



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: Ms K. Chew – Case Officer**

Kirklees Council

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

25 February 2026

Dear Ms Chew

**Re: Planning application 2026/62/90310/E**

**Erection of 37 dwellings with associated access, parking, landscaping and creation of multifunctional area of public open space at Land off Sunny View, White Lee, Batley, WF17 8FP**

Thank you for your notification of 17 February 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: MATERIAL CONSIDERATION**

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 coal mining activity is likely to have taken place at shallow depth. Such workings can pose a risk to surface stability and public safety.

The application is accompanied by a document titled 'White Lee Road Batley – Phase 2' (September 2015, prepared by Michael D Joyce Associates LLP). We are aware that this report was also submitted in support of previous proposals for residential development at the site which were considered by the LPA under planning applications 2015/62/92944/E and 2018/62/92456/E. The report was considered acceptable by the Coal Authority's planning & Development Team at the time of the previous applications.

Based on an initial review of coal mining and geological information, the report indicates that the Yard (aka Adwalton Black Bed) coal seam is likely to be the only seam underlying the site at shallow depth. It comments that this seam is known to have been of economic value and may have been worked beneath the site. It also highlights the potential for the presence of unrecorded mine entries within the site.

The report goes on to advise that intrusive investigations were subsequently carried out at the site, which included the drilling of rotary open-hole boreholes to further assess the shallow coal mining situation and its implications for surface stability. These works were carried out under Coal Authority Permit ref. 10966.

The report advises at Section 13.2 that *'The investigation has found that workings in the Yard Coal extend southwestward from the northern boundary, becoming gradually deeper as a result of the dip. Whilst workings were not found in all of the boreholes, it would be prudent to assume that they could exist across the site.'* Due to their shallow depth, the report goes on to recommend the workings are stabilised/treated by means of drilling and grouting across the site to ensure the stability of the development.

The Coal Authority's Planning & Development Team notes the recommendations of the report. We wish to comment that the remedial works should be designed and implemented by competent persons in order to ensure the safety and stability of the proposed development as a whole.

We note that the report makes the following specific comment regarding garden areas, *'It should be noted that due to the presence of a crown hole at the surface, it is also recommended that garden areas are also treated in some way, so as to prevent future crown holes appearing.'* We wish to comment that we would expect similar consideration to be given to other external areas of the site such as roads and vehicle parking and manoeuvring areas.

The applicant should note that Permission will be required from our Permitting Team to undertake the proposed remedial works. 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 the Phase 2 report; 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 development.

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

- 1. No above ground development shall commence until remediation works to address land instability arising from past coal mining legacy 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 any necessary 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 remedial works and any mitigation necessary to address the risks posed by past coal mining activity.***

The Coal Authority therefore has **no 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, 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 found at: [www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://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](http://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.*