



The Coal
Authority

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For the attention of: Victor Grayson – Case Officer
Kirklees Council

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

9 September 2024

Dear Victor

Re: 2024/48/92283/E

Redevelopment of market with addition of mezzanine floor; Dewsbury Market, 32 Cloth Hall Street, Dewsbury, WF13 1QE

Thank you for your notification of 5 September 2024 seeking the views of the Coal Authority on the above.

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: Material Consideration

I have reviewed the proposals and confirm that parts of the application site fall within the defined Development High Risk Area.

The Coal Authority records indicate that within these parts of the application 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, specifically probable shallow coal mine workings associated with thick coal seam outcrops, which may have been

worked from the surface. Voids and broken/disturbed ground associated with such workings can pose a risk of surface instability.

The Coal Authority Recommendation to the LPA

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment (CMRA) to support the planning application.

Notwithstanding the above, we note the Phase 1 Preliminary Geo-Environmental Risk Assessment (dated September 2021, prepared by Silkstone Environmental Ltd), the content of which recommends intrusive site investigations to establish any necessary remedial measures. However, when considering that no built development is proposed within those areas of the site that are within the Development High Risk Area, we do not consider that it would be reasonable to ensure the investigations by way of a planning condition and **do not object** to this planning application.

Notwithstanding the above, and the interests of public safety the Coal Authority would recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note within the Decision Notice:

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

The form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability

purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison 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 records held by The Coal Authority on the date of the response. 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.



Making a **better future** for people
and the environment **in mining areas**