



The Coal  
Authority



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For the Attention of: Katie Chew – Case Officer  
Kirklees Council

**[By Email: [DC.Admin@kirklees.gov.uk](mailto:DC.Admin@kirklees.gov.uk)]**

27 October 2023

Dear Katie

**PLANNING APPLICATION: 2023/60/91406/W**

**Outline application for erection of residential development; land south of 98  
Burn Road, Birchenclyffe, Huddersfield, HD2 2EG**

Thank you for your consultation letter of 12 October 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.

The Coal Authority records indicate that 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, specifically a recorded mine entry (shaft) is within, or within 20m of the planning boundary.

An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform the Phase 1 Desk Study Report & Coal Mining Risk Assessment (March 2023, prepared by Abbeydale Building Environment Consultants Ltd), which accompanies the planning application.

Based on this review of information obtained, the Report is able to discount any undue stability risks posed by shallow coal mine workings. However, the Report confirms that the mineshaft is located beyond the northern boundary of the site and is physically marked on the ground. The Report goes on to confirm that a 5m stand-off distance should be maintained and that an investigation of the depth to rock head should be undertaken within the site to determine any implications on the development site, most notably the access.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit 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.

## 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.

### The Coal Authority Recommendation to the LPA

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried. In order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe and stable for the development proposed you may wish to consider the imposition of planning conditions that cover the issues set out below.

Prior to, or concurrent with the submission of the first reserved matters application:

\* The undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (mine entry);

\* As part of the reserved matters application a report of findings arising from the intrusive site investigations and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entry (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;

Prior to the commencement of development:

\* Implementation of the remedial works.

*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 Coal Authority therefore **has no objection** to the LPA granting outline consent at this site, **subject to the imposition of the conditions to secure the above.**

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.

Yours sincerely

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

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. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Where development is proposed over areas of coal and past coal workings at shallow depth, the Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from the Coal Authority. Further information can be found at: <https://www.gov.uk/get-a-licence-for-coal-mining>

### 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.*