



The Coal
Authority



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For the Attention of: Ms E. Thompson – Case Officer
Kirklees Council

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

15 December 2021

Dear Ms Thompson

PLANNING APPLICATION: 2020/62/93742/E

**Erection of 3 detached dwellings at Adjacent Hebble House, 10 Hebble Court,
Thornhill Lees, Dewsbury, WF12 0AY - RECONSULTATION**

Thank you for your consultation letter of 13 December 2021 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

We last commented on this planning application in a letter to the LPA dated 5 January 2021. In this letter we raised no objection to the application subject to the imposition of planning conditions on any permission granted to secure the investigation and, if necessary, the remediation of shallow coal mining legacy. Our recommendations reflected those contained within the applicant's Coal Mining Risk Assessment report (27 November 2020, prepared by Geoinvestigate Ltd).

Having reviewed the LPA website, it is noted that further documents have been submitted in support of the planning application since we initially commented, including a Phase I & II Geo-Environmental Assessment (16 November 2021, prepared by EPS).

Whilst this report details and discusses intrusive investigations recently carried out at the site, these appear to have primarily been undertaken to address contamination matters. They were clearly not designed to establish the shallow coal mining setting. Indeed Section 6.4 of the report states, *"It should also be noted that deep boreholes are recommended in the Geoinvestigate Ltd Coal Mining Risk Assessment for this site. EPS are not aware of whether these boreholes have been implemented or are still required."*

We also note that a Drilling Investigation report (16 June 2005, prepared by Abbeydale Building Environment Consultants) has been submitted in support of the application. This historic report indicates that 13 boreholes were drilled in the locality of the application site, including a single borehole (BH13) within the site itself.

The maximum depth of these investigations was 12.4m, with borehole BH13 only extending to a depth of 6.4m. Notwithstanding the lack of any interpretation of the results of the investigations, the depths of the boreholes are significantly shallower than that recommended in the applicant's Coal Mining Risk Assessment and none of the boreholes actually establish the depth and condition of shallow coal seams.

To clarify, the Coal Authority does not consider that the additional information submitted by the applicant adequately demonstrates that the site is safe and stable in terms of possible unrecorded shallow coal mining legacy.

In light of the above, the Coal Authority wishes to raise no objection to the planning application, however, we remain of the view that the comments and recommendation for further investigation/remediation of coal mining legacy, as set out in our previous letter of 5 January 2021, remain valid and relevant to the decision making process.

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.

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

Yours sincerely

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

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.