



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: William Simcock, Case Officer
Kirklees Council

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

7th July 2025

Dear William,

Re: Application 2025/44/91637/E

Discharge of details reserved by conditions 3 (coal investigation), 5 (site investigations: phase 2), 6 (site investigations: remediation), 7 (site investigations: remediation implementation and unexpected contamination) on previous permission 2024/91760 for erection of 19 dwelling houses with associated car parking, landscaping and boundary treatment and other associated associated works; Land adjacent to Healey Junior Infants and Nursery School, Healey Lane, Healey, Batley, WF17 8BN.

Thank you for your notification of 16th June 2025 seeking the views of the Coal Authority on the above.

Condition 3 relates to coal mining activity and its wording reflects that requested in our last response to Application ref. 2024/62/91760/E dated 20th September 2024. The condition states;

3. No development shall commence until:

3a. further intrusive site investigations have been carried out within the site, as recommended by Patrick Parsons (Section 9.1 / 10.0 of the Phase 2 Geoenvironmental Appraisal) in order to conclusively discount the presence of recorded mine entry (CA shaft ref: 422423-005), and;

3b. any remediation works and/or mitigation measures to address land instability arising from this feature, 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. This should include the submission of the approved site layout plan, to illustrate the exact location and grid coordinates of the mine entry (if found within the site) and the zone of influence of this feature.

Whilst not subject to the current application, Condition 4 of the issued consent also relates to coal mining legacy matters and states:

4. 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.

In support of this discharge of condition application the applicant has submitted a letter report prepared by consultant Arc Environmental which contains an updated site walkover, site investigation record sheet documenting investigations specifically undertaken to address Condition 3a.

We note that because of tree protection orders affecting the southern border of the site investigations by trenching to locate the recorded mine entry were inhibited by an inability to investigate the protected tree root protection zone occupying ground closest to the plotted position of mine entry 422423-005. That position was revised following examination of source abandonment plans to its current position of 422740E, 423954W the westernmost position shown on the 'Investigation Works Record Sheet' within the Arc letter report which includes consideration of the assigned (8m) positional error of the entry.

Within the report Arc state that, having undertaken the supplementary trenching reported; *'no further investigation works should be required'*.

In relation to the risk posed by the mine entry as required by Condition 3a the authors comment as follows.

'no evidence of this feature was recorded onsite' However because of the restrictions on investigation extent they advise foundation precautions;

'As a mitigation measure, the foundations to the property closest to the potential mine entry (Plots 8 & 9) will be extended and based wholly within the natural bedrock at a depth of c.1.80m bgl.'

The depth to bedrock identified means that the zone of potential influence of the entry, even in the worst-case position, will be limited. In respect to shallow mine workings affecting the site the conclusions made by consultants Patrick Parsons from earlier investigations was considered appropriate in addressing this risk and Arc Environment comment that;

'As a result, the site is not felt to be at risk form shallow coal workings, and no further assessment is required.'

On the basis of the conclusions and recommendations made by a competent person providing their professional judgement in the matter of ground instability the Coal Authority's Planning Team consider the applicant has demonstrated compliance with Condition 3a.

Since foundation precautions are recommended and yet to be implemented but may conflict with the pre-commencement nature of the condition wording, we would have **no objection to the LPA discharging Condition 3, should it see fit. However, it should be noted that we would expect the statement/declaration required by Condition 4 of the approved consent to confirm the implementation of the foundation precautions recommended in the letter report.**

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely,

Geotechnical & 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.