



The Coal  
Authority

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**For the attention of: William Simcock – Case Officer**

Kirklees Council

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

13 November 2024

Dear Mr Simcock

**Re: 2024/44/92512/E**

**Discharge of details reserved by conditions 5 (internal roads), 6 (right turn lane), 8 (materials), 13 (ecological enhancement), 14 (coal mining legacy), 17 (temporary drainage), 18 (temporary waste arrangements), 19 (noise assessment), 20 (phase I study), 25 (air quality) and 27 (Construction Environmental Management Plan) of previous permission 2020/92802 for erection of 10 dwellings with associated infrastructure; LAND AT, WHITEHALL ROAD WEST, BIRKENSHAW, BD11 2LS - RECONSULTATION**

Thank you for your notification of 4 November 2024 seeking the views of the Coal Authority on further information submitted in support of the above.

As you are aware, the Coal Authority were unable to comment on the discharge of Condition No. 14 in our letter to you dated 30 September 2024, as no relevant information had been submitted at that time.

The discharge of condition application is now accompanied by a Supplementary Investigation Report (GRO-24208-5483 Revision 1.1 dated 04 November 2024) prepared by Groundtech Consulting Limited. It is noted that the area that has assessed is larger than that of the approved development site and therefore our comments are made on this specific discharge of condition only (northern half of the site, which has been assessed within the Report).

The Report has been informed by the findings of a Preliminary Coal Mining Risk Assessment informed by the results of previous intrusive site investigations undertaken by RSK and ARP Geotechnical Limited (Section 3.1). It should be noted that the Reports do not appear to have been submitted in support of this application, however, we were consulted on a planning application: *2024/62/92281/E - Erection of 23 dwellings at Land adj. 17 Whitehall Road West, Birkenshaw, BD11 2LS*, which was accompanied by the aforementioned Preliminary Coal Mining Risk Assessment.

Having carried out a review of the Reports identified within Section 3.1 of the , the report authors consider that further investigations were required (in the north eastern extent of the site) to confirm if workings are present at shallow depths associated with the Brown Metal coal seam. Following on from the further investigations (trial trenches) identified within the Supplementary Investigation Report, Section 5.1 the Report states that whilst a coal seam was encountered at shallow depths, the coal seam within this part of the site was thin and no evidence of it being worked (by extraction) was observed. Accordingly as no buildings are proposed within this area (no structures) a low risk has been allocated to the site and no further works are considered necessary (Section 5.2).

The LPA should be made aware that Section 5.1 and 5.2 informs that foundations should be designed by a suitably qualified and experience structural engineer, based on the finding highlighted within the Report. However, this matter will be dealt with as part of the applicant's subsequent building regulation application.

Based on the professional opinion provided by Groundtech Consulting Limited, informed by the findings of the intrusive ground investigations carried out at the site, the Planning team at the Coal Authority would have no objections to the LPA discharging Condition 14 of approved consent: 2020/92802, if they were minded to do so.

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**

*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.*