



The Coal
Authority

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For the attention of: Louise Bearcroft, Case Officer

Kirklees Council

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

3rd November 2025

Dear Louise,

Re: Application 2025/44/92737/E

Discharge of details reserved by conditions 10 (Phase II Intrusive Site Investigation Report), 11 (Remediation Strategy), 14(a) (coal mining activity), 16, 17, 18, 19, 20 (drainage), 21 (CEMP), 23 (estate roads), 24 (acoustic barrier) on previous permission 2023/92079 for outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls.; Rear of 23 to 43 Moor Lane, Gomersal, Cleckheaton, BD19 4LF.

Thank you for your notification of 15th October 2025 seeking the views of the Coal Authority (Trading as the Mining Remediation Authority, MRA) on the above. Condition 14 is coal mining activity related and states:

14. There shall be no commencement of the development hereby permitted (other than the works specified under condition 22 of this permission) until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past 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.

Although not the subject of this discharge of condition application, Condition 15 is also coal mining related and states:

15. Prior to the first 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 first be submitted to and approved in writing by the Local Planning Authority.

In support of the application the applicant has submitted letter reports from Rogers Geotechnical Services (RGS), being the most recent dated 8th September 2025 and Haigh Huddleston Associates (HHA) from July 2025. These reports refer to an discuss the results of boreholes drilled at the site to investigate the shallow coal mining situation. The former reviews the advice given by HHA in regard to the nature of the treatment of shallow coal mining legacy required and the scope of the mitigation measures also identified. These matters relate to the requirements of Condition 14 part (b) and once reported on, are expected to meet the requirements set out in Condition 15.

As neither consultant advises the need for further investigation works to establish the risks posed to the development by past coal mining activity, I can confirm the Coal Authority's Planning Team considers **the applicant has demonstrated compliance with Condition 14 part (a) and has no objection to the LPA discharging that part of the condition** should it see fit. Clearly the condition will not have been complied with in full until such time as the required remedial works have been implemented on site.

The applicant and their advisors should be aware that **Condition 15 requires a competent person's declaration** that the site, when considered in its entirety, is or has been made safe and stable for the proposed development. CIRIA C758D is clear in its definition of when remedial works are required in terms of rock cover to extraction height ratio. We would expect caution in regard to claims which might suggest a reduced ratio of rock cover based on voids not being present/encountered and statements which imply associated subsidence from historic mining are complete as a result.

RGS comment within their September letter that: *'It is recommended that they [the Coal Authority] are contacted to provide consultation prior to any development.'* As you will be aware, the Coal Authority's Planning Team offer a discretionary Planning Advice Service that provides chargeable planning advice, but we have no record of being contacted in regard to this site outside of our statutory responses.

If a Mining Remediation Authority permit has not yet been obtained for the remedial work, one will be required prior to commencing the works. The advice given here is without prejudice to any permit determination or decision. Whilst a MRA permit might be granted, the regime is entirely separate to Planning and as a result, no assessment is made to

ensure whether or not Planning requirements, as set out by the imposed conditions, will be satisfactorily addressed.

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 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.