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For the attention of: Mr E. Cheseldine – Case Officer
Kirklees Council

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

19 March 2025

Dear Mr Cheseldine

Re: Planning application 2025/62/90457/E

Demolition of existing buildings and erection of two residential dwellings (Use Class C3) with associated parking and landscaping (within a Conservation Area) at The Croft, 150 Denby Lane, Upper Denby, Huddersfield, HD8 8UN

Thank you for your notification of 4 March 2025 seeking the views of the Coal Authority (operating as the Mining Remediation 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 defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

More specifically, our information indicates that the site lies in an area where historic unrecorded coal mining is likely to have taken place at shallow depth. Voids and broken ground associate with such workings can pose a risk to ground stability and public safety.

The application is accompanied by a Coal Mining Risk Assessment report (27 November 2024, prepared by Geoinvestigate Limited). Based on a review of appropriate sources of coal mining and geological information, the report concludes that possible unrecorded shallow coal workings could potentially pose a surface ground stability risk which could impact the proposed development. According, it goes on to recommend the drilling of boreholes in order to establish ground conditions and to confirm the depth of any mine workings present beneath the site.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons, in cognisance of the conclusions of the submitted report, in order to properly assess ground conditions and to establish the exact situation regarding coal mining legacy and the risks it may pose to the development.

The report does not outline what measures may be required in the event that mine workings are encountered within influencing distance of the surface. The results of the investigations should therefore be reviewed 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 the buildings and external parts of the site such as the shared driveway and vehicle parking and manoeuvring areas. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as initial ground investigation works and subsequent remedial 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 the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial and mitigatory 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:

1. ***No above ground development shall commence (excluding the demolition of existing structures) 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 past 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, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

2. ***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 Coal Authority 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 187, 196 and 197 of the National Planning Policy Framework.

We also request that the following Informative Notes are included on any planning permission 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, piling activities, 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 *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.