



The Coal  
Authority



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For the Attention of: Adam Walker – Case Officer  
Kirklees Council

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

06 January 2021

Dear Mr Walker

**PLANNING APPLICATION: 2020/60/94203/E**

**Outline application for demolition of dwelling and associated outbuildings and the erection of 30 dwellings; Clough House, 236 Leeds Road, Birstall, Batley, Kirklees, WF17 0HW**

Thank you for your consultation letter of 22 December 2020 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

**The Coal Authority Response: Material Consideration**

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. Specifically, the Coal Authority records indicate that a thick coal outcrop crosses through the application site and that the site may be underlain by probable unrecorded coal mine workings at shallow depth.

The applicant has submitted a Phase 1 Geotechnical and Geo-Environmental Site Investigation Report (Eastwood & Partners, 14 January 2020) to accompany their planning application. This report is informed by appropriate mining and geological information for the application site and proposed development.

The report states that due to outcropping coal seams on, and in the vicinity of the site that shallow mine workings may be present beneath the site. Therefore, the report author recommends that intrusive site investigations should be undertaken to determine the exact ground conditions and the presence or otherwise of shallow mine workings. The Coal Authority notes the professional opinion of the report author on this matter. If workings are encountered during these investigations which could influence site stability, then we will expect an appropriate scheme of remediation to be undertaken.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

Please note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

#### The Coal Authority Recommendation to the LPA

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

1. *No development shall commence until;*
  - a) *a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;*
  - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.*
2. *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.*

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *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 do not hesitate to contact me if you would like to discuss this matter further.

Yours Sincerely,

**George Weightman** | MSc, BSc (Hons)  
**Assistant Planning and Development Manager**

#### General Information for the Applicant

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>

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>

#### 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.*