



The Coal
Authority

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For the attention of: Mr W. Simcock – Case Officer
Kirklees Council

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

19 February 2024

Dear Mr Simcock

Re: Planning application 2023/62/93704/E

**Erection of 10 dwellings and associated works at Land Northwest of Urban Terrace,
Denby Lane, Grange Moor, Huddersfield, WF4 4EB**

Thank you for your notification of 29 January 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 application 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 Coal Authority records indicate the presence of three mine shafts within the site (CA refs. 422416-004, 422416-005 and 422416-029). An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

We take this opportunity to highlight that 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. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at:

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

In addition, our records indicate that coal mining has taken place beneath the site at shallow depth and that the site lies in an area where further historic unrecorded shallow coal mining is likely to have occurred. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The application is accompanied by a Geoenvironmental Appraisal report (December 2022, prepared by Lithos), which reviews a range of sources of coal mining and geological information along with the results of intrusive investigations carried out at the site under Coal Authority Permit No. 25697.

The report confirms that all three mine entries were found during a soil strip, with shafts 422416-004 and 422416-005 found to be backfilled with colliery spoil and shaft 422416-029 (considered by the report author to be a possible well) found capped. It advises the shafts should be drilled to prove their bases and capped at or below rockhead. Section 15.2.16 sets out the calculated zones of influence for the shafts.

We are pleased to note that the shaft positions and their calculated zones of influence are shown on the proposed Site Layout (Drawing No 22D26-FBA-ZZ-XX-DR-A-0708 Rev. P11). This plan demonstrates that the proposed dwellings have been sited in a manner which avoids the shafts and their associated zones of influence.

The report advises that probeholes undertaken to determine the shallow coal mining situation established that the 2nd Brown Metal (aka Low Fenton) coal seam has been worked at shallow depth beneath the site. Accordingly, it goes on to advise that these workings will require consolidation by means of drilling and grouting on a grid pattern where they are present at a depth which lies within influencing distance of the surface (as outlined on Drawing 4511/14 included in report Appendix B).

The Coal Authority's Planning & Development Team welcomes the investigative works carried out to inform the proposed scheme of development and we welcome the recommendations for the undertaking of further works to remediate coal mining legacy affecting the site. These works should be designed and carried out by competent persons in order to ensure the safety and stability of the development as a whole, including the

buildings and external parts of the site such as the access road and vehicle parking vehicle areas, where necessary.

The applicant is requested to note that Permission is required from the Coal Authority's Permitting & Licensing Team before undertaking any remedial works that will disturb Coal Authority property. 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 the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

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

The Coal Authority's Planning & Development Team concurs with the conclusions of the Geoenvironmental Appraisal report; that coal mining legacy poses a risk to stability at the site and that remedial works are required in order to ensure the safety and stability of the development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. No above ground development shall commence until remedial works to address land instability arising from shallow coal mining legacy and recorded mine shafts 422416-004, 422416-005 and 422416-029 have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.***

2. ***Prior to the occupation of the development 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 the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.***

The Coal Authority therefore wishes to raise **no objection** to the proposed development **subject to the imposition of the above conditions**. 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 following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. 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.

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

Yours sincerely

James Smith

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 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.