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For the attention of: Ms K. Chew – Case Officer
Kirklees Council

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

14 January 2026

Dear Ms Chew

Re: Planning application 2025/62/93355/E

Erection of 75 residential dwellings with associated landscaping, open space, highways and drainage infrastructure at Land off Woodward Court, Mirfield, WF14 0PY

Thank you for your notification of 9 January 2026 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) on the above planning application.

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 response: SUBSTANTIVE CONCERN

The application site falls within the defined Development High Risk Area. Therefore, within the site and surrounding area there are coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

More specifically, our information indicates that the site lies in an area where historic unrecorded underground coal mining is likely to have taken place at shallow depth. Voids

and broken ground associated with such workings can pose a risk to surface stability and public safety.

We are also aware that previous investigations undertaken at the site encountered a number of unrecorded mine entries. 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.

It should be noted that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. We have adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

We note that the planning application is accompanied by a Geoenvironmental Appraisal (December 2022, prepared by Lithos); however, the Coal Authority's Planning & Development Team does not consider that this adequately addresses the impact of coal mining legacy on the specific scheme of development currently proposed. We therefore **OBJECT** to the proposal and consider that the applicant needs to revise and resubmit their report to the LPA.

Based on a review of coal mining and geological information along with the results of several phases of intrusive investigations, the Geoenvironmental Appraisal acknowledges that the site has been subject to past coal mining activity. It indicates that evidence of shallow mine workings was recorded during borehole drilling and that 12 previously unrecorded mine entries were encountered during a soil strip.

The report goes on to recommend the undertaking of remedial treatment works to stabilise the mine entries and any localised areas of mine workings. It also calculates the zone of influence of the mine entries encountered and defines corresponding no-build zones around these features. It advises that the development layout should be informed by these no-build zones to ensure that adequate separation is provided between the mine entries and proposed dwellings.

Whilst we note the professional opinions expressed in the submitted report, we wish to raise the following concerns/comments which should be addressed in the revised Geotechnical Appraisal:

- It is evident from Section 1.2 of the report and the Proposed Site Layout contained in Appendix B that it has been produced to inform an earlier proposed scheme of

residential development at the site comprising the erection of 61 dwellings rather than the 75 dwellings currently proposed.

- A previous partial soil strip was carried out at the site, as shown on the Mining Features drawing contained in Appendix B, which encountered a number of previously unrecorded mine entries. This soil strip did not extend across the entirety of the parts of the site where development is now proposed.
- Given the number of unrecorded features encountered previously, we assume that the applicant has undertaken a further soil strip across the additional development areas in order to establish whether any unrecorded mine entries are present within these parts of the site. In consideration of our adopted policy mentioned above, we assume that the layout of development has been suitably informed by the presence of any such features encountered.
- Should soil stripping of the additional development areas have not been carried out, we consider these further investigations should be undertaken prior to the determination of the application to ensure that any unrecorded mine entries present are identified and in order to inform the detailed layout of development under consideration by the LPA.
- The location of all mine entries encountered on site and their associated zones of influence / no-build zones should be clearly shown on the proposed Site Layout plan.
- Clarification as to the need or otherwise for any further investigation/remediation of shallow coal mining legacy affecting the additional development areas should also be included in the revised report.

The applicant should note that permission is required from our Permitting Team before undertaking any activity, such as ground investigation and treatment works, which disturb our property. Any comments that we may have made in a Planning context are without prejudice to the outcomes of a Permit application.

It should be noted that where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy, such as any unrecorded mine entries that may be present. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

We would be pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

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

Yours sincerely

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and 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.