The Coal Authority

INVESTOR IN PEOPLE

RTPI Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr V Grayson – Case Officer
Kirklees Council

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

01 November 2021

Dear Mr Grayson

PLANNING APPLICATION: 2021/49/93689/E

Hybrid application for full planning permission for engineering works, drainage and utilities connection for the provision of site access from Forge Lane and Ravensthorpe Road and associated works; and for outline permission for erection of residential development and mixed use development (including community facilities) with associated works including the provision of internal estate roads and parking, landscape works (including provision of public open space, tree clearance/replacement/woodland management and ecological management) and sustainable urban drainage works drainage principles; Land To The South Of, Ravensthorpe Road / Lees Hall Road, Dewsbury

Thank you for your notification of 11 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 application site lies within an area of both recorded and probable unrecorded shallow coal mining. In addition, within or within 20m of the planning boundary there are c.33 mine entries (shafts and adits) and the site is within the boundary of a site from which coal has been removed by surface mining (opencast) methods. Our records also inform that the Coal Authority has in the past been called upon to deal with 2no. surface hazard within the site and 3no. within 50m of the planning boundary.

The planning application is accompanied by a Preliminary Geoenvironmental Investigation Report, September 2021 prepared for the application site by Lithos Consulting Limited. The Report has been informed by an extensive range of sources of historical, geological and coal mining information including previous site investigations carried out within the surrounding area.

Having carried out an in-depth review of the available information, together with the findings of the intrusive ground investigations, the report author has acknowledged the mining constraints at this site and identifies that the entire site is expected to be underlain by several shallow coal seams. Mitigation measures have been provided: extraction of the remaining coal or ground consolidation (drill and grouting works) (Section 8.1.10), however recommendations have been made that in order to inform the details / design of remediation strategy, further intrusive ground investigations are required.

It is noted that intrusive investigations for the recorded mine entries have yet to be undertaken; and Section 5.4.6 informs that it is unlikely that any of the recorded mine entries have been treated. However, we note that the engineering works / formation of new spine road, are not within influencing distance of the recorded mine entries, therefore these mining features are unlikely to impact the road layout which is being considered by the LPA as part of full planning consent of this hybrid application.

The report author identifies that there are 3no. recorded mine entries (CA shaft ref: 422419-027, 423419-004 & 423419-005) present within the area proposed for built development, with all remaining mine entries present within Lady Wood, beyond the areas of proposed development. However in accordance with the Illustrative Masterplan there is one mine entry (CA shaft ref: 422419-027) within the area proposed for development, and the 2no. mine entries (CA shaft ref: 423419-005 &

423419-006) are located within areas allocated as Allotments. We welcome the comments made that due to the history of mining at this site, there could also be unrecorded mine entries present at this site. Section 5.6.10 identifies that mine entries within the area of development will need to be treated / capped (in accordance with UK authoritative guidance: CIRIA C758D and under the terms and conditions of a Coal Authority permit (Permitting Process).

It is noted that Section 6.6.3 of the Design and Access Statement informs that Lady Wood will be retained and enhanced, through a Woodland Management Plan. The majority of the c.33 mine entries are recorded in this area and as a result of proposed residential development adjacent to Lady Wood, will actively encourages members of public to use this woodland area,. **We consider that in order for the applicant to demonstrate to the LPA that there will be no risk to public safety as a result of enhancements to this area, further commentary from the applicant's geotechnical consultants is provided to the LPA on how they consider that the risk of untreated mine entries on public safety are to be addressed**.

Surface Coal Resource

The Coal Authority is pleased to note that the report author has acknowledged that the site is within a Mineral Safeguarding Area, however, whist in theory, prior extraction may be economically viable (Section 5.9.13) there are likely to be other factors (proximity of existing housing) which may result in this not being a viable option. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

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.

The Coal Authority Recommendation to the LPA

The LPA may wish to consider the imposition of planning conditions that cover the issues set out below.

1. No development shall commence for the engineering works, drainage and utilities connection for the provision of site access from Forge Lane and Ravensthorpe Road and associated works 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.

2. Prior to the submission of the reserved matters application of the outline consent (for each phase of development) 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.
3. As part of the reserved matters application, the finding of the intrusive ground investigations are provided to the LPA including the submission of the proposed layout plan which illustrates the location of all on-site mine entries found present within the site and their respective calculated no build exclusion zone.
4. Prior to commencement of development 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.

5.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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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

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.