



The Coal
Authority

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For the attention of: Ms N. Sayers – Case Officer

Kirklees Council

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

12 July 2024

Dear Ms Sayers

Re: Planning application 2023/62/92200/E

Erection of single storey retail unit with associated parking area and modification to existing site access and egress (within a Conservation Area) at Former Petrol Station, North Road, Kirkburton, Huddersfield, HD8 0RL

Thank you for your notification of 11 July 2024 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 Coal Authority's defined Development High Risk Area. Therefore, within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

More specifically, the 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.

We note that the application is accompanied by a Phase I Desk Study Report (24 May 2022, prepared by PRP Environmental). Based on a review of coal mining and geological information, the report concludes that possible unrecorded shallow coal mine workings pose a potential risk of instability at the site. It goes on to recommend the undertaking of a borehole investigation in order to establish whether unrecorded shallow workings are present and to inform any necessary remedial measures.

The application is also accompanied by a Phase II Ground Investigation Report (2 August 2022, also prepared by PRP Environmental). This report indicates that intrusive investigations carried out at the site included the drilling of two rotary boreholes to depths of 30.0m bgl to determine the shallow coal mining situation. These works were carried out under Coal Authority Permit No. 25095.

The report indicates that a significant thickness of made ground was encountered in the boreholes. It advises that no coal seams or evidence of mine workings were encountered during drilling. As such, it concludes that the risk posed by past coal mining activities is low. No specific coal mining legacy related remedial or mitigatory measures are proposed, although recommendations are made for foundation design based on ground conditions encountered.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team considers that the Phase I Desk Study Report and subsequent Phase II Ground Investigation Report and the professional opinions contained therein are sufficient for the purposes of the planning system and meet the requirements of the NPPF in demonstrating that the application site is safe and stable for the proposed development in terms of coal mining legacy. 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 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.

If you would like to discuss this matter further, please contact me on the above number.

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 and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed 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 advisors for this development in relation to ground conditions and the acceptability of development.