



The Coal
Authority

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For the attention of: Joanna Rednall – Case Officer

Kirklees Council

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

21st May 2025

Dear Ms Rednall

Re: Planning Application 2025/62/91081/W

Erection of livestock shelter; Meltham House Farm, Tenter Hill, New Mill, Holmfirth, HD9 7HF

Thank you for your notification of 9 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. 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: **Material Consideration**

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

The Coal Authority records indicate that a coal outcrop runs through the north western portion of the site and this may have been subject to unrecorded workings at shallow depth. If workings are present within the outcrop these may pose a potential risk to surface stability and public safety.

We note that this application is accompanied by a Coal Mining Risk Assessment report (G25106) prepared by GeoInvestigate Ltd, dated 16th April 2025. The report has been based upon a review of

coal mining and geological information, and identifies that a possible workable coal outcrop and associated possible shallow mine workings pose a potential risk to the proposed development.

The report makes the following recommendations for the *“the adoption of special foundation design including a reinforced raft slab foundation fitted with a gas-proof membrane. Alternatively special foundation design would not be required if drilling investigation confirms the absence of shallow mine working.”*

The Coal Authority acknowledges that the use of a reinforced foundation solution may provide an element of mitigation against coal mining legacy related ground movement. However, we wish to point out that shallow mine workings can exist in stasis indefinitely. As such, the lack of any obvious ground movement does not conclusively demonstrate that mine workings do not pose a risk of instability at the site. New development can act as a trigger which can lead to the destabilising of shallow workings.

As such We recommend that the LPA initially seek further commentary from the report author regarding the above matters along with confirmation that their technical consultant is satisfied that the proposed foundation solution would adequately mitigate against mining legacy related ground movement at the site.

Should no further comments be received, in order to overcome our concerns, the Coal Authority's Planning & Development Team considers that the scope of the recommended intrusive site investigations entailing boreholes, include works to confirm the depth and condition of shallow coal seams and workings.

The results of these investigations should then be used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permit and 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.

SUDs

We also note that 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 Planning Team at the Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, 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 above ground development shall commence until (excluding demolition of existing structures and site clearance);***
 - 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 Coal Authority therefore **do not object** to the proposed development **subject to the imposition of the above conditions**. 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.

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

1 - Ground Investigations

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, excavations for foundations, piling activities, 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 - 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.

3- 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 here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

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.

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

Yours sincerely,

Peter Woodcock | BSc (Hons), AssocRTPI
Assistant 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.