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For the attention of: Mr N. Hirst – Case Officer
Kirklees Council

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

18 June 2024

Dear Mr Hirst

Re: Application 2024/44/91552/W

Discharge of conditions 6 (Remediation Strategy) and 9 (intrusive investigation) on previous permission 2020/92067 for erection of 30 dwellings at Former Stile Common Infant and Nursery School, Plane Street, Newsome, Huddersfield, HD4 6DF

Thank you for your notification of 4 June 2024 seeking the views of the Coal Authority on the above application.

The Coal Authority response:

The application site falls largely partly within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

Our particular interest in planning permission 2020/92067 therefore lies with Conditions 9 and 10, which state:

9. *Prior to development commencing, with exception to site clearance and demolition undertaken in accordance with the details shown on plan ref. PL60, received on the 10th of May 2021, an intrusive investigation shall be carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.*

10. *Where the findings of the intrusive site investigations (required by the condition 9 above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.*

We note that the applicant is seeking to discharge Condition 9 and has submitted an Additional Intrusive Coal Mining Investigation report (7 May 2024, prepared by ARP Geotechnical Ltd) in support of their application. This report details and discusses supplemental intrusive investigations carried out at the site following previous phases of investigation undertaken by others. These further works comprised the drilling of six rotary boreholes to investigate the shallow coal mining situation. The works were carried out under Coal Authority Permit No. 28169.

The report indicates that evidence of mine workings was encountered in five of the boreholes, with intact coal recorded in the remaining borehole. Considering the results of the various phases of investigation carried out, the report concludes that the identified mine workings pose a risk of surface instability at the site. As such, it recommends that the workings are treated / stabilised by means of drilling and grouting on a grid pattern. It also advises that, following the treatment of the workings, the proposed building foundations will need to be appropriately reinforced.

Based on the information submitted (including the Further Site Investigation report submitted under condition discharge application 2022/44/91598/W) and the professional opinions contained therein, the Coal Authority's Planning & Development Team would have no objection to the LPA discharging Condition 9 of the issued consent, in terms of coal mining legacy related land instability matters, should it see fit.

In due course, we would welcome the opportunity to review and to provide comment on any information submitted by the applicant to address the requirements of Condition 10 (detailed remediation scheme). We wish to point out that any such scheme should seek to ensure the safety and stability of the proposed development as a whole, including the buildings and external parts of the site such as the new road and parking areas / driveways.

We take this opportunity to remind the applicant that Permission is required from our Permitting & Licensing Team prior to undertaking any remedial stabilisation works which will result in disturbance to Coal Authority property, i.e. coal seams and associated mine workings. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

If you would like to discuss this matter further, please contact me on the above number.
Yours sincerely

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development Manager

General information for the applicant
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. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: 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 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.

In formulating this response the Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development the Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisors for this development in relation to ground conditions and the acceptability of development.