



The Coal
Authority

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For the attention of: Victor Grayson, Case Officer

Kirklees Council

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

23rd January 2025

Dear Victor,

Re: Application 2022/44/93397/W

Discharge of conditions 3 (Construction Environmental Management Plan), 4 (cycle parking), 5, 6, 7, 8, 9, 10, 11, 12, 13 (site investigation), 14 (phase II site investigation), 18 (landscaping), 19 and 21 of previous Section 73 approval 2021/92291 for conversion of former college buildings into 33 apartments including demolition of link canopy, partial demolition of link building, erection of additional storey to link building, and internal and external alterations at Highfields Centre, 64 New North Road, Huddersfield, HD1 5LS.

Thank you for your notification of 7th January 2025 seeking the views of the Coal Authority on the above.

It does not appear that the Coal Authority was consulted on planning application 2021/92291 (S73 application to 2019/62/90467) to which the current condition discharge application relates. However, we were consulted on original application 2019/62/9046 and raised no objection to the proposal subject to inclusion of conditions on any permission granted to secure the undertaking of intrusive investigations to establish the shallow coal mining situation and the implementation of any necessary remedial measures in order to ensure the safety and stability of the proposed development.

Our recommendation reflected those of the supporting Phase 1: Desk Top Study & Coal Mining Risk Assessment Report prepared by Arc Environmental, ref. 24-112, dated 8th May 2024. Section 6.0 of the report specifically recommended 'A series of rotary open hole

rotary boreholes to probe for shallow mine workings. A license will need to be obtained from the Coal Authority for this element of the investigation.'

We are therefore pleased to note that Condition 13 of planning permission 2021/92291 relates to coal mining legacy matters and states;

13. Prior to the commencement of development (excluding soft strip-out and demolition works), a report of findings arising from intrusive site investigations (carried out in accordance with a scheme of intrusive site investigations submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority) relating to shallow mine workings and other aspects of the area's mining legacy, and including a scheme of remedial works, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Coal Authority. The remedial works shall be implemented in strict accordance with the scheme so approved prior to occupation of any part of the development hereby approved.

We note that a Phase 2 Ground Investigation Report prepared by Arc Environmental, ref. 24-112, dated 8th May 2024 has been submitted to address the requirements of Condition 13.

It is disappointing to note however that this Phase 2 report does not benefit from an intrusive mining investigation as set out within the 'Investigation Rationale' Section 4.0 comprised only window sampling boreholes, which as anticipated, have terminated within the most upper section of sandstones representing the Coal Measures. We note at the same time that no application has been made for a Coal Authority permit to undertake drilling that would intersect our property (in this case coal or coal mine workings), which would seek to secure the investigations required by Condition 13.

On the basis of the foregoing the Coal Authority's Planning Team would **not recommend that Condition 13 of the approved consent be discharged** until such time as a suitable intrusive mining investigation has been completed and satisfactorily reported along with the requirement to identify and implement any remedial works deemed necessary, in line with Condition 13.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely,

Geotechnical & 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 and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that 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 advisors for this development in relation to ground conditions and the acceptability of development.