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The Coal Authority

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

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

16 May 2022

Dear Mr Harrison

APPLICATION: 2022/90988

Discharge of condition 5. (CMRA) on previous permission no. 2018/91715 for demolition of existing workshop buildings and erection of detached dwelling at Freckleton A, Briestfield Road, Briestfield, Dewsbury, Kirklees, WF12 0NX

Thank you for your consultation letter of 28 April 2022 seeking the views of the Coal Authority on the above application.

The Coal Authority Response:

The application site falls within the defined Development High Risk Area on the basis that Coal Authority records indicate that coal mining has taken place beneath the site at shallow depth.

You will be aware that the Coal Authority raised no objection to planning application 2018/91715 subject to the imposition on any permission issued of a condition to secure the investigation and, if necessary, the remediation of shallow coal mining legacy. This

reflected the recommendation made in the Coal Mining Risk Assessment (July 2018, prepared by RB Geotechnical), which supported the application.

We note that planning permission was subsequently granted subject to conditions. Condition 5 of the issued consent requires the undertaking of intrusive site investigations into coal mining legacy. Conditions 6, 7 and 8 require the undertaking and validation of any required remediation works.

We note that the applicant has applied to discharge Condition 5 in full. Their application is supported by a further Coal Mining Risk Assessment report (8 September 2021, prepared by *YourEnvironment*).

The further report reviews a wider range of coal mining and geological information, along with the original CMRA, and concludes that whilst recorded coal mine workings are present beneath the site, sufficient overlying competent rock cover is present to ensure surface stability. As such, they advise that intrusive investigations are not required in this respect.

Whilst the Coal Authority's Planning & Development Team notes the professional opinions expressed in the latest CMRA, it is clear that the specific requirements of Condition 5, i.e. intrusive site investigations, have not been carried out. As such, we are unable to recommend that the LPA discharge this condition.

However, we wish to point out that should the applicant submit a S73 application to the LPA in order to remove Conditions 5, 6, 7 and 8 of the issued consent, we are unlikely to raise an objection to that application, subject to it being supported by the further Coal Mining Risk Assessment report prepared by *YourEnvironment*.

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

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

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.