

From: The Coal Authority-Planning <TheCoalAuthority-Planning@MiningRemediation.gov.uk>
Sent: 25 July 2025 07:29
To: Kerri Simpson <Kerri.Simpson@kirklees.gov.uk>
Subject: RE: [External] Planning application 2025/60/90495/E (Kirklees Council) - Land Adj to, 158 Denby Lane, Upper Denby

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Good morning

Thank you for your email

Following further interrogation of the data that we hold I can confirm that the Coal Authority's Planning & Development Team commented on the previous approved planning application 2014/62/91191/E, in a letter to the LPA dated 4th July 2014. In our response we reviewed a Coal Mining Risk Assessment Report (June 2014, prepared by Haigh Huddleston & Associates) submitted to support the application. Within this response, we highlighted that the report authors were unable to discount risks from shallow coal mine workings and on this basis they recommended that intrusive site investigation works should be carried out in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

In light of these conclusions we requested that any planning permission granted should include relevant conditions. We note that the planning permission granted subject to conditions, for 2014/62/91191/E, on the 6th October 2014 includes, Conditions 6, 7 and 8 which are related to ground conditions and the requirement for site investigations to be undertaken.

The records I have reviewed identify that a Coal Authority permit was granted on site on the 6th October 2014. We however hold no information on any investigations undertaken and the findings of these. It is therefore unclear if these site investigations have been undertaken. We would however be pleased to comment on any report prepared in respect of intrusive site investigations carried out on the site, their findings and any recommendation made in light of these, should these works have been completed.

Cognisant of the above, and the previous acknowledgement in the submitted CMRA that past coal mining activity poses a risk to new development on the site, we do not consider that it would be expedient to request the submission of this same document again, or an updated desk based CMRA. In order to prevent any further undue delay in the planning decision making process we would recommend that conditions be imposed on any approval granted requiring site investigations to be carried out in order to establish the exact situation regarding ground conditions and to enable appropriate remedial measures to be identified, if necessary.

If, however, the applicant can provide information to the LPA to demonstrate that these investigatory works have already been undertaken we would be happy to review the findings of these works and amend our comments accordingly.

In the light of the above the Coal Authority's Planning & Development Team therefore **withdraws its objection** to the proposed development **subject to the imposition of the conditions below**. 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.

1. **No above ground development shall commence until;**
 - a) **a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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.
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 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.**

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.

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 foundations, 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.

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.

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

Yours sincerely

Bradley Shelton

Bradley Shelton

Apprentice Town Planner

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.

