



The Coal  
Authority

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**For the attention of: Jillian Rann – Case Officer**

Kirklees Council

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

20<sup>th</sup> August 2025

Dear Ms Rann

**Re: Planning Application 2025/62/91531/E**

**Demolition of existing semi-detached houses and associated buildings, and construction of 51 dwellings, including associated access and other associated works; Land Off, Leeds Road, Heckmondwike, WF16 9DB**

Thank you for your notification of 4 August 2025 seeking the views of the Coal Authority (trading as the Mining Remediation 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 site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that parts of the site fall within the defined Development High Risk Area.

The Coal Authority records that the southern part of site is in an area of historic recorded coal workings at shallow depth and likely unrecorded coal workings at shallow depth are potentially present in the northern area of the site. Voids and broken ground associated with such workings may pose a potential risk to surface stability and public safety.

Our records also indicate that recorded mine adit 421424-005, and its resultant zone of influence is within 20m of the north eastern application site boundary. We hold no treatment details for this feature and its recorded position may be subject to significant departure. Untreated mine entries also pose a potential risk to surface stability and public safety. However, we note that this feature is sufficiently distant from the proposed scheme of development.

We note that this application is accompanied by a Combined Stage 1/Stage 2 Geo-environmental Report prepared by ARP Geotechnical Ltd, dated 18<sup>th</sup> November 2024. The report has been based upon a review of coal mining and geological information, and concludes that the situation regarding underground coal mining at shallow depth beneath will need to be assessed.

The report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any shallow mine workings and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. The report author also noted that the risk of unrecorded mine entries is considered to be slight on most of the site and higher on the northern quarter of the site. Therefore, they recommend that an engineers inspection following a site strip is undertaken along with vigilance during site works.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permitting Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that 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 Combined Stage 1/Stage 2 Geo-environmental 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 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 Mining Remediation 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 Mining Remediation Authority permission and further guidance can be obtained from our website at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://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 Mining Remediation 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 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 advisors for this development in relation to ground conditions and the acceptability of development.*