated December 2019 prepared for the proposed development by Patrick Parsons Limited. This Assessment has been informed by an extensive range of sources of information (Section 2.2).

Having carried out an in-depth review of the available information, the report author considers that currently there is a moderate to high risk to the proposed development as a result of recorded and historic unrecorded workings; opencast workings and the presence

of three recorded mine entries. Therefore, in order to mitigate the risks appropriate recommendations have been made that intrusive ground investigations / gas monitoring are required in order to confirm the exact ground conditions present within the site including the location and condition of the recorded mine entries. As part of the investigations, we would also expect the depth to rock head adjacent to these mine entries to be established. This will enable the applicant's technical consultants to calculate the zone of influence (no build exclusion zone) of all mine entries found present within the site that can then inform the layout of the development to ensure that adequate separation between buildings and the mine entries is incorporated. The applicant's attention should be drawn to the Coal Authority's adopted policy: Building Over Or Within The Influencing Distance Of A Mine Entry: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>.

The finding of the site investigations should inform the extent of remedial / mitigatory measures required to ensure that the development will be safe and stable (eg. ground stabilisation works / mine shafts to be treated / capped).

The nature and extent of the ground investigations / treatment works will require the Coal Authority's written consent from our Permitting team as part of the permitting process, prior to commencement of these works.

#### The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment, December 2019 based on the professional opinion of Patrick Parsons Limited that there is currently a moderate to high risk to the proposed development from coal mining legacy. In order to mitigate the risk (confirm the exact ground conditions present within this site) and inform the extent of remedial / mitigatory measures that may be required to ensure that the development is safe and stable (NPPF paras. 178-179), intrusive site investigations should be undertaken prior to commencement of development.

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

Prior to the submission of the first reserved matters application:

- \* The submission of a scheme of intrusive site investigations for the mine entries and shallow coal workings, for approval;
- \* The undertaking of the scheme of intrusive site investigations;

As part of the reserved matters application:

- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a layout plan that identifies the location of the mine entry found on site including appropriate zones of influence of the mine entries affecting this site, and the definition of suitable 'no-build' zones;
- \* The submission of a scheme of treatment for the mine entries on site for approval;
- \* The submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- \* Implementation of those remedial works.

\* 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.

*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 Coal Authority **withdraws its objection** to the proposed development **subject to the imposition of the conditions to secure the above.**

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

**Deb Roberts** *M.Sc. 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:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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>

#### 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.*