



The Coal
Authority

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For the attention of: Louise Bearcroft – Case Officer

Kirklees Council

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

27 November 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 - RECONSULTATION

Thank you for your notification of 20 November 2024 seeking the views of the Coal Authority on further information submitted in support of the above.

The Coal Authority response: **Material Consideration**

As you are aware, the Coal Authority raised a 'holding objection' in our previous letter to you dated 30 October 2024 as it was unclear how the two recorded on-site mine entries relate to the layout being considered as part of the planning application.

We welcome the submission of a letter Report (041/1462/REG dated 13th November 2022 prepared by Lithos Consulting. Lithos have now provided a plan to illustrate the surveyed positions of the mineshaft and mine adit (and roadway) and how this demonstrates that no

buildings are over or within influencing distance of these specific features (Drawing No. 1462/13. As the aim of the Report is to address the Coal Authority's concerns regarding the two mine entries in our letter dated 30 October 2024, we are assuming that the date quoted on the letter is incorrect and should be 2024.

The Coal Authority Recommendation to the LPA

In light of the above, as no built development is taking place over or within influencing distance of the on-site recorded mine entries; the Coal Authority has no objections to the proposed development subject to no changes being made to the layout as per Drawing No. 1462/13.

The Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until all remediation works and mitigation measures to address land instability arising from coal mining legacy, (as per recommendations made within Section 13.2 of the Geoenvironmental Appraisal (1462/4, January 2024) prepared by Lithos Consulting), 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 and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, 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 completion of the remedial works and mitigation necessary to address the risks posed by past coal mining activity.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions** to secure the above.

It is also requested that the following Informative Notes are included on any planning permission granted:

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

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

Yours sincerely

D Roberts

Deb Roberts M.Sc. MRTPI

Planning & Development 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 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.