The Coal Authority

INVESTOR IN PEOPLE

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For the Attention of: Nia Thomas – Case Office
Kirklees Council

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

18 March 2019

Dear Nia Thomas

PLANNING APPLICATION: 2018/62/93503/E

Erection of 4 dwellings and associated site works; The Mill, Caulms Wood Road, Dewsbury, Kirklees, WF13 1RU

Thank you for your consultation letter of 25 February 2019 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 & 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: **Fundamental Concern**

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 Coal Mining Risk Assessment Report (Demeter Environmental, December 2018), which accompanies this planning application.

The Coal Mining Risk Assessment Report correctly identifies that the application site has been subject to past coal mining related activities. Specifically, the report identifies the presence of adit which could potentially be within the application site boundary when taking into account departure of several metres from its recorded position. The report

considers that there is an identified risk to building fabrics and human health (page. 9). Therefore, the report recommends intrusive site investigations in order to locate this feature.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

The Coal Authority welcomes the recommendation to locate this feature but **objects** to this planning application as the presence of the adit has in no way influenced the design and layout of the proposed development. The applicant has therefore failed to demonstrate that the site is safe and stable for the proposed development before undertaking intrusive site investigation prior to determination. In addition, detailed remediation measures to mitigate the risk posed by the adit have not yet been proposed and may be necessary if the feature is within the application site boundary.

Intrusive site investigations, in accordance with a Coal Authority Permit, should therefore be undertaken prior to determination of the planning application in order to attempt to locate and assess the condition of the adit within the application site boundary, to formulate an appropriate scheme of remediation and to identify an appropriate 'no-build' zone around the adit if necessary. Revisions to the site layout should then be made in order to ensure that built development avoids the 'no-build' zone which should be clearly defined on the site layout plan.

It is a requirement of NPPF, paragraphs 178-179, that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

The Coal Authority Recommendation to the LPA

The Coal Authority's information indicates that a recorded adit may be present within the application site. This feature poses a significant risk to development of the application site, and it is the opinion of The Coal Authority that the risk and uncertainty is such that further specialist investigation is required before the LPA can be satisfied that the application site can be safely developed.

The applicant should therefore be advised of The Coal Authority's view and should be required to carry out intrusive site investigation works within the application site boundary, subject to obtaining Coal Authority permission, to determine the extent of past coal mining activities and the implications for the layout and design for their development proposal. Any remedial, preventive and mitigation measures should then be proposed as part of a report of findings from intrusive site investigations.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

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

George Weightman

George Weightman | BSc (Hons), MSc
Trainee Planning Liaison Manager

General Information for the Applicant
Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at:
https://www.gov.uk/get-a-licence-for-coal-mining

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. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. 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.