



The Coal
Authority

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For the attention of: William Simcock – Case Officer

Kirklees Council

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

19 August 2025

Dear Mr Simcock

Re: 2025/44/92161/E

Discharge of details reserved by conditions 4-8 (intrusive investigations), 11 (Remediation Strategy and Verification Report), 12 (CEMP), 13 (noise), 14 (Arboricultural Method Statement), 15 (CMP), 16 (highway), 17 (visibility), 18 (Safety Audit), 19 (estate streets), 20 (waste collection), 21 (surface water attenuation), 24 (bin storage), 25 (bicycle storage), 26 (drainage), 28 (drainage), 29 (CEMP: Biodiversity),-30 (landscape), 34 (solar panel array), 35 (materials), 38 (boundary treatments) on previous permission 2024/92281 for erection of 23 dwellings; Land Adj, 17 Whitehall Road West, Birkenshaw, BD11 2LS

Thank you for your notification of 15 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.

The Coal Authority's specific interest is Conditions 5 and 6 as these require:

5. No above ground development shall commence until:

i. 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;

ii. any remediation works and/or mitigation measures to address land instability arising from past 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, remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.

6. 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.

Reason: *To ensure that there are no risks to the safety of future users or occupiers of the site arising from land instability, and to accord with the aims of Policy LP53 of the Kirklees Local Plan and paragraph nos. 196 and 197 of the National Planning Policy Framework.*

We note that the wording of this condition reflects our recommendation to the Local Planning Authority (LPA) dated 19 September 2024, made in light of the content and conclusions of the Coal Mining Risk Assessment report (16 August 2024, prepared by Groundtech Consulting) submitted by the applicant in support of their planning application.

The discharge of condition application is accompanied by two Reports:

- Intrusive Coal Mining Investigation Report (ORH/20/Ajcl1, 5th September 2023) prepared by ARP Geotechnical Ltd for the northern part of the site; and
- Supplementary Investigation Report (GRO-24208-5483, 28 October 2024) prepared by Groundtech Consulting.

Based on the finding of the intrusive site investigations carried out by ARP Geotechnical Ltd, they have confirmed that whilst a thick coal seam was encountered across the site, no evidence of historical mining was identified. Accordingly the report authors conclude that

there is not risk from shallow coal mining activities at the site and therefore no drilling and grouting works are required.

The Supplementary Report has been informed by the findings of the ARP Report together with the conclusions of the Coal Mining Risk Assessment, prepared by Groundtech Consulting, submitted in support of the planning application. Groundtech Consulting considered that further investigation works were required within the north eastern part of the northern parcel to confirm if workings are present within the 1st Brown Metal Coal Seam. Based on the findings of the additional investigations, Section 5.1 states that Black anthracite Coal with bituminous inclusions was encountered, which is of a high quality and if worked, would have likely been mass extraction from the surface. However no evidence of this was encountered at the site.

Recommendations have been made that *“Where the Coal is encountered in foundation excavations, foundations should be progressed through the seam to seal it off from oxygen introduction. The coal seams should also be isolated from potential ignition sources for the duration of the lifetime of the development, the coal was encountered at 2.1m bgl at its shallowest and no further cover is considered necessary in garden areas”*. However the report author informs that *“The north eastern corner of the site that was targeted by the investigation is proposed to be estate roads and soft landscaping - no structures are proposed in this area”*.

Based on the professional opinions provided by ARP Geotechnical Ltd and Groundtech Consulting we would have no objection to the LPA discharging Condition 5 and 6 of approved consent: 2024/92281, if they were minded to do so.

The LPA should be made aware that Section 5.2 informs that foundations should be designed by a suitably qualified and experience structural engineer, based on the finding highlighted within the Report. However, this matter will be dealt with as part of the applicant’s subsequent building regulation application.

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.

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

Yours sincerely

Deb Roberts M.Sc. MRTPI
Planning & Development Manager

Disclaimer

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.