



The Coal  
Authority

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**For the attention of: Nina Sayers – Case Officer**

Kirklees Council

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

22 April 2024

Dear Ms Sayers

**Re: 2024/62/90899/E**

**Erection of concrete batching plant, single storey office block and installation of concrete pad; NEWLAY CONCRETE THORNHILL WORKS, CALDER ROAD, RAVENSTHORPE, DEWSBURY, WF12 9HY**

Thank you for your notification of 12 April 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: **Substantive Concern**

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.

In addition, the Coal Authority has in the past been called upon to deal with a surface hazard within 50m to the east of the site.

It is noted that within the Supporting Statement (March 2024) prepared by MWP Planning, Section 5 informs that a Coal Mining Report has been prepared and concludes that it is unlikely that there is any risk associated with past coal mining activity.

The Mining Report has been prepared by C J BALLAM BSc (Geography and Geology Combined Honours) and has been informed by limited information (a geology map and a CON29M Coal Mining Report). The report author has failed to identify that the site is likely to have been subject to historic unrecorded shallow coal mining as identified within Section 1 of the CON29M report: *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.*

Based on the above we do not consider that the applicant has demonstrated to the LPA that the site is safe and stable as a result of former coal mining activity recorded at this and therefore the Coal Authority **objects** to this planning application.

The Coal Authority recommends that the LPA advise the applicant that the Mining Report as submitted does not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome. If the desk-based assessment cannot provide adequate evidence to discount the risks posed to the development by past coal mining activity, details of any proposed intrusive site investigation works needed should be set out within the report.

When a site is affected by land instability, the responsibility for securing safe and stable development rests with the developer and / or landowner (NPPF paras. 189 and 190).

The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

Yours sincerely

**Deb Roberts** *M.Sc. MRTPI*

**Planning & Development Manager**

### **General information for the applicant**

The applicant can find information on planning applications and Coal Mining Risk Assessments on the link below:

[Planning applications and Coal Mining Risk Assessments - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

### **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.