



The Coal  
Authority

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**For the attention of: Edward Cheseldine – Case Officer**

Kirklees Council

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

7 March 2024

Dear Edward

**Re: 2024/62/90346/E**

**Change of use to Class B2 for use as industrial transport yard, with associated new office building, new fencing including new pedestrian and vehicular gates, widening of vehicular access, including re-surfacing of yard and access threshold, and new lighting to yard; Future House, Pheasant Drive, Birstall, Batley, WF17 9LT**

Thank you for your notification of 26 February 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: Fundamental Concern**

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings.

Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority **objects** to this planning application, as a Coal Mining Risk Assessment Report has not been submitted as part of the application.

It is a requirement of the National Planning Policy Framework, paragraphs 189-190 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

#### The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with the National Planning Policy Framework, paragraphs 189-190.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

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

Yours sincerely

**Chris MacArthur** B.Sc. (Hons), DipTP, MRTPI  
**Planning Liaison Manager**

## General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on and add to up-to-date information of past coal mining activities in relation to the application site. Coal Mining Reports are available from [www.groundstability.com](http://www.groundstability.com) or by telephoning 0845 762 6848.

This coal mining information should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at:

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

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

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 will result in trespass, with 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:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

## Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining 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.