



The Coal
Authority

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For the attention of: Nicole Helliwell – Case Officer

Kirklees Council

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

30 August 2024

Dear Ms Helliwell

Re: 2023/62/93135/E

Erection of units for class E business use; SPENBECK BUSINESS PARK, BALME ROAD, CLECKHEATON, BD19 4EW

Thank you for your notification of 9 August 2024 seeking the views of the Coal Authority on 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.

The Coal Authority response: **Material Consideration**

I have reviewed the proposals and confirm that the application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the application site and surrounding area there are recorded coal mining features present at surface or shallow

depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records indicate that the site lies within an area of probable historic unrecorded shallow coal mining. This could affect public safety and surface stability for the proposed development.

The planning application is accompanied by several reports providing details of the intrusive site investigations carried out within the site and the necessary remedial works required to mitigate the risk posed to the proposed development by historic shallow coal mining encountered beneath the site:

- Coal Risk Assessment Report (J4743/19/E/CRA, June 2019 prepared by Rogers Geotechnical Services Ltd);
- Shallow Mining Investigation Report (C392/02/AS, 10th October 2020 prepared by G&M Consulting Ltd);
- Ground Environmental Appraisal and Remediation Strategy (C392 – rev B, October 2021 prepared by G&M Consulting Ltd); and
- Drilling and Grouting Method Statement (B25039-JNP-XX-XX-RP-G-1001, September 2022, prepared by JNP Group Consulting Engineers).

It is noted that the planning application is for the resubmission of an approved application: 2019/62/92338/E. The Coal Authority were consulted by the LPA as part of the planning application process for the approved scheme and the applicant's subsequent discharge of conditions application: 2020/44/93660/E of which were also accompanied by the above Reports. No objections were raised by the Planning team at the Coal Authority, subject to the remedial works, as designed by JNP Group Consulting Engineers, were incorporated as part of the approved development. It should be noted that we highlighted that *"The applicant's competent geotechnical experts should consider whether it is also necessary to drill and grout beneath some/all of the service area, especially bearing in mind the relative shallow nature of the voids"*.

The applicant is aware that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any further activity, such as ground stabilisation 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

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.

Sustainable Drainage

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

In light of the above, the Coal Authority recommends the imposition of the following condition:

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 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 completion of remedial works and/or mitigation necessary, as identified by JNP Group Consulting Engineers to address the risks posed by past coal mining activity.

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 has **no objection** to the proposed development **subject to the imposition of the condition** to secure the above.

It is also requested that the following Informative Notes are included on any planning permission granted:

1 - Ground Investigations

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 to enter or disturb our property may result in 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

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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

Yours sincerely

Deb Roberts *M.Sc. MRTPI*
Planning & 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.