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For the attention of: Edward Cheseldine, Case Officer
Kirklees Council

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

13th March 2025

Dear Mr Cheseldine

Re: Application 2025/44/90351/E

Discharge of details 3 (Operational Management Plan), 4 (intrusive investigations), 5 (intrusive investigations), 6 (Phase I Desk Study Report), 7 (Phase II Desk Study Report) on previous permission 2024/90346 for change of use to Class B2 for use as industrial transport yard, with associated office building, fencing including pedestrian and vehicular gates, widening of vehicular access, including re-surfacing of yard and access threshold, and new lighting to yard; Future House, Pheasant Drive, Birstall, Batley, WF17 9LT.

Thank you for your notification of 24th February 2025 seeking the views of the Coal Authority on the above.

The Coal Authority last responded in connection with planning application ref. 2024/62/90346/E on 10th June 2024 at which time we withdrew our objection subject to the imposition of two recommended conditions. Those recommendations now form Conditions 3 and 4 of the approved consent both of which are the subject of this discharge application.

- 4. 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 safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

5. 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.

The current submission includes a Phase 2 Mining and Environmental Report prepared by consultant RGS dated 20th December 2024 ref. C4703/24/E/7188. The findings of a ground investigation are reported comprising two rotary boreholes, one drilled to 30m depth and in accordance with the recommendations made within the earlier Coal Mining Risk Assessment (CMRA) undertaken by Chevin Geoenviron Associates Limited in May 2024. The RGS report confirms within Section 8.1 'Shallow Workings' that;

'...the coal seams were found intact and in such poor condition that they are not economically viable to extract. As such, no remedial action will be required.'

On the basis of the report and the competent person's professional opinion and in regards to matters of coal mining instability, the Coal Authority's Planning Team considers that Condition 4 has been fully complied with and as a result we have **no objection to the LPA discharging Condition 5**, should they see fit.

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

Yours sincerely,

Leigh Sharpe

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 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.