



The Coal
Authority



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For the Attention of: Mr C Kiely – Case Officer
Kirklees Council

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

3 November 2021

Dear Mr Kiely

PLANNING APPLICATION: 2021/62/93750/E

Erection of 9 dwellings; Adjacent, 360 Lees Hall Road, Thornhill Lees, Dewsbury, Kirklees, WF12 9EW

Thank you for your notification of 14 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.

We have commented on a previous application for this same site, for the same development nature, in a letter to the LPA dated 20 December 2016. We further

commented on the discharge of relevant conditions imposed on this development in a letter to the LPA dated 15 February 2021.

On the basis of our previous comments on this site, I can confirm that we have no objection to this planning application but would expect appropriate remedial works or mitigation measures to be implemented on site. The previous Phase 1 and Phase 2 Geo-Environmental Assessment, dated December 2020 and prepared by Solmek Ltd submitted noted that depending on the foundation solution utilised it would be prudent to consider reinforcement of all foundations and the undertaking of further proof drilling works.

We would expect the safety and stability of the development as a whole to be considered when designing any remedial works/mitigation measures, and any parts of the site identified as being at risk of instability subject to appropriate works.

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.

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.

We have **no objection** to this application, in light of our previous comments. However, we would recommend that the LPA impose any planning conditions they consider relevant to ensure that the recommendations set out in the Phase 1 and Phase 2 Geo-Environmental Assessment are carried out on site.

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

Yours sincerely

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

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.