



The Coal
Authority

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For the attention of: Mr E. Cheseldine – Case Officer
Kirklees Council

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

10 September 2024

Dear Mr Cheseldine

Re: Planning application 2024/60/92066/E

Outline application for erection of dwelling at Land adjacent 264 Barnsley Road, Flockton, Wakefield, WF4 4AJ

Thank you for your notification of 30 August 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: FUNDAMENTAL CONCERN

The application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. 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.

In addition, our records indicate that the potential zone of influence of an off-site mine entry (shaft, CA ref, 424415-023) encroaches marginally into the western part of the site. Due to potential plotting inaccuracies, the actual position of this former coal mining related feature could depart/deviate from its plotted position by several metres. Our information indicates that the shaft has been filled to an unknown specification in the past. 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.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment to support their planning application. As no relevant information has been submitted at this time, the Coal Authority's Planning & Development Team **OBJECTS** to this application.

Please draw the applicant's attention to the fact that the Coal Mining Risk Assessment needs to interpret and assess the coal mining risks present and should be based on up-to-date information on the recorded coal mining features on site. If the applicant merely submits a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report, obtained from www.groundstability.com or a similar product from private land search suppliers, this will not overcome our objection to the planning application.

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.

Whilst the applicant is seeking outline permission for the erection of a dwelling on site, we note that they have submitted details of the layout of development for consideration by the LPA at this time. In light of the above policy, we are therefore pleased to note that the dwelling is proposed within the eastern half of the site, outside the potential zone of influence of the off-site shaft.

We would be 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

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

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development.

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. A list of professional institutions of competent bodies can be found at: www.gov.uk/planning-applications-coal-mining-risk-assessments

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 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.