

COAL MINING RISK ASSESSMENT FOR LAND ADJACENT 43 GLEBE GATE, THORNHILL, DEWSBURY, WF12 0JX

26-04-02 Revision 0

REPORT STATUS: Final

April 2026



Prepared for

Mr & Mrs Lightowler

This report has been prepared under the framework of ISO 9001:2015

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26-04-02 – April 2026

DOCUMENT ISSUE FORM

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Date:	April 2026
Revision Number:	0
Comments:	N/A
Status:	Final
Distribution:	Mr & Mrs Lightowler - electronic copy J G Architecture and Design - electronic copy

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EXECUTIVE SUMMARY

A Coal Mining Risk Assessment was required by Kirklees Borough Council under Clause 11 of the National Policy Planning Framework. This report is required to support the planning application of the site.

In order to support a planning application for the subject site, **Mr & Mrs Lightowler** commissioned **Demeter Environmental Ltd** to undertake a Coal Mining Risk Assessment for land adjacent 43 Glebe Gate, Thornhill, Dewsbury, WF12 0JX, to support the planning application for the erection of a dwelling.

The project has been carried out in accordance with the guidance provided by the Department of Energy and Climate Change, the Coal Authority's guidance document "Risk Based Approach to Development Management - Resources for Developers Version 4" (2017) and CIRIA "SP32 Construction over Abandoned Mine Workings" (2002).

The project has been carried out within the existing legislative framework, which is outlined in Appendix B.

It should be noted that the table below only offers a brief summary of the information presented in this report and is for briefing purposes only. Reference should be made to the main report for detailed analysis undertaken.

Table 1: Executive Summary

	SUBJECT	DATA
SITE INFORMATION AND SETTING	Client	Mr & Mrs Lightowler
	Site	Land adjacent 43 Glebe Gate
	Site location	Land adjacent 43 Glebe Gate, Thornhill, Dewsbury, WF12 0JX
	Grid Reference	425518E 418333N
	Access	Via Glebe Gate
	Current Land Use	Garden
	Proposed development	The erection of a dwelling
CONCEPTUAL SITE MODEL	History	Initially (1855) the site formed part of a larger parcel of open land, whilst the 1948 map identifies a dwelling on the site the subsequent maps show the site as forming part of the garden of the adjoining (43) dwelling with a small building on the south western corner of the site. Aerial plates and street level imagery confirm the site is part of a garden.
	Geology	Thornhill Rock-Sandstone of the Westphalian epoch.
	Coal	No coal deposits are present under the site.
Proposed Further Works		No further works are proposed.
This sheet is intended as a summary of the report; it does not provide a definitive analysis.		



1 INTRODUCTION

1.1 Coal Mining Risk Assessment Terms of Reference

- 1.1.1 This report presents the results of a Coal Mining Risk Assessment (CMRA) carried out on Land adjacent 43 Glebe Gate, Thornhill, Dewsbury WF12 0JX, performed for **Mr & Mrs Lightowler**. This report was written in April 2026 and should be read in the light of any subsequent changes in legislation, statutory requirements or industry practices.
- 1.1.2 The works were carried out in accordance with the standard terms of contract of **Demeter Environmental Ltd.**
- 1.1.3 This report has been prepared in accordance to the Demeter Environmental Limited Quality Management System.

1.2 Aims and Objectives of Coal Mining Risk Assessment

- 1.2.1 The primary objective of the CMRA was to assess whether the site has the potential to be affected by underground mining.
- 1.2.2 This study includes a review of the available geological information in order to establish the likely ground conditions at the site. The review is based on the following information:
- Review of the Coal Authority Mining Report for the site;
 - Review of data available from the BGS;
 - Review of data from previous site investigation reports;
 - Identification of likely ground conditions at the site based on the data obtained;
- 1.2.3 The findings and opinions provided in this document are made in good faith and are based on data provided by third parties (Groundsure, Environment Agency, The Coal Authority, and Regulatory Bodies) and the report should be read in conjunction with the limitations on the document control form.

1.3 Scope of Coal Mining Risk Assessment

- 1.3.1 The objectives of the coal mining risk assessment is to:
1. Present a desk based review of all available information within this report on the coal mining issues which are relevant to the site;
 2. Use the information obtained to identify and assess the risks to the proposed development from coal mining legacy, including cumulative impact issues;



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3. Set out appropriate mitigation measures to address the coal mining legacy issues affecting the site, including any necessary remedial works and/or demonstrate how coal mining issues have influenced the proposed development;
4. Demonstrate to the Local Planning Authority that the application is, or can be made safe and stable to meet the requirements of the National Planning Policy Framework and the requirements of the Coal Authority in respect of their determination of planning application consultations;
5. Minimise the risks and effects of land instability on properties, infra structure and the public;
6. Help to ensure that various types of development should not be placed in unstable locations without appropriate precautions;
7. Bring unstable land, wherever possible back into productive use; and
8. Assist in safeguarding public and private investment by a proper appreciation of site conditions and necessary precautionary measures.

1.3.2 The scheme has been designed taking into account the findings in the Coal Authority Report and this risk assessment as well as the requirements of the Coal Authority and the current National Planning Policy Guidance.

1.3.3 This report has been prepared in general accordance with the Coal Mining Risk Assessment Model Report Template and intends to demonstrate to the Local Planning Authority and the Coal Authority that the site is, or can be, made safe and stable, and to meet the requirements of the National Policy Planning Framework (NPPF).

1.4 Limitations of Data

1.4.1 It should be noted that it did not become a legal requirement to deposit coal mining abandonment plans until the 1870's and that this requirement was not rigorously enforced for some time after. Many shallow coal seams were worked prior to the introduction of first edition Ordnance Survey Maps and information on these workings is often not available. Therefore, if coal seams were accessible then invariably they could have been worked by formal or informal means.

1.4.2 It is also possible that if unrecorded workings are present then unrecorded mine entries may be present.



1.5 Principal Sources of Information

1.5.1 Documents that were available or have been obtained for reference or obtaining data are given in Appendix A. Further information on data used in this report and dates the data was obtained/accessed is given below:

Table 2: Summary of Information Obtained

Source	Data Provided	Date Obtained / Accessed
British Geological Survey	1:50,000 Geological Maps 1:10,000 Geological maps\ Borehole Section sheets	10 th April 2026
Coal Authority	Interactive Map Viewer Coal Mining Report	8 th April 2026
Google Earth®	Aerial plates	10 th April 2026

2 SITE CONTEXT

2.1 Site Location

2.1.1 The site is located off Glebe Gate, the approximate grid reference is 425518E 418333N, as shown on Drawing 1 and Plate 2 in Appendix D.

2.1.2 The property is located within the administrative jurisdiction of Kirklees Borough Council .

2.2 Proposed Development

2.2.1 It is proposed that a dwelling is erected on the site. No drawings of the proposed development were available at the time of the preparation of the report.

2.3 Site Description & Site Reconnaissance Visit

2.3.1 A site walkover survey was undertaken in April 2026 by a consultant from Demeter Environmental Ltd, in general accordance with CLEA CLR 2, on completion of a review of relevant historical and environmental data.

2.3.2 The site extended to an area of approximately 0.06Ha and the site topography was approximately level. The site comprised of part of the garden for the adjoining dwelling (43); exposed soils were noted across the site as well as paving flags. An area where a row of flags had been removed was visible and no made ground was noted in the area. A brick shed and what appeared to be a former glass house was present on the south western corner of the site, at the time of the survey it was in a state of disrepair and was used for general storage.

3 SITE HISTORY

3.1 Historical O.S. Maps

3.1.1 The historical usage of both the site and the surrounds has been researched by reference to historical maps, street plans, street directories, historical aerial photographs and anecdotal



evidence. The historical O.S. maps are presented in the desk study report (reference 26-04-01), no mining features were noted.

3.2 Anecdotal Evidence

3.2.1 No additional information on the site history could be sourced.

3.3 Previous Reports

3.3.1 Demeter Environmental Limited has no knowledge nor has received any reports relating to the site or the surrounding area.

4 ENVIRONMENTAL SETTING

4.1 Published Geology – 1:10,000 Geological Maps

4.1.1 The documented geology has been ascertained by the examination of British Geological Survey 1:10,000 Sheet SE21NE and the appropriate geological memoir is summarised hereunder:

4.1.2 Deposits of made ground are recorded to be present 43m south west, 73m south west and 82m west of the site.

4.1.3 No drift soils are recorded to be present on the site.

4.1.4 The solid geology is given as the Thornhill Rock-Sandstone of the Westphalian epoch.

4.2 Published Geology – 1:50,000 Geological Maps

4.2.1 The documented geology has been ascertained by the examination of British Geological Survey 1:50,000 Sheet 77 (Huddersfield) and the appropriate geological memoir is summarised hereunder:

4.2.2 No drift soils are recorded to be present on the site.

4.2.3 The solid geology is given as the Thornhill Rock-Sandstone of the Westphalian epoch.

4.3 Borehole Records

4.3.1 The BGS Borehole map indicates that there are no borehole records available in close proximity to the site.



5 COAL MINING RISK ASSESSMENT (CMRA)

5.1 Coal Mining Referral Area Plans

5.1.1 Information obtained from the Coal Authority is given below.

Table 3: Summary of Information From The Coal Authority

Question	Discussion	Yes / No
Is the site within a Coal Mining Reporting (Standing Advice) Area?	The Coal Mining Reporting Area, also known as CON29M Coal and Brine Consultation Areas, is the known extent of coal mining activity and is used to determine whether a coal mining report is required for property transactions and the conveyance process. This area does not represent the full extent of geological coal reserves and resources.	Yes
Is the site within a 'Development High Risk' (Referral) Area?	The Development High Risk Area is the part of the coal mining reporting area, which contains one or more recorded coal mining related features which have the potential for instability or a degree of risk to the surface from the legacy of coal mining operations. The combination of features includes mine entries; shallow coal workings (recorded and probable); recorded coal mining related hazards; recorded mine gas sites; fissures and breaklines and previous surface mining sites. New development in this defined area needs to demonstrate that the development will be safe and stable taking full account of former coal mining activities. This area was formally known as the Development Referral Area.	No
Is the subject site within the zone of influence of any mine entries?	Mine entries indicate the entrance into a mine working, for which there are two types: shafts and adits. Mine shafts are vertical or near vertical entrances to a mine whereas adits are a walkable entrance to a mine as shown on plans held by the Coal Authority. Mine entry positions are taken from a variety of plan sources, which vary in age, scale, accuracy and condition. These factors determine the accuracy of the mine entry position derived. A Mine Entry with Potential Zone of Influence is the area of the ground that might be affected if subsidence of the mine entry occurs.	No
Are there any fissures or breaklines within close proximity to the subject site?	Fissures and breaklines are types of geological disturbances which are lines of weaknesses at the surface which may have been affected by coal mining	No
If the subject site in an area where there are coal outcrops?	Coal Outcrops illustrate a location where a workable coal seam is present at or close to the surface.	No
Are there any past shallow coal mine working in close proximity to the subject site?	Past shallow coal mine workings are derived from the Coal Authority's records of underground coal mine workings. This dataset has been created by extracting all those underground workings, or parts thereof, whose depth is 30 metres or less from the surface. Shallow workings do not have sufficient overlying strata therefore any movement has the potential to reach the surface and cause damage; approximately 50% of the accepted surface hazards are related to shallow workings, both recorded and unrecorded.	No
Is the subject site in an area/in close proximity to an area where there are probable shallow coal mine workings	Probable shallow coal mine workings contain locations and estimated extents of probable shallow underground workings for which no recorded plan exists, but where it is likely that workable coal at shallow depths has been mined before records were kept. The data has been estimated from available mining records by qualified mining surveyors.	No
Are there any past or current surface mining in close proximity to the subject site?	Surface Mining Areas denote an area of coal extracted by surface excavations in the past or are being excavated currently, these sites do not necessarily reflect the extent of the excavation. Coal resources may still be available within these areas due to the inefficiencies of some historic mining techniques. These areas are often referred to as "opencast mining".	No

5.2 Summary of Consultants Coal Mining Report

5.2.1 Data provided by the Coal Authority in the Consultants Coal Mining Report is summarised below:



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Table 4: Summary of Coal Authority Consultants Coal Mining Report

Section	Summary	Definition
Past Underground Mining	Shallowest is 92mbgl	Details of all recorded underground mining relative to the enquiry boundary. Only past underground workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination, will be included.
Probable unrecorded shallow workings	No	Areas where the Coal Authority believes there to be unrecorded coal workings that exist at or close to the surface (less than 30 metres deep).
Spine roadways at shallow depth	No	Connecting roadways either, working to working, or, surface to working, both in-seam and cross measures that exist at or close to the surface (less than 30 metres deep), either within or within 10 metres of the enquiry boundary.
Mine entries	None	Details of any shaft or adit either within, or within 100 meters of the enquiry boundary including approximate location, brief treatment details where known, the mineral worked from the mine entry and conveyance details where the mine entry has previously been sold by the Authority or its predecessors British Coal or the National Coal Board.
Outcrops	No	Details of seam outcrops will be included where the enquiry boundary intersects with a conjectured or actual seam outcrop location (derived by either the British Geological Survey or the Coal Authority) or intersects with a defined 50 metres buffer on the coal (dip) side of the outcrop. An indication of whether the Coal Authority believes the seam to be of sufficient thickness and/or quality to have been worked will also be included.
Geological faults, fissures and breaklines	No	Geological disturbances or fractures in the bedrock. Surface fault lines (British Geological Survey derived data) and fissures and breaklines (Coal Authority derived data) intersecting with the enquiry boundary will be included. In some circumstances faults, fissures or breaklines have been known to contribute to surface subsidence damage as a consequence of underground coal mining.
Opencast mines	No	Opencast coal sites from which coal has been removed in the past by opencast (surface) methods and where the enquiry boundary is within 500 metres of either the licence area, site boundary, excavation area (high wall) or coaling area.
Coal Authority managed tips	No	Locations of disused colliery tip sites owned and managed by the Coal Authority, located within 500 metres of the enquiry boundary.
Site investigations	No	Details of site investigations within 50 metres of the enquiry boundary where the Coal Authority has received information relating to coal mining risk investigation and/or remediation by third parties.
Remediated sites	No	Sites where the Coal Authority has undertaken remedial works either within or within 50 metres of the enquiry boundary following report of a hazard relating to coal mining under the Coal Authority's Emergency Surface Hazard Call Out procedures
Coal mining subsidence	No	Details of alleged coal mining subsidence claims made since 31 October 1994 either within or within 50 metres of the enquiry boundary. Where the claim relates to the enquiry boundary confirmation of whether the claim was accepted, rejected or whether liability is still being determined will be given. Where the claim has been discharged, whether this was by repair, payment of compensation or a combination of both, the value of the claim, where known, will also be given. Details of any current 'Stop Notice' deferring remedial works or repairs affecting the property/site, and if so the date of the notice. Details of any request made to execute preventative works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991. If yes, whether any person withheld consent or failed to comply with any request to execute preventative works.



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Table 4 (Continued): Summary of Coal Authority Consultants Coal Mining Report

Section	Summary	Definition
Mine gas	No	Reports of alleged mine gas emissions received by the Coal Authority, either within or within 500 metres of the enquiry boundary that subsequently required investigation and action by the Coal Authority to mitigate the effects of the mine gas emission.
Mine water treatment schemes	No	Locations where the Coal Authority has constructed or operates assets that remove pollutants from mine water prior to the treated mine water being discharged into the receiving water body. These schemes are part of the UK's strategy to meet the requirements of the Water Framework Directive. Schemes fall into 2 basic categories: Remedial – mitigating the impact of existing pollution or Preventative – preventing a future pollution incident. Mine water treatment schemes generally consist of one or more primary settlement lagoons and one or more reed beds for secondary treatment. A small number are more specialised process treatment plants.
Future underground mining	No	Details of all planned underground mining relative to the enquiry boundary. Only those future workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination will be included.
Coal mining licensing	No	Details of all licenses issued by the Coal Authority either within or within 200 metres of the enquiry boundary in relation to the under taking of surface coal mining, underground coal mining or underground coal gasification.
Court orders	No	Orders in respect of the working of coal under the Mines (Working Facilities and Support) Acts of 1923 and 1966 or any statutory modification or amendment thereof.
Section 46 notices	No	Notice of proposals relating to underground coal mining operations that have been given under section 46 of the Coal Mining Subsidence Act 1991.
Withdrawal of support notices	No	Published notices of entitlement to withdraw support and the date of the notice. Details of any revocation notice withdrawing the entitlement to withdraw support given under Section 41 of the Coal Industry Act 1994.
Payments to owners of former copyhold land	No	Relevant notices which may affect the property and any subsequent notice of retained interests in coal and coal mines, acceptance or rejection notices and whether any compensation has been paid to a claimant.



6 SUMMARY OF HAZARDS AND RISKS ASSOCIATED WITH FORMER MINING ACTIVITIES

6.1.1 The hazards associated with former mining activities, and associated hazards are summarised hereunder:

Table 5: Summary of Risks Associated With Former Mining Areas and Associated Hazards

Risk	Hazard	Consequence	Has Risk Been Identified?
Surface coal workings	Collapse of workings beneath buildings causing sudden loss of bearing to the structure (Consequence of 'Mild').	Mild/Minor – affect on building fabric	No
Shallow coal mine workings	Collapse of the workings surrounding the buildings causing disruption to the infrastructure (Consequence of 'Minor').	Severe – acute risk to human health	No
Mine entries (shafts and adits)	Failure of unrecorded mine entries, areas of previously collapsed ground that have migrated to the surface beneath the building causing loss of bearing. Similar conditions may exist where coal may have been worked by primitive surface extraction (bell pits etc.) extraction at the crop of the seam (Consequence of 'Mild').	Mild/Minor – affect on building fabric	No
	Failure of unrecorded mine entries, areas of previously collapsed ground or backfilled surface workings adjacent to the buildings causing disruption to the infrastructure, and depending on the location, a loss of bearing to the structure (Consequence of 'Minor').	Severe – acute risk to human health	No
Mine entries (shafts and adits)	Entry	Severe – acute risk to human health	No
Gas emissions from coal mines including methane and carbon dioxide	Explosion / Asphyxiation	Mild – affect on building fabric	No
		Severe – acute risk to human health	No
Spontaneous combustion or ignition of coal which may lead to the production of carbon monoxide	Migration of mine gases from old mine workings and shafts to the surface results in explosion or the build-up of asphyxiating gases in confined areas. The effects can potentially cause serious structural damage to a building and loss of life. (Consequence of 'Mild' for buildings and 'Severe' for end users).	Mild – affect on building fabric	No
Transmission of gases into adjacent properties from underground sources through ground fractures		Severe – acute risk to human health	No
Coal mining subsidence	Consolidation of the workings and the overlying ground either as a result of self-weight consolidation or foundation loading beneath the build area resulting in settlement damage to the structure (Consequence of 'Mild').	Mild – affect on building fabric	No
	Consolidation of the workings and the overlying ground as a result of self-weight consolidation adjacent to the buildings causing disruption to the infrastructure (Consequence of 'Minor').		No



7 COAL MINING RISK ASSESSMENT

7.1.1 Based on the information above, the risks associated with coal mining has been undertaken, which is presented hereunder:

Table 6: Coal Mining Risk Assessment

Risk	Is Risk Present?	Proposed Works
Surface coal mine workings	No	No further works are proposed
Shallow coal mine workings (<30mbgl)	No	
Mine entries (shafts and adits)	No	
Mine entries (shafts and adits)	No	



8 WATCHING BRIEF

- 8.1.1 Should any anomalous features be identified during development works, then a mining/structural engineer should be contacted for advice, and the features should be investigated further so that appropriate mitigation measures can be taken as necessary.

9 THE COAL AUTHORITY PERMISSIONS

- 9.1.1 Prior written permission from The Coal Authority is required for intrusive activities that will disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits). Further information on The Coal Authority's permissions process can be found at: <http://www.coal.gov.uk/services/permissions/index.cfm>. Permissions have not yet been sought, but will need to be prior to any intrusive investigation



APPENDIX A: REFERENCES

The following documents were available or have been obtained for reference or obtaining data:

Groundsure Report			
BGS Borehole Record Viewer			
Land contamination risk management (LCRM)	Environment Agency	LCRM	2020
The Environmental Protection Act	1990		
The Contaminated Land (Wales) Regulations	2006		
The Contaminated Land (Scotland) Regulations	2000		
The Environment Act	1995		
The Radioactive Contaminated Land (Modifications of Enactments) (England) Regulations	2006		
The Radioactive Contaminated Land (Modifications of Enactments) (Wales) Regulations	2006		
The Radioactive Contaminated Land (Scotland) Regulations	2007		
The Water Resources Act	1991		
The Water Act	2003		
The Water Environment and Water Services (Scotland) Act	2003		
The Water (Northern Ireland) Order	1999		
The Wildlife and Country Act	1981		
The Conservation (Natural Habitats, etc.) Regulations	1994		
The Town and Country Planning Act	1990		
The Town and Country Planning (Scotland) Act	1997		
The Building Control Act	1990		
The Construction Design and Maintenance (CDM) Regulations	2007		
The Control of Substances Hazardous to Health (COSHH) Regulations	2002		
The Factories Act	1961		
The Offices, Shops and Railway Premises Act	1963		
The Health and Safety at Work, etc. Act	1974		
The Pollution Prevention and Control Act	1999		
The Control of Pollution Act 1994 as amended	1994		
The Environmental Damage (Prevention and Remediation) Regulations	2009		
The Environmental Damage (Prevention and Remediation) (Wales) Regulations	2009		
The Environmental Liability (Scotland)	2009		
The Environmental Protection (Duty of Care) Regulations	1991		
The Environmental Permitting (England and Wales) Regulations	2007		
The Pollution Prevention and Control (Scotland) regulations	2000		
Guidance on investigations for ground gas. Permanent gases and Volatile Organic Compounds (VOCs)	2013	BS 8576:2013	2013
Good practice on the testing and verification of protection systems for buildings against hazardous ground gases	CIRIA	C735	August 2014
Investigation of Potentially Contaminated Sites	BSI	BS10175:2011+A2:2017	2017
Environmental Protection Act 1990: Part 2A - Contaminated Land Statutory Guidance	DEFRA	-	April 2012
Environmental Protection Act 1990: Part 2A - Contaminated Land	DEFRA	Circular 1/2006	September 2006 (withdrawn April 2012)
National Planning Policy Framework	Communities and Local Government	-	19 th February 2019
Guiding Principles for Land Contamination Planning and Pollution Control	Environment Agency ODPM	GPLC1 / GPLC2 / GPLC3 PPS23	March 2010 November 2004 (withdrawn March 2012)
Circular 22/87: Development of Contaminated Land	Welsh Government	22/87	August 1987
Planning Advice Note PAN 33	Scottish Government	PAN 33	October 2000
Contaminated Land Statutory Guidance for Wales	Welsh Government	WG15450	2012
Explanatory Memorandum to the Contaminated Land	Welsh Government	-	February

(Wales) (Amendment) Regulations 2012 and the draft Contaminated Land Statutory Guidance 2012			2012
NHBC Standards	NHBC	-	2014
Code of Practice for Ground Investigations	BSI	BS5930:2015+A1:2020	June 2020
Technical aspects of site investigations in relation to land contamination	Environment Agency	EA P5-065/TR:2000	2000
Contaminated Land Risk Assessment: A Guide to Good Practice	CIRIA	C552	2001
Secondary model for the development of appropriate soil sampling strategies for contaminated land	Environment Agency	EA P5-066/TR:2000	2000
Remedial Targets Methodology - Hydrogeological Risk assessment for Land Contamination	Environment Agency		2006
The physical properties of the minor aquifers in England and Wales	BGS		2000
A framework for assessing the impact of contaminated land on groundwater and surface water	Department of the Environment	DOE CLR 1	1994
Environment Agency technical advice to third parties on Pollution of Controlled Waters for Part IIA of the Environmental Protection Act 1990.	Environment Agency		May 2002
Guidance on Preliminary site inspection of contaminated land	Department of the Environment	DOE CLR 2	1994
Documentary search on industrial sites	Department of the Environment	DOE CLR 3	1994
Sampling strategies for contaminated land	Department of the Environment	DOE CLR 4	1994
Information systems for land contamination	Department of the Environment	DOE CLR 5	1994
Prioritisation + categorisation procedure for sites which may be contaminated	Department of the Environment	DOE CLR 6	1995
Model Procedures for the Management of Land Contamination	Environment Agency	CLEA CLR 11	September 2004 (withdrawn)
A quality approach for contaminated land consultancy	Department of the Environment	DOE CLR 12	1997
Human health toxicological assessment of contaminants in soil	Environment Agency	Science Report SC050021/SR2	January 2009
Updated technical background to the CLEA model	Environment Agency	Science Report SC050021/SR3	January 2009
A review of body weight and height data used within the Contaminated Land Exposure Assessment model (CLEA)	Environment Agency	SC050021/ Technical Review 1	2009
Compilation of Data for Priority Organic Pollutants for Derivation of Soil Guideline Values	Environment Agency	Science Report SC050021/SR7	2008
The UK Approach for Evaluating Human Health Risks from Petroleum Hydrocarbons in Soil	Environment Agency	Report P5-080/TR3	2005
Review of the Fate and Transport of Selected Contaminants in the Soil Environment	Environment Agency	Draft Technical Report P5-079/TR1	2003
Guidance on Comparing Soil Contamination Data with a Critical Concentration	CL:AIRE/ CIEH		May 2008
Industry Profiles	DEFRA		Various dates
Radon: guidance on protective measures for new developments	BRE	BRE 211	November 2007
<u>Contaminated Land management manual</u>	<u>LQM</u>	<u>LQM2000</u>	<u>2000</u>
Assessing risks posed by hazardous ground gases to buildings (revised)	CIRIA	CIRIA C665	December 2007
<u>Code of practice for the design of protective measures for methane and carbon dioxide ground gas for new buildings</u>	<u>BSI</u>	<u>BS 8485:2015</u>	<u>2015</u>
Using Soil Guideline Values		Science Report SC050021/SGV Introduction	March 2009
Soil guideline values for inorganic arsenic	Environment Agency	SC050021/ arsenic SGV	May 2009
Soil guideline values for mercury	Environment Agency	SC050021/ mercury SGV	April 2009
Soil guideline values for selenium	Environment Agency	SC050021/ selenium SGV	April 2009
Soil guideline values for benzene	Environment Agency	SC050021/ benzene SGV	April 2009
Soil guideline values for toluene	Environment Agency	SC050021/ toluene SGV	April 2009
Soil guideline values for ethylbenzene	Environment Agency	SC050021/	April 2009

		ethylbenzene SGV	
Soil guideline values for xylenes	Environment Agency	SC050021	April 2009
Supplementary information for the derivation of for inorganic arsenic	Environment Agency	SC050021	May 2009
Supplementary information for the derivation of for mercury	Environment Agency	SC050021	April 2009
Supplementary information for the derivation of for selenium	Environment Agency	SC050021	April 2009
Supplementary information for the derivation of for benzene	Environment Agency	SC050021	April 2009
Supplementary information for the derivation of for toluene	Environment Agency	SC050021	April 2009
Supplementary information for the derivation of for ethylbenzene	Environment Agency	SC050021	April 2009
Supplementary information for the derivation of for xylenes	Environment Agency	SC050021	April 2009
Contaminants in soil: updated collation of toxicological data and intake values for humans : Inorganic Arsenic	Environment Agency	SC050021/Tox 1	May 2009
Contaminants in soil: updated collation of toxicological data and intake values for humans : Mercury	Environment Agency	SC050021	April 2009
Contaminants in soil: updated collation of toxicological data and intake values for humans : Selenium	Environment Agency	SC050021	April 2009
Contaminants in soil: updated collation of toxicological data and intake values for humans : Benzene	Environment Agency	SC050021	April 2009
Contaminants in soil: updated collation of toxicological data and intake values for humans : Toluene	Environment Agency	SC050021	April 2009
Contaminants in soil: updated collation of toxicological data and intake values for humans : Ethylbenzene	Environment Agency	SC050021	April 2009
Contaminants in soil: updated collation of toxicological data and intake values for humans : Xylenes	Environment Agency	SC050021	April 2009
Reclamation of Contaminated Land	Wiley		2004
Policy and Practice For The Protection of Groundwater	Environment Agency		1999
<u>CIRIA Special Publication 102 - Remedial Treatment for Contaminated Land - Volume II: Decommissioning, Decontamination and Demolition</u>	CIRIA	SP102	January 1995
<u>Guidance on the Safe Development of Housing on Land affected by Contamination</u>	Environment Agency	R&D Publication 66	2008
ProUCL User Guide and Technical Guide	USEPA	-	
Guidance on the assessment of and monitoring of natural attenuation of contaminants in groundwater	Environment Agency	R&D Publication 95	2000
The standard penetration test in insensitive clays and soft rocks	Proceedings of the European Symposium on Penetration Testing in the UK	-	1988
Trenching practice. 2nd edition	CIRIA	R97	2001
Desiccation in clay soils	BRE	412	February 1996
Methods of test for soils for civil engineering purposes	BSI	BS1377 (Parts 1 to 9)	1990
Eurocode 7: Geotechnical Design – Part 1: General Rules British	BSI	BS EN 1997-1	2004
Eurocode 7: Geotechnical Design – Part 2: Ground Investigation and Testing	BSI	BS EN 1997-2	2007
Geotechnical investigation and testing. Field testing. Electrical cone and piezocone penetration test	BSI	BS EN ISO 22476-1	2012
Geotechnical Investigation and Testing – Field Testing Part 2: Dynamic Probing	BSI	BS EN ISO 22476-2+A1	2011
Geotechnical Investigation and Testing – Field Testing Part 3: Standard Penetration Test	BSI	BS EN ISO 22476-3+A1	2011
Geotechnical investigation and testing. Field testing- Ménard pressuremeter test	BSI	BS EN ISO 22476-4	2012
Geotechnical investigation and testing. Field testing - Flexible dilatometer test	BSI	BS EN ISO 22476-5	2012
Geotechnical investigation and testing. Field testing - Borehole jack test	BSI	BS EN ISO 22476-7	2012
Geotechnical investigation and testing. Field testing – Flat dilatometer test	BSI	BS EN ISO 22476-11	2006
Geotechnical investigation and testing. Field testing - Mechanical cone penetration test (CPTM)	BSI	BS EN ISO 22476-12	2009

The standard penetration test (SPT): methods and use	CIRIA	R143	1995
Low-rise Buildings on Shrinkable Clay	BRE	BRE Digest 240 and 241	1993
Settlement of structures on clay soils	CIRIA	SP27	1983
Piled foundations in weak rock	CIRIA	R181	1999
Theoretical soil mechanics	Terzaghi	-	1943
Soils for civil engineering purposes	BSI	BS 1337	1990
Groundwater Control – Design and Practice	CIRIA	C515	2000
Trees in relation to design, demolition and construction. Recommendations	BSI	BS 5837	2012
Workmanship on Building Sites	BSI	BS 8000	Various
ICRCL 61/84 Notes on the fire hazards of contaminated land	ICRCL	61/84	1986
Soakaway Design	BRE	Digest 365	1991
Design guidance for road pavement foundations (draft HD 25) (Revision 1)	Highways Agency	Draft HD25	2006
Building Regulations Approved Documents	HM Government	Various	2013



APPENDIX B: DRAWINGS

LEGISLATION OVERVIEW

This report includes hazard identification and environmental risk assessment in line with the risk-based methods referred to in relevant UK legislation and guidance. Government environmental policy is based upon a "suitable for use approach". When considering the current use of land, Part IIA of the Environment Protection Act 1990 (EPA 1990) provides the regulatory regime, which was introduced by Section 57 of the Environment Act 1995, which came into force in England on 1 April 2000. The main objective of introducing the Part IIA regime is to provide an improved system for the identification and remediation of land where contamination is causing unacceptable risks to human health or the wider environment given the current use and circumstances of the land.

Part IIA provides a statutory definition of contaminated land under Section 78A(2) as:

"any land which appears to the Local Authority in whose area it is situated to be in such a condition, by reason of substances in, on, or under the land, that:

Significant harm is being caused or there is a significant possibility of such harm being caused; or Pollution of controlled waters is being, or is likely to be, caused."

Harm is defined under section 78A of the Environmental Protection Act as meaning 'harm to the health of living organisms or other interference with the ecological systems of which they form part and, in the case of man, includes harm to his property'. Part IIA provides a statutory definition of the pollution of controlled waters under Section 78A(9) as "the entry into controlled waters of any poisonous, noxious or polluting matter or any solid waste matter".

Types of harm are related to specific receptors in order to determine whether they can be regarded as "significant harm" or "significant possibility of significant harm", as defined in Clause 4 of the DEFRA publication 'Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance', which is presented hereunder:

Table 1: Categories Of Significant Harm and Significant Possibility of Significant Harm for Each Receptor

Type of Receptor		Description of harm to that type of receptor that is to be regarded as:"	
		Significant Harm	Significant Possibility of Significant Harm
1	Human beings	Death; life threatening diseases (e.g. cancers); other diseases likely to have serious impacts on health; serious injury; birth defects; and impairment of reproductive functions Physical injury; gastrointestinal disturbances; respiratory tract effects; cardio-vascular effects; central nervous system effects; skin ailments; effects on organs such as the liver or kidneys; or a wide range of other health impacts. Death, disease, serious injury, genetic mutation, birth defects or the impairment of reproductive functions. For these purposes, disease is to be taken to mean an unhealthy condition of the body or a part of it and can include, for example, cancer, liver dysfunction or extensive skin ailments. Mental dysfunction is included only insofar as it is attributable to the effects of a pollutant on the body of the person concerned.	-
2	Any ecological system, or living organism forming part of such a system, within a location which is: • a site of special scientific interest (under section 28 of the Wildlife and Countryside Act 1981) • a national nature reserve (under s.35 of the 1981 Act) • a marine nature reserve (under s.36 of the 1981 Act) • an area of special protection for birds (under s.3 of the 1981 Act) • a "European site" within the meaning of regulation 8 of the Conservation of Habitats and Species Regulations 2010 • any habitat or site afforded policy protection under paragraph 6 of Planning Policy Statement (PPS 9) on nature conservation (i.e. candidate Special Areas of Conservation, potential Special Protection Areas and listed Ramsar sites); or • any nature reserve established under section 21 of the National Parks and Access to the Countryside Act 1949. and Access to the Countryside Act 1949.	The following types of harm should be considered to be significant harm: • harm which results in an irreversible adverse change, or in some other substantial adverse change, in the functioning of the ecological system within any substantial part of that location; or • harm which significantly affects any species of special interest within that location and which endangers the long-term maintenance of the population of that species at that location. In the case of European sites, harm should also be considered to be significant harm if it endangers the favourable conservation status of natural habitats at such locations or species typically found there. In deciding what constitutes such harm, the local authority should have regard to the advice of Natural England and to the requirements of the Conservation of Habitats and Species Regulations 2010.	Conditions would exist for considering that a significant possibility of significant harm exists to a relevant ecological receptor where the local authority considers that: • significant harm of that description is more likely than not to result from the contaminant linkage in question; or • there is a reasonable possibility of significant harm of that description being caused, and if that harm were to occur, it would result in such a degree of damage to features of special interest at the location in question that they would be beyond any practicable possibility of restoration.
3	Property in the form of: • crops, including timber; • produce grown domestically, or on allotments, for consumption; • livestock; • other owned or domesticated animals; • wild animals which are the subject of shooting or fishing rights.	For crops, a substantial diminution in yield or other substantial loss in their value resulting from death, disease or other physical damage. For domestic pets, death, serious disease or serious physical damage. For other property in this category, a substantial loss in its value resulting from death, disease or other serious physical damage. The local authority should regard a substantial loss in value as occurring only when a substantial proportion of the animals or crops are dead or otherwise no longer fit for their intended purpose. Food should be regarded as being no longer fit for purpose when it fails to comply with the provisions of the Food Safety Act 1990. Where a diminution in yield or loss in value is caused by a contaminant linkage, a 20% diminution or loss should be regarded as a benchmark for what constitutes a substantial diminution or loss.	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question, taking into account relevant information for that type of contaminant linkage, particularly in relation to the ecotoxicological effects of the contaminant.
4	Property in the form of buildings. For this purpose, "building" means any structure or erection, and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building, or buried services such as sewers, water pipes or electricity cables.	Structural failure, substantial damage or substantial interference with any right of occupation. The local authority should regard substantial damage or substantial interference as occurring when any part of the building ceases to be capable of being used for the purpose for which it is or was intended. In the case of a scheduled Ancient Monument, substantial damage should also be regarded as occurring when the damage significantly impairs the historic, architectural, traditional, artistic or archaeological interest by reason of which the monument was scheduled.	Conditions would exist for considering that a significant possibility of significant harm exists to the relevant types of receptor where the local authority considers that significant harm is more likely than not to result from the contaminant linkage in question during the expected economic life of the building (or in the case of a scheduled Ancient Monument the foreseeable future), taking into account relevant information for that type of contaminant linkage.

For human beings and controlled waters there are four categories of harm, given hereunder:

Table 2: Categories Of Harm for Human Beings and Controlled Waters

Category	Description of harm to that type of receptor that is to be regarded as:"	
Human Beings		Controlled Waters
1	The local authority should assume that a significant possibility of significant harm exists in any case where it considers there is an unacceptably high probability, supported by robust science based evidence, that significant harm would occur if no action is taken to stop it. For the purposes of this Guidance, these are referred to as "Category 1: Human Health" cases. Land should be deemed to be a Category 1: Human Health case where: (a) the authority is aware that similar land or situations are known, or are strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; or (b) the authority is aware that similar degrees of exposure (via any medium) to the contaminant(s) in question are known, or strongly suspected on the basis of robust evidence, to have caused such harm before in the United Kingdom or elsewhere; (c) the authority considers that significant harm may already have been caused by contaminants in, on or under the land, and that there is an unacceptable risk that it might continue or occur again if no action is taken. Among other things, the authority may decide to determine the land on these grounds if it considers that it is likely that significant harm is being caused, but it considers either: (i) that there is insufficient evidence to be sure of meeting the "balance of probability" test for demonstrating that significant harm is being caused; or (ii) that the time needed to demonstrate such a level of probability would cause unreasonable delay, cost, or disruption and stress to affected people particularly in cases involving residential properties.	This covers land where the authority considers that there is a strong and compelling case for considering that a significant possibility of significant pollution of controlled waters exists. In particular this would include cases where there is robust science-based evidence for considering that it is likely that high impact pollution (such as the pollution described in paragraph 4.38) would occur if nothing were done to stop it.
2	For land that cannot be placed into Categories 1 or 4, the local authority should decide whether the land should be placed into either: (a) Category 2: Human Health, in which case the land would be capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health; or (b) Category 3: Human Health, in which case the land would not be capable of being determined on such grounds. The local authority should consider this decision in the context of the broad objectives of the regime and of the Government's policy as set out in Section 1. It should also be mindful of the fact that the decision is a positive legal test, meaning that the starting assumption should be that land does not pose a significant possibility of significant harm unless there is reason to consider otherwise. The authority should then, in accordance with paragraphs 4.26 to 4.29 below, decide which of the following two categories the land falls into:	This covers land where: (i) the authority considers that the strength of evidence to put the land into Category 1 does not exist; but (ii) nonetheless, on the basis of the available scientific evidence and expert opinion, the authority considers that the risks posed by the land are of sufficient concern that the land should be considered to pose a significant possibility of significant pollution of controlled waters on a precautionary basis, with all that this might involve (e.g. likely remediation requirements, and the benefits, costs and other impacts of regulatory intervention). Among other things, this category might include land where there is a relatively low likelihood that the most serious types of significant pollution might occur.
3	(a) Category 2: Human Health. Land should be placed into Category 2 if the authority concludes, on the basis that there is a strong case for considering that the risks from the land are of sufficient concern, that the land poses a significant possibility of significant harm, with all that this might involve and having regard to Section 1. Category 2 may include land where there is little or no direct evidence that similar land, situations or levels of exposure have caused harm before, but nonetheless the authority considers on the basis of the available evidence, including expert opinion, that there is a strong case for taking action under Part 2A on a precautionary basis. (b) Category 3: Human Health. Land should be placed into Category 3 if the authority concludes that the strong case described in 4.25(a) does not exist, and therefore the legal test for significant possibility of significant harm is not met. Category 3 may include land where the risks are not low, but nonetheless the authority considers that regulatory intervention under Part 2A is not warranted. This recognises that placing land in Category 3 would not stop others, such as the owner or occupier of the land, from taking action to reduce risks outside of the Part 2A regime if they choose. The authority should consider making available the results of its inspection and risk assessment to the owners/occupiers of Category 3 land.	This covers land where the authority concludes that the risks are such that (whilst the authority and others might prefer they did not exist) the tests set out in Categories 1 and 2 above are not met, and therefore regulatory intervention under Part 2A is not warranted. This category should include land where the authority considers that it is very unlikely that serious pollution would occur; or where there is a low likelihood that less serious types of significant pollution might occur.
4	The local authority should not assume that land poses a significant possibility of significant harm if it considers that there is no risk or that the level of risk posed is low. For the purposes of this Guidance, such land is referred to as a "Category 4: Human Health" case. The authority may decide that the land is a Category 4: Human Health case as soon as it considers it has evidence to this effect, and this may happen at any stage during risk assessment including the early stages. The local authority should consider that the following types of land should be placed into Category 4: Human Health: (a) Land where no relevant contaminant linkage has been established. (b) Land where there are only normal levels of contaminants in soil. (c) Land that has been excluded from the need for further inspection and assessment because contaminant levels do not exceed relevant generic assessment criteria. (d) Land where estimated levels of exposure to contaminants in soil are likely to form only a small proportion of what a receptor might be exposed to anyway through other sources of environmental exposure (e.g. in relation to average estimated national levels of exposure to substances commonly found in the environment, to which receptors are likely to be exposed in the normal course of their lives). The local authority may consider that land other than the types described above should be placed into Category 4: Human Health if following a detailed quantitative risk assessment it is satisfied that the level of risk posed is sufficiently low. Local authorities may decide that particular land apparently matching the descriptions above immediately above poses sufficient risk to human health to fall into Categories other than Category 4. However, such cases are likely to be very unusual and the authority should take particular care to explain why the decision has been taken, and to ensure that it is supported by robust evidence.	This covers land where the authority concludes that there is no risk, or that the level of risk posed is low. In particular, the authority should consider that this is the case where: (a) no contaminant linkage has been established in which controlled waters are the receptor in the linkage; or (b) the possibility only relates to types of pollution described in paragraph 4.40 above (i.e. types of pollution that should not be considered to be significant pollution); or (c) the possibility of water pollution similar to that which might be caused by "background" contamination.

Category 1 or 2 encompass land which is capable of being determined as contaminated land on grounds of significant possibility of significant harm to human health.

The guidance defines what 'normal' levels of contamination is and that a site should not be classified as 'contaminated land'.

'Normal' levels of contamination is defined as:

- (a) The natural presence of contaminants (e.g. caused by soil formation processes and underlying geology) at levels that might reasonably be considered typical in a given area and have not been shown to pose an unacceptable risk to health or the environment.
- (b) The presence of contaminants caused by low level diffuse pollution, and common human activity other than specific industrial processes. For example, this would include diffuse pollution caused by historic use of leaded petrol and the presence of benzo(a)pyrene from vehicle exhausts, and the spreading of domestic ash in gardens at levels that might reasonably be considered typical.

The UK regulatory authorities have adopted the widely recognised pollutant linkage concept for assessing risks from land contamination. However, the scenarios under which significant harm may occur are often largely defined by the site conditions and the receptor sensitivity. The concept of suitability for use is adopted to ensure that the risk management process addresses the site-specific conditions and that any remediation undertaken reduces risks to an acceptable level. To meet requirements under Part IIA the site should be suitable for its current use, including use for which a planning permission is already held.

Part IIA of The Environmental Protection Act 1990 is supported by the DEFRA publication of April 2012 'Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance' (this replaces DETR Circular 06/2006), which defines the duties of Local Authorities in dealing with it. Part IIA places contaminated land responsibility as a part of planning and redevelopment process rather than Local Authority direct action except in situations of very high pollution risk. In the planning process guidance is provided by the National Planning Policy Framework which requires that a site which has been developed shall not be capable of being determined "contaminated land" under Part IIA.

The criteria for assessing levels of pollutants and hence determining whether a site represents a hazard are based on a range of techniques, models and guidance. Within this context it is relevant to note that Government objectives are:

- (a) To identify and remove unacceptable risks to human health and the environment;
- (b) To seek to ensure that contaminated land is made suitable for its current use;
- (c) To ensure that the burdens faced by individuals, companies and society as a whole are proportionate, manageable and compatible with the principles of sustainable development.

These three objectives underlie the "suitable for use" approach to remediation of contaminated land. The "suitable for use" approach focuses on the risks caused by land contamination. The approach recognises that the risks presented by any given level of contamination will vary greatly according to the use of the land and a wide range of other factors, such as the underlying geology of the site. Risks therefore should be assessed on a site-by-site basis.

The "suitable for use" approach comprises of three elements:

- (a) ensuring that land is suitable for its current use
- (b) ensuring that land is made suitable for any new use, as planning permission is given for that new use
- (c) limiting requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment in relation to the current use or future use of the land for which planning permission is being sought

The mere presence of pollutants does not therefore necessarily warrant action, and consideration must be given to the scale of risk involved for the use that the site has, and will have in the future.

Legislation in Scotland, Northern Ireland and Wales

Northern Ireland

The Northern Ireland Assembly was established as part of the Belfast Agreement and it is the prime source of authority for all devolved/transferred matters (including environment and planning) and has full legislative and executive authority. Devolution powers became the responsibility of the Northern Ireland Assembly on the 2nd December 1999. The Executive was subsequently suspended and Direct Rule restored on the 11th February 2000. Restoration of devolution subsequently took place on 30th May 2000. Twenty-four hour suspensions also took place in August and September 2001.

On the 14th October 2002 the Assembly was again suspended and then formally dissolved on the 28th April 2003. Subsequently the Assembly was restored to a state of suspension following elections in November 2003 with the Assembly finally being restored on 8th May 2007.

The Environment and Heritage Service (EHS) is the largest Agency within the Department of the Environment (DOE NI), one of the eleven Northern Ireland Departments created in 1999. The EHS takes the lead in advising on, and in implementing, the Government's environmental policy and strategy in Northern Ireland.

The Planning Service, another Agency which comes under the umbrella of the DOE NI, is responsible for developing and implementing Government planning policies and development plans in Northern Ireland.

Part 3 of the Waste and Contaminated Land (Northern Ireland) Order 1997 contains the main legal provisions for the introduction of a contaminated land regime in Northern Ireland. The Order was enacted in 1997 but the regime is not yet in operation. The provisions within Part 3 are virtually identical to those provided by part 2A and would establish a regime whereby local authorities are under a duty to investigate and identify contaminated land and identify those responsible for its remediation.

In terms of provision of technical guidance for regulators to assist them in the determination of contaminated land the DOE NI references the DEFRA SGV Task Force and CLEA publications.

The primary legislation governing planning in Northern Ireland is the Planning (Northern Ireland) Order 1991 (as amended). This is backed up by secondary legislation and planning policy, including planning policy statements (PPSs) and area plans. However there is currently no specific PPS addressing development on potentially contaminated land.

Planning applications are determined by the Planning Service with local councils, along with other government departments, acting as consultees to the approval process. Despite the lack of guidance the Planning Service, in considering planning applications for brownfield sites, will impose conditions for site investigation and remediation that broadly mirror the requirements of part 3/Part 2A.

Wales

Both the Environment Protection Act 1990 and the Environment Act 1995 were issued on a UK wide basis, so the same principles of Part 2A legislation are applicable. In July 1997 the UK Government published a white paper outlining proposals for devolution. In Wales a referendum was held in September 1997 and the result led to the Government of Wales Act 1998 being issued thus establishing the National Assembly for Wales (NAW) with powers being transferred on 1st July 1999.

Since this time subordinate legislation has been introduced in Wales that details how the provisions of an Act of Parliament will apply, hence the reason for different effects in Wales to that of England.

The elected Assembly Members effectively delegated their powers for implementation of policies and legislation to the Welsh Assembly Government (WAG). One of the subject areas within WAG is Environment Planning & Countryside, which covers the policies and subordinate legislation relevant to land contamination. The preliminary legislation was The Contaminated Land (Wales) Regulations 2001 Welsh Statutory Instrument 2001 No. 2197 (W.157) which came into force on 1st July 2001. This has now been revoked and replaced by The Contaminated Land (Wales) Regulations 2006 Welsh Statutory Instrument 2006 No. 2989 (W.278) which came into force on 10th December 2006. These include the changes for appeals on Remediation Notices, which are required to be made to NAW. The Radioactive Contaminated Land (Modification of Enactments) (Wales) Regulations 2006 were implemented at the same time.

Current Statutory Guidance relevant to Wales is the 'Contaminated Land Statutory Guidance – 2012' (2012) issued by the Welsh Government. This comprises Guidance previously issued in November 2001 and further guidance to accompany other modifications such as the introduction of radioactivity. The principle regulators of the Part 2A process are Environment Agency Wales and as appropriate the local authority responsible for the site in question. As in England the use of the CLEA v1.06 model and the relevant SGV and TOX reports are applicable in Wales.

In respect of Planning the circular 022/87 (WO) prepared by DETR (Department of Environment, Transport and the Regions) on Development of Contaminated Land remains applicable for outlining the requirements associated with new developments, including change of use. The document states that contamination is a material planning consideration, but is ambiguous in a number of areas. It does however indicate that an investigation will normally be required where the previous history of the site suggests contamination.

Planning Policy Wales (2002) outlines that the physical constraints on the land are to be taken into account at all stages of the planning process and this is in the context of land instability and land contamination. It also explains that LPA's (Local Planning Authorities) should be aware of the requirements of Part 2A and ensure that their policies and decisions are consistent with it. This implies that the methods used in assessing land for Part 2A purposes should be applied within the planning regime. Accordingly the concept of risk assessment as a tool to help direct development on a suitable for use basis is appropriate as in England.

NPPF does not apply in Wales, however it may be referred to as good practice, though this may be open to challenge. In Wales Technical Advice Notes (TAN) are used as Planning Policy Statements and currently there is no TAN applicable to land contamination in Wales. WAG is considering the preparation of a TAN and it is understood that this will look at the suitability of PPS23 for Wales, though no timetable for delivering this has been made.

Land Contamination: A Guide for Developers prepared on behalf of the Welsh Local Government Association, Environment Agency Wales & WAG was issued in July 2006. Whilst this is not statutory guidance, it helps confirm good practice and broadly details the risk assessment process in line with the Guidance on 'Land contamination risk management (LCRM)'

Scotland

Since the passing of the Scotland Act and the official convening of the Scottish Parliament and the Scottish Executive on the 1st July 1999 devolved matters, including the environment and planning, have been the responsibility of Scottish Ministers.

There are two regulatory enforcement bodies in Scotland with duties and powers in terms of identification and remediation of contaminated land and development of brownfield sites; Local Authorities and the Scottish Environment Protection Agency (SEPA) which was established in 1996.

The current structure of local government in Scotland was established by the Local Government (Scotland) Act 1994. Since the passing of the Act Scotland has been divided into 29 unitary authorities and 3 island authorities. It is the responsibility of the Scottish Executive to implement Part 2A of the Environmental Protection Act, 1990. Scottish Ministers therefore implemented.

The Contaminated Land (Scotland) Regulations 2000 (SI2000/178) (the 2000 Regulations) with accompanying statutory guidance on the 14th July 2000. The 2000 Regulations were replaced on the 1st April 2006 by the Contaminated Land (Scotland) 2005 Regulations (the 2005 Regulations). The 2005 Regulations amended Part 2A of the Environmental Protection Act 1990 and the 2000 Regulations in the light of the Water Environment and Water Services (Scotland) Act 2003. Guidance on the 2005 Regulations was published in June 2006 in the form of Paper SE/2006/44 (Statutory Guidance; Edition 2) by the Scottish Executive. The document replaces in its entirety the guidance issued July 2000.

Contaminated land was defined in the 2000 Regulations where pollution of controlled waters is being, or is likely to be caused. This meant that any degree of pollution of controlled waters could have resulted in the land being designated as contaminated. The 2005 Regulations addressed the anomaly whereby trivial amounts of pollution resulted in land being designated as contaminated by introducing a requirement that pollution be "significant" or likely to be "significant" in relation to the water environment.

Unlike England and Wales the 2005 Regulations do not include radioactive contamination. The Radioactive Contaminated Land (Scotland) Regulations 2007 came into force in Scotland on the 30th October 2007. The Regulations make provision for Part 2A to have effect with modifications for the purpose of the identification and remediation of radioactive contaminated land.

When brownfield or contaminated sites are being developed, Local Authorities require that the need for remediation is determined using guidance provided by Planning Advice Note (PAN) 33. PAN 33 uses the Suitable for Use Approach. The approach focuses on the risks caused by land contamination and recognises that the risks presented by any given level of contamination will vary greatly according to the use of the land and a wide range of other factors such as the underlying geology.

The Suitable for Use Approach comprises three elements:

- Ensuring that land is suitable for its current use;
- Ensuring that land is made suitable for any new use as planning permission is given for that use; and
- Limiting the requirements for remediation to the work necessary to prevent unacceptable risks to human health or the environment in relation to the current use or future use for which planning permission is being sought.

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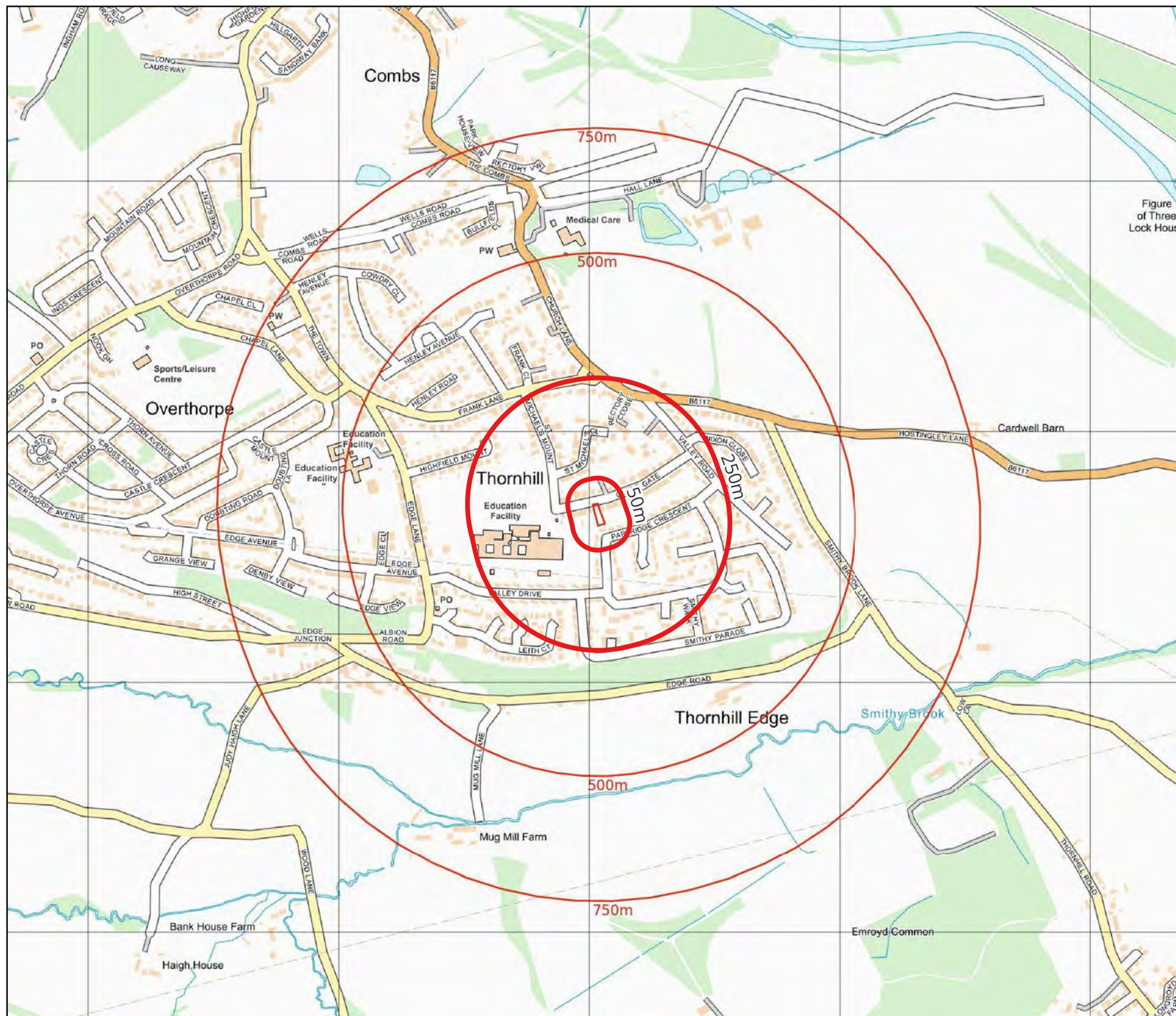
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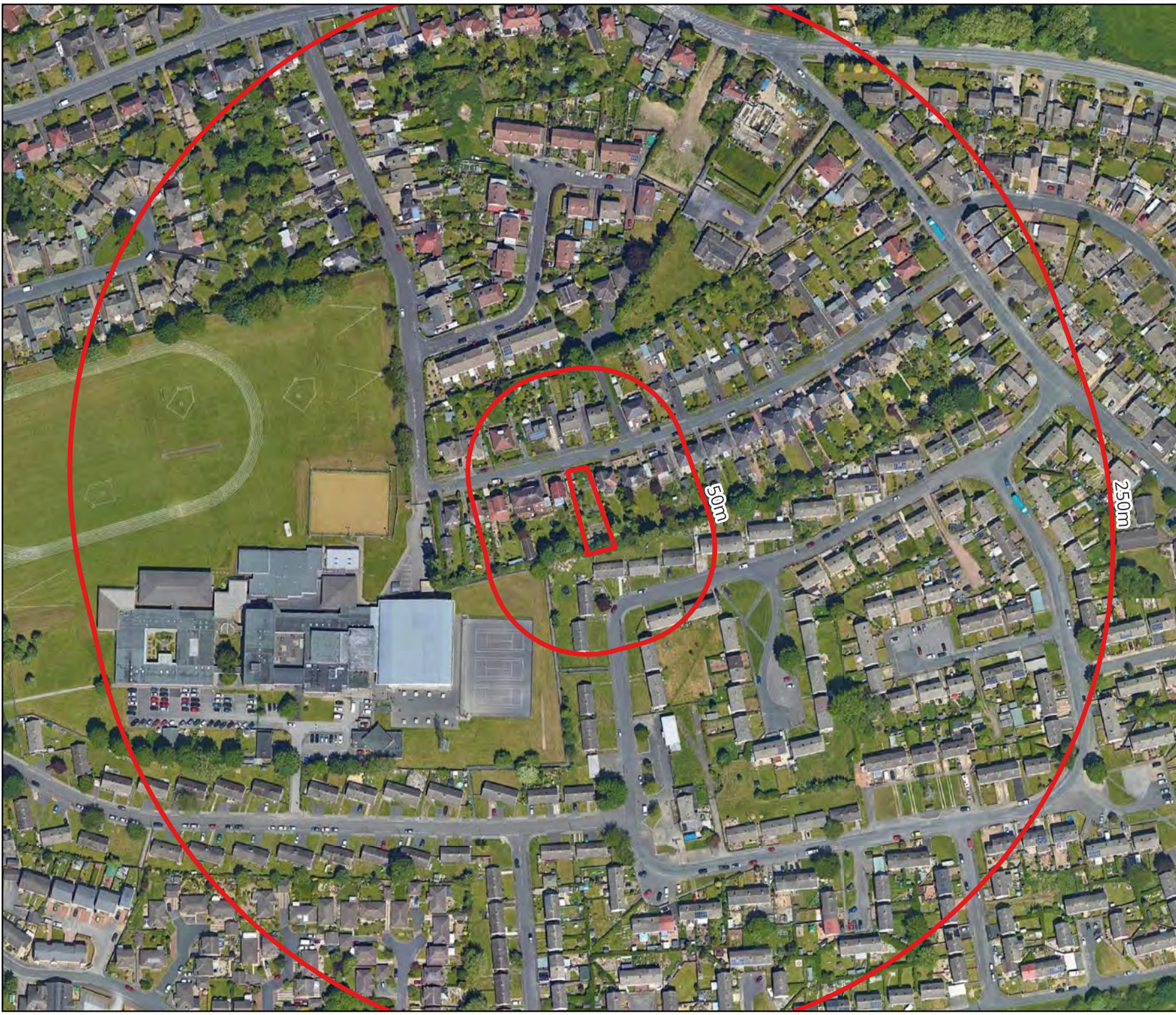
Drawing 1

Site Name: Land adjacent 43
Glebe Gate,

Site Location

Scale: 1:10,000 at A4





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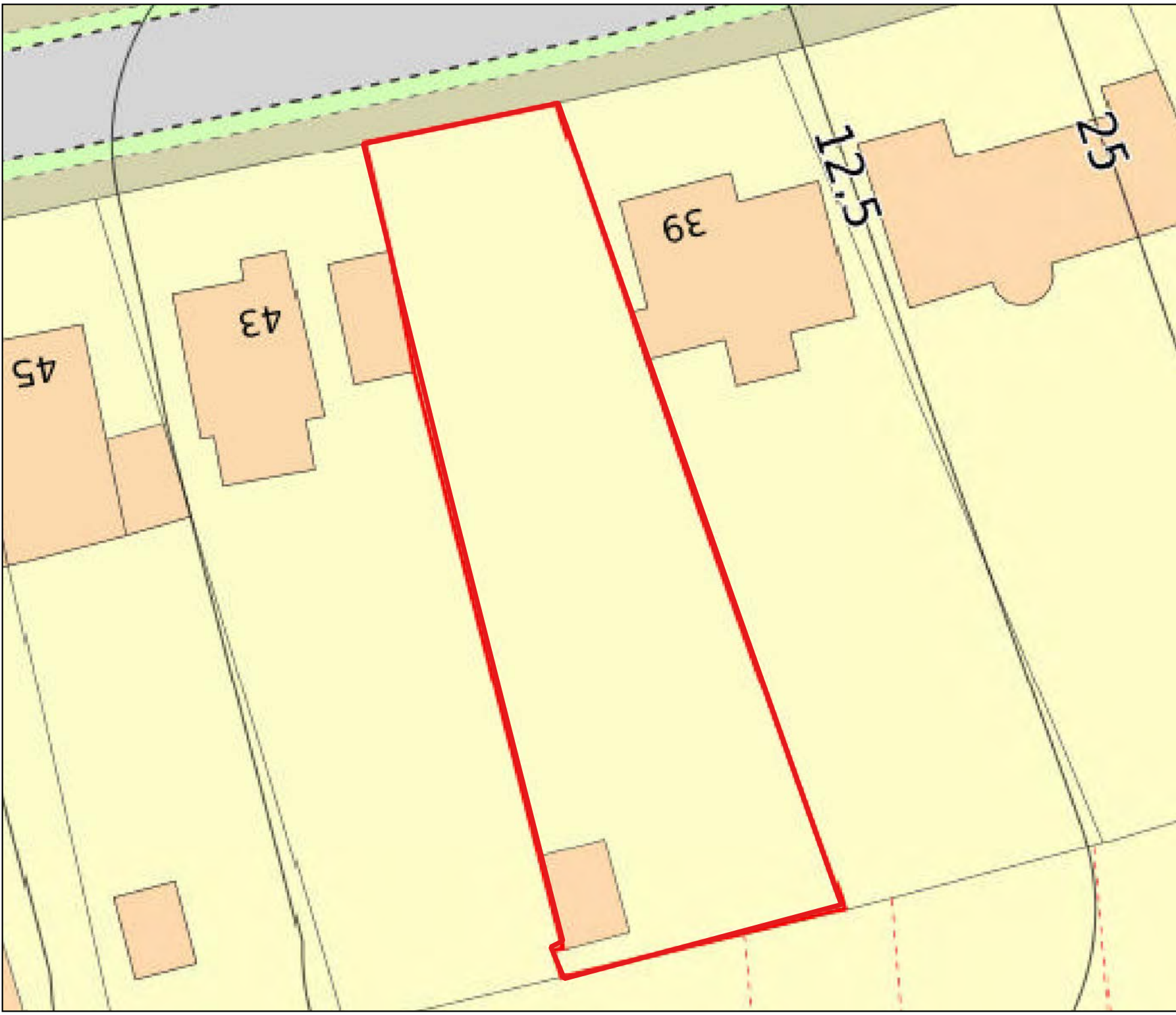
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Drawing: 2

Site Name: Land adjacent 43
Glebe Gate,

Aerial Plate

Scale: 1:2,500 at A4



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Brighton, East Sussex
BN3 7BA
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Email: enquiries@demeter-environmental.co.uk

Drawing 3

Site Name: Land adjacent 43
Glebe Gate,

Site Layout

Scale: 1:250 at A4



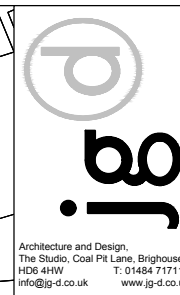
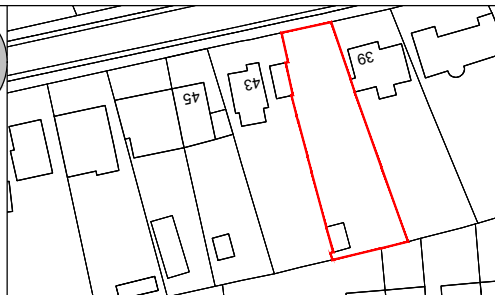
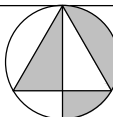
- Notes:
- A. Glebe Gate
 - B. Single Storey detached garage associated with 43 Glebe Gate
 - C. Existing boundary wall and hedging
 - D. Grass verge and footpath
 - E. Proposed new opening and dropped kerb from Highway linked to parking apron undertaken in accordance with MHCLG note on the permeable paving of front gardens
 - F. Proposed 3 bed dwelling house
 - G. Paved perimeter footpath and low level planting linked to patio area
 - H. Landscaped garden with amenity lawns, gravel walkway and perennial planting all as specialist detail
 - I. Refuse/ recycling storage
 - J. Close boarded timber fencing above existing dwarf walling to define plot
 - K. Outline of existing ancillary buildings to be demolished shown dotted
 - L. Brickwork plinth to match adjacent houses with projecting string course
 - M. Ash White Silicon Render with expansion joints as manufacturers recommendations
 - N. Pvc-U windows and doors in openings formed in walling as SE detail
 - O. Bay Feature with slatted vertical cladding
 - P. Seamless metal gutters and downpipes linked to S/w drainage
 - Q. Interlocking concrete tile roof covering to match existing
 - R. Ramped approach and entrance door with level threshold
 - S. Feature timber straight flight stair with return landing
 - T. Store area with oversized external access
 - U. Island Kitchen as specialist detail
 - V. En-suite bathroom with sanitaryware linked to new drainage
 - W. Built-in furniture as specialist detail
 - X. Proposed drainage connection subject to Yorkshire Water approval
 - Y. Refuse presentation point
 - Z. Proposed Habitat enhancement

Drawings based on Ordnance Survey (Streetswise License No 100047474) and preliminary survey – design and drawing content subject to further Site Surveys, Structural Survey, Site Investigations, Planning and Statutory Requirements and Approvals.

Rev. Des.

Date By

0 1 2 3 4 5m
Scale 1:100



Project	Proposed new dwelling at land adjacent 43 Glebe Gate, Thornhills WF12 0JX
Client	Mr & Mrs M Lightowler, 30 Glebe Gate, Thornhills WF12 0JX
Dwg Title	(25440)3_Site Plan
Scale	1: 100 @ A1
Date	May 26



APPENDIX C: COAL AUTHORITY CONSULTANTS REPORT



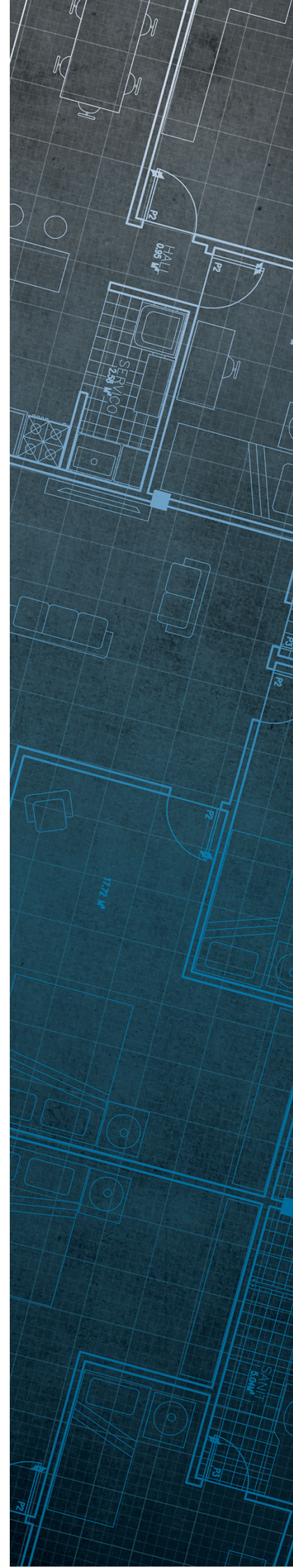
The Coal
Authority

Consultants Coal Mining Report

Land Adjacent
43 Glebe Gate,
Thornhill
Dewsbury
West Yorkshire
WF12 0JX

Date of enquiry:	8 April 2026
Date enquiry received:	8 April 2026
Issue date:	8 April 2026

Our reference:	51003563197001
Your reference:	26-04-02-01



Consultants

Coal Mining Report

This report is based on and limited to the records held by the Coal Authority at the time the report was produced.

Client name

DEMETER ENVIRONMENTAL

Enquiry address

Land Adjacent
43 Glebe Gate,
Thornhill
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Approximate position of property



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Section 1 – Mining activity and geology

Past underground mining

Colliery	Seam	Mineral	Coal Authority reference	Depth (m)	Direction to working	Dipping rate of seam worked (degrees)	Dipped direction of seam worked	Extraction thickness (cm)	Year last mined
unnamed	FLOCKTON THIN	Coal	6O5K	92	Beneath Property	2.5	North-East	51	1838
unnamed	MIDDLETON MAIN	Coal	6L4J	154	Beneath Property	2.9	North-East	86	1879
unnamed	WHEATLEY LIME	Coal	6O5N	173	Beneath Property	2.9	North-East	82	1924
unnamed	TOP BEESTON	Coal	6O5P	259	Beneath Property	2.8	North-East	102	1951
unnamed	BLACK BED	Coal	6O5X	335	Beneath Property	2.8	East	76	1917

Probable unrecorded shallow workings

None.

Spine roadways at shallow depth

No spine roadway recorded at shallow depth.

Mine entries

None recorded within 100 metres of the enquiry boundary.

Abandoned mine plan catalogue numbers

The following abandoned mine plan catalogue numbers intersect with some, or all, of the enquiry boundary:

NE774	NE773	GCR104
GCR78	2363	M38
NE108	NE640	GCR103

Our records show we have more plans than those shown above which could affect the enquiry boundary.

For assistance in identifying the specific abandoned mine plans relevant to your requirements, **please contact us at InformationManagers@MiningRemediation.gov.uk**.

Outcrops

No outcrops recorded.

Geological faults, fissures and breaklines

No faults, fissures or breaklines recorded.

Opencast mines

Please refer to the "Summary of findings" map (on separate sheet) for details of any opencast areas within 500 metres of the enquiry boundary.

Coal Authority managed tips

None recorded within 500 metres of the enquiry boundary.

Section 2 – Investigative or remedial activity

Please refer to the 'Summary of findings' map (on separate sheet) for details of any activity within the area of the site boundary.

Site investigations

None recorded within 50 metres of the enquiry boundary.

Remediated sites

None recorded within 50 metres of the enquiry boundary.

Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

Mine gas

None recorded within 500 metres of the enquiry boundary.

Mine water treatment schemes

None recorded within 500 metres of the enquiry boundary.

Section 3 – Licensing and future mining activity

Future underground mining

None recorded.

Coal mining licensing

None recorded within 200 metres of the enquiry boundary.

Court orders

None recorded.

Section 46 notices

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

Withdrawal of support notices

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

Payments to owners of former copyhold land

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Section 4 – Further information

The following potential risks have been identified and as part of your risk assessment should be investigated further.

Future development

If development proposals are being considered, technical advice relating to both the investigation of coal and former coal mines and their treatment should be obtained before beginning work on site. All proposals should apply specialist engineering practice required for former mining areas. No development should be undertaken that intersects, disturbs or interferes with any coal or coal mines without first obtaining the permission of the Coal Authority.

MINE GAS: Please note, if there are no recorded instances of mine gas within 500m of the enquiry boundary, this does not mean that mine gas is not present within the vicinity. The Coal Authority Mine Gas data is limited to only those sites where a Mine Gas incident has been recorded. Developers should be aware that the investigation of coal seams, mine workings or mine entries may have the potential to generate and/or displace underground gases. Associated risks both to the development site and any neighbouring land or properties should be fully considered when undertaking any ground works. The need for effective measures to prevent gases migrating onto any land or into any properties, either during investigation or remediation work, or after development must also be assessed and properly addressed. In these instances, the Coal Authority recommends that a more detailed Gas Risk Assessment is undertaken by a competent assessor.

Development advice

The site is within an area of historical coal mining activity. Should you require advice and/or support on understanding the mining legacy, its risks to your development or what next steps you need to take, please contact us.

For further information on specific site or ground investigations in relation to any issues raised in Section 4, please email us at reports@miningremediation.gov.uk.

Section 5 – Data definitions

The datasets used in this report have limitations and assumptions within their results. For more guidance on the data and the results specific to the enquiry boundary, please **email us at reports@miningremediation.gov.uk**.

Past underground coal mining

Details of all recorded underground mining relative to the enquiry boundary. Only past underground workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination, will be included.

Probable unrecorded shallow workings

Areas where the Coal Authority believes there to be unrecorded coal workings that exist at or close to the surface (less than 30 metres deep).

Spine roadways at shallow depth

Connecting roadways either, working to working, or, surface to working, both in-seam and cross measures that exist at or close to the surface (less than 30 metres deep), either within or within 10 metres of the enquiry boundary.

Mine entries

Details of any shaft or adit either within, or within 100 metres of the enquiry boundary including approximate location, brief treatment details where known, the mineral worked from the mine entry and conveyance details where the mine entry has previously been sold by the Authority or its predecessors British Coal or the National Coal Board.

Abandoned mine plan catalogue numbers

Plan numbers extracted from the abandoned mines catalogue containing details of coal and other mineral abandonment plans deposited via the Mines Inspectorate in accordance with the Coal Mines Regulation Act and Metalliferous Mines Regulation Act 1872. A maximum of 9 plan extents that intersect with the enquiry boundary will be included. This does not infer that the workings and/or mine entries shown on the abandonment plan will be relevant to the site/property boundary.

Outcrops

Details of seam outcrops will be included where the enquiry boundary intersects with a conjectured or actual seam outcrop location (derived by either the British Geological Survey or the Coal Authority) or intersects with a defined 50 metres buffer on the coal (dip) side of the outcrop. An indication of whether the Coal Authority believes the seam to be of sufficient thickness and/or quality to have been worked will also be included.

Geological faults, fissures and breaklines

Geological disturbances or fractures in the bedrock. Surface fault lines (British Geological Survey derived data) and fissures and breaklines (Coal Authority derived data) intersecting with the enquiry boundary will be included. In some circumstances faults, fissures or breaklines have been known to contribute to surface subsidence damage as a consequence of underground coal mining.

Opencast mines

Opencast coal sites from which coal has been removed in the past by opencast (surface) methods and where the enquiry boundary is within 500 metres of either the licence area, site boundary, excavation area (high wall) or coaling area.

Coal Authority managed tips

Locations of disused colliery tip sites owned and managed by the Coal Authority, located within 500 metres of the enquiry boundary.

Site investigations

Details of site investigations within 50 metres of the enquiry boundary where the Coal Authority has received information relating to coal mining risk investigation and/or remediation by third parties.

Remediated sites

Sites where the Coal Authority has undertaken remedial works either within or within 50 metres of the enquiry boundary following report of a hazard relating to coal mining under the Coal Authority's Emergency Surface Hazard Call Out procedures.

Coal mining subsidence

Details of alleged coal mining subsidence claims made since 31 October 1994 either within or within 50 metres of the enquiry boundary. Where the claim relates to the enquiry boundary confirmation of whether the claim was accepted, rejected or whether liability is still being determined will be given. Where the claim has been discharged, whether this was by repair, payment of compensation or a combination of both, the value of the claim, where known, will also be given.

Details of any current 'Stop Notice' deferring remedial works or repairs affecting the property/site, and if so the date of the notice.

Details of any request made to execute preventative works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991. If yes, whether any person withheld consent or failed to comply with any request to execute preventative works.

Mine gas

Reports of alleged mine gas emissions received by the Coal Authority, either within or within 500 metres of the enquiry boundary that subsequently required investigation and action by the Coal Authority to mitigate the effects of the mine gas emission. Please note, if there are no recorded instances of mine gas reported, this does not mean that mine gas is not present within the vicinity. The Coal Authority Mine Gas data is limited to only those sites where a Mine Gas incident has been recorded.

Mine water treatment schemes

Locations where the Coal Authority has constructed or operates assets that remove pollutants from mine water prior to the treated mine water being discharged into the receiving water body.

These schemes are part of the UK's strategy to meet the requirements of the Water Framework Directive. Schemes fall into 2 basic categories: Remedial – mitigating the impact of existing pollution or Preventative – preventing a future pollution incident.

Mine water treatment schemes generally consist of one or more primary settlement lagoons and one or more reed beds for secondary treatment. A small number are more specialised process treatment plants.

Future underground mining

Details of all planned underground mining relative to the enquiry boundary. Only those future workings where the enquiry boundary is within 0.7 times the depth of the workings (zone of likely physical influence) allowing for seam inclination will be included.

Coal mining licensing

Details of all licenses issued by the Coal Authority either within or within 200 metres of the enquiry boundary in relation to the under taking of surface coal mining, underground coal mining or underground coal gasification.

Court orders

Orders in respect of the working of coal under the Mines (Working Facilities and Support) Acts of 1923 and 1966 or any statutory modification or amendment thereof.

Section 46 notices

Notice of proposals relating to underground coal mining operations that have been given under section 46 of the Coal Mining Subsidence Act 1991.

Withdrawal of support notices

Published notices of entitlement to withdraw support and the date of the notice. Details of any revocation notice withdrawing the entitlement to withdraw support given under Section 41 of the Coal Industry Act 1994.

Payment to owners of former copyhold land

Relevant notices which may affect the property and any subsequent notice of retained interests in coal and coal mines, acceptance or rejection notices and whether any compensation has been paid to a claimant.

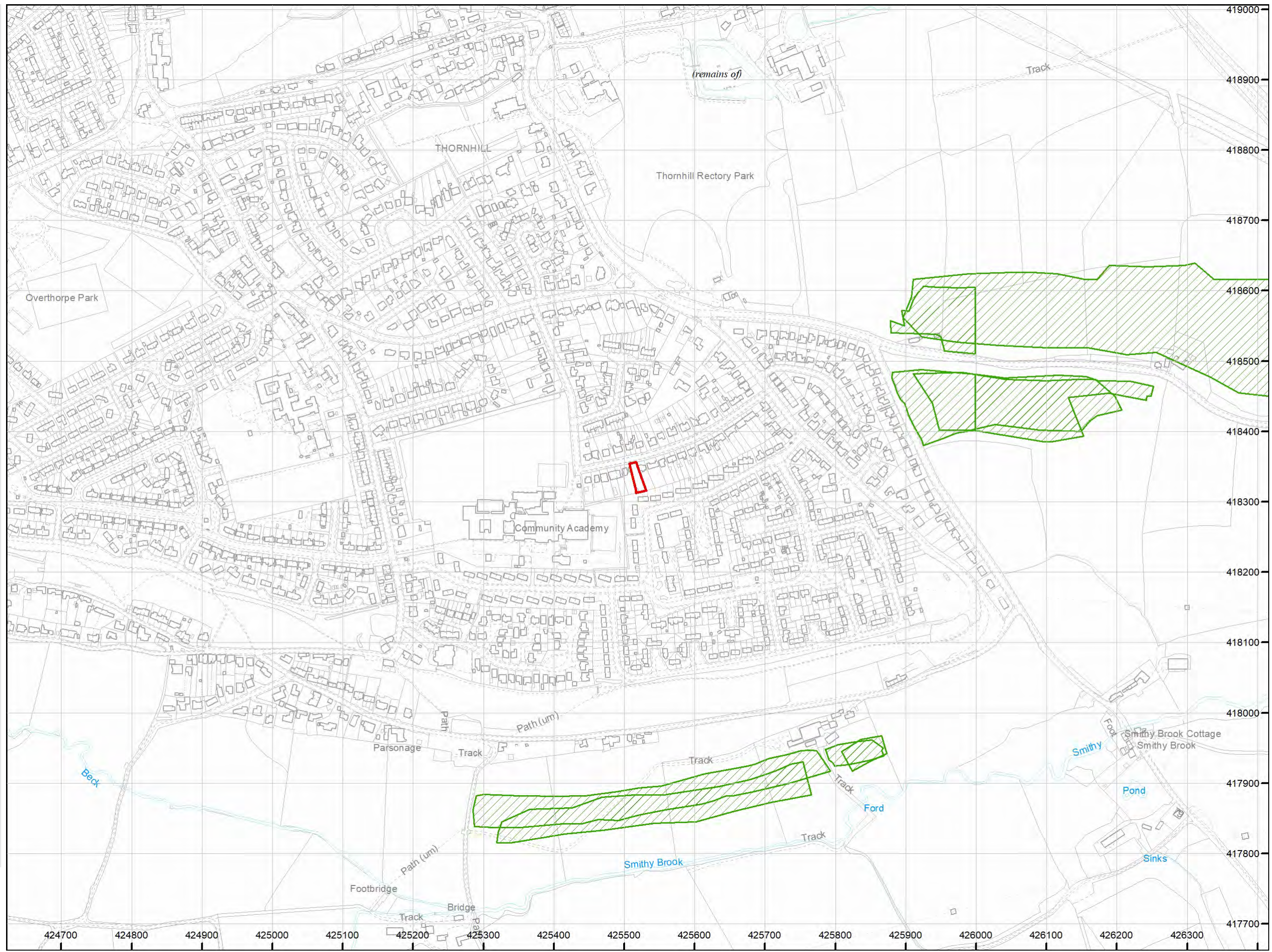
The map highlights any specific surface or subsurface features within or near to the boundary of the site.

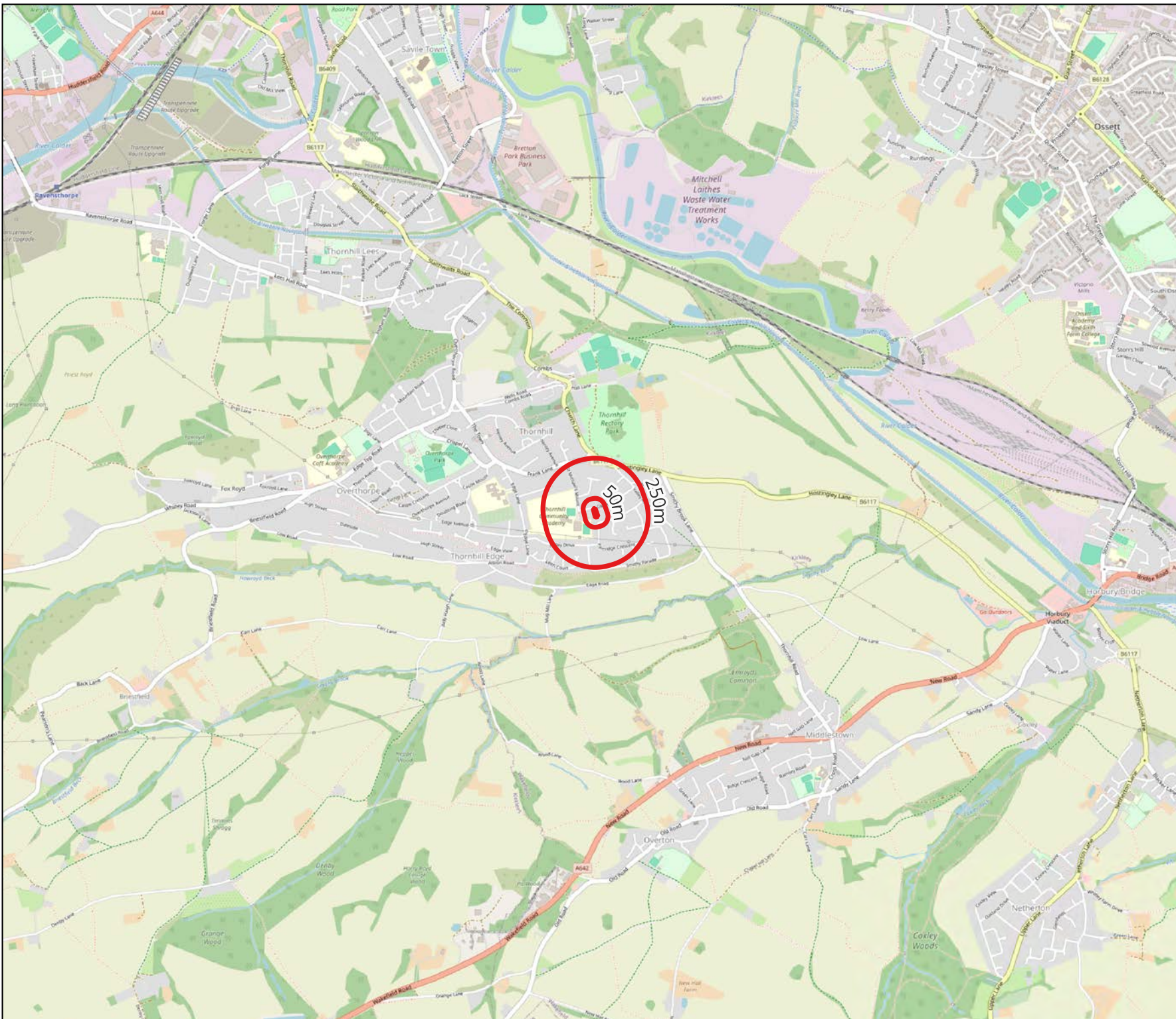
Key

Approximate position of the enquiry boundary shown 

Unlicensed opencast site 

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Tel: 01273 741 727

Email: enquiries@demeter-environmental.co.uk

Drawing 4

Site Name: Land adjacent 43
Glebe Gate,

Development High Risk Area

Scale: 1:25,001 at A4

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Fax: 0151 909 3661

Brighton Office:
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Tel: 01273 741 727

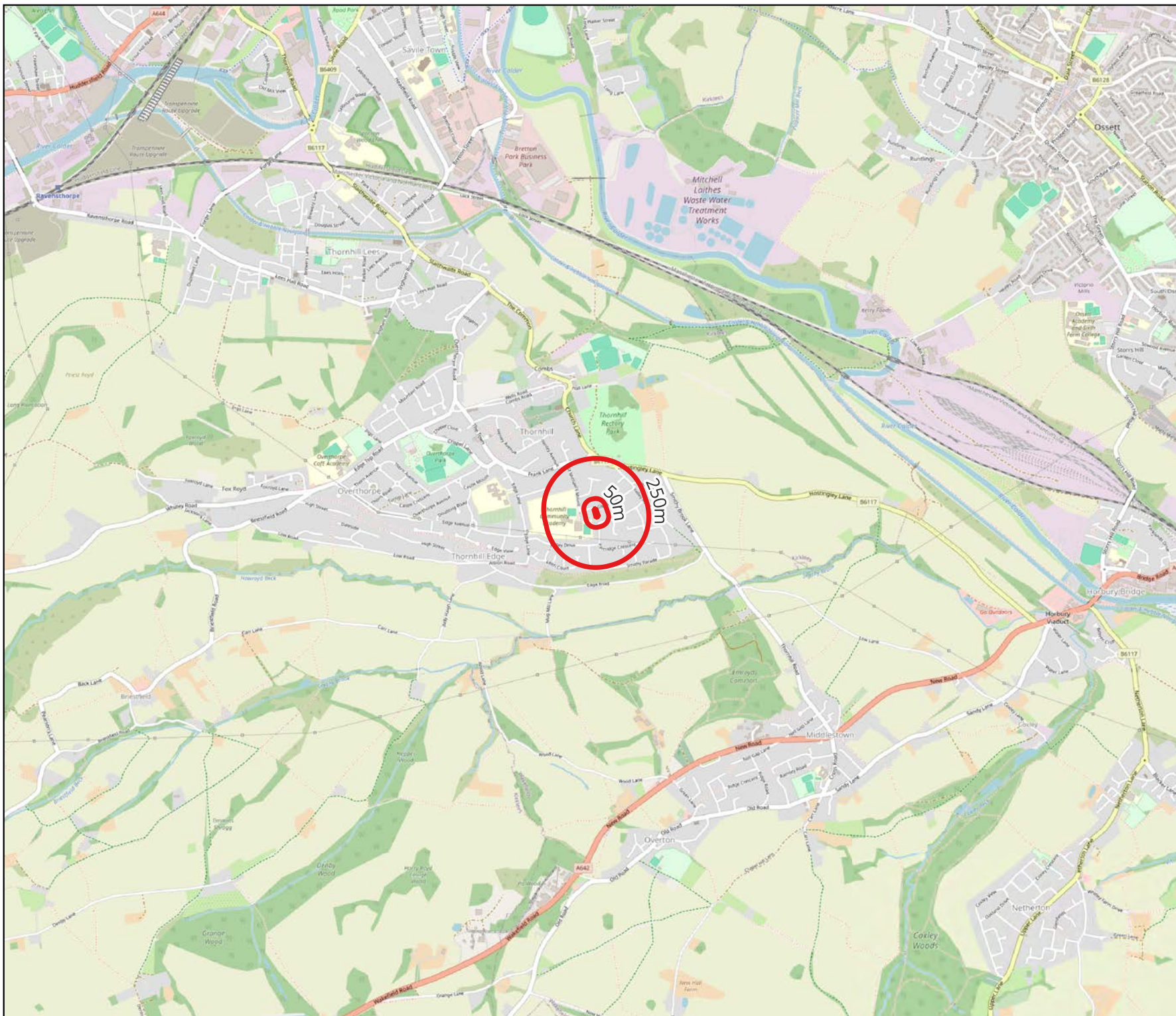
Email: enquiries@demeter-environmental.co.uk

Drawing 5

Site Name: Land adjacent 43
Glebe Gate,

Mine Entries

Scale: 1:25,001 at A4



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Drawing 6

Site Name: Land adjacent 43
Glebe Gate,

Known and Probable Shallow
Coal Minw Workings

Scale: 1:25,001at A4

