



The Coal
Authority

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For the attention of: Ms E. Thompson – Case Officer

Kirklees Council

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

7 November 2024

Dear Ms Thompson

Re: Application 2024/44/93041/E

Discharge of details reserved by condition 11 (validation report) on previous permission 2021/92255 for erection of 5 dwellings with associated access and demolition of existing extensions to commercial building at The Old Tannery, 224 Spen Lane, Gomersal, BD19 4PJ

Thank you for your notification of 24 October 2024 seeking the views of the Coal Authority on the above application.

The Coal Authority response:

The application site falls within the Coal Authority's defined Development High Risk Area. Our indication indicates that the site lies in an area where historic unrecorded coal mining is likely to have taken place at shallow depth. In addition, the potential zone of influence of off-site mine shaft 419425-009 (located c. 14.0m to the south east) could encroach into the site.

We are disappointed to note that it does not appear that we were consulted on planning application 2021/92255. However, we understand that the scheme of development approved by the LPA under application 2021/92255 is very similar to that previously

approved under application 2018/90119. The Coal Authority was consulted on the earlier application.

You will be aware from our consultation response letter of 6 February 2018 that, based on the content and conclusions of a Phase 1 Geoenvironmental Study (April 2017, prepared by JNP Group), the Coal Authority raised no objection to application 2018/90119 subject to the imposition of conditions on any permission issued to secure the investigation and, if necessary, the remediation of coal mining legacy.

Whilst coal mining legacy is not specifically mentioned in the wording of any of the conditions attached to planning permission 2021/92255, we are pleased to note that it is referenced in the reasons for Conditions 8, 9, 10 and 11. These conditions state:

8. *Where further intrusive investigation is recommended in the Preliminary Risk Assessment, Groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.*
9. *Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 8, further Groundworks shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.*
10. *Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 9. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.*
11. *Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for (that part of) the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority. Where validation has been submitted and approved in stages for different areas of the whole site, a Final Validation Summary Report shall be submitted to and approved in writing by the Local Planning Authority.*

We note that the applicant has now applied to discharge Condition 11 of the issued consent and has submitted a Phase 4: Validation Report (September 2024, prepared by RGS) in support of their application. This report appears to relate to the validation of works carried out at the site to address contaminated land matters.

As the submitted report does not mention the remediation of coal mining legacy, we assume that the LPA has previously received a Phase II report, as per the requirements of Condition 8, and was satisfied that the remediation of coal mining legacy was not required, details of which would have needed to have been approved and implemented under Conditions 9 and 10.

Based on the above assumption, we have no specific comments to make regarding the information submitted by the applicant to discharge Condition 11 of the issued consent.

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

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.