



Kirklees Council  
Planning and Development Service  
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Date: 13-Mar-2024  
Our Ref: 2024/90009

Dear Sir/Madam

**Application for Approval of Details Reserved by Condition  
Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990**

**Discharge conditions 5, 6, 7, 8 (Phase II Site Investigation Report/Remediation Strategy) on previous permission 2020/93274 for erection of 2 semi-detached dwellings  
adj, 19, Burnside Close, Birstall, Batley, WF17 0NS  
Application Number: 2024/90009**

I write with reference to your application to discharge the conditions for the above development as submitted on 02-Jan-2024.

Condition 5

The following has been submitted:

- Phase II Interpretative Report, by RB Geotechnical, titled Development at 19 Burnside Road, ref: RBG326, dated February 2024.
- An email dated 6<sup>th</sup> February 2024

Following the advice from KC Environmental Health on the adequacy of the Phase II report, the submitted documentation is acceptable and recommended Condition 5 can be discharged.

Condition 6

The following has been submitted:

- Remediation Strategy, by RB Geotechnical, titled Development at 19 Burnside Road, ref: RBG385, dated February 2024.

Following the advice from KC Environmental Health on the adequacy of the Remediation Strategy, the submitted documentation is acceptable and Condition 6 can be discharged.

#### Condition 7

The condition is cautionary, should any unexpected ground contamination be present when ground works commence, therefore the condition will not be discharged to ensure the safe occupation of the site.

#### Condition 8

Given the remediation strategy is not complete and a validation report has not been submitted, Condition 8 must remain until the report is produced.

### **Development within a Coal Mining Area**

#### **DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

**Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. 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 a Coal Authority Permit for such activities is trespass, with the potential for court action.**

**If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:**

**[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)**

### **Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speeder installation at a later date.

To discuss the benefits that FTTP may have for your development, please contact Carl Tinson in Kirklees Council's Digital Team at [carl.tinson@kirklees.gov.uk](mailto:carl.tinson@kirklees.gov.uk)

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.



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**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

Yours faithfully

Mathias Franklin  
Head of Planning and Development