



The Coal
Authority



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RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

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

[By Email: DC.Adm in@kirklees.gov.uk]

31 May 2023

Dear Mr Harrison

PLANNING APPLICATION: 2023/62/91116/E

Erection of 67 dwellings at Land off Primrose Lane, Hightown, Liversedge

Thank you for your consultation letter of 10 May 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: Substantive Concern

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 records indicate that five mine entries are present within the site. Mine shafts 419424-004, 419424-005 and 419424-006 are recorded to have been capped and are located within a fenced compound in the northern part of the site. We hold no details of any past treatment of shaft 419424-020 located close to the aforementioned capped shafts, nor do we hold any treatment

details for shaft 419424-014 which is located towards the southern end of the site. Due to potential plotting inaccuracies, the actual positions of these former coal mining related features could depart/deviate from their plotted positions by several metres. An untreated or an inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

We take this opportunity to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Our information also indicates that a coal seam is conjectured to outcrop across the site and that historic unrecorded coal mining activity is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with 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 Coal Mining Risk Assessment (13 July 2022, prepared by Wardell Armstrong); however, the Coal Authority's Planning & Development Team does not consider that this adequately addresses the impact of coal mining legacy on the specific scheme of proposed development. We therefore **object** to the application.

Based on a review of relevant sources of coal mining and geological information, the submitted report identifies the potential for possible unrecorded shallow coal mine workings to pose a stability risk to the proposed development. It goes on to recommend that a borehole investigation is carried out across to further assess the shallow coal mining situation and to inform any necessary remedial measures.

The report also acknowledges the presence of the recorded mine shafts within the site and highlights that these features pose a potentially high risk of instability. It correctly points out that development within the zones of influence of the mine entries should be avoided where possible. However, it goes on to comment that the proposed development would be constructed within the zone of influence of the mine entries. It advises that intrusive investigations are required to prove the exact location and characteristics of known mine entries.

The Coal Authority's Planning & Development Team concurs with the report conclusion that intrusive investigations are necessary in order to establish the extent and characteristics of coal mining legacy affecting the site. However, we are concerned that the available information would suggest that the proposed layout of development has not been suitably informed by the presence of the mine shafts and their associated zones of influence, with buildings proposed close to or potentially over these features.

In order to demonstrate the acceptability of the proposed detailed development layout for which approval is being sought, we consider that intrusive investigations should be carried out prior to the determination of the application to locate and to establish the condition of all recorded mine shafts present, including establishing the adequacy of any past remedial treatment works carried out.

The information gained from these site investigations will enable the position of the shafts to be identified and their associated zone of influence to be calculated. This will allow any necessary revisions to be made to the site layout to ensure that the built development is sited in a manner which avoids the shafts and their zones of influence. These details should be clearly shown on a revised proposed Site Plan.

Prior to the undertaking of any such investigations, the Coal Authority considers that it would be prudent for the applicant to carry out a positional review of the mine entries from source data, to ensure that investigations are based upon the most accurate best plot positions for the shafts.

The applicant should note that any intrusive investigations carried out at the site should be undertaken by competent persons. Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

We acknowledge that a Preliminary Phase 2 Ground Investigation (September 2021, prepared by MDJA) has been submitted in support of the application, however, this specifically states at paragraph 1.4 *'It should be noted that to date, there has been no investigation in respect of possible shallow mine workings and to locate two possible mineshafts on the site. This is planned for a future phase of investigation, which will also include the area of woodland proposed as Public Open Space.'*

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.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

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.

The Coal Authority Recommendation to the LPA

The supporting Coal Mining Risk Assessment does not demonstrate that the proposed detailed layout of development has been suitably informed by the presence of the mine entries recorded to be present within the site. It is the opinion of the Coal Authority's Planning & Development Team that the risk and uncertainty posed is such that further specialist investigation is required prior to the determination of the application to ensure that the LPA has sufficient information to be satisfied that the application site can be safely developed in the manner proposed.

The applicant should therefore be required to carry out intrusive site investigation works, subject to obtaining Coal Authority permission, to determine the extent of past coal mining activities and the implications for the layout and design for their development proposal. Any remedial, preventative and mitigatory measures should then be proposed as part of a revised report, as necessary, to address issues of land instability.

We would be pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

Please do not hesitate to contact me if you wish to discuss the above matters 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

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.