



The Coal
Authority

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For the attention of: Ms E. Jackson – Case Officer

Kirklees Council

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

30 October 2025

Dear Ms Jackson

Re: Planning application 2025/60/91219/E

Outline application for erection of residential development (one dwelling) at Land off Coal Pit Lane, Lower Cumberworth, Huddersfield, HD8 8PL

Thank you for your notification of 27 October 2025 seeking the views of the Coal Authority (trading as the Mining Remediation 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: MATERIAL CONSIDERATION

The application site falls within the defined Development High Risk Area. Therefore, within the 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.

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.

Our records indicate that there are three off-site mine entries present within 20m of the site boundary (shafts 421409-051 and 421409-052 and adit 421409-024), with their associated potential zones of influence extending towards the site. Due to potential plotting inaccuracies, the actual positions of these mine entries could depart/deviate from their plotted positions by several metres. We hold no details of any past treatment of these former coal mining features. 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. We have 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.

Our records also indicate that the site falls within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures.

The application is accompanied by a Coal Mining Risk Assessment report (June 2025, prepared by Ashton Bennett). Based on a review of relevant sources of coal mining and geological information, the report concludes that shallow coal mining legacy poses a high risk of ground instability at the site. Accordingly, it goes on to recommend the carrying out of intrusive site investigations, in the form of the drilling of boreholes, in order to investigate ground conditions and the shallow coal mining situation beneath the site and to inform any necessary remedial measures.

With regards to the recorded mine entries, our information would suggest that it is unlikely that the potential zones of influence of these features would extend in the application site, taking into consideration their plotted positions, departure distances and anticipated ground conditions. Nevertheless, the report recommends the undertaking of trial pits along the site boundary to establish whether the mine entries are present on site, the need for any treatment of these features and to inform the layout of the development.

The report acknowledges that the site lies in a recorded surface (opencast) mining site and acknowledges that made ground may be encountered on the site. However, it does not provide any assessment of the risk posed by such mining legacy to the proposed development. As mentioned above, differential settlement over / in the vicinity of buried opencast highwalls can result in damage to buildings and structures. The Coal Authority's

Planning & Development Team considers that development should avoid buried highwall features wherever possible.

In this instance, owing to the small site area it is considered that it would be unreasonable and unrealistic to require the highwall, if present, to be avoided in any detailed layout proposed. Nevertheless, we consider that the scope of the intrusive investigations to be carried out at the site should be broadened to include works to further assess the risks posed by opencast activity affecting the site and to enable the definition/characterisation of any highwall present. The results of these investigations and the approach proposed to mitigate any risk posed by opencast mining legacy should then be submitted in support of any future reserved matters layout application.

The intrusive site investigations should be designed and carried out by competent persons and should be appropriate in terms of assessing the ground conditions at the site in order to establish the coal mining legacy present and the risks it may pose to the development. The results of the investigations should be interpreted by competent persons and 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 Permitting Team before undertaking any activity, such as ground investigation and ground works, which may disturb Mining Remediation Authority property. Any comments that we 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

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 Coal Authority's Planning & Development Team notes the conclusion of the supporting Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to development at the site 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. Prior to the submission of any reserved matters application seeking approval of a detailed layout of development, a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, including that posed by shallow coal mining legacy, past surface (opencast) activity and mine entries. These works shall be carried out in accordance with authoritative UK guidance.***
- 2. Any reserved matters application seeking approval of a detailed layout of development, shall be accompanied by: the findings of the intrusive site investigations (required by condition X above), and a proposed layout plan which identifies the alignment of any buried opencast highwall present within the site and the extent of any mine entry zones of influence, along with the definition of any necessary 'no build' zones over these features.***
- 3. Prior to commencement of above ground development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.***
- 4. Prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site 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 completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.***

The Coal Authority's Planning & Development Team therefore has **no objection** to the proposed development **subject to the imposition of the above conditions**. 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.

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 Mining Remediation 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 Mining Remediation Authority permission and further guidance can be obtained from: 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 Mining Remediation 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.

We request that a copy of this letter is provided to the applicant for information purposes.

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

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.