



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.Admin@kirklees.gov.uk]

5 July 2023

Dear Mr Harrison

PLANNING APPLICATION: 2023/62/91116/E

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

Thank you for your consultation letter of 23 June 2023 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Substantive Concern

The application site falls within the defined Development High Risk Area. 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.

In addition, our information 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.

We last commented on this application in a letter to the LPA dated 31 May 2023. In this letter, we objected to the proposal due to concerns that it had not been demonstrated that the proposed layout of development had 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.

We went on to advise that intrusive investigations should be carried out prior to the determination of the application in order to locate all recorded shafts present within the site, including establishing the adequacy of any past remedial treatment works. We advised that the information gained from these investigations should be used to make any necessary revisions to the proposed layout to ensure that built development avoids the shafts and their associated zones of influence.

We note that the applicant has now submitted a Shallow Coal Mining Investigation Report (May 2023, prepared by Wardell Armstrong) in support of their application. The report indicates that evidence of underground mine workings was encountered during the investigations. It advises that further detailed design work and possibly intrusive investigation are required to inform remedial works to address the risk of instability posed by this mining legacy. These works may entail the extraction/removal of coal from outcrop and the undertaking of a drilling and grouting programme to stabilise any shallow workings present within influencing distance of the surface.

In terms of the recorded mine entries, the report advises that the fenced compound containing shafts 419424-004, 419424-005 and 419424-006 was visually inspected but the shafts were not visible at ground level. It advises at Section 10.2.5 that *'The potential zone of collapse / influence will need to be established for these mine shafts, and this could constitute a no build zone if the level of remedial works undertaken are not sufficient to allow for the inclusion of proposed building envelopes within influencing distance of these mine entries.'*

The report indicates that shaft 419424-014 was located in the southern part of the site. It advises at Section 10.2.2 that *'For the proposed development, construction over any mine entries should generally be avoided, even if optimally treated and development / construction is located outside of the potential collapse zone. A no-build zone typically rising at a 45-degree angle from the estimated edge of an untreated mine entry at the depth of geological bedrock, projected to the surface, is usually specified for the potential collapse zone, although further detailed design works are required to determine site specific angles of repose for each mine entry.'*

Section 10.2.3 of the report advises that *'Where the risk posed from mine entry 419424-014 cannot be mitigated by avoidance within the design process or where ground works or*

construction is to be undertaken potentially within influencing distance of the mine entry, then treatment will likely be required possibly by means of drilling and grouting to the full depth of the shaft and capping with reinforced concrete at the level of competent rock. The potential collapse zone around the mine shaft may also need to be treated. Additional structural precautions may also be required for new structures.'

The report indicates that trenching was carried out at the recorded position of shaft 419424-020. No evidence of the shaft was identified within the trial trenches, however, it indicates that walls and concrete footings of former colliery buildings occupying the site were encountered. It advises that further works extending to undisturbed natural ground will be required to prove/disprove the presence of the shaft.

The report goes on to advise at Section 10.2.6 that '*In the event that the mine shaft is not located, and the CA do not agree that the investigated area is free from impediment, then they could adopt a precautionary approach and stipulate that the general area be developed as public open space that possibly employs bridging techniques (e.g. use of geosynthetics), which should hold the ground long enough to reveal any slumping and draw attention to the possibility of major collapse for any further works.'*

The Coal Authority's Planning & Development Team welcomes the investigatory works carried out to-date. However, the submitted information does not satisfactorily address the concerns set out in our initial consultation response letter. We must therefore **maintain our objection** to the application.

The applicant should be advised of our continued objection and requested to undertake further investigations to fully establish the risks posed by the recorded mine entries to the proposed development, to identify appropriate remedial and mitigatory measures to address these risks and to make any necessary revisions to the proposed detailed layout of development.

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 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 would like to discuss this matter further.

Yours sincerely

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.