



The Coal
Authority

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For the attention of: Ms L. Bearcroft – Case Officer

Kirklees Council

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

7 August 2024

Dear Ms Bearcroft

Re: Planning application 2024/60/92031/E

Outline application for erection of residential development, adoptable road and public open space at Headlands Works, Headlands Road, Liversedge, WF15 7NT

Thank you for your notification of 26 July 2024 seeking the views of the Coal Authority on the above planning application.

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

The application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

More specifically, the Coal Authority records indicate that mine shaft 420423-021 is located within the northern part of the site and that the potential zone of influence of off-site mine shaft 420423-026 may encroach into the southern corner of the site. Due to potential plotting inaccuracies, the actual positions of these former coal mining features could

depart/deviate from their plotted positions by several metres. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

We take this opportunity to highlight that 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. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

In addition, our information indicates that a coal seam is conjectured to outcrop at or close to the surface of the site, which is likely to have been subject to historic unrecorded mining activity at shallow depth beneath the site. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Phase 1 Geoenvironmental Risk Assessment /

Coal Mining Risk Assessment and Flood Risk Assessment (February 2024, prepared by MDJA); however, the Coal Authority's Planning & Development Team does not consider that this adequately addresses the impact of coal mining legacy on the scheme of development currently proposed and we therefore **OBJECT** to the application.

Based on a review of coal mining and geological information, Section 9.16 of the submitted report identifies the potential for the presence of unrecorded shallow mine workings in two coal seams which may affect surface stability at the site. It goes on to recommend that a borehole investigation should be carried out to further assess the risk posed by any shallow coal mining legacy present.

Section 9.17 of the report acknowledges the presence of the two recorded mine shafts within/adjacent to the site. It advises that on-site shaft 420423-021 should be located and the condition of any past treatment determined. It also advises that investigations should be carried out to confirm that shaft 420423-026 does not lie within the site. Based on the results of these investigation, the report concludes that '*... a safe distance [from the shafts] to new housing can be calculated.*'

The Coal Authority welcomes the recommendation for the investigation of coal mining legacy affecting the site in order to inform any necessary remedial treatment works. However, the report fails to explicitly acknowledge our adopted policy which requires development to avoid mine entries and their associated zones of influence, and it fails to

adequately assess the risk posed by the recorded mine shafts to the specific detailed scheme of development currently under consideration by the LPA.

We acknowledge that the applicant is seeking outline permission for the proposed development, however, we note that they are also seeking approval of the layout of development at this stage. Whilst the recorded mine shafts and their associated zones of influence are not shown on the Proposed Site Plan, taking into account the potential departure distances for the shafts, the potential zones of influence of these features could encroach beneath the footprints of proposed built development. This would conflict with our adopted policy.

In order to demonstrate the acceptability of the proposed detailed development layout for which approval is being sought, the Coal Authority considers that intrusive investigations should be carried out prior to the determination of the application to locate and establish the condition of the recorded on-site mine shaft and to establish ground conditions.

Prior to the undertaking of any such investigations, the Coal Authority considers that it would be prudent for the applicant to carry out a positional review of the mine entries from source data, to ensure that investigations are based upon the most accurate best plot positions for the shafts.

The information gained from these site investigations will enable the position of the on-site shaft to be identified and the extent of the zone of influences of this shaft and the off-site shaft to be calculated. This will allow any necessary revisions to be made to the site layout to ensure that the built development is sited in a manner which avoids the shafts and their zones of influence. These details should be clearly shown on a revised Proposed Site Layout drawing.

The applicant should note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local

planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The supporting Phase 1 Geoenvironmental Risk Assessment / Coal Mining Risk Assessment and Flood Risk Assessment has failed to demonstrate that the proposed detailed layout of development has been suitably informed by the presence of recorded mine entries. It is the opinion of the Coal Authority's Planning & Development Team that the risk and uncertainty posed is such that specialist investigation is required prior to the determination of the application to ensure that the LPA is satisfied that the application site can be safely developed in the manner proposed.

The applicant should therefore be required to carry out intrusive site investigation works, subject to obtaining Coal Authority permission, to determine the extent of past coal mining activities and the implications for the layout and design for their development proposal. Any remedial, preventative and mitigatory measures should then be proposed as part of a revised report, as necessary, to address issues of land instability.

We would be pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

Please do not hesitate to contact me if you wish to discuss the above matters further.

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 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 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.

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 advisers for this development in relation to ground conditions and the acceptability of development.