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The Coal Authority

For the Attention of: Craig Hewitt – Case Officer
Kirklees Council

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

21 April 2023

Dear Craig

PLANNING APPLICATION: 2023/62/90171/E

Demolition and re-building of existing farmhouse with extensions and the erection of one dwelling (amended house type); land at Westfield Farm, Barnsley Road, Flockton, Huddersfield, WF4 4DW

Thank you for your consultation letter of 4 April 2023 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 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.

The Coal Authority Response: **Material Consideration**

The Coal Authority notes the previous planning permission (2019/62/92238/E) for development at this site, Conditions 10 and 11 of which we were previously able to

recommend the discharge of (2022/44/93299/E COND). On the basis that the previous information appears to have been resubmitted and that no confirmation is included of the implementation of the required remedial works, the Coal Authority has **no objections** to this planning application.

Notwithstanding the above, this would be **subject to a condition to ensure the implementation of the remedial works and subsequent validation**.

The Coal Authority's Recommendation to the LPA

The information submitted in support of this planning application confirms that shallow coal mine workings pose a risk to the proposed development and that remedial measures will be required.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. *No development shall commence until;*

   a) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

   The remediation works/mitigation measures works shall be carried out in accordance with authoritative UK guidance.

2. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

The Coal Authority therefore **has no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.*

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

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

Yours sincerely

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

General Information for the Applicant

Please note that any comments that the Coal Authority has made in a Planning context are without prejudice to the outcomes of any Permit application.

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. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
https://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.