



The Coal
Authority

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For the attention of: Ms K Chew

Kirklees Council

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

04 June 2025

Dear Ms Chew

Re: 2025/62/90033/E

Erection of 11 dwellings with access from Halifax Road and associated works; Adj, 916 Halifax Road, Hartshead Moor, Cleckheaton, BD19 6LR

Thank you for your notification of 23 May 2025 seeking the views of the Coal Authority on the above.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero (DESNZ). 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**

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.

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining. 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 site also lies within a Surface Coal Resource Zone.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (October 2024, prepared by RGS) to accompany the planning application.

The report identifies the guidance available from both the NHBC and the CIRIA publication, SP32 - *construction over abandoned mine workings*, which suggests that competent overburden thickness above a coal seam should be greater than 10 times the thickness of a seam plus seam thickness in order that the collapse of workings would pose a low risk to surface structures.

The report indicates that the Top Lousey Coal seam is anticipated to be present at depths of less than 30m below the surface of the site and suggests that the thickness of competent overburden required above the seam to mitigate instability at the surface is 8.80 metres. Subsequently, the report author advances to state that, *'...there will be a sufficient thickness of competent overburden above the shallowest seam in order to prevent the risk of instability posed by the presence of any illicit workings. Therefore, a low risk rating has been placed on these seams, and further investigation is not required to prove or disprove the presence of illicit mining activity'*.

In the above context, the Coal Authority's Planning Team would appreciate further commentary from the report author on reaching the conclusion that there *is* indeed sufficient competent rock cover to prevent any surface instability. The report appears to rely on an assumption that there is not a significant depth of superficial deposits. Until the additional clarification to supplement the above report is provided, the Coal Authority raises a **holding objection**.

It is a requirement of the National Planning Policy Framework, paragraphs 187, 196 and 197 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

Yours sincerely

Ashley Langrick BA (HONS) Dip TRP MRTPI
Planning and Development Manager (Corporate Projects)

General Information for the Applicant

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.

PLEASE INCLUDE AS INFORMATIVE NOTES FOR APPLICANTS ON ANY PLANNING PERMISSION GRANTED

Ground Investigations:

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from the Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

[What is a perm it and how to get one? - GOV.UK \(www.gov.uk\)](http://www.gov.uk/what-is-a-permit-and-how-to-get-one)

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. To check your site for coal mining features on or near to the surface the [Coal Authority interactive map viewer](#) allows you to view selected coal mining information in your browser graphically. To check a particular location either enter a post code or use your mouse to zoom in to view the surrounding area.

Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining 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.