



The Coal  
Authority

200 Lichfield Lane  
Mansfield  
Nottinghamshire  
NG18 4RG

T: 01623 637 119 (Planning Enquiries)

E: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

W: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

**For the attention of: Victor Grayson, Case Officer**  
Kirklees Council

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

25<sup>th</sup> November 2025

Dear Victor,

**Re: Application 2025/44/93061/W**

**Discharge of details reserved by conditions 14 (Phasing Plan), 15 (Ecology), 20 (Phase 2 SI), 21 (site remediation), 22 (remediation changes), 23 (validation report), 24 (surface water), 25 (retaining walls) and 26 (coal legacy) of previous permission 2025/90105 for variation of conditions 6 (PROW), 9 (boundary treatment), 38 (bin collection), 40 (car parking) and 41 (access) of previous outline permission 2022/91735 (with access and layout) for erection of 80 dwellings and associated work; Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU.**

Thank you for your notification of 5 November 2025 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) on the above. Our particular interest in planning permission 2025/90105 lies with coal mining related Conditions 26 and 36 which state:

*26. As part of the development of a given phase pursuant to the details approved via condition 14, remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented within that phase in order to ensure that the site is safe and stable for the development proposed. The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.*

36. *Prior to the occupation of each phase 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 pursuant to coal legacy 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.*

We note that the applicant has applied to discharge Condition 26 in full, presumably across the entire site. Whilst the condition does not require the submission of any information for approval (unlike Condition 36), the applicant has nevertheless submitted a 'Potential Shallow Mining Roadway Investigation' report, ref. SDL4480A/NJI/002, dated 11<sup>th</sup> September 2025 and prepared by Sirius Drilling, for consideration by the LPA.

The report identifies a specific risk of a subsurface mine roadway having a potential impact on the surface stability of the site. As the report comments, consultation with ourselves through our discretionary planning advice service was had (ref. PAS00391), identified this risk and those investigations are now complete. The drilling was undertaken along a series of transects across the site at 1m spacing and to varying depths in order to intersect the recorded mine roadway. The report comments:

*'...it is considered that the spine roadway lies at the depth of the Black Bed coal seam. The void encountered in two adjacent probes in Transect 1 is considered likely to represent the former roadway and had a maximum height of 1.20m. On this basis the roadway has sufficient competent rock cover at what is considered to be the shallowest point with the seam increasing in depth down-dip to the east across the site. It is therefore considered that the roadway does not pose any undue risk to surface stability.'*

The Potential Shallow Mining Roadway Investigation report also alludes to further supplementary investigation works undertaken to assess suspected shallow mineworkings beneath the site, the findings of which are presented in Sirius Drilling Limited letter report ref. SDL4480A/NJI/001, dated 6<sup>th</sup> June. Sirius confirm that *'all the investigations undertaken to date indicate that the shallowest mine workings below the site, considered to be within the Black Bed Coal, have sufficient competent rock cover such that treatment by drilling and grouting will not be required.'*

Previous reporting by Sirius in their Supplementary Geoenvironmental Appraisal Report, dated December 2024, has already established that off-site mine entry 419414-004, a 5m deep recorded shaft feature, should have an exclusion zone to built development of a minimum of 1-2m. However, it was confirmed that *'there are no proposed buildings, roads or structures that are at risk from any future instability within this mine shaft.'*

The Coal Authority's Planning Team notes the information prepared by the applicant technical consultants and the professional opinions expressed therein with regards the stability of the site. We acknowledge that in light of the results of supplementary investigations they are satisfied that remedial works to stabilise coal mining legacy present beneath the site are not considered necessary.

Condition 26 of the issued consent requires the implementation of '*remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary*'. As the applicant's technical consultants have confirmed that there are no treatment works / mitigation works necessary, the requirements of the condition would therefore appear to have been met. However, we wish to comment that we would expect the need for the stabilisation of shallow mine workings to be reassessed should deep foundations be proposed, such as piled foundations, as these may result in a reduction in the amount of competent cover over the workings to the base of the foundations.

Ultimately, the above matters need to be addressed as part of the statement/declaration required under Condition 36 which should confirm that the site is, or has been made, safe and stable in terms of coal mining legacy for the approved scheme of development.

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.*

