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

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

13th May 2026

Dear Ms Rann

Re: Planning Application 2025/62/91531/E

REVISED AND ADDITIONAL INFORMATION RECEIVED, AND REVISED DESCRIPTION: Demolition of existing semi-detached houses and associated buildings, and construction of 49 dwellings, including associated access and other associated works; Land Off, Leeds Road, Heckmondwike, WF16 9DB - 2ND RECONSULTATION

Thank you for your notification of 8 May 2026 seeking the further view views of the Coal Authority (trading as the Mining Remediation Authority) on the above.

The Coal Authority response: **Material Consideration**

The Planning previously comment on this application in a letter to the LPA dated 30th March 2026 and raised no objection based on the inclusion our recommended conditions to secure the further investigation, remediation and mitigation of the coal mining legacy features identified on site.

I note the application description has now been amended and a Combined Stage 1/ Stage 2 Geo – Environmental Report prepared by ARP Geotechnical Ltd and dated 18th November 2024 has been support in support of this application, although it is noted in the report this will be reported on separately. Notwithstanding this, I note this submission was previously

accompanied by a further Intrusive Coal Mining Investigation report prepared by ARP Geotechnical Ltd and dated 21st February 2026, in addition to the Intrusive Coal Mining Investigation prepared by ARP Geotechnical Ltd, dated 17th January 2024 (potential drafting error assumed to be 2025). Unfortunately, the report dated 21st February was not reviewed in my previous consultation response.

Having now reviewed the further Intrusive Coal Mining Investigation report, rotary boreholes have now been completed, in order to provide more information on the mining situation on the site. An additional 7 boreholes were drilled to a maximum depth 32m below the site.

The report author comments that *"coal mine workings identified across the site generally do not have sufficient rock cover, and stabilisation treatment by injection of grout into a grid of boreholes (known as drilling and grouting) will be required. A general 3m grid is recommended, continuing 3m beyond proposed building footprints, roads and attenuation tank. In the area at/around RH1, an initial 9m grid is recommended, closing to 3m where cover is found not to be sufficient."*

In addition to the above the report author details that *"In the north of the site (RH2, RH105, RH106 and RH107) another seam of shallow coal is present with the potential to have been worked by open excavation, although there was no evidence of this during the investigations and it is considered unlikely. However, any indication of outcrop workings in this area that are found during site clearance/development works should be inspected by the Engineer and may require deepening of foundations."*

Finally, the report author recommends ""*once the workings have been treated, foundations will need to be appropriately reinforced. For a strip foundation, this would comprise two layers of B503 mesh within a 300mm thick footing - one near the bottom of the footing and one near the top. However, given the extensive faulting on site, it is recommended that all plots on the site are provided with such reinforced foundations."*

The Coal Authority Recommendation to the LPA (Revised)

The Planning Team note the professional opinions expressed in the Intrusive Coal Mining Investigation report; that measures are required to remediate and mitigate the risks posed by coal mining legacy and to ensure the safety and stability of the proposed development.

As such, should the LPA be minded to grant planning permission 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 the remediation and mitigation measures outlined in the supporting Intrusive Coal Mining Investigation report, to***

protect the development from the effects of potential land instability associated with shallow coal mining activity, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The mitigation measures shall be carried out in accordance with authoritative UK guidance.

2. ***Prior to the 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 that the mitigation measures necessary to address the risks posed by past coal mining activity have been implemented in full.***

The Coal Authority therefore **withdraw its 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.

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 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 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.