The Coal Authority

INVESTOR IN PEOPLE

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

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

04 March 2021

Dear Ms Worth

PLANNING APPLICATION: 2021/62/90343/W

Demolition of existing building and erection of 2 dwellings and widening of existing access (within a Conservation Area); Rear Of, 154 Trinity Street, Huddersfield, HD1 4DT

Thank you for your notification of 19 February 2021 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: **Substantive Concern**

I have reviewed the proposals and confirm that part of 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.

The Coal Authority records indicate that the site lies within an area of probable shallow coal mining.

Whilst the planning application is accompanied by a Coal Mining Risk Assessment, (date unknown) prepared Michael Denton Associates Ltd this has been prepared for an extension to an existing building and not, as per the current development: *Demolition of existing building and erection of 2 dwellings and widening of existing access*. We note that the report author informs that any future building work to be carried out on the land will be subject to a desktop assessment. On checking the Local Planning Authority (LPA) website, no further assessments would appear to have yet been submitted.

In light of the above, the Coal Authority does not consider that the applicant has demonstrated to the LPA how former coal mining activity has been assessed in relation to the specific development proposed and therefore we currently **object**.

A Coal Mining Risk Assessment report should demonstrate how coal mining legacy risks have been considered in the context of the proposed development and how the developer will ensure that the proposed development will be safe and stable. Paragraphs 178 and 179 of the National Planning Policy Framework (NPPF) makes it clear that land instability issues should be considered as part of development proposals and that the responsibility for securing a safe development rests with the developer and/or landowner.

However, we note this current proposal is for a revised scheme: *2020/62/90230/W - Erection of extensions and alterations to derelict building to form 2 dwellings*. The Coal Authority were consulted on the previous planning application that was accompanied by the above Assessment. The Coal Authority raised no objections to the proposal, subject to the LPA imposing a suitably worded condition to secure the undertaking of intrusive ground investigations prior to the commencement of development. The LPA imposed such a condition (Condition 8).

Accordingly, if the LPA consider that they have sufficient information to determine this current planning application and impose a condition for site investigations (as per the previously approved scheme), as they are the decision maker, this will be for them to assess as part of their decision making process.

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

Yours sincerely

Deb Roberts M.Sc. MRTPI

Planning & 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

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.