



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: Ms N. Helliwell – Case Officer

Kirklees Council

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

14 January 2025

Dear Ms Helliwell

Re: Planning application 2024/62/92910/E

Demolition of dwelling and barn and erection of two dwellings with associated external alterations at Land adjacent 45 Coal Pit Lane, Lower Cumberworth, Huddersfield, HD8 8PL

Thank you for your notification of 9 January 2025 seeking the views of the Coal Authority on the above planning application.

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

The application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the site and surrounding area there are 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 the zones of influence of two recorded mine entries (adit, CA ref. 421409-024 and shaft, CA ref. 421409-052) encroach into the south western and north eastern parts of the application site respectively. We hold no details of any treatment of these features and, due to potential plotting inaccuracies, the actual

positions of the mine entries could deviate from their plotted positions by several metres. As such, the adit could potentially be located within the southern part of the site, close to proposed Unit 1. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

Our information also indicates that the north western edge of the site falls marginally within the boundary of a wider site from which coal has been extracted by surface (opencast) methods, but does not extend to the proposed built development. In addition, historic unrecorded underground coal mining is likely to have taken place beneath the application site at shallow depth. Such workings can pose a risk to surface stability and public safety.

We understand that the current application is essentially seeking to renew planning permission 2017/62/91774/E for the erection of two dwellings at the site. You will be aware that the Coal Authority's Planning & Development Team ultimately withdrew its objection to the previous application, subject to the inclusion on any permission issued of relevant planning conditions.

We note that the current application is accompanied by a Coal Investigation report (March 2019, prepared by RGS) which also supported application 2017/62/91774/E. Based on a review of coal mining and geological information and the results of site investigations, the report concludes that coal mine workings present beneath the site pose a low risk of ground movement. However, as you will note from our consultation response letter of 1 April 2019 regarding the previous application, it fails to assess the risk posed by the two mine entries recorded to be present adjacent to the site boundary.

Whilst apparently not submitted in support of the current application, further information prepared by Rob Palmer of RGS (dated 17 March 2020) was subsequently submitted in support of the previous application to address our concerns.

Mr Palmer indicated that recorded off-site mine shaft 421409-052 located to the north of the site poses a low risk to the proposed development. However, he acknowledged that recorded adit 421409-024 could potentially be present within the site. He also acknowledged that the potential zone of influence of this feature extends into the site. As such, he considered that this feature poses a moderate risk to the proposed development.

Mr Palmer went on to recommend that intrusive site investigations should be carried out within the application site, adjacent to the southern boundary, in order to prove/disprove the presence of the adit within the site and to inform any necessary remedial measures.

We recommend that a copy of the aforementioned additional information is obtained for completeness of the current planning file. The recommended intrusive investigations should be designed and carried out by competent persons and should be appropriate in

terms of assessing the ground conditions at the site in order to establish the coal mining legacy present and the risks it may pose to the development. The results of the investigations should be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole, including in the event of a future off-site collapse of the adit should it not be located on site.

The applicant should note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may 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.

Mine Gas

It should be noted that 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.

SuDS

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.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team notes the conclusions of information prepared by RGS to inform development proposals at the site; that coal mining legacy potentially poses a risk to development at the site and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- ***No development (excluding the demolition of existing structures) shall commence until intrusive site investigations have been carried out to establish the presence or otherwise of recorded adit 421409-024 within the application site. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.***
- ***Where the findings of the intrusive site investigations (required by the condition XX above) identify that recorded adit 421409-024 poses a risk to surface stability, no above ground development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.***

The Coal Authority's Planning & Development Team therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. 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 following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 196 and 197 of the National Planning Policy Framework.

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes,

the piling of foundations, 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. 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.

2 - 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 at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

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.

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and 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 on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. 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.

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