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: Nina Sayers, Case Officer
Kirklees Council

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

27th March 2025

Dear Nina,

Re: Application 2025/44/90352/E

Discharge of details reserved by conditions 6, 8 , 9, 10, 11, 12, 13, 14 and 15 of previous permission 2024/93464 for variation condition 2 (plans) on previous permission 2023/91483 for demolition of garage and erection of detached dwelling; Adjacent to 33a Church Lane, Clayton West, Huddersfield, HD8 9LY.

Thank you for your notification of 6th March 2025 seeking the views of the Coal Authority on the above.

We last commented in relation to application 2023/62/91483/E in July 2023 at which time we raised no objection to the development proposals subject to the imposition of two recommended planning conditions. We are pleased to note that these were imposed as Conditions 8 and 9 of the approved consent, they state that;

> *8. No development shall commence (excluding the demolition of existing structures and site clearance) until;*
> *a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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.

9. 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.

This application is supported by a Phase 2 Intrusive Site Investigation Report dated December 2024, ref. G24327, prepared by Geoinvestigate Limited. The findings of a rotary drilling campaign are presented from the results of three boreholes RH1-3) drilled to depths of 15 and 30m. The indication from the original Coal Mining Risk Assessment was that coal, the Clay Cross Soft Coal was expected at shallow depth and likely to be intercepted, however the report states that the;

'inferred to sub-crop and dip below the site 90m north of the development. However, this seam was not encountered in the boreholes, nor were any voids or broken ground and might be considered therefore too deep to affect the surface at the study site.'

The matters of Historical Coal Mining are discussed within Section 7.3 of the report, and the authors conclude that;

'The rotary boreholes drilled at the site encountered no broken ground or voiding indicative of any shallow mining beneath the site. In addition, although coal fragments were noted within the mudstone at 21m no coal seams were encountered. Based on the ground conditions encountered in the rotary boreholes, any potential mine-workings present are at depths below the 30.00m depth of the rotary drilling activity. If traditional shallow foundations are adopted, then it is considered the development will not be affected by mine workings due to the site having sufficient thickness of competent rock cover.'

The risk posed from shallow coal mining was then dismissed on the following basis;

'Therefore, no evidence of mining is present within 30m of the site surface and an ample 25m of unbroken rock cover has been confirmed. When referencing the ten-times thickness rule of thumb …, there appears to be an ample competent rock cover to the seam thickness ratio'.

On the basis of the reporting and the professional opinion of the report authors I can confirm that the Coal Authority's Planning Team in regards to mining instability matters **considers that the requirements of Condition 8 (which does not require the submission of information for approval) to have been satisfactorily addressed** and we wish to raise **no objection to the LPA discharging Condition 9** 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.