The Coal Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: Jillian Rann – Case Officer
Kirklees Council

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

8 July 2025

Dear Jillian

Re: 2025/62/91370/W

Demolition of existing dwelling and erection of 50 dwellings with associated access, infrastructure and associated works; land at Gynn Lane, Honley, Holmfirth, HD9 6LF

Thank you for your notification of 19 June 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

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

The Coal Authority information indicates that 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 the presence of two recorded mine entries (shaft and adit) within, or within close proximity of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

Our records also indicate that the site is likely to have been subject to historic unrecorded underground mining at shallow depth and that thick coal seams outcropped across the site, which may have been worked from the surface. Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority notes the submitted reports, both prepared by Lithos Consulting Ltd (June 2024 and 21 September 2024). Cumulatively, the reports identify that the shaft poses no undue risk to the stability of any of the proposed buildings, specifically as it was not located and is considered to be sufficiently far enough away not to have any impact and within an area of woodland. We presume that the presence of this woodland prevents any further investigation and that appropriate mitigation will be implemented to prevent public access to this area to safeguard public safety. This can be ensured by way of condition.

Turning to the situation with regard to the adit, the conjectured position of which is approximately 10m to the north of the planning boundary, whilst the adit is not within the planning boundary, shallow workings have been identified, which connect to it are confirmed within the reports to require consolidation. Similarly, and whilst also not within the site, the reports confirm that a further adit is to the west of the site, the associated roadways of which could underlie the site at shallow depth. However, and as opposed to consolidation by grout injection, specifically due to difficulties, the reports confirms that any buildings above it will require bespoke foundations. This will be a matter for the Building Regulations process to ensure and we welcome the proposed further drilling works to establish which plots will require mitigation.

The Coal Authority notes the layout, the built development aspect of which avoids the recorded mine entries and their zones of influence. The Coal Authority raises **no objections** to this planning application, subject to a condition to ensure the remedial/mitigatory works proposed.

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.

SUDS

It should be noted 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

Shallow coal mine workings and roadways pose a risk to the proposed development and remedial/mitigatory measures will be required to be undertaken prior to the commencement of development above ground level to ensure a safe development.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. *No development above ground level shall commence (EXCLUDING DEMOLITION) until;*

   a) remedial/mitigation measures to address land instability arising from coal mining legacy have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

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 **has no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *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.

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

1 – 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 permit and how to get one? – GOV.UK (www.gov.uk)

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.

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.

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

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

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

Permit Terms and Conditions at Coal mining permit terms and conditions - GOV.UK (www.gov.uk)

Guidance which is in form of FAQs in section 10 at What is a permit and how to get one? - GOV.UK (www.gov.uk)

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.