



The Coal
Authority



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RTPI
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For the Attention of: Katie Chew – Case Officer
Kirklees Council

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

8 October 2021

Dear Katie

PLANNING APPLICATION: 2021/62/93608/W

Erection of detached 3 bedroom house and detached garage/workshop; 178 Deighton Road, Deighton, Huddersfield, HD2 1JJ

Thank you for your consultation letter of 23 September 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

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 probable coal mine workings at shallow depth.

The Coal Authority notes the submitted Phase 1 Desk Study Report (August 2021, prepared by Build Vision Ltd). However, the Coal Authority considers that insufficient information has been submitted to determine whether or not issues of land instability can be satisfactorily overcome.

Commentary within the Report correctly identifies that the site is within an area where coal mining legacy may pose a constraint on development. However, and whilst a medium risk is identified, no definitive recommendations are made, with Section 3.10.4 of the report confirming that a Coal Mining Risk Assessment will be required; work of which should

already have been undertaken. The Coal Authority therefore **objects** to the proposal, and we consider that the applicant needs to revise and resubmit the submitted information to the LPA.

It is a requirement of the National Planning Policy Framework, paragraphs 183-184 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development, or is capable of being safe and stable to accommodate the development.

The Coal Authority Recommendation to the LPA

The information submitted fails to fully assess the risks posed by coal mining legacy.

The applicant should assess whether or not past mining activity poses any risk to their development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive site investigation to ensure that the LPA has sufficient information to determine the planning application.

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

Yours sincerely

Chris MacArthur B.Sc. (Hons), DipTP, MRTPI
Planning Liaison 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 coal mining 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.