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The Coal  
Authority

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

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

20<sup>th</sup> April 2023

Dear Mr Hirst

**PLANNING APPLICATION: 2021/61/94061/E**

**Reserved matters application pursuant to outline permission 2022/91849 for the variation of condition 21 (highways and occupation) on previous permission 2021/94060 for variation of condition 32 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) to include the discharge of Conditions 17 (Site investigations), 29 and 31; Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET**

Thank you for your notification of the 30th March 2023 seeking the views of The Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. 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.

We commented on the outline application to which this reserved matters submissions relates lastly in a letter to the LPA dated 16<sup>th</sup> November 2017. We raised no objections to this application but did recommend that relevant planning conditions be imposed on any consent granted.

We note that this current submission relates to Unit 3, as identified on Drawing No 2115 PL 103, dated September 2021. Our records indicate that there are no coal mining features present at surface or shallow depth within the site boundary for Unit 3, as identified by the red line plan submitted. On this basis we have **no objection** to the reserved matters submission or the discharge of any relevant conditions insofar as they relate to this site (Unit 3) only.

### SUDs

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.

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

Yours sincerely

*Melanie Lindsley*

**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.*