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**For the attention of: Mr V. Grayson – Case Officer**  
Kirklees Council

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

20 February 2025

Dear Mr Grayson

**Re: Planning application 2024/62/92394/E**

**Development of an attenuation basin and associated access relating to planning permission 2021/92801 at Land at Merchant Fields Farm, Off Hunsworth Lane, Cleckheaton**

Thank you for your notification of 6 February 2025 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, our records indicate that the site lies in an area where coal mining has taken place at shallow depth and where further historic unrecorded shallow coal mining is

likely to have occurred. Voids and broken ground associated with such workings can pose a risk to surface stability and public safety.

In addition, our records indicate that there are four recorded mine entries (shafts) present within or immediately adjacent to the application site. Three of the shafts (419426-001, 419426-002 and 419426-005) were located in 2019 and found to be filled but not capped, whilst the exact position and nature of any past treatment of the remaining shaft (418426-008) are not known. 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, even once treated. 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).

The application is accompanied by a Phase 1 Environmental Assessment (January 2025, prepared by Vertase FLI Limited); however, the Coal Authority's Planning & Development Team does not consider that this adequately addresses the impact of coal mining legacy on the proposed development and we must therefore **OBJECT** to the application.

The submitted report reviews a range of sources of coal mining and geological information, including Coal Authority data and the results of intrusive investigations carried out on the adjacent development site. It acknowledges at Section 6.3.4 that the site lies in an area where the Blocking coal seam is recorded to have been worked at shallow depth and considers that areas of past workings with the potential to cause surface instability are present beneath the site. Nevertheless, it concludes that given the nature of the proposed attenuation basin development, the risks associated with potential surface instability are low and the treatment of shallow mine workings is not considered necessary.

We acknowledge the professional opinions expressed in the report and assume that the author is satisfied that ground movement associated with any shallow workings present will not result in damage to the basin that would affect its future serviceability for its intended use. We also assume that the applicant has undertaken a proper assessment of the potential interaction between the basin, ground stability and hydrology, including the implications this may have for any mine workings which may be present beneath the site. The LPA may wish to confirm with the applicant that our assumptions on these matters are correct.

However, our primary concern with the submitted report is that it has been produced solely to inform the attenuation basin element of the proposal. It does not provide any assessment of the risks posed by coal mining legacy to the proposed access route extending from the new estate street to the basin, which would appear to pass directly over shaft 419426-005 and within the zones of influence of shafts 419426-001 and 419426-002.

**The applicant should be advised of our objection and requested to submit a further Coal Mining Risk Assessment, or equivalent report, which assesses the risk posed by coal mining legacy to all elements of the proposed scheme of development.**

We consider that efforts should be taken to revise the access route where possible to avoid the recorded mine shafts and their associated zones of influence. If this is not possible, clear reasoning should be provided, along with an outline as to how the safety and stability risks posed by coal mining legacy, particularly the mine shafts, is to be appropriately addressed. The required report should include a proposed site plan clearly showing the positions of the mine shafts and the extent of their associated zones of influence relative to the proposed development.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant which seeks to address the above concerns.

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.*