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For the attention of: Ms E. Thompson – Case Officer
Kirklees Council

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

28 July 2026

Dear Ms Thompson

Re: Application 2026/44/91632/W

Discharge of details reserved by conditions 4 (Phase I Desk Study Report), 5, (Phase II Intrusive Site Investigation Report), 9 (intrusive investigations) on previous permission 2025/90456 for erection of two dwellings, formation of vehicular access and associated external works Adj, 6 Rowley Hill, Lepton, Huddersfield, HD8 0JF

Thank you for your notification of 27 July 2026 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) on the above application.

The Coal Authority response:

Our particular interest with planning permission 2025/90456 lies with coal mining legacy related Conditions 9 and 10, which state:

9. *No above ground development shall commence until;*
- 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 past 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, remedial works and mitigatory measures 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.*

The applicant has applied to discharge Condition 9. Whilst this condition does not require the submission of any information for approval, we note that they have nevertheless submitted a Phase 1 & Phase 2 Site Investigation & Geo-Environmental Appraisal (May 2026, prepared by Mugen Geo Ltd) for consideration by the LPA.

Section 3.3.2 of the report advises that three rotary boreholes were drilled at the site to depths of 10m bgl to investigate the shallow coal mining situation. The works were apparently carried out under Mining Remediation Authority Permit ref. 31231. Section 3.4 of the report states '*Based upon the rotary drilling results there is considered to be a low risk of instability at the site due to no workings recorded at depth. A 100-200mm thick coal seam was recorded at all positions at depths between 4.6-4.8m in the lower part of the site and 6.8m in the north of the site.*'

We note that the depth of the boreholes drilled would appear to reflect the recommendations for investigations set out in the Coal Mining Risk Assessment which supported the original planning application, the aim of which was to prove or disprove the presence of unrecorded mine workings within the Black Bed Coal seam.

We assume, although it is not explicitly stated in the Phase 1 & Phase 2 report, that the intact coal seam encountered during drilling is considered to be the Black Bed Coal and is unworked. We also assume that the report author considers the site to be stable in terms of coal mining legacy as no further remedial works or mitigation measures are proposed in this regard. The LPA may wish to confirm with the applicant that our assumptions on these matters are correct, although they will ultimately need to be addressed in the statement/declaration required for approval under Condition 10.

In consideration of the information submitted and the professional opinions contained therein, and based on the above assumptions, the Coal Authority's Planning & Development Team would consider the requirements of Condition 9 of the issued consent to have been satisfactorily addressed in terms of coal mining legacy related land instability matters.

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.