

# MWA Statement to Coal Authority Objection

Planning Ref: 2024 / 92031

Outline Application for Erection of Residential  
Development, Adoptable Road and Public Open  
Space

Headlands Works, Headlands Road, Liversedge,  
WF15 7NT

Client: Seale (6586)



## Document Control

Document Name: RSHR-MWA-XX-XX-RP-A-S2-PI-0001

Title: OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT, ADOPTABLE ROAD AND PUBLIC OPEN SPACE

Client: Robert & Richard Seale (6586)

Revision	Status	Prepared By	Approved By	Issue Date	Comments
PI	S2	Tom Davies	Marcus Walsh	April 2025	First Issue

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01

Introduction

## 01 Introduction

This Statement has been prepared in response to the Coal Authorities Objection to the outline application for the Erection of a Residential Development, Adoptable Road and Public Open Space at Headlands Works, Headlands Road, Liversedge, WF15 7NT (Planning ref: 2024 / 92031).



02

# Mineshaft Locations

## 02 Mineshaft Location

### **Mineshaft Ref: 420423-026**

The mineshaft location is outside the outline application boundary. The mineshaft is located in the Spen Valley Sports College playing fields.

The mineshaft location is shown on the MWA drawings:

- The mineshaft is located approximately 17.2 metres from the application site boundary (Appendix 4).
- The mineshaft's approximate position is located 24 metres from the rear wall of the nearest proposed dwelling no. P23 (Appendix 5).

With respect to locating this shaft to the West of the application site, it is not possible to gain access to third party land but during the future site investigation works it can be established that the shaft is not located within the rear gardens of plots (p23 and p24) until the industrial complex is demolished it is impossible to gain access for machinery to the area due to the existing units, trees and steep topography of the site.

### **Mineshaft Ref: 420423-021**

The above mineshaft location is within the outline application boundary. The mineshaft location is in the proposed Public Open Space (POS) of the proposed housing development.

The mineshaft location is shown on MWA drawings:

- The mineshaft is located in the service yard of the existing industrial complex "Headlands Works" – 5 No units (Appendix 4).
- The mineshaft's approximate position is 3.5 metres from the corner of unit 2, therefore it could actually be located under the building.

03

MWA Response to Coal  
Authority Objection

## 03 MWA Response to Coal Authority Objection

### Mineshaft ref: 420423-021

Headlands Works consists of 5no units and a shared service yard. Due to the likely position of the above shaft being in the service yard on the corner of unit 2, it would not be possible to locate this at present. To do so would require using a 360 excavator and digging to rockhead.

This would potentially:

- A) Undermine the foundations of unit 2
- B) The machine and spoil heap would stop access to three units and stop vehicle use of the shared service yard
- C) Be unsafe site investigation works on a live industrial complex
- D) Site investigation work could cause damage to the building / buildings.

Having consulted the Engineer, Geotechnical Engineer and Planner we would recommend that the mine shaft location / Phase 2 site investigation work be conditioned to take place when the industrial complex is demolished. Please note that an outline planning approval is required to enable the industrial units to be demolished.

Outline planning permission for demolition of industrial units and development of 37 dwellings was previously approved in 2013 (2013 / 91037) and 2017 (2017 / 93112).

MWA would ask the Coal Authority to remove the objection and site investigation be conditioned by the Planning Authority to be undertaken at the appropriate time as outlined above.

04

Appendices

**APPENDIX I**

**THE COAL AUTHORITY OBJECTION DATED 7<sup>TH</sup> AUGUST  
2024**



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E: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)  
W: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**For the attention of: Ms L. Bearcroft – Case Officer**  
Kirklees Council

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

7 August 2024

Dear Ms Bearcroft

**Re: Planning application 2024/60/92031/E**

**Outline application for erection of residential development, adoptable road and public open space at Headlands Works, Headlands Road, Liversedge, WF15 7NT**

Thank you for your notification of 26 July 2024 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 for Energy Security and Net Zero. 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: SUBSTANTIVE CONCERN**

The application site falls within the Coal Authority's defined Development High Risk Area. Therefore, within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

More specifically, the Coal Authority records indicate that mine shaft 420423-021 is located within the northern part of the site and that the potential zone of influence of off-site mine shaft 420423-026 may encroach into the southern corner of the site. Due to potential plotting inaccuracies, the actual positions of these former coal mining features could

depart/deviate from their plotted positions by several metres. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

We take this opportunity to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries).

In addition, our information indicates that a coal seam is conjectured to outcrop at or close to the surface of the site, which is likely to have been subject to historic unrecorded mining activity at shallow depth beneath the site. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Phase 1 Geoenvironmental Risk Assessment /

Coal Mining Risk Assessment and Flood Risk Assessment (February 2024, prepared by MDJA); however, the Coal Authority's Planning & Development Team does not consider that this adequately addresses the impact of coal mining legacy on the scheme of development currently proposed and we therefore **OBJECT** to the application.

Based on a review of coal mining and geological information, Section 9.16 of the submitted report identifies the potential for the presence of unrecorded shallow mine workings in two coal seams which may affect surface stability at the site. It goes on to recommend that a borehole investigation should be carried out to further assess the risk posed by any shallow coal mining legacy present.

Section 9.17 of the report acknowledges the presence of the two recorded mine shafts within/adjacent to the site. It advises that on-site shaft 420423-021 should be located and the condition of any past treatment determined. It also advises that investigations should be carried out to confirm that shaft 420423-026 does not lie within the site. Based on the results of these investigation, the report concludes that '*... a safe distance [from the shafts] to new housing can be calculated.*'

The Coal Authority welcomes the recommendation for the investigation of coal mining legacy affecting the site in order to inform any necessary remedial treatment works. However, the report fails to explicitly acknowledge our adopted policy which requires development to avoid mine entries and their associated zones of influence, and it fails to

adequately assess the risk posed by the recorded mine shafts to the specific detailed scheme of development currently under consideration by the LPA.

We acknowledge that the applicant is seeking outline permission for the proposed development, however, we note that they are also seeking approval of the layout of development at this stage. Whilst the recorded mine shafts and their associated zones of influence are not shown on the Proposed Site Plan, taking into account the potential departure distances for the shafts, the potential zones of influence of these features could encroach beneath the footprints of proposed built development. This would conflict with our adopted policy.

In order to demonstrate the acceptability of the proposed detailed development layout for which approval is being sought, the Coal Authority considers that intrusive investigations should be carried out prior to the determination of the application to locate and establish the condition of the recorded on-site mine shaft and to establish ground conditions.

Prior to the undertaking of any such investigations, the Coal Authority considers that it would be prudent for the applicant to carry out a positional review of the mine entries from source data, to ensure that investigations are based upon the most accurate best plot positions for the shafts.

The information gained from these site investigations will enable the position of the on-site shaft to be identified and the extent of the zone of influences of this shaft and the off-site shaft to be calculated. This will allow any necessary revisions to be made to the site layout to ensure that the built development is sited in a manner which avoids the shafts and their zones of influence. These details should be clearly shown on a revised Proposed Site Layout drawing.

The applicant should note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority 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.

### **Surface Coal Resource**

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.

### **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.

### **The Coal Authority Recommendation to the LPA**

The supporting Phase 1 Geoenvironmental Risk Assessment / Coal Mining Risk Assessment and Flood Risk Assessment has failed to demonstrate that the proposed detailed layout of development has been suitably informed by the presence of recorded mine entries. It is the opinion of the Coal Authority's Planning & Development Team that the risk and uncertainty posed is such that specialist investigation is required prior to the determination of the application to ensure that the LPA is satisfied that the application site can be safely developed in the manner proposed.

The applicant should therefore be required to carry out intrusive site investigation works, 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, preventative and mitigatory measures should then be proposed as part of a revised report, as necessary, to address issues of land instability.

We would be 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 wish to discuss the above matters further.

Yours sincerely

**James Smith** BSc. (Hons), Dip.URP, MRTPI  
**Planning and Development Manager**

### **General Information for the Applicant**

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 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](http://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.*







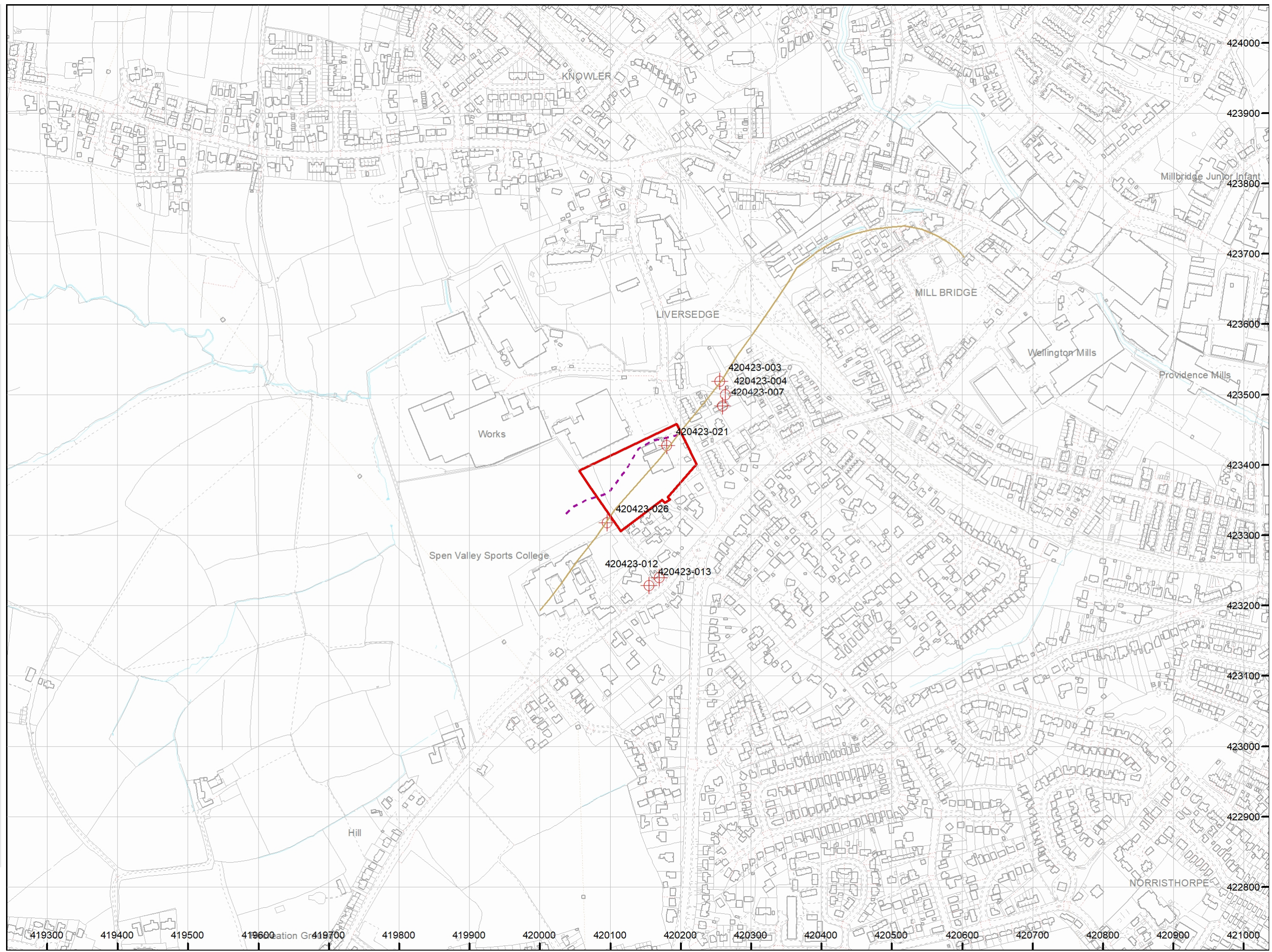
**APPENDIX 2**

**THE COAL AUTHORITY MAP FROM MDJA'S PHASE I DESK  
STUDY / CMRA REF: 4360 DATED FEBRUARY 24<sup>TH</sup>**

The map highlights any specific surface or subsurface features within or near to the boundary of the site.

**Key**

- Approximate position of the enquiry boundary shown 
- Disused mine shaft 
- Outcrop (Conjectured) 
- Geological faults 

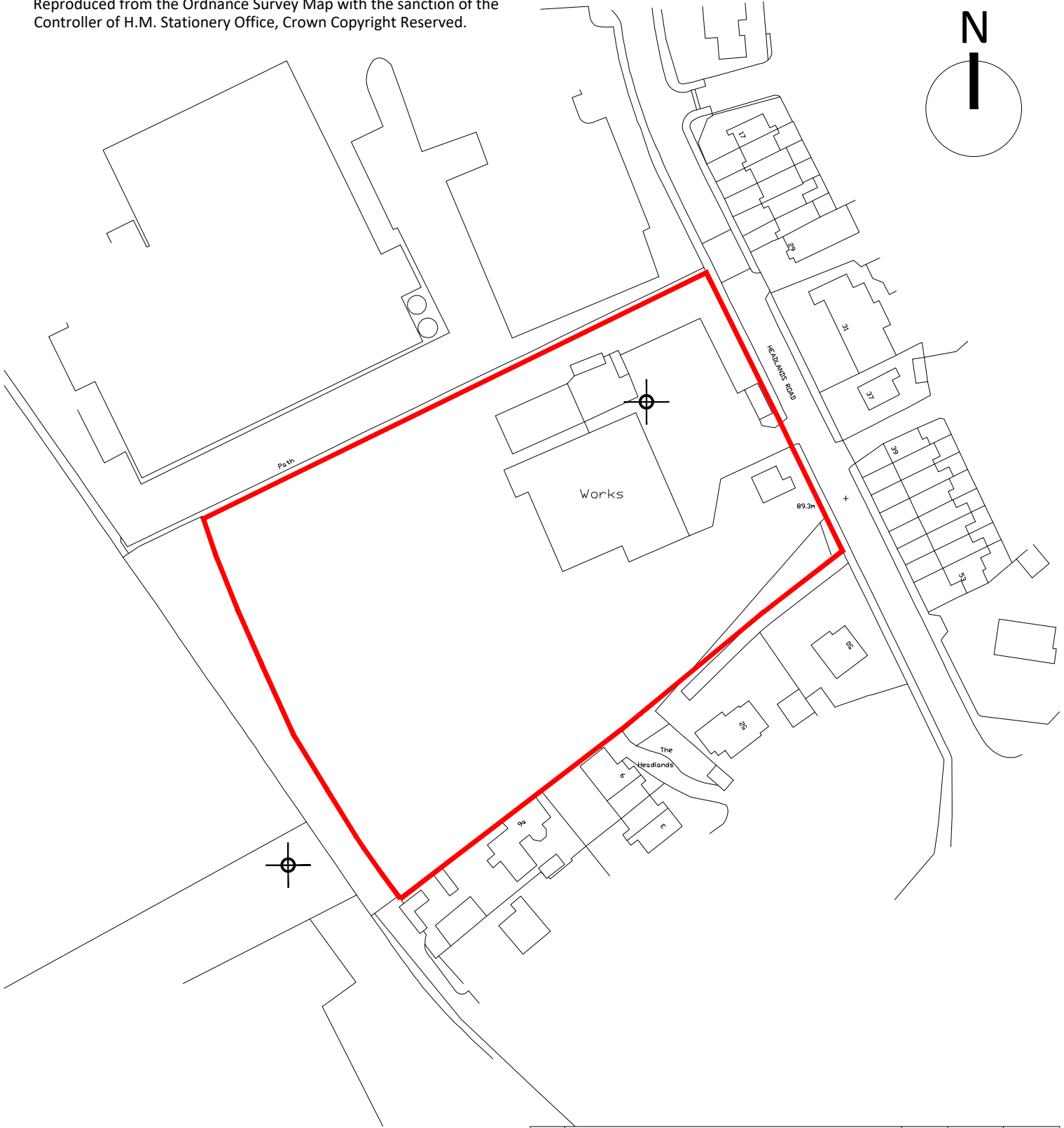
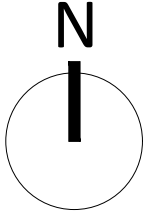


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**APPENDIX 3**

**MWA DRAWING NO. RSHR-MWA-XX-XX-DR-  
A\_0001\_LOCATION PLAN (REV P2)**

**(PLEASE NOTE THE POSITION OF THE OWNERSHIP  
BOUNDARY)**



# MARTIN WALSH ARCHITECTURAL

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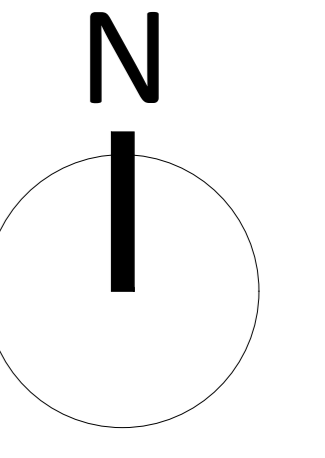
**Project**  
Proposed Residential Development at Headlands,  
Headlands Works, Headlands Road, Liversedge WF15 7NT

**Client**  
Robert & Richard Seale

P2	Revised post Land Registry plan issue from Client			MW(J)		04.24
Rev	Description			Drawn	Checked	Date
Document Status : Purpose of Issue:						
<b>S2</b>		<b>For Information</b>				
Title						
<b>Location Plan</b>						
MWA project	Scale	Original Paper Size	Orientation	Drawn		
6586	1:1250	@A4	Portrait	TD		
File Identifier	Originator	Volume	Level	Type	Role	Number
Project						Revision
<b>RSHR - MWA - XX - XX - DR - A - 0001</b>						<b>P2</b>

**APPENDIX 4**

**MWA DRAWING NO. RSHR-MWA-XX-XX-DR-A-  
0002\_EXISTING SITE SURVEY (REV P1) SHOWING MINE  
SHAFT POSITIONS**



Reference	East	North	Elevation	Description
CP101	420299.88	423265.53	90.41	Survey Station
CP102	420311.74	423272.72	90.10	Survey Station
CP103	420299.88	423265.53	90.41	Survey Station
CP104	420311.74	423272.72	90.10	Survey Station
CP105	420299.88	423265.53	90.41	Survey Station
CP106	420311.74	423272.72	90.10	Survey Station
CP107	420299.88	423265.53	90.41	Survey Station
CP108	420311.74	423272.72	90.10	Survey Station
CP109	420299.88	423265.53	90.41	Survey Station
CP110	420311.74	423272.72	90.10	Survey Station
CP111	420299.88	423265.53	90.41	Survey Station
CP112	420311.74	423272.72	90.10	Survey Station
CP113	420299.88	423265.53	90.41	Survey Station
CP114	420311.74	423272.72	90.10	Survey Station
CP115	420299.88	423265.53	90.41	Survey Station
CP116	420311.74	423272.72	90.10	Survey Station
CP117	420299.88	423265.53	90.41	Survey Station
CP118	420311.74	423272.72	90.10	Survey Station
CP119	420299.88	423265.53	90.41	Survey Station
CP120	420311.74	423272.72	90.10	Survey Station

**Site Survey Control & Datum Information**  
 Grid Orientation: Survey related to BS "OSGB36" at control point GPS01 & survey data was processed on a plane grid.  
 Level Datum: OS Ordnance Height

**Control & Datum Information**  
 Coordinates & Levels are based upon OSGB 1936 National Grid (OSGB36) and Ordnance Survey Datum Newlyn (ODN).  
 The National Grid Transformation OSTN03 & the National Grid Model OSGM02.  
 The data obtained for use in this drawing involved the use of real-time GPS survey and total station survey.  
 Contours are shown at 0.5m intervals.

**Holden Surveys Ltd**  
 Topographical Building & Site Surveys  
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Rev	Description	Drawn	Checked	Date
S2	WORK IN PROGRESS			

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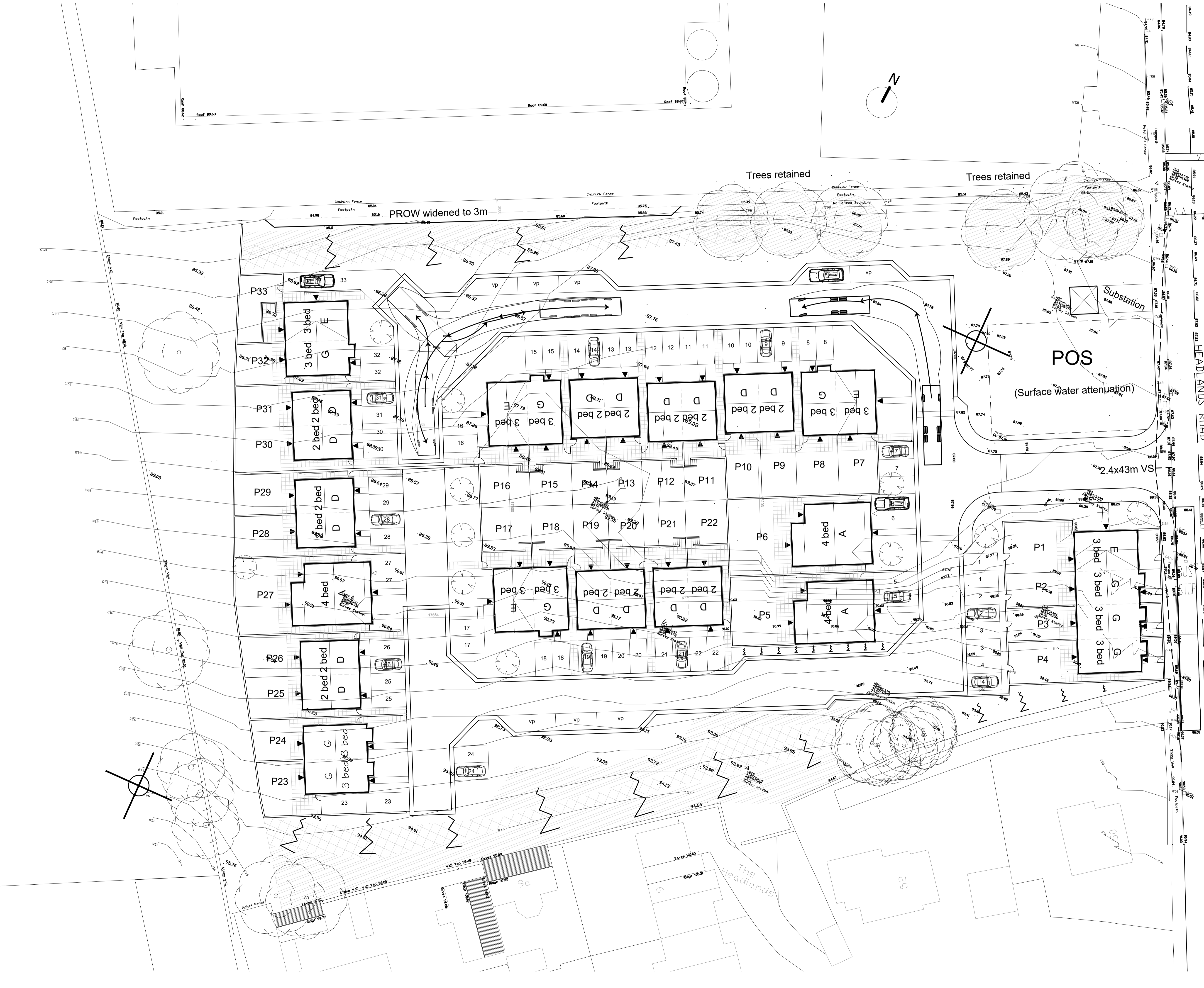
Project: Proposed Residential Development at Headlands, Headlands Works, Headlands Road, Liversedge WF15 7NT

File Number	Originator	Volume	Level	Type	Revision	Revision	
6586	RSHR	MWA	XX	DR	A	0002	P1

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**APPENDIX 5**

**MWA DRAWING NO. RSHR-MWA-XX-XX-DR-A-  
0003\_PROPOSED SITE LAYOUT (REV P8) SHOWING MINE  
SHAFT POSITIONS**



**Wildlife Habitat Specification**

The development should include the following:

- (1) 2 bat tubes similar to the Schweglar 1 FR boxes fitted integral to suitable elevations of the new build (southerly aspect)
- (2) 2 woodcrete sparrow terrace located on a suitable (northern aspect) elevation of the new build

**House Type Schedule**

Type	Beds	No.
A	4	3
D	2	16
E	3	5
G	3	9
<b>Total</b>		<b>33</b>

**Housing Mix**

Type	No.	%	Batley & Spenn %
1 and 2 beds	16	48.4	30 - 60
3 beds	14	42.4	20 - 40
4+ beds	3	9.1	15 - 35

- Key**
- Woodland Edge Planting
  - Forestry Planting
  - Lockable bike store
  - Refuse bin storage location
  - Refuse bin collection point
  - \*EVC Electric vehicle charging point
  - \*BAT Bat tube location
  - \*BIRD Bird terrace location
  - Historic coal shaft location

Rev	Description	Drawn	Checked	Date
P8	Revised post HMA Consulting Engineer appraisal	MW(J)		03.25
P7	Revised private road design on advice from Engineer	MW(J)		12.24
P6	Kirkless Planning advised that the 6 trees along the PROW to be retained with part of the PROW widened to 3m	MW(J)		12.24
P5	Revised due to Paragon Highways comments	MW(J)		10.24
P4	Denser scheme requested by Kirkless Planning	MW(J)		09.24
P3	Revised house type schedule	MW(J)		06.24
P2	Revised layout post engineering feasibility	MW(J)		06.24
Rev	Description	Drawn	Checked	Date

Document Status: **S2 WORK IN PROGRESS**

**MARTIN WALSH ARCHITECTURAL**

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Proposed Residential Development at Headlands, Headlands Road, Liversedge WF15 7NT

File: Proposed Site Layout

Client: Robert & Richard Seale

MWA Project Ref	Scale	Original Paper Size	Paper Orientation	Drawn
6586	1:250	@A1	Landscape	MW(J)

File Identifier	Project	Originator	Volume	Level	Type	Role	Number	Revision
RSR - MWA - XX - XX - DR - A - 0003								P8

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**APPENDIX 6**

**HOLDEN SURVEY PHOTOGRAPH SHOWING HEADLANDS  
WORKS UNIT 2**

