



The Coal
Authority



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For the Attention of: Ms K. Wilson – Case Officer
Kirklees Council

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

16 May 2023

Dear Ms Wilson

PLANNING APPLICATION: 2023/62/90922/E

**Erection of detached dwelling with detached garage at Adjacent Fieldhead, 7
Town Gate, Scholes, Cleckheaton, BD19 6ET**

Thank you for your consultation letter of 26 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 application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, the Coal Authority's information indicates that the application site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Phase I Desktop Study and Preliminary Risk Assessment Report (June 2022, prepared by Geoenviro Solutions Limited), which includes a Coal Mining Risk Assessment at Section 4.5. Based on a review of coal mining and geological information, the submitted report concludes that coal mining legacy poses a low risk of instability to development at the site. Nevertheless, it goes on to recommend the undertaking of a borehole investigation to confirm conclusions in the report regarding the strata present and the depth to the anticipated coal seams.

The application is also accompanied by a Phase II / Ground Investigation and Updated Risk Assessment Report (August 2022, also prepared by Geoenviro Solutions Limited), which indicates that two rotary boreholes were drilled within the site to maximum depths of 30.0m bgl in order to investigate the shallow coal mining situation.

The report advises that a single intact 0.2m – 0.3m thick coal seam, considered to be the Linfit Lousey Coal seam, was encountered in each borehole. No evidence of mine workings was noted. Based on the results of the investigations, the report concludes that the risk to surface stability posed by shallow coal mining legacy is very low to negligible. No further remedial works or mitigatory measures are proposed in this regard.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team considers that the content and conclusions of the Phase I Desktop Study and Preliminary Risk Assessment Report, as supplemented by those of the Phase II / Ground Investigation and Updated Risk Assessment Report, are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulations application.

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.

SuDS

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.

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

Yours sincerely

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.