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

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

21 July 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 – FURTHER RECONSULTATION**

Thank you for your notification of 14 July 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) on the above application.

**The Coal Authority response: MATERIAL CONSIDERATION**

Further to matters raised in our previous consultation response letter of 26 March 2026, we note that the applicant has submitted a revised 'Specification for the investigation and treatment of shallow workings & mine entries' document (Report no. 5670/B, March 2026, prepared by Lithos Consulting) in support of their application. We are pleased to note that this report indicates that a further soil strip was undertaken in April and May 2026 across the areas of additional proposed development including the SuDS basin, as shown on Drawing 5670/22 Rev.B included in Appendix A.

The report advises that further mine entries were encountered during the additional works, with the total rising to 15 mine entries and two likely quarry features. These are considered likely to represent bell pits or shallow shafts targeting the Blocking Coal. The positions of these features and calculated no-build zones are shown on Drawing 5670/21 Rev.A included in Appendix A. This drawing demonstrates that built development avoids

the additional features, although three of the mine entries are present at the edge of the SuDS basin. The report goes on to advise that the mine entries will require treatment, which could take the form of grouting of the backfill or capping, which would ultimately be subject to Mining Remediation Authority approval.

As with the previous version of the report, it advises that proof drilling and grouting of shallow mine workings should be carried out at those plots which are within 12m of a mine entry or the potential quarries, as shown on Drawing 5670/21 Rev.A.

We welcome the applicant's intention to undertake remedial works at the site to address coal mining legacy present. With regards to the stabilisation of shallow mine workings, the design of the final scheme of proposed remedial drilling and grouting works (which will require Mining Remediation Authority approval) should address the following matters we raised in our previous letter:

> *'With regards to the treatment of shallow mine workings, we note that the specification document indicates that proof drilling and grouting of shallow mine workings is proposed at those plots located close to the previously identified mine entries, as shown on Drawing no. 5670/21. We note that these treatment works do not extend radially away from the mine entries but will focus on the buildings close by. The specification document indicates that the same approach will be adopted for any further mine entry features encountered elsewhere on the site.*
>
> *'Given the limited treatment works, it would appear that external parts of the site, such as roads, hard surfaced parking areas, paths and gardens near to the mine entries and presumably considered to be potentially underlain by shallow mine workings will not be treated. The justification for this approach is unclear. It is also unclear why the potential for the presence of underground workings extending further from the mine entries, and therefore potentially requiring treatment, has been discounted.'*

As highlighted above, Permission is required from our Permitting Team before undertaking any remedial works that will disturb our property, i.e. mine entries, coal seams and associated mine workings. Any comments that we may have made in a Planning context are without prejudice to the outcomes of a Permit application.

**Mine Gas**

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local

planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

**SuDS**

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. 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.

**The Coal Authority Recommendation to the LPA**

The Coal Authority's Planning & Development Team notes the conclusions of Lithos Consulting Report no. 5670/B; that coal mining legacy poses a risk to the proposed development and that remedial works are required in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the decision notice:

1. ***No above ground development shall commence until remedial works and any necessary mitigation measures to address land instability arising from coal mine entries and past shallow 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 remedial works and mitigatory measures shall be carried out in accordance with authoritative UK guidance.***

2. ***Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site 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 completion of the remedial works and any mitigation measures necessary to address the risks posed by past coal mining activity.***

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, for example to account for the phasing of development, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

*The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 and 197 of the National Planning Policy Framework.*

We also request that the following Informative Notes are included on any planning permission decision notice:

***1 - Ground Investigations and groundworks***

***Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Mining Remediation Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.***

***2 - Requirement for Incidental Coal Agreements***

***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 from the Mining Remediation Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.***

***3 - Shallow coal seams***

***In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.***

Please do not hesitate to contact me if you wish to discuss the above matters further.

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 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.

*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 advisers for this development in relation to ground conditions and the acceptability of development.*