



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]

3 September 2024

Dear Mr Cheseldine

Re: Application 2024/44/92228/E

Discharge of details reserved by conditions 4 (site investigations), 6 (Phase I Desk Study Report), 7 (groundworks), 8 (Phase II Intrusive Site Investigation Report), 14 (drainage) on previous permission for 2023/93630 for erection of detached 2 storey building to form 3 retail units on the ground floor with shisha lounge above at Batley Shopping Centre, Alfreds Way, Batley, WF17 5DR

Thank you for your notification of 14 August 2024 seeking the views of the Coal Authority on the above application.

The Coal Authority response:

The application site falls within the Coal Authority's defined Development High Risk Area. Our information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

As you are aware, the Coal Authority's Planning & Development Team raised no objection to planning application 2023/62/93630/E. This was subject to the inclusion of conditions on any permission granted to secure the investigation and, if necessary, the remediation of shallow coal mining legacy affecting the site and the verification of the works carried out. We are therefore pleased to note that our recommendation is reflected in Conditions 4 and 5 of the consent subsequently issued, which state:

4. *No development shall commence until;*
- a) *a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and*
 - b) *any remediation works and/or mitigation measures to address land instability arising from past coal mining legacy, 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.*

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

5. *Prior to the first occupation of the dwelling, 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.*

We note that the applicant is seeking to discharge Condition 4 in full. Whilst this condition does not require the submission of any information for approval, we note that the applicant has nevertheless submitted a Drilling and Grouting Specification (July 2024, prepared by Abbeydale Geoscience) for consideration by the LPA.

The report indicates that an intrusive investigation, comprising the drilling of two rotary openhole boreholes to depths of 30.0m bgl, was carried out at the site in order to establish the shallow coal mining situation. It advises that evidence of a worked coal seam was encountered at shallow depth. Due to the depth and thickness of the workings, the report goes on to detail a proposed drilling and grouting exercise to be carried out on a grid pattern across the footprint of the proposed building in order to stabilise/consolidate any workings present (as per report Figure 4).

The Coal Authority's Planning & Development Team welcomes the investigatory works carried out and the applicant's apparent intention to undertake drilling and grouting works to stabilise the shallow workings. However, as these remedial works have not been carried out (as required by part b) of the condition, we are unable to recommend that the LPA should discharge Condition 4 of the issued consent at this time.

We take this opportunity to remind the applicant that Permission is required from our Permitting & Licensing Team before undertaking any remedial works which may disturb Coal Authority property, i.e. coal seams and associated 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 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.