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## The Coal Authority

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

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

14 June 2022

Dear Mr Hurst

### **APPLICATION: 2022/44/91598/W**

**Discharge of conditions 3 (Construction Management Plan), 4 (Construction Environmental Management Plan), 5 (road condition survey), 6 (Remediation Strategy), 9 (coal legacy) , 11 (estate roads), 12 (drainage under highway), 13 (highway retention), 14 (Arboricultural method statement), 15 (Ecological Design Strategy), 16 (drainage scheme) and 17 (temporary drainage) of previous permission 2020/92067 for erection of 30 dwellings at Former Stile Common Infant & Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF**

Thank you for your consultation letter of 24 May 2022 seeking the views of the Coal Authority on the above application.

### **The Coal Authority Response:**

The application site falls partly within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

The Coal Authority's particular interest in this instance lies with Condition 9 of planning permission 2020/92067, which states:

9. *Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, an intrusive investigation shall be carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.*

The condition discharge application is accompanied by a Further Site Investigation report (5 May 2022, prepared by Solmek Ltd). This report indicates that three rotary boreholes were drilled within the site to a maximum depth of 40.0m bgl in order to investigate the presence of historic unrecorded coal mine workings.

The report indicates that evidence of unrecorded mine workings was encountered during drilling in what is considered by the report author to be the Hard Bed coal seam. It goes on to comment:

*"Based on the borehole records it is likely that grouting is not required over much of the site area as the calculated ratios are >10, however the seam is shown to outcrop to the west of the site and dip below the site and therefore, depending on the final layout, additional rotary boreholes may be required in the north west of the site to confirm the depth to the coal seam (where it would be at its shallowest) and the risk posed by workings."*

**The Coal Authority welcomes the investigatory works carried out to date, however, the report does not provide a definitive conclusion regarding the risk posed by unrecorded coal mining to the approved scheme of development. As such, and on the basis that further investigations are likely to be required to provide this definitive conclusion, the Coal Authority's Planning & Development Team must object to the LPA discharging Condition 9 of the issued consent.**

We also wish to comment that in their consideration of the adequacy of cover over the identified mine workings, the report author has based their calculations upon an extraction thickness of 0.9m (the thickness of the intact coal encountered in BH03). We would expect further commentary regarding from the author as to whether sufficient information is available to be extrapolate that a seam/extraction thickness of 0.9m can be applied across the entire site. We would also expect further commentary on the adequacy of cover over any roadways that may be present within the unrecorded workings.

The results of these further works should be then be used to inform a scheme of remedial works to address the effects of coal mining legacy on the proposed development, as necessary, as required by Condition 10 of the issued consent.

We would welcome the opportunity to review and to provide the LPA with comments on an updated version of the site investigation report once the further site investigations have been carried out.

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**

#### 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. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

[www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://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.*