



Minerals and Waste Planning
Environmental Permitting
Quarry Consultant

**A FULL PLANNING APPLICATION FOR THE CONSTRUCTION AND USE OF A
CONCRETE BATCHING PLANT, INCLUDING THE ERECTION OF A SINGLE STOREY
OFFICE BLOCK AND THE INSTALLATION OF A CONCRETE PAD AT NEWLAY
READYMIX LTD, THORNHILL WORKS, CALDER ROAD, DEWSBURY WF12 9HY**

**SUBMITTED ON BEHALF OF
NEWLAY READYMIX LTD
THORNHILL WORKS, CALDER ROAD, DEWSBURY WF12 9HY**

SUPPORTING STATEMENT

MARCH 2024

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1. INTRODUCTION

- 1.1 We are instructed by Newlay Readymix Ltd (“the Applicant”) to produce a planning statement in support of a full planning application for the construction and use of a concrete batching plant, including the erection of a single storey office block and the installation of a concrete pad (“the Application”) at Thornhill Works, Calder Road, Dewsbury WF12 9HY (“the Site”). The Site which covers an area of 0.53 ha, is located within the Newlay Concrete premises at the Thornhill Works which is also used for the manufacture of concrete blocks and asphalt.
- 1.2 The new concrete batching plant is to replace an existing batching plant, which is to be removed as it is located on land to be taken by Network Rail for the Pennine Rail Upgrade works. The new batching plant would not result in an increase in employment or traffic movements.
- 1.3 The Site and its locality are shown on Drawing 10241/01 and in Figure 1 following.

Figure 1

Google Earth Image showing the Site in its setting



- 1.4 The whole site operates on a 24 hour, seven day week basis, and the batching plant would do so as well.

2 THE APPLICATION

- 2.1 The Application seeks permission to erect a new concrete batching plant adjacent to an existing batching plant that has been in operation for over ten years. The relocation

is required as Network Rail is to take part of the existing location for the Pennine Rail Upgrade works.

- 2.2 The new batching plant is shown in plan view and elevation on drawing 141721 F, with its location within the Works shown on Drawing 10241/02. The plant will consist of feed hoppers for sand and other feed solids, and an elevating conveyor to a batch weigher. Each individual batch is fed to a mixer via an elevator where it is mixed with cement and water to make a damp concrete mix. The cement powder is fed from a silo using an elevating screw. The plant would be entirely powered by electricity.
- 2.3 The concrete mix is then delivered into containers below to be moved off-site via Calder Road to customers.
- 2.4 A concrete pad will be constructed on that part of the Site which is not yet concreted. A drainage scheme is being prepared for discharge to soakaway. There will be no need for any off-site drainage.
- 2.5 It is requested that the planning authority condition the submission of a drainage scheme before any construction takes place.
- 2.6 The tallest part of the batching plant will be the cement silo at 11.5m. The main body of the weigher will be covered with single sheet cladding of grey colour. The feed hoppers will be 7.8m tall and likewise covered in grey single sheet cladding, with the mixer/loader being 10.2m high. Overall length will be 36m.
- 2.7 A new single storey office block will be erected to replace the existing two storey block. The office will comprise a 12m by 9.6m modular building, steel framed with coated steel external panels. It will be 3.3m high and finished in pale blue with dark blue trimmings. The floor plan and elevations are shown on drawing 9875-1. Its location is shown on drawing 10241/02.

3 DESIGN AND ACCESS STATEMENT

- 3.1 The criteria for design and access statements is set out in The Town and Country Planning (Development Management Procedure) England (Amendment) Order 2013. Such statements are required for major development, or where the development consists of one or more dwelling houses or buildings with floor space of more than 100m².
- 3.2 As this application is not for major development, a Design and Access Statement is not required.

4 FLOOD RISK ASSESSMENT

- 4.1 The Site is within Flood Zone 1 on the Environment Agency flood map for planning, as shown in Appendix 1 attached. The proposal would be sited on a concrete pad within an existing industrial site, draining to soakaway. It would therefore not be deemed to have any significant impact on surface water run-off. There have been no historic issues with flooding on the site and the batching plant would not be susceptible to weather or water from flooding. There would be no detrimental consequences should the Site flood.
- 4.2 As defined in the NPPF, mineral working and processing are in any case, treated as a Less Vulnerable Use. The proposed development is not considered to be vulnerable to the effects of local flooding.
- 4.3 As a direct replacement for an existing plant, the new plant also needs to be located within the Thornhill Works, and so there is no choice about its location.

5 COAL MINING REPORT

- 5.1 A Coal Mining Report has been prepared and is attached as Appendix 2. The report concluded that it was likely that any risks associated with past coal mining development are likely to be minimal and no mitigation would be required.

6 PLANNING HISTORY

- 6.1 There have been a number of planning permission granted in recent years including the following:
- Cert of Lawfulness for production of concrete (2011/46/92752/E) dated 12/01/2012
 - Erection of Asphalt Plant (2012/62/92240/E) dated 18/02/2013
 - New Office Block (2015/92564) dated 21/12/2015

7 PLANNING POLICY

National and Local Planning Policy

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the statutory development plan consists of The Kirklees Local Plan (2019).
- 7.2 In addition, National policy as set out in the National Planning Policy Framework 2023 (NPPF) is a material consideration.

The National Planning Policy Framework

- 7.3 The NPPF sets out the purpose of the planning system as contributing to the achievement of sustainable development.

Sustainable Development

- 7.4 A definition of sustainable development is set out in the Framework's introduction, and is taken from the World Commission on Environment and Development in 1987:

Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

The Framework describes the three dimensions to sustainable development as economic, social and environmental, and seeks positive improvements in the quality of the built, natural and historic environment.

- 7.5 Paragraph 8 defines the three roles of the planning system as an economic role:

“to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure”

a social role:

“to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being”

and an environmental role:

“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”

- 7.6 Paragraph 11 sets out the presumption in favour of sustainable development, which for decision-taking means:

“c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

- 7.7 Section 6 of the Framework deals with building a strong, competitive economy. Paragraph 85 notes that *"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."* Paragraph 87 goes on to state that "Planning policies and decisions should enable...a) the sustainable growth and expansion of all types of business in rural areas.
- 7.8 Newlay Concrete at Thornhill Works is a well established business in the locality, and provides employment opportunities for local people. The proposed new concrete batching plant would support the existing level of employment as a necessary replacement for an existing batching plant.
- 7.9 The new batching plant would qualify as a sustainable development for the following reasons:
- It would utilise existing developed land; and
 - It would enable the Applicant to continue its operations on this Site.
 - As a sustainable development, the Framework presumption in favour should apply.

Climate Change and Flooding

- 7.10 The proposal utilises an existing developed land and will be located on a concrete pad which discharges to soakaway. There would be no increase in run-off from the Site and it is therefore resilient to climate change, meeting the requirements of Paragraphs 159 to 175.

The Natural Environment

- 7.11 Paragraph 180 states that *"The planning system should contribute to and enhance the natural and local environment by:*

- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”*

7.12 The proposed development has no impact on any designated ecological sites and can be operated without any unacceptable noise or other environmental impacts on the adjacent residential areas.

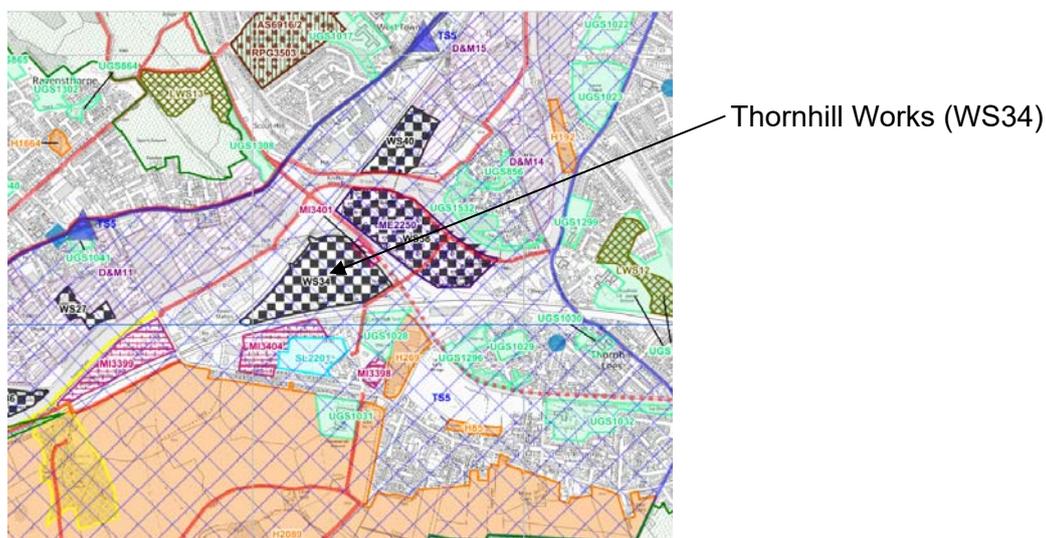
7.13 Overall therefore, the proposed development is appropriate for its location.

The Kirklees Local Plan 2019

7.14 The Site is an existing industrial site, which originated as a colliery and has been operated as a manufacturing centre for concrete blocks, asphalt and ready-mix concrete for over 60 years. It supplies essential materials to the local construction industry and provides over 100 jobs for local people. The concrete batching plant itself employs 16 people including ready mix wagon drivers.

7.15 Figure 3 following shows the Site as allocated as a waste site. However, it is described as Site WS34 Nab Lane, Birstall, Batley which is an incorrect address, although the Works does have an environmental permit for treating and storing waste. The Site itself is not listed under its own name.

FIGURE 3: LOCAL PLAN ALLOCATION



7.16 Policy LP7 deals with the efficient and effective use of land and buildings and advises that proposals:

- a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;
- b. should encourage the reuse or adaptation of vacant or underused properties;

The relocation of the concrete batching plant within the Works would be in accordance with this policy.

Policy Conclusions

- 7.17 Overall therefore, the Local Plan is fully supportive of the proposed development which helps build a strong, responsive and competitive economy. The activities can be operated without causing unacceptable harm to residential amenity. This can be classed as sustainable development and a presumption in favour should apply.

8 ENVIRONMENTAL IMPACT

- 8.1 The proposed new concrete batching plant would replace an existing batching plant, which has to be moved to make way for Network Rail's Pennine Rail Upgrade works. Power would be provided by electric connection and there would be no diesel powered generation.
- 8.2 The new plant would therefore generate no more noise than does the existing operation.
- 8.3 The main plant items would be sheeted and the conveyors shielded to prevent dust emissions.
- 8.4 There would be no significant increase in the production of ready mix concrete and thus the new plant would not lead to any additional traffic generation.
- 8.5 In visual terms, the re-location of the concrete batching plant will move the plant away from Calder Road further into the Works site. Any visual and landscape impact would be neutral.
- 8.6 The Site Manager will carry out daily inspections of the site to qualitatively identify any noise or dust issues. A diary record will be kept of the inspections, any issues identified and action taken to resolve the issues. Complaints received will also be recorded in the diary, together with the results of investigations and actions taken including reporting back to the complainant.
- 8.7 There should be no significant environmental impacts arising from the construction and operation of the proposed new concrete batching plant.

9 CONCLUSION

- 9.1 The proposed Site is located within an established industrial site, with the move being required by Network Rail's need to occupy the location of the existing batching plant. It would help to secure the future of the Works and the employment provided.

MWP Planning

- 9.2 The development can be carried out without any significant impact on the locality and the amenity of local residents.
- 9.3 National and Local Planning Policies are fully supportive of the proposed development which helps build a strong, responsive and competitive economy. The activities can be operated without causing unacceptable harm to residential amenity and can be classed as sustainable development with a presumption in favour of granting permission.
- 9.4 It is therefore respectfully requested that planning permission be granted to enable the development to proceed as set out in this application.

MWP Planning

Appendix 1

Environment Agency's Flood Map for Planning

Flood map for planning

Your reference
10241 Flood M

Location (easting/northing)
422495/419861

Created
23 Jan 2024 15:15

Your selected location is in flood zone 1, an area with a low probability of flooding.

You will need to do a flood risk assessment if your site is **any of the following:**

- bigger than 1 hectare (ha)
- In an area with critical drainage problems as notified by the Environment Agency
- identified as being at increased flood risk in future by the local authority's strategic flood risk assessment
- at risk from other sources of flooding (such as surface water or reservoirs) and its development would increase the vulnerability of its use (such as constructing an office on an undeveloped site or converting a shop to a dwelling)

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

Flood risk data is covered by the Open Government Licence **which** sets out the terms and conditions for using government data. <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Use of the address and mapping data is subject to Ordnance Survey public viewing terms under Crown copyright and database rights 2022 OS 100024198. <https://flood-map-for-planning.service.gov.uk/os-terms>

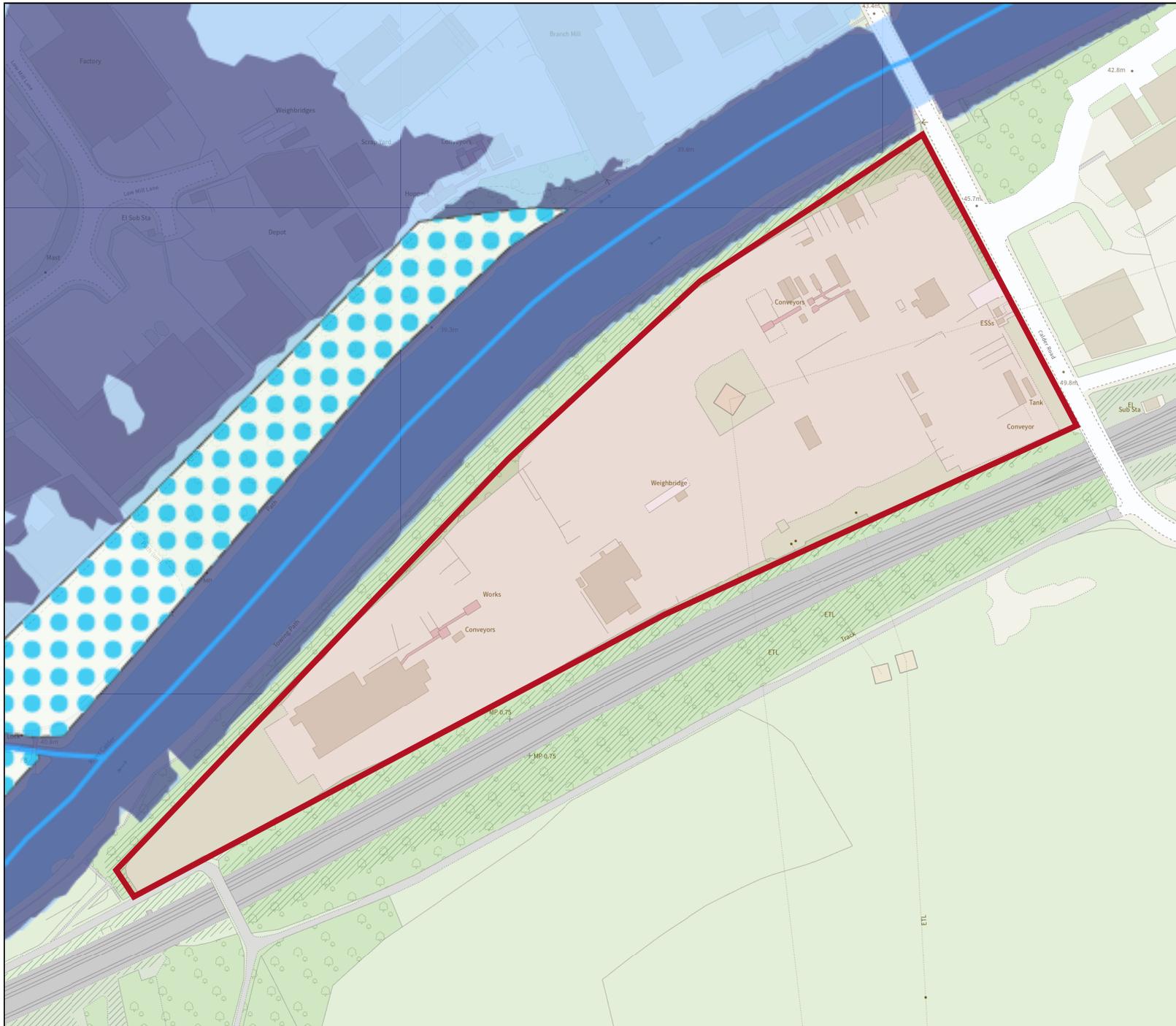
Flood map for planning

Your reference
10241 Flood M

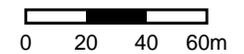
Location (easting/northing)
422495/419861

Scale
1:2500

Created
23 Jan 2024 15:15



-  Selected area
-  Flood zone 3
-  Flood zone 2
-  Flood zone 1
-  Flood defence
-  Main river
-  Water storage area



MWP Planning

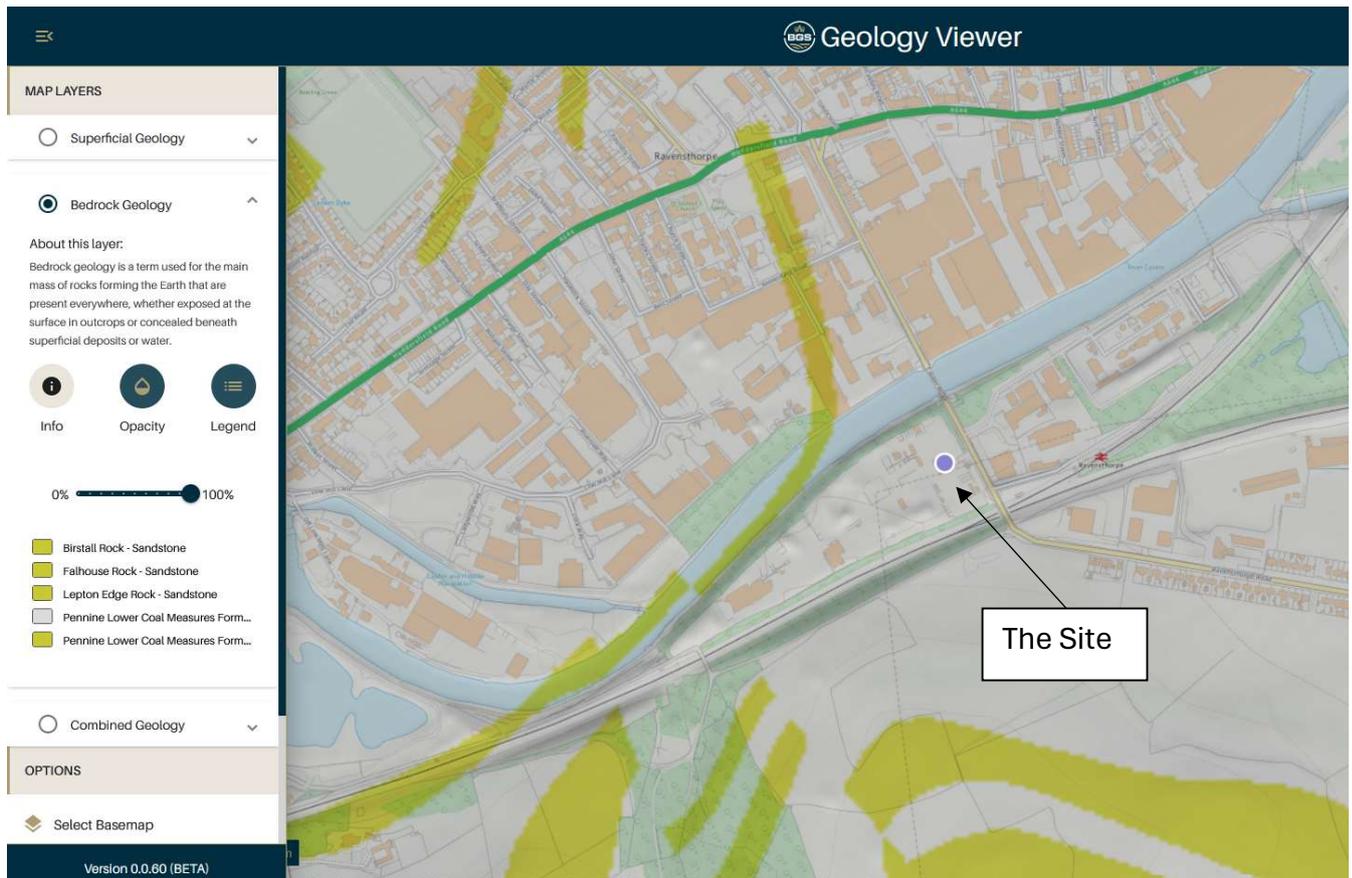
Appendix 2

Coal Mining Report

COAL MINING REPORT

The Site is located above the Pennine Lower Coal Measures Formation which comprise Interbedded grey mudstone, siltstone and pale grey sandstone, commonly with mudstones in the lower part, and more numerous and thicker coal seams in the upper part (See attached extract from the BGS Lexicon of Named Rock Units).

The Site is shown on the geology map below identified by a blue circle.

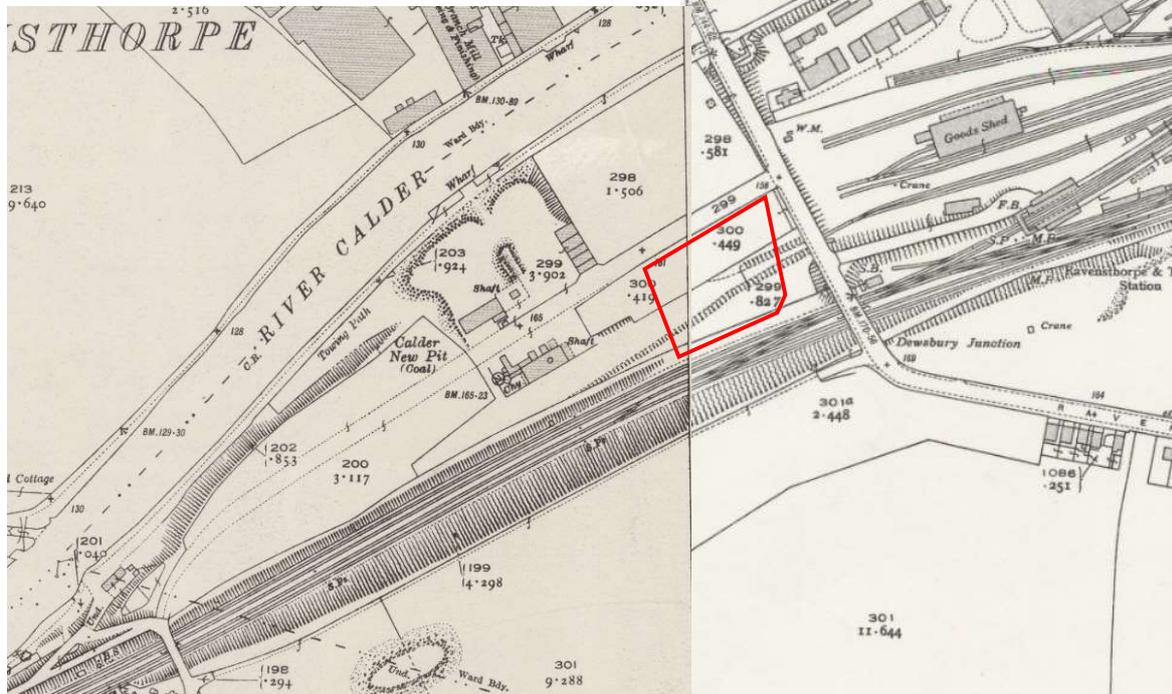


A CON29M Coal Mining Report has been obtained from the Coal Authority (see attached) which concluded that:

“The property is in a surface area that could be affected by underground mining in 2 seams of coal at 90m to 190m depth, and last worked in 1917. Any movement in the ground due to coal mining activity associated with these workings should have stopped by now.” The Site was also not within a surface area that could be affected by present or future underground mining.

There were no recorded mine entries within the site boundary.

It can be concluded that any risks arising from past coal mining development are likely to be minimal.



As can be seen from the above excerpt from a 1937 OS map, the Site lies within the boundary of the former Calder New Pit. The Colliery closed over 75 years ago and the area between the river, railway line and Calder Road has been in use for the manufacture of concrete blocks, asphalt and readymix concrete since 1947.

There are no known issues that have arisen on the site associated with past coal mining activities.

It is unlikely that any mitigation of risks posed by historic shallow mine workings will be required.

REPORT PREPARED BY

C J BALLAM BSc (Geography and Geology Combined Honours): MPhil (Remote Sensing):
FIQ

06/03/2024



The Coal
Authority

CON29M

coal mining report

NEWLAY CONCRETE, THORNHILL WORKS, CALDER ROAD, RAVENSTHORPE,
DEWSBURY, KIRKLEES, WF12 9HY



Known or potential coal mining risks

| | |
|--------------------------------|--------|
| Past underground coal mining | Page 4 |
| Future underground coal mining | Page 4 |
| Mine entries | Page 5 |



Further action

No further reports from the Coal Authority are required. Further information on any next steps can be found in our Professional opinion.

For more information on our reports please visit www.groundstability.com



Professional opinion

According to the official mining information records held by the Coal Authority at the time of this search, evidence of, or the potential for, coal mining related features have been identified. In view of the coal mining circumstances we would recommend that any planned or future development should follow detailed technical advice before beginning work on site. Please see **page 3** for further details on **Future development**.

Your reference: **10241**
Our reference: **51003409411001**
Date: **5 March 2024**

Client name:
NEWLAY CONCRETE

If you require any further assistance please
contact our experts on:
0345 762 6848
groundstability@coal.gov.uk

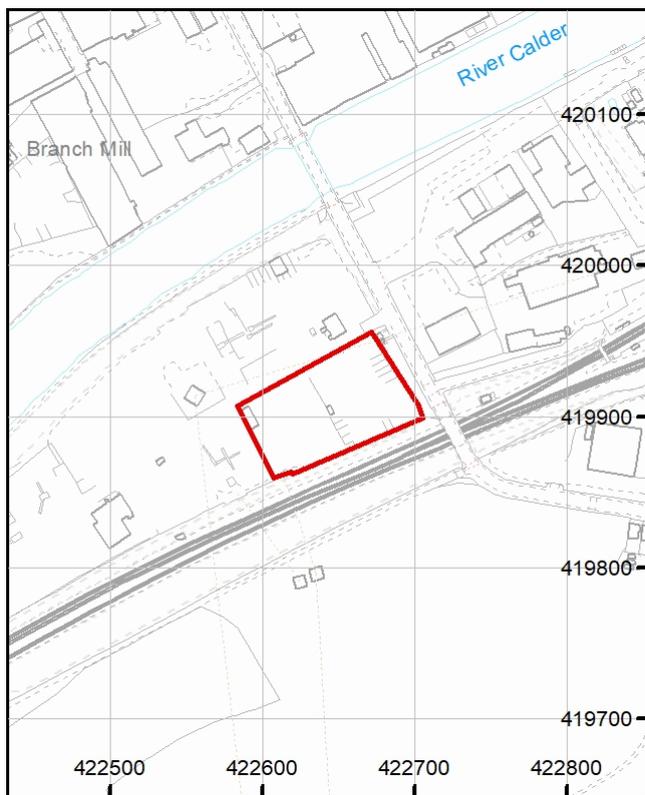


The Law
Society

Enquiry boundary

Key

Approximate position of enquiry boundary shown



We can confirm that the location is **on the coalfield**



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This report is prepared in accordance with the latest Law Society's Guidance Notes 2018, the User Guide 2018 and the Coal Authority's Terms and Conditions applicable at the time the report was produced.



Accessibility

If you would like this information in an alternative format, please contact our communications team on 0345 762 6848 or email communications@coal.gov.uk.

Professional opinion



Future development

If development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply specialist engineering practice required for former mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or coal mines without first obtaining the permission of the Coal Authority.

MINE GAS: Please note, if there are no recorded instances of mine gas within the enquiry boundary, this does not mean that mine gas is not present within the vicinity. The Coal Authority Mine Gas data is limited to only those sites where a Mine Gas incident has been recorded. Developers should be aware that the investigation of coal seams, mine workings or mine entries may have the potential to generate and/or displace underground gases. Associated risks both to the development site and any neighbouring land or properties should be fully considered when undertaking any ground works. The need for effective measures to prevent gases migrating onto any land or into any properties, either during investigation or remediation work, or after development must also be assessed and properly addressed. In these instances, the Coal Authority recommends that a more detailed Gas Risk Assessment is undertaken by a competent assessor.

If you are looking to develop, or undertake works, within a coal mining development high risk area your Local Authority planning department may require a Coal Mining Risk Assessment to be undertaken by a qualified mining geologist or engineer. Should you require any additional information then please contact the Coal Authority on **0345 762 6848** or email **cmra@coal.gov.uk**.

Detailed findings

Information provided by the Coal Authority in this report is compiled in response to the Law Society's CON29M Coal Mining enquiries. The said enquiries are protected by copyright owned by the Law Society of 113 Chancery Lane, London WC2A 1PL.

The Coal Authority owns the copyright in this report and the information used to produce this report is protected by our database rights. All rights are reserved and unauthorised use is prohibited. If we provide a report for you, this does not mean that copyright and any other rights will pass to you. However, you can use the report for your own purposes.

1 Past underground coal mining

The property is in a surface area that could be affected by underground mining in 2 seams of coal at 90m to 190m depth, and last worked in 1917.

Any movement in the ground due to coal mining activity associated with these workings should have stopped by now.

In addition the property is in an area where the Coal Authority believes there is coal at or close to the surface. This coal may have been worked at some time in the past. The potential presence of coal workings at or close to the surface should be considered, particularly prior to any site works or future development activity, as ground movement could still be a risk. Your attention is drawn to the Professional opinion sections of the report.

2 Present underground coal mining

The property is not within a surface area that could be affected by present underground mining.

3 Future underground coal mining

The property is not in an area where the Coal Authority has received an application for, and is currently considering whether to grant a licence to remove or work coal by underground methods.

The property is not in an area where a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area likely to be affected from any planned future underground coal mining.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

4 Mine entries

There are no recorded coal mine entries known to the Coal Authority within, or within 20 metres, of the boundary of the property.

This information is based on the information that the Coal Authority has at the time of this enquiry.

Based on the Coal Authority's knowledge of the mining circumstances at the time of this enquiry, there may be unrecorded mine entries in the local area that do not appear on Coal Authority records.

5 Coal mining geology

The Coal Authority is not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.

6 Past opencast coal mining

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

7 Present opencast coal mining

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

8 Future opencast coal mining

There are no licence requests outstanding to remove coal by opencast methods within 800 metres of the boundary.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

9 Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

10 Mine gas

The Coal Authority has no record of a mine gas emission requiring action.

11 Hazards related to coal mining

The property has not been subject to remedial works, by or on behalf of the Coal Authority, under its Emergency Surface Hazard Call Out procedures.

12 Withdrawal of support

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

13 Working facilities order

The property is not in an area where an order has been made, under the provisions of the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof.

14 Payments to owners of former copyhold land

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Statutory cover



Coal mining subsidence

In the unlikely event of any coal mining related subsidence damage, the Coal Authority or the mine operator has a duty to take remedial action in respect of subsidence caused by the withdrawal of support from land or property in connection with lawful coal mining operations.

When the works are the responsibility of the Coal Authority, our dedicated public safety and subsidence team will manage the claim. The house or land owner ("the owner") is covered for these works under the terms of the Coal Mining Subsidence Act 1991 (as amended by the Coal Industry Act 1994). Please note, this Act does not apply where coal was worked or gotten by virtue of the grant of a gale in the Forest of Dean, or any other part of the Hundred of St. Briavels in the county of Gloucester.

If you believe your land or property is suffering from coal mining subsidence damage and you need more information on what to do next, please use the following link to our website which sets out what your rights are and what you need to consider before making a claim.

www.gov.uk/government/publications/coal-mining-subsidence-damage-notice-form



Coal mining hazards

Our public safety and subsidence team provide a 24 hour a day, 7 days a week hazard reporting service, to help protect the public from hazards caused by past coal workings, such as a mine shaft or shallow working collapse. To report any hazards please call **0800 288 4242**. Further information can be found on our website: www.gov.uk/coalauthority.

Glossary



Key terms

adit - horizontal or sloped entrance to a mine

coal mining subsidence - ground movement caused by the removal of coal by underground mining

Coal Mining Subsidence Act 1991 - the Act setting out the duties of the Coal Authority to repair damage caused by coal mining subsidence

coal mining subsidence damage - damage to land, buildings or structures caused by the removal of coal by underground mining

coal seams - bed of coal of varying thickness

future opencast coal mining - a licence granted, or licence application received, by the Coal Authority to excavate coal from the surface

future underground coal mining - a licence granted, or licence application received, by the Coal Authority to excavate coal underground. Although it is unlikely, remaining coal reserves could create a possibility for future mining, which would be licensed by the Coal Authority

mine entries - collective name for shafts and adits

mine gas - reports of alleged mine gas emissions received by the Coal Authority within the enquiry boundary that subsequently required investigation and action by the Coal Authority to mitigate the effects of the mine gas emission. Please note, if there are no recorded instances of mine gas reported, this does not mean that mine gas is not present within the vicinity. The Coal Authority Mine Gas data is limited to only those sites where a Mine Gas incident has been recorded

payments to owners of former copyhold land - historically, copyhold land gave rights to coal to the copyholder. Legislation was set up to allow others to work this coal, but they had to issue a notice and pay compensation if a copyholder came forward

shaft - vertical entry into a mine

site investigation - investigations of coal mining risks carried out with the Coal Authority's permission

stop notice - a delay to repairs because further coal mining subsidence damage may occur and it would be unwise to carry out permanent repairs

subsidence claim - a formal notice of subsidence damage to the Coal Authority since it was established on 31 October 1994

withdrawal of support - a historic notice informing landowners that the coal beneath their property was going to be worked

working facilities orders - a court order which gave permission, restricted or prevented coal mine workings