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For the attention of: William Simcock – Case Officer
Kirklees Council

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

20 September 2024

Dear Mr Simcock

Re: 2024/62/91760/E

Erection of 19 dwellinghouses with associated car parking, landscaping and boundary treatment and other associated works; LAND ADJ HEALEY JUNIOR INFANTS AND NURSERY SCHOOL, HEALEY LANE, HEALEY, BATLEY, WF17 8BN - RECONSULTATION

Thank you for your notification of 13 September 2024 seeking the views of the Coal Authority on further information submitted in support of the above.

The Coal Authority response: Fundamental Concern / Substantive Concern / Material Consideration

As you are aware, the Coal Authority objected to the planning application in our previous letter to you dated 08 August 2024. It was unclear how the presence of the mine entry (CA shaft ref: 422423-005) had informed the layout of the proposed development and how the applicant was able to demonstrate that adequate separation between the buildings and the mine entry had been incorporated.

The planning application is now accompanied by Drawing No. 0005 Revision P11 (Proposed Site Plan) which highlights the position of the mine entry and its zone of influence.



It is noted that Section 9.1 of the Phase 2 Report prepared by Patrick Parsons, states that *“Based on a shaft diameter of 2.5m and a competent rockhead depth of 3.0m, the maximum zone of influence is calculated to be approximately 3.0m from the edge of the shaft or 4.25m from its centre. Given that in this part of the site, plot 6 dwelling is some 8.0m distant from the site boundary, the potential zone of influence would not affect any development within the southeastern part of the site should the shaft be present on the site itself at a location just inside of the southeastern site boundary. It would, however, be potentially present within the garden of plot 6. This has been illustrated on Drawing No. 003 of their Coal Mining Risk Assessment Report:*



Whilst it is acknowledged that the layout being considered as part of this planning application differs to that of the Coal Mining Risk Assessment, no buildings are proposed within the area likely to be affected by the mine entry.

Accordingly, based on the professional opinion provided by Patrick Parsons that the mine entry would not affect any buildings within the southeastern part of the site, even if present within the site and the applicant has afforded due consideration to the current layout to ensure adequate separation has been incorporated the Coal Authority is able to **withdraw our objections to the proposed layout (as per Drawing No. 0005 Revision P11).**

The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;
 - a) further intrusive site investigations have been carried out within the site, as recommended by Patrick Parsons (Section 9.1 / 10.0 of the Phase 2 Geoenvironmental Appraisal) in order to conclusively discount the presence of recorded mine entry (CA shaft ref: 422423-005) , and;
 - b) any remediation works and/or mitigation measures to address land instability arising from this feature, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. This should include the submission of the approved site layout plan, to illustrate the exact location and

grid co-ordinates of the mine entry (if found within the site) and the zone of influence of this feature.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority **withdraws its objection** to the proposed development **subject to the imposition of the conditions** to secure the above.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

It is also requested that the following Informative Notes are included on any planning permission granted:

1 – Mine entries

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential

financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

2 - Ground Investigations

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 to enter or disturb our property may result in 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: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

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

Yours sincerely

D Roberts

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 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.