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The Coal
Authority

For the Attention of: Stacey White – Case Officer
Barnsley Metropolitan Borough Council

[By Email: developmentmanagement@barnsley.gov.uk]

18 October 2021

Dear Stacey

PLANNING APPLICATION: 2021/1090

Hybrid application for residential development for 1,760 dwellings comprising: a) Full planning permission for: earthworks to create development platforms; strategic drainage ponds and associated drainage infrastructure; construction of a new link road; location of strategic landscaping and ecological areas; demolition of existing buildings; works to Hermit Lane; and erection of Phase 1 residential development comprising 229 dwellings b) Outline planning permission for: Residential development comprising 1,531 dwellings; new primary school; small shops and community facilities; and associated infrastructure works.; Land South Of Barugh Green Road, And East Of Higham Common Road, Barnsley, (application 1)

Thank you for your notification of 29 September 2021 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.

Our records indicate that there are 12 mine entries within the site, and a further 2 mine entries within 20m of the site boundary. We hold no treatment details for any of the mine entries, although our records do indicate that some features may have been removed by the surface mining activity, but this is not confirmed. The site is also in an area of recorded and likely unrecorded coal mine working and surface coal extraction.

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

The submission is supported by a Coal Mining Risk Assessment and Coal Recovery Report (Remainder of site), dated August 2019 and prepared by JPG, a Coal Mining Risk Assessment and Coal Recovery Report (Pogmoor), dated August 2019 and prepared by JPG and a Preliminary Geoenvironmental Ground Investigation Report, dated July 2019 and prepared by JPG.

All of these reports conclude that there is a risk posed to development on this site by past coal mining activity and that intrusive investigations, in order to inform the required remedial works, are necessary. The report authors also recommend that investigations are carried out to delineate the surface mining highwalls.

We note that this application relates to a hybrid - full and outline submission, but that the full application includes not only the development platforms but also erection of Phase 1 of the residential development. We would expect the intrusive investigations to be carried out prior to the layout being designed in order to ensure that the exact location of surface mining highwalls and any mine entries present within Phase 1 have been established. The groundworks on site, including any cut and fill, should take

account of the impacts this will have on the mining features present and the remedial work necessary.

We note that the report mentions investigations for some of the mine entries, but makes reference to the removal of others by the surface mining activity. Where mine entries have not been investigated we would expect the applicant to provide evidence to the LPA that the features have been removed and no longer pose a risk to surface stability and the development. For clarity our records indicate that some of the mine entries 'have probably' been removed but does not confirm this. Prior to intrusive investigations being carried out for the recorded mine entries it would be prudent for the designer of the investigations to carry out a positional review of these features in order to ensure that the investigations are based on the best plot position available for these features.

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>

It is requested that the applicant provides the findings of the intrusive investigations to locate the coal mining features present in the area of the full application, specifically the area residential development. This information should also identify the remedial works necessary and should include a plan which shows the relationship of the development layout to the mining features present (surface mining highwall and mine entries and their no-build zones). On the basis of the information currently submitted we **object** to this planning application.

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded

on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

We would be pleased to comment on any additional information the applicant submits to support this application.

Yours sincerely

[Redacted signature]

[Redacted name] *BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI*
Development Team Leader (Planning)

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.