



The Coal  
Authority

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**For the attention of: Emma Thompson – Case Officer**

Kirklees Council

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

27<sup>th</sup> April 2026

Dear Ms Thompson

**Re: Discharge of Conditions Application 2026/44/90928/E**

**Discharge of details reserved by conditions 4, 5, 6, 7, 8, 9, 10 (C5402 - P1DS and CMRA : C5402 GM - Ground Gas Assessment) on previous permission 2023/91480 for erection of semi-permanent multi-use structure; Whistlestop Valley, Park Mill Way, Clayton West, Huddersfield, HD8 9XJ**

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

We previously commented on application 2023/91480 in a letter to the LPA dated 16<sup>th</sup> October 2024. In this letter, we commented on the Mining Risk Assessment report prepared by JNP Group Consulting Engineers, dated September 2024 and submitted by the applicant. Based on the conclusions of this report we recommended that relevant planning conditions were imposed on any planning permission granted to establish the risks posed to the development by past shallow coal mining activity.

We note that this consultation is in relation to the submission of information pursuant to Conditions 9 and 10 of the issued consent, for which our interest lies. These conditions require the following:

*9. No development shall commence until (excluding demolition of existing structures and*

site clearance); a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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.

10. 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.

Whilst these conditions do not require the submission of information for approval, the applicant has nevertheless submitted for consideration by the LPA Phase 1 Environmental Desk Study & Coal Mining Risk Assessment, prepared by Roger geotechnical Services Ltd and dated 17<sup>th</sup> September 2025. The report identifies that *“the Whinmoor Coal/Black Band Coal could be present within 30m of the surface at the site. Whilst this seam may be of limited thickness, the possibility of the seam being worked below the site cannot be ruled out.”*

The report author comments that *“due to the ambiguity with the projected depth of the seam beneath the site, the precise depth and present of the seam is not known. Notwithstanding this, the nature of the development is semipermanent and comprises a wooden marquee with a stone/scaffold board floor. As such, the development is low risk in nature and shall be tolerable to any surface movement. Notwithstanding this, were the structure ever to be replaced with a permanent structure which includes the installation of foundations, then further investigation would be required”*

Nevertheless, we wish to highlight that in our most recent response to application reference 2023/91480 we noted the supporting Mining Risk Assessment report recommended the undertaking of intrusive site investigations to characterise the depth / condition of any coal seams / workings, and if workings are established, to confirm there is sufficient competent rock cover above the seam(s).

**In light of the above, we request that the applicant provides additional commentary from the author of the latest report on the differing conclusions of the two reports. This should include clarification as to whether they remain satisfied in their professional opinion that the undertaking of intrusive investigations is not required to demonstrate that the site is safe and stable for the proposed development.**

The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

Yours sincerely,

**Peter Woodcock** | *BSc (Hons), AssocRTPI*  
**Assistant 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 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.*