



**The Coal  
Authority**



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For the Attention of: Mr S Hopwood  
Kirklees Council

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

23 December 2016

Dear Mr S Hopwood

**PLANNING APPLICATION: 2016/94118**

**Outline application for residential development; Land Off, Ravensthorpe Road, Dewsbury**

Thank you for your consultation letter of 15 December 2016 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy and Industrial Strategy. 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**

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application 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.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Preliminary Geo-Environmental Investigation (dated April 2016, produced by Lithos), which accompanies this planning application. This forms the required Coal Mining Risk Assessment for this proposed development.

The Coal Mining Risk Assessment correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that the site is in

an area likely to have been subject to recorded shallow coal workings, unrecorded probable shallow coal workings. The site also contains 2 recorded mine entries and is underlain by thick coal outcrops. A surface hazard was also reported to The Coal Authority within the site.

The Coal Mining Risk Assessment has been informed by an appropriate range of sources of information. Based on this review of existing sources of geological and mining information, the Coal Mining Risk Assessment acknowledges that this site is at risk from mining legacy.

Accordingly, the Coal Mining Risk Assessment makes appropriate recommendations that intrusive site investigation works be undertaken to confirm ground conditions to enable appropriate remedial measures such as preparatory groundworks, specific foundation design and/or gas protection measures, if necessary.

#### The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment in the Preliminary Geo-Environmental Investigation (dated April 2016, produced by Lithos); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- \* The submission of a scheme of intrusive site investigations for the two mine entries on site for approval;
- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval;
- \* The undertaking of both of those schemes of intrusive site investigations;
- \* As part of the reserved matters application the submission of a report of findings arising from both of the intrusive site investigations;
- \* As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- \* As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;

\* As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

\* Implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment are sufficient for the purposes of the planning system and meets the requirements of NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.**

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

*Anthony B Northcote*

Anthony B Northcote *HNCert LA(P), Dip TP, PgDip URP, MA, FGS, ICIQB, MInstLM, MCMI, MRTPI*  
Consultant Planning Advisor to The Coal Authority

#### General Information for the Applicant

Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regard to this issue, the Coal Authority's adopted policy, Development and Mine Entries, can be found here:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

#### 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.*