



The Coal
Authority



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For the Attention of: Mr N Hirst – Case Officer
Kirklees Council

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

25 October 2021

Dear Mr Hirst

PLANNING APPLICATION: 2021/62/93644/E

Erection and operation of grid-connected solar photovoltaic farm, with ancillary infrastructure and landscaping and biodiversity enhancements; Low Farm, Wakefield Road, Flockton, Huddersfield, Kirklees, WF4 4BB

Thank you for your notification of 06 October 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: 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.

The Coal Authority records indicate that the site lies within an area of both recorded and probable shallow coal mining, within, or within 20m of the planning boundary, there are 26 mine entries and the site is within the boundary of a site from which coal has been removed by surface mining (opencast) methods.

In addition to the above, there is 1no. mine gas site; 2no. existing mine water treatment monitoring sites; and sites that the Coal Authority have an interest in.

The planning application is accompanied by a Preliminary Phase 1 Geo-environmental Assessment and Preliminary Coal Mining Risk Assessment, July 2021 prepared by WSP UK Ltd. The Coal Mining Risk Assessment (Section 6) has been informed by an appropriate range of sources of historical, geological and coal mining information including coal mine abandonment plans.

Having carried out an in-depth review of the available information, the report author has acknowledged the level of coal mining activity that has taken place within the site and surrounding area and considers that there are potential risks at this site. However Section 9.4.2 identifies that given that the development (solar panels, no significant earthworks or construction of significant structures are proposed); ground investigations are not considered necessary at this stage.

Whilst the Coal Authority concurs with the above, due to the presence of the recorded mine entries present, this may affect the layout of the solar panels, transformer stations and storage containers, within Areas: 3, 4, 5 and 6. Therefore, we consider it prudent that intrusive ground investigations, identified in Section 9.4.2 are carried out to confirm the exact location / condition of the mine entries. This will ensure that adequate separation is provided between these structures / transformer stations / storage containers and the mine entries. The applicant should be aware that if any mine entries are located and they have not been adequately treated, the responsibility for the treatment of these mining features is that of the developer.

The report author informs that there is a risk from surface mining and ground investigations may be required to confirm the extents of the open cast areas (spatially and depth). However, the intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development (sensitive structures) and inform any mitigation measures that may be necessary.

The applicant should 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. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

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.

Sustainable Drainage

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

As previously mentioned, there is 1no. mine gas site; 2no. existing mine water treatment monitoring sites; and sites that the Coal Authority have an interest in. I have therefore liaised with the relevant departments within the Coal Authority on these specific matters. Our Property / Environment teams have informed me that the Coal Authority interests within the site and surrounding area are:

- Mine Water Treatment Scheme (MWTS) (Caphouse)
- Easement – Hope Shaft - Right to occupy the surface of the land in common with the purchaser & to use the shafts for the purpose of inspecting & carrying out the specified operations
- Easement – Access Rights - Right of way with all others so entitled with or without vehicles plant & machinery over & along the route to & from the public highway for the purpose of inspecting the shafts pumping filling water treatment & any other operation deemed necessary
- Monitoring Point – Pumping Shaft
- Monitoring Point – Old lagoons.

Accordingly, we would not expect the proposed development to impede access or operations of the Caphouse MWTS. Our Environment team have identified that since

the solar farm is to be connected to the power grid we would hope any disruption to the grid to be as short as possible. This is so that any impact on power supply to the water pumps on site at Caphouse MWTS are minimised.

The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;

a) a scheme of intrusive site investigations (Section 9.4.2 of the Preliminary Phase 1 Geo-environmental Assessment and Preliminary Coal Mining Risk Assessment, July 2021 prepared by WSP UK Ltd) 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. This should include the submission of the approved layout plan to illustrate the actual position of the recorded mine entries, if found present and calculated no build exclusion zones of each mine entry within influencing distance of the site.

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.

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 Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions** to secure the above.

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 183 and 184 of the National Planning Policy Framework.

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.