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The Coal Authority

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

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

23 March 2022

Dear Ms Thompson

PLANNING APPLICATION: 2020/62/93742/E

Erection of 3 detached dwellings at Hebble House, Adj Hebble Court, Thornhill Lees, Dewsbury, WF12 0AY – FURTHER RECONSULTATION

Thank you for your consultation letter of 17 March 2022 seeking the further views of the Coal Authority regarding 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 the application site lies in an area where there exists the potential for historic unrecorded coal mining activity to have taken place at shallow depth.

You will recall that the Coal Authority's Planning & Development Team initially commented on this 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 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).

We note that the applicant has now submitted a Rotary Borehole Site Investigation Report (24 September 2021, prepared by Geoinvestigate Ltd) in support of their application. This report indicates that three boreholes were drilled within the site to maximum depths of 30.0m bgl in order to establish the shallow coal mining situation. The works were carried out under Coal Authority Permit 22697.

The report indicates that no coal seams, broken ground, or voids (possibly indicative of past ground workings) were encountered during drilling. Based on the results of the site investigation, the report author is able to conclude that no special foundations or ground treatments are required in terms of mitigating the risk posed to the development from subsidence or collapse associated with coal mining legacy.

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.

In light of the revised report now submitted, we wish to revise our recommendation to the LPA as follows:

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team considers that the content and conclusions of the Coal Mining Risk Assessment report and subsequent Rotary Borehole Site Investigation Report are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development. We therefore wish to raise **no 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.

To clarify, in light of the professional opinions expressed in the latest report, the Coal Authority's Planning & Development Team no longer requires the imposition of the conditions recommended in our initial consultation response letter.

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

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.