



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: Nicole Helliwell – Case Officer
Kirklees Council

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

12 August 2025

Dear Ms Helliwell

Re: Planning application 2025/62/91854/E

Change of use of land and formation of a tennis court with associated external alterations at 1 Barnsley Road, Flockton, Huddersfield, WF4 4DN

Thank you for your notification of 7 August 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.

I have reviewed the site location plan, the proposals and supporting information submitted and available to view on the LPA website and can confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority's records indicate that the plotted position of an on-site mine shaft 422415-006 is located in the south western part of the application site and a off-site mine shaft 422415-001 is located adjacent to the south western corner of the application site with its potential zone of influence extending into the southern part of the site. Due to potential plotting inaccuracies, the actual position of mine shaft 422415-006 could deviate from its plotted position by several meters. In terms of past treatment, mine shaft 422415-001 was filled to the British Coal specification in January 1989. 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.

In addition, the Coal Authority records also indicates that the site lies in an area where underground coal mining has taken place at shallow depth and where further historic unrecorded shallow underground coal mining is likely to have occurred. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support their planning application.

However, we note that the site has had similar previous approved planning permission under reference 2016/62/92322/E where the Coal Authority's Planning & Development Team commented on the application in a letter to the LPA dated 8th September 2016. In our initial letter, we highlighted that the Phase 1 Report (dated 21 April 2010, produced by Eastwood & Partners) submitted with the application was not prepared specifically for that proposal and as the engineering works that were going to be undertaken through lowering the ground levels and then the construction of the tennis court, we objected to the proposal however, the objection to the development could be overcome subject to the imposition of a conditions regarding site investigations and any remedial work that might need to be undertaken.

Planning permission for 2016/62/92322/E was granted subject to conditions on the 18th August 2016 where conditions 3, 4, 5 and 6 seek to address coal mining legacy on site. The Coal Authority's Planning & Development Team commented on the discharging of conditions on 26th April 2017 where we highlighted if The Coal Authority was consulted on the new amended description that showed the omission of the tennis court, the likely outcome would have been the removal of our objection without the requirement of conditions. We then went on to state that as the conditions were a requirement and on the basis of what reports were submitted, we would suggest that a new report should be submitted that assess the residual risk to public safety and ground stability.

The applicant submitted a new discharge of conditions application under planning reference 2018/44/90086/E where comments were provided by the Coal Authority's Planning & Development Team on the 2nd February 2018. These comments again highlighted that the reports submitted were not related to the proposal and did not consider that the LPA has sufficient information to discharge the conditions. The LPA refused to discharge the conditions in their decision notice dated 6th February 2018.

The applicant then submitted a new variation/ discharge of conditions application under planning reference 2018/70/91462/E where comments were provided by the Coal

Authority's Planning & Development Team on the 11th June 2018. Within this letter we noted that due to the omission of the tennis court and levelling and regarding of what is effectively made ground, the intended proposed use as residential curtilage with no built development and the residual minimal risks posed by the two mine entries, we raised no objection to the conditions not to be duplicated on any reissued consent.

In the light of the above, we note that the new planning application seeks permission for the change of use of land and the formation of a tennis court, including associated external alterations. The Cover Letter submitted with the application, dated 7th July 2025, highlights that *'as illustrated by the site planning history for both the erection of the dwelling, removal of the spoil heap and regrading of the land, and subsequent discharge of conditions, all coal mining and contamination remediation works have taken place.'* It further notes that *'the nature of the works, for the installation of a tennis court is not considered to require significant ground works that would be below any depth of any previous land levelling.'* This shows that the proposed development would not require significant groundworks or earthworks to facilitate the development due to the previous approved planning application. As such, the development is considered to fall under part B on the Coal Authority's exemptions list, exempt by nature of development. However, the mine entries do pose a potential public safety risk to those utilising this area, which is of significant concern.

The LPA needs to be satisfied that the site is suitable and safe for the new use and may consider it prudent to require additional information from the applicant in this regard. The applicant should demonstrate to you that they are aware of the recorded mine entries and their zones of influence, they have assessed their relationship to the development and are satisfied that they pose no risk.

However, we do recommend that, should planning permission be granted for this proposal, the following wording is included as an Informative Note on any planning permission granted:

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In

exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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? -

<https://www.gov.uk/government/publications/permit-process/permit-process>

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. 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>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: <https://www.gov.uk/government/organisations/mining-remediation-authority>.

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

Yours sincerely

Bradley Shelton

Apprentice Town Planner

Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining 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.

