



The Coal
Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

T: 01623 637 119 (Planning Enquiries)

E: planningconsultation@coal.gov.uk

W: www.gov.uk/coalauthority

For the attention of: Mr N. Hirst – Case Officer

Kirklees Council

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

3 July 2025

Dear Mr Hirst

Re: Planning application 2023/62/91116/E

Erection of 77 dwellings, with access from Darley Road and associated works at Land off Primrose Lane, Hightown, Liversedge – FURTHER RECONSULTATION

Thank you for your notification of 25 June 2025 seeking the further views of the Coal Authority (operating as the Mining Remediation Authority) on the above planning application.

The Coal Authority response: MATERIAL CONSIDERATION

You will recall that we withdrew our objection to this application in our previous consultation response letter of 24 October 2024, subject to the imposition of conditions. These included a condition effectively reserving the detail of built development at Plots 6, 7 and 10 for future approval, to allow for the undertaking of works to locate mine shaft 419424-020 and to enable the formulation of a detailed layout of development at these plots to ensure their in a manner which avoids the mine entry and its associated zone of influence (ZOI).

We note that the applicant has now submitted a Mine Entry Investigation Report (June 2025, prepared by Wardell Armstrong) in support of their application. This report details the results of intrusive investigations undertaken on site which did not locate mine entry 419424-020. As alluded to in the report, based on the results of these works and additional information presented by the applicant's technical consultants, our Mining Information

Team was able to delete the feature from our database. As such, the Planning & Development Team's previous concerns regarding the implications posed by shaft 419424-020 to the proposed layout of development have been addressed.

The report highlights that mine shaft 419424-014 has previously been located within the southern part of the site. You will recall from our last response letter that information previously submitted confirmed that this feature is to be appropriately treated. Built development at the affected plots (nos.54 and 55) has also been rearranged to accommodate the associated residual risk posed by this feature.

With regards shafts 419424-004, 419424-005 and 419424-006 located in the wooded area in the north of the site, the report concludes that the ZOIs for these features remain as defined in the Mine Shaft Zone of Influence Drawing included in Appendix A of the previously submitted Technical Note (19 September 2024, prepared by Wardell Armstrong). It goes on to advise that these shafts lie outside the proposed developable area and are located within open space. As such, the report concludes that these features pose a negligible risk to the proposed development.

In light of the above, the Coal Authority's Planning & Development Team is satisfied that the layout of proposed built development at the site has been suitably informed by the presence of the various recorded mine entries.

As we pointed out previously, we wish to highlight that the current extent of fencing around shafts 419424-004, 419424-005 and 419424-006, does not encompass the entirety of their associated potential ZOIs as defined on the Mine Shaft Zone of Influence Drawing. As such, in the interests of public safety we consider that suitably robust fencing of an appropriate design and height should be erected in order to prevent public access across the ZOIs of these shafts.

You will recall that a Shallow Coal Mining Investigation Report (May 2023, prepared by Wardell Armstrong) was previously submitted in support of the application. The report indicated that evidence of underground mine workings was encountered during the investigations. It advised that remedial works are required to address the risk of instability posed by this mining legacy. These may entail the extraction/removal of coal from outcrop and the undertaking of a drilling along with the grouting programme to stabilise any shallow workings present within influencing distance of the surface.

We wish to comment that all remedial works should be designed and carried out by competent persons and should ensure the safety and stability of the proposed development as a whole, including buildings and external parts of the site such as roads and vehicle parking and manoeuvring areas. Permission is required from our Permitting Team before undertaking any remedial works which will disturb Coal Authority property.

Any comments that we may have made in a Planning context are without prejudice to the outcomes of a Permit application.

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.

SuDS

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.

COAL AUTHORITY RECOMMENDATION (REVISED)

The Coal Authority's Planning & Development Team notes the conclusions of the applicant's technical consultants contained in the various reports submitted in support of the application. It is evident that coal mining legacy poses a risk to the proposed development and future users of the site and that remedial and mitigatory measures are required in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. No development shall commence until remediation works and mitigation measures to address land instability arising from coal mining legacy, including that posed by past shallow coal mining activity and recorded mine shafts, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. The works shall be carried out in accordance with authoritative UK guidance.***
- 2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming***

that the site 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 completion of all necessary remedial works and mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

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 187, 196 and 197 of the National Planning Policy Framework.

The Coal Authority would also expect the LPA to include a further appropriately worded condition to remove Permitted Development rights for the erection of extensions or curtilage buildings at the new dwellings where these would fall within the zones of influence for shafts 419424-004, 419424-005 and 419424-014, as defined on the Mine Shaft Zone of Influence Drawing included in Appendix A of the previously submitted Technical Note (19 September 2024, prepared by Wardell Armstrong). This will enable the safety and stability implications of coal mining legacy to be considered by the LPA in the event of future householder development proposals at the site.

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, the piling of foundation, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action.

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 - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

3 - 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.

We recommend that a copy of this letter is included with any planning permission Decision Notice issued in order to make clear our expectations in respect of measures to mitigate the risks posed by shafts 419424-004, 419424-005 and 419424-006.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

James Smith BSc. (Hons), Dip.URP, MRTPI
Planning and 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 and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that has been published on the Council's website for consultation purposed 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 advisors for this development in relation to ground conditions and the acceptability of development.