The Coal Authority

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For the attention of: Ms N. Helliwell – Case Officer
Kirklees Council

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

17 October 2024

Dear Ms Helliwell

Re: Application 2024/44/92909/E

Discharge of conditions 4 (Materials), 5 (Preliminary Risk Assessment), 10 (EV Charging Points), 12 (Noise Assessment), 13 (Noise Protection Measures), 14 (Sound Insulation) and 15 (Coal Mining Activity) of previous permission 2023/92462 for erection of retail unit with first floor flat with external access stair at 408 Wakefield Road, Denby Dale, HD8 8RP

Thank you for your notification of 16 October 2024 seeking the views of the Coal Authority on the above application.

The Coal Authority response:

The application site falls within the 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.

Our particular interest in approved planning application 2023/92462 therefore lies with Conditions 15 and 16, which state:

15. 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 coal mining activity; and

b) Any remediation works and/or mitigation measures to address land instability arising from 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 and remedial works shall be carried out in accordance with authoritative UK guidance.

16. 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 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 has applied to discharge a number of conditions attached to the permission, including coal mining legacy related Condition 15. Whilst this condition does not require the submission of any information for approval, it appears that they have nevertheless submitted a Coal Mining Risk Interpretation Report (29 August 2024, prepared by Lyons CMC) for consideration by the LPA.

The submitted report indicates that three boreholes were drilled within the footprint of the proposed building in order to investigate the shallow coal mining situation. These works were carried out under Coal Authority Permit No. 28682.

The report indicates that evidence of shallow mine workings (voided ground) was encountered in all of the boreholes at depths within influencing distance of the proposed development. As such, it advises that the risk posed by the identified workings should be addressed by one or a combination of the following: the drilling and grouting of the workings; the piling of the foundations below the workings and construction of the building with a ring beam; and/or strengthened foundations.

The Coal Authority's Planning & Development Team welcomes the investigatory works carried out and the apparent intention to undertake further works to address the risk of instability posed to the proposed development by the shallow coal workings present beneath the site. However, no information has been provided to confirm that any necessary remedial and/or mitigatory measures have been carried out, as per the requirements of part b) of Condition 15 of the issued consent. As such, on the basis of the available information, the Coal Authority's Planning & Development Team is unable to recommend that the LPA should discharge Condition 15 at this time.

We take this opportunity to highlight that any remedial works / mitigatory measures should be carried out in accordance with authoritative UK guidance. We also wish to highlight that the Coal Authority would typically expect shallow workings present within influencing distance of development to be appropriately treated and stabilised by means of drilling and grouting, with foundations designed in cognisance of the treatment works carried out.

The applicant should be reminded that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as remedial stabilisation works and piled foundations, which will disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

James Smith

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.