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The Coal
Authority

For the Attention of: Ms L Bearcroft – Case Officer
Kirklees Council

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

30th May 2023

Dear Ms Bearcroft

PLANNING APPLICATION: 2023/44/91305/W

Discharge conditions 5 (Code of Construction Practice), 6 (Construction Traffic Management Plan), 10 (Contaminated Land) of deemed planning permission granted by the Department for Transport in relation to The Network Rail (Huddersfield to Westtown (Dewsbury) Improvements Order 2022, Stage 3 of the Development; Railway Line And Associated Land Between, Huddersfield And Westtown (dewsbury), Within The Order Limits Of The Network Rail, (huddersfield To Westtown (dewsbury), Improvements Order 2022

Thank you for your notification of the 10th May 2023 in respect of the above.

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.

Our records indicate that within the area of the Order there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings, surface mining and reported surface hazards. These features pose a potential risk to surface stability and public safety.

We have previously commented on discharge of conditions in relation to this Order, under planning reference 2022/44/93858/W, in a letter to the LPA dated 28th December 2022, and planning reference 2022/44/93945/W in a letter to the LPA dated 9th January 2023.

I noted that the Inspectors Report, dated 9 March 2022, had been reviewed, including the conditions imposed on the Order granted, none of which relate to coal mining features and the risks these may pose to the development. On this basis we had no comments to make on the discharge of conditions as proposed. Our response remains the same to this current discharge of condition consultation.

However, notwithstanding the omission to impose a relevant condition in respect of coal mining legacy features, we would still expect the risks posed by these features to be properly considered. Any remedial works necessary to ensure the safety and stability of the works proposed should be implemented on site in a timely manner.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

SUDs

It should be noted that 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.

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.

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

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA(Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI

Development Team Leader (Planning)

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. 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: 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.