



The Coal
Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

T: 01623 637 119 (Planning Enquiries)

E: planningconsultation@coal.gov.uk

W: www.gov.uk/coalauthority

For the attention of: Louise Bearcroft – Case Officer

Kirklees Council

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

30 October 2024

Dear Ms Bearcroft

Re: 2024/62/92727/E

Erection of residential development 67 dwellings with associated access, parking, public open space, landscaping and infrastructure; LAND ADJACENT TO, ASHBOURNE DRIVE, LIVERSEDGE

Thank you for your notification of 15 October 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: **Additional Information required - updated layout plan to show how the on-site mine entries relate to the proposed layout)**

I have reviewed the proposals and confirm that parts of the application site lie within the Development High Risk Area as defined by the Coal Authority. In accordance with Drawing No. Z168.002 Revision E (Planning Layout) it is only Plots 1 – 4 and 11 – 14 that lie outside the Development High Risk Area. Therefore, within the majority of the application site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records indicate that within the site there are two recorded mine entries (CA shaft ref: 418424-002 and CA adit ref: 418424-003). Our records indicate that these mine entries were located by Lithos Consulting under Permit 21027 in December 2022. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

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

In addition to the above, the application site lies within an area of both recorded and probable historic unrecorded shallow coal mining, the presence of an unlicensed shallow roadway, and coal seams of workable thickness are recorded to outcrop at or close to the surface of the site that may have been historically worked from the surface. These coal mining features present a risk to public safety and surface stability for the proposed development.

The planning application is accompanied by a Geoenvironmental Appraisal (1462/4, January 2024) prepared for the residential development by Lithos Consulting Limited. The Report has been informed by an appropriate range of sources of historical, geological and coal mining information, including the results of intrusive site investigations comprising of trial pits and trenches, and rotary probe holes.

Based on the results and an analysis of the findings of the ground investigation works, the report author states that evidence of shallow coal mine workings were encountered and therefore in order to stabilise the site, a programme of drilling and grouting works will be required. In addition, both recorded mine entries were found of which also require treatment works (capping of the shaft; excavation, backfilling and sealing of the adit).

We are pleased to note that the location of the mine entries (and grid co-ordinates) have been illustrated on Drawing No. 1462/8a – Shaft & Adit Investigation with Photographs and recommendations have been made (Section 13.2.11) that any proposed development layout takes account of the location of the shaft and adit. It would appear that the mineshaft lies within the area of public open space; however, it is unclear how the mine adit and shallow roadway from this feature relates to the development.

We acknowledge that current authoritative UK guidance (CIRIA C758D – Abandoned mine workings manual), identify that shafts and adits present different levels of risk to a development and therefore require different levels of remediation works. However, we would expect these features and any zones of influence (no build exclusion zones) to be considered further. We consider it prudent that the on-site mine entries and any shallow roadway from the adit are clearly illustrated on the proposed site layout plans, including the calculated zone of influence (no build exclusion zone) of these features. This will provide a clear representation of how these features relates to the overall development and to demonstrate the applicant has afforded due consideration to the recommendations made by their geotechnical consultant (Lithos Consulting Limited) as per Section 13.2.11.

In light of the above, as we consider that further information is required to assist the LPA with their decision making process, this letter constitutes a **holding objection**. However, subject to the submission of the above (underlined text), and the applicant is able to demonstrate that no built development is over or within influencing distance of the mine entries, the Coal Authority would have no objection to the planning application. This would be subject to the LPA imposing a suitably worded condition to secure the undertaking of the remedial works as identified by Lithos Consulting Limited.

The applicant is aware that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground stabilisation works / capping works, which may disturb coal property. Please note that 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

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.

Sustainable Drainage

It should be noted that 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.

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.

We welcome the opportunity to comment further on this planning application once an updated proposed layout plan has been submitted.

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

General information for the applicant

1 - Mine entries

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. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

2 - Ground Investigations

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 to enter or disturb our property may result in the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. 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

3 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

4 - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found here

- <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

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