



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 E. Cheseldine – Case Officer
Kirklees Council

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

24 October 2023

Dear Mr Cheseldine

APPLICATION: 2023/44/92799/E

Discharge conditions 3 (facing/roofing materials), 4 (Phase I Desk Study Report), 5, 6, 7 (Phase II Site Investigation Report), 8, 9 (Remediation Strategy), 10 (intrusive site investigations) on previous permission 2020/93274 for erection of 2 semi-detached dwellings Adjacent 19 Burnside Close, Birstall, Batley, WF17 0NS

Thank you for your consultation letter of 10 October 2023 seeking the views of the Coal Authority on the above application.

The Coal Authority Response:

The Coal Authority's particular interest in this instance lies with Conditions 9 and 10 of planning permission 2020/93274, which state:

9. *No development shall commence until:*
- a) *a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and*
 - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full to ensure that the site is made safe and stable for the development proposed.*
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.*

10. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

We note that the condition discharge application is accompanied by a Drilling & Grouting Report (27 June 2023, prepared by Groundsolve Ltd). This report indicates that an intrusive investigation was undertaken in July 2021 to assess the risk posed by shallow mining activity. It advises that the investigation, which comprised the drilling of boreholes to depths of up to 30.0m bgl, encountered possible evidence of shallow mine workings at a depth considered to pose a high risk to the development. As such, stabilisation works were considered necessary.

The report goes on to advise that a programme of drilling and grouting has been carried out on a grid pattern across the site to stabilise the shallow mine workings present. It concludes at Section 6 that *'The site has been drilled & grouted by Spurr Geotechnical Ltd in line with the grouting specification. GSL have reviewed the site records and have determined that the site has been treated in accordance with the specification.'* These works were carried out under Coal Authority Permit No. 26614.

The Coal Authority's Planning & Development Team welcomes the investigatory and remedial works carried out. Whilst not explicitly stated (as required by Condition 10), we assume that the report author is satisfied that the site has been made safe and stable for the approved development. Subject to the LPA receiving confirmation on this matter from the applicant, the Coal Authority would have no objection to the LPA discharging Conditions 9 and 10 of the issued consent, in terms of coal mining legacy related land instability matters, should it see fit.

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

Yours sincerely

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 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.