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For the attention of: Edward Cheseldine – Case Officer
Kirklees Council

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

[Copy email: David Hayman – redacted]

17 June 2024

Dear Mr Cheseldine

Re: 2024/62/91533/E

Demolition of existing bungalow and erection of one new dwelling; 22 CROWLEES ROAD, MIRFIELD, WF14 9PJ

Thank you for your notification of 14 June 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.

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment is required to support this application.

The Coal Authority records indicate that the application site lies in an area of probable historic unrecorded shallow coal mining. This could affect public safety and surface stability for the proposed development.

It is acknowledged that the applicant has submitted relevant information relating to the proposed dwelling in his email dated 07 June 2024 to accompany the planning application;

- Background information on the planning history of the site;
- CON29M coal mining report, 27 March 2023;
- Existing Footings
- Foundation Plan
- Proposed Foundation Plan & Typical Details
- Rotary Drilling Report, (4183, January 2022) prepared by Michael D Joyce Associates LLP, informed by the findings of intrusive site investigation at 8 Crowlees Road.

However, this information does not negate the need for a desk based Coal Mining Risk Assessment to support a full planning application. The preparation of a desk-based Coal Mining Risk Assessment provides the applicant with the opportunity to commission a suitably qualified person, who is competent in dealing with issues of ground stability and mining legacy related issues, to review relevant information and to potentially discount the risks posed to the site and development by past coal mining activity. Where this is not the case, and the risks cannot be discounted, it provides the opportunity for the further investigations necessary to be discussed.

Whilst we acknowledge the content of the email and supporting documents, the submitted information could be extrapolated and used in support of an up-to-date desk based study for the current proposal / application site. Therefore, the applicant should seek further

advice from their technical consultants (mining / geotechnical engineer); based on the information they currently have in their possession.

Paragraphs 189 and 190 of the National Planning Policy Framework (NPPF) makes it clear that land instability issues should be considered as part of development proposals and that the responsibility for securing a safe development rests with the developer and/or landowner.

In light of the above, the Coal Authority currently **objects** to this proposal, as we do not consider that the LPA has sufficient information to determine this planning application regarding former coal mining activity at this site. However, we welcome the opportunity to review and comment on further information submitted in support of this application.

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

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.