



The Coal  
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**For the attention of: Louise Bearcroft, Case Officer**

Kirklees Council

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

17<sup>th</sup> February 2025

Dear Louise,

**Re: Application 2024/44/93598/W**

**Discharge of condition 11 (validation report) on previous permission 2020/90442 for variation condition 2 (plans) on previous permission 2016/92055 for erection of 109 dwellings with associated works; Land east of, Crosland Road, Lindley, Huddersfield, HD3 3SU.**

Thank you for your notification of 28<sup>th</sup> January 2025 seeking the views of the Coal Authority on the above.

The Coal Authority last commented in relation to planning application ref. 2016/92055 'Erection of 109 dwellings with associated works' in our consultation response letter of 30<sup>th</sup> June 2016. We noted that supporting documents concluded that further intrusive site investigation was required in the south-eastern spur of the site to assess the potential for historic shallow coal mining legacy. We went on to raise no objection to the application subject to the imposition of conditions on any permission issued to secure the following;

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

We advised that:

*'In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development (or potentially on plots 1-2; 26-60).'*

We understand that planning application 2016/92055 was conditionally approved. We also understand that application 2020/90442 for the variation of a plans condition attached to the original permission was subsequently conditionally approved. The applicant is now seeking to discharge conditions attached to 2020/90442.

The Coal Authority's Planning Team was not consulted on application 2020/90442 and examination of the decision notice identifies that no condition was imposed which makes specific reference to coal mining legacy and land instability matters which is referred to within Policy LP53 of the Kirklees Local Plan We note, however, that Conditions 9, 10 and 11 of the permission require the implementation and thereafter verification of a remediation strategy. These conditions state;

- 9. The remediation strategy agreed under Discharge of Conditions approval 2017/94338, shall be implemented in accordance with the agreed schedules, and timetable.*
- 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 works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the local planning authority, 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. Unless otherwise agreed in writing with the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed 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.*

The Coal Authority was not consulted in regards to application 2017/94338 which included the discharge Condition 9 of the original permission (2016/92055). However, we note that the delegated officers report for 2017/44/94338/W, dated 30<sup>th</sup> October 2019, which considered Condition 9, stated in its assessment that *'The submitted remediation statement is acceptable to the Environmental Health Officer and the condition can be discharged'*. The approved remedial statement document ref. 1823/2 prepared by Lithos Consulting is referenced in the confirmation of discharge letter dated 15<sup>th</sup> April 2019. We note that the current application is supported by a Lithos Consulting remediation statement bearing the ref. 1823/1.

The most recent reply from the responding Environmental Health Officer to the current application was made on 11<sup>th</sup> February 2025 and makes reference to Haigh Huddleston & Associated reports dated between February 2019 and April 2022 that *'includes geotechnical information that falls outside of the scope of Environmental Health'*, and furthermore that;

*'...additional information is required to satisfy the requirements of Condition 11 as this covers the remediation measures for the whole site'*.

We can advise that Coal Authority records indicate that no permit has been issued on the site since Permit ref. 13732 granted in March 2017 for initial site investigation works.

Given that you have consulted us on the discharge of Condition 11, we assume that the LPA considers that the scope of the condition covers coal mining legacy related land instability matters. We would therefore kindly welcome the submission by the applicant of a verification statement from a competent person detailing what further investigatory and/or remedial works in respect to coal mining activity and land instability have been undertaken. If no works have been undertaken that should be justified and all outcomes reconciled against the approved remediation strategy and industry best practice guidance. The competent person should confirm that they are satisfied that the site is, or has been made, safe and stable for the development in accordance with paragraphs 187,196 and 197 of the NPPF. The applicant should also be referred back to the Coal Authority's informative note which forms part of the approved consent.

The Coal Authority's Planning Team is therefore **unable to recommend the discharge on Condition 11** until such time as all relevant documentation pertaining to coal mining activity and land stability is presented and compliance/verification demonstrated, as discussed above.

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

Yours sincerely,

## Geotechnical & 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.*