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For the attention of: Elenya Jackson – Case Officer

Kirklees Council

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

15 April 2026

Dear Ms Jackson

Re: 2026/62/90144/E

Erection of detached dwelling with associated access and car parking; Land off Leak Hall Road, Denby Dale, Huddersfield, HD8 8NJ

Thank you for your notification of 7 April 2026 seeking the views of the Coal Authority on the above.

The Coal Authority (now trading as the Mining Remediation 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: **Material Consideration**

I have reviewed the proposals and confirm that part of the application site falls within the Coal Authority's defined Development High Risk Area. Therefore within the application site

and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records state that within, or within 20m of the site boundary there are four mine entries (**1 x on-site adit ref: 422408-026** and 3 x off-site adits ref: 422408-025, 422408-027 & 422408-028). The information that we hold for the on-site adit is *"A partial search by trenching in 2018 for development to the northwest did not locate the adit"*. For the off-site adits, the information varies: 422408-025: *Partially located during a search by trenching in 2018 and thought to have been encountered during drill and grout ground treatment works in 2020*"; 422408-027: *Located by trancing in 2018*; and we hold no information for adit: 422408-028. Due to the historic source plans used to record their current positions, these could vary by several metres. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy: [Building on or within the influencing distance of mine entries - GOV.UK](#) In addition the western half of the site also lies within an area of probable historic unrecorded shallow coal mining and a coal seam of workable thickness is recorded to outcrop at or close to the surface, within the site, that may also have been historically worked. These coal mining features could affect public safety and surface stability for the proposed development.

The planning application is accompanied by a Coal Mining Risk Assessment Report (C5655/25/E/8754, 28.11.2025) produced by Rogers Geotechnical Services Ltd for the proposed development. The Report has been informed by an appropriate range of sources of historical, geological and coal mining information.

Having carried out a review of the available information the report authors state that currently it has not been possible to discount the risk from unrecorded shallow coal workings and therefore a moderate risk has been assigned to the site. In order to mitigate the risk, recommendations have been made that intrusive site investigations are required.

We acknowledge the comments made (Section 3.4) that *"the adits are all noted to face away from the site, it is reasoned that there is sufficient standoff distance between the development and the mine entries, such that the risks posed by collapse can be considered low"*. However our records identify that one of the adits is present within the site (CA adit ref: 422408-026) of which was not located as part of any site investigations works undertaken to the north of the site; and therefore could be present within the site. We consider that the intrusive site

investigations should also investigate this feature (within the site boundary only). The applicant should be made aware that if the adit is found within the site, this will need to be treated. However we acknowledge that the mine entry is an adit: a horizontal or nearly horizontal passage to shallow mineworkings (not a mineshaft: vertical access to mineworkings) and the no build exclusion zone is not normally centred around this type of feature (the risk zone may be some distance from the adit portal (adit mouth / entrance). Therefore based on the layout being considered by the LPA (Drawing No: 694-A02: Site Plan as Proposed) we consider that the findings of the investigations will enable the applicant's geotechnical consultants (Rogers Geotechnical Services Ltd) to design any remedial works and / or mitigation measures necessary to ensure all coal mining risks at the site are adequately addressed, as required by the National Planning Policy Framework.

We would recommend that prior to any ground investigation, the source data for the on-site mine entry is reviewed in order that the applicant's geotechnical consultants can geo-reference this mining feature and to minimise the physical works required on site.

The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

The applicant should be aware that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. 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.

Mine Gas

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.

Sustainable Drainage

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. 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

In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence 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.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. 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.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions** to secure the above.

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

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 187, 196 & 197 of the National Planning Policy Framework.

It is also requested that the following Informative Notes are included on any planning permission granted:

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

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

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. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Deb Roberts *M.Sc. MRTPI*
Planning & 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.