



The Coal
Authority



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For the Attention of: [REDACTED] – Case Officer
Barnsley Metropolitan Borough Council

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

23rd November 2023

Dear Stacey

PLANNING APPLICATION: 2021/1089

Hybrid Application comprising of a) Full planning permission for: earthworks to create development platforms; drainage features, including dry detention basin, embankments, bunds, location of strategic landscaping, ecological areas and access. b) Outline planning permission seeking approval for employment use development (use classes E/B2/B8) and associated servicing and infrastructure works, including car parking, vehicle, pedestrian and cycle circulations, on-plot landscaping, noise mitigation, drainage features and all associated infrastructure. (Amended Description and Amended Plans) - Land to the South East of Higham Common Road, Barnsley (Employment) – Re-consultation

Thank you for your notification of the 24th October 2023 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

We previously commented on this application, for the employment element of the two schemes submitted, in a letter to the LPA dated 18th October 2021. In this letter we commented on our review of the Coal Mining Risk Assessment and Coal Recovery Report, dated August 2019 and prepared by JPG submitted. We raised no objections to the application but did request that relevant planning conditions be imposed on any consent granted.

The current amended submission is supported by the previous Coal Mining Risk Assessment and Coal Recovery Report, dated August 2019. It is also supported by a Preliminary Geoenvironmental Ground Investigation, dated March 2023 and prepared by JPG.

The March 2023 sets out details of the investigatory works undertaken. In respect of coal mining legacy features it states that rotary boreholes are required to confirm the mining legacy and inform the remedial works necessary and delineate the surface mining highwalls. We therefore reiterate our previous comments.

The Coal Authority would expect the location of the surface mining highwalls to be used to inform the layout in order to avoid buildings straddling the highwalls where this is possible.

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 any Permit application.

SUDs

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 Coal Authority Recommendation to the LPA

This is our recommendation for condition wording, although we appreciate that you may wish to make some amendments to the choice of words.

Full

- 1. *No works shall commence on creating the development platforms until;***
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;***
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.***

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Outline

- 2. *Prior to the submission of the first of the reserved matters a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.***
- 3. *As part of the reserved matters, for each phase if necessary, a plan should be submitted to the local planning authority for consideration and approval, which demonstrates how the development layout has taken account of any coal mining features present (e.g surface mining highwalls, mine entries).***

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

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

It is also requested that the following Informative Notes are included on any planning permission granted:

1 - Ground Investigations

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 to enter or disturb our property will result in 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:www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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

Yours sincerely



Principal Planning & Development Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The

comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.