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For the attention of: Kerri Simpson – Case Officer
Kirklees Council

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

24 August 2026

Dear Kerri

Re: Application 2026/44/91913/E

Discharge of details reserved by conditions 6 (CEMP: Biodiversity), 7 (Phase I Desk Study Report), 8 (Phase II Intrusive Site Investigation Report), 9 (Remediation Strategy), 10 (Phase II Intrusive Site Investigation Report), 11 (Verification Report), 12 (coal mining activity), 13 (materials), 14 (lighting), 15 (noise), 17 (boundary treatment), 18 (landscaping), 19 (refuse), 20 (bat box) on previous permission 2025/91961, Adj. 315 Wakefield Road, Lepton, Huddersfield, HD8 0LX

Thank you for your notification of 6 August 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 in planning permission 2025/91961 lies with Conditions 12 and 16, which state:

12. *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.

16. *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.*

We note that the applicant has applied to discharge Condition 12. Whilst this condition does not require the submission of any information for approval (unlike Condition 16), we note that they have nevertheless submitted a Phase II Geo-Environmental and Coal Mining Legacy Assessment (May 2026, prepared by Erda Associates Ltd) for consideration by the LPA. This report indicates that investigations carried out at the site included the drilling of three boreholes to a maximum depth of 30.0m bgl to further investigate the potential risks from shallow unrecorded mine workings.

The report indicates at Section 4.1 that broken ground with voids and loss of flush was recorded within boreholes RBH01 and RBH02 at depths of 5.80m-6.80m bgl and 6.00m-6.85m bgl, respectively. It advises that *'this may be indicative of localised ground disturbance associated with historic coal extraction. However, it is also acknowledged that such features may alternatively be attributable to natural geological variability within the Coal Measures or drilling-related disturbance.'*

Given the inconclusive findings of the investigations, the report advises that *'further investigation and/or ground treatment may be required to manage potential risks associated with shallow coal mining legacy, subject to confirmation by additional intrusive investigation/remediation and agreement with the Coal Authority.'* It goes on to identify possible options including: the excavation of the workings and recompaction with engineered fill; drilling and grouting stabilisation of the workings; or foundations deepened through the shallow workings to competent natural bedrock.

The Coal Authority's Planning & Development Team notes that the intrusive investigations undertaken appear to have encountered ground conditions exhibiting characteristics of shallow coal mining activity. The report advises that further works are required to address the stability risks posed by the suspected shallow workings. However, no information has been provided to demonstrate that appropriate remediation works and/or mitigation measures have been fully implemented. As

such, we do not consider that the requirements of Condition 12 of the issued consent have been satisfactorily addressed in full.

We note that the report presents a range of options to address the risk of instability posed by the suspected mine workings. The applicant's technical consultant should ensure that the approach to be adopted is in compliance with authoritative UK guidance (CIRIA C758D *Abandoned mine workings manual*) and serves to ensure the safety and stability of the proposed development as a whole.

We take this opportunity to highlight that a permit is required for any remedial works or mitigation measures which will or may result in disturbance to our property, i.e. coal seams and associated mine workings. This includes the undertaking of drilling and grouting stabilisation works and foundation solutions. Any comments that we may have made in a Planning context are without prejudice to the outcomes of a Permit application. 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.

It should be noted that an Incidental Coal Agreement will be required from the Mining Remediation Authority for the excavation of the suspected mine workings (and any remaining coal). 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.

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.