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For the attention of: Mr W. Simcock – Case Officer
Kirklees Council

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

10 September 2026

Dear Mr Simcock

Re: Application 2026/44/92443/E

Discharge of details reserved by conditions 7 (road priorities), 8 (signage), 16 (landscaping), 22 (declaration), 25 (delivery/loading area), 29 (air quality) and 30 (external lighting) on previous permission 2024/91591 for variation of conditions 2-6, 15 and 29 on previous permission 2021/92528 for erection of retail development, associated parking, servicing areas and landscaping at Land off Birstall Retail Park, Bankwood Way, Birstall, Batley, Kirklees, WF17 9DT

Thank you for your notification of 2 September 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 2024/91591 lies with Conditions 21 and 22, which state:

21. *None of the development hereby approved shall commence until:*

- *A scheme of further intrusive investigations has been carried out on site to establish any risks posed to the development by past coal mining activity; and*
- *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 relevant UK guidance.

22. *Prior to the first occupation of the development, or it being brought 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 above conditions are reflective of Conditions 21 and 22 attached to original permission 2021/92528. We provided comment on the discharge of Condition 21 in our consultation response letter of 14 November 2024 to condition discharge application 2024/44/92949/E. Relevant comments from that letter are reproduced below:

'One of the supporting documents is a Supplementary Coal Mining Investigation report (28 March 2022, prepared by Sirius) which supplements previous Phase 1 and 2 Ground Investigation reports for the site. This report indicates that a further phase of intrusive investigations, comprising the drilling of rotary probe holes and trial pitting / trenching, has been carried out on site in order to further assess the risk posed by coal mining legacy.

'The aforementioned report indicates that the drilling of closely spaced boreholes perpendicular to the recorded alignment of the adit and additional trial trenching, encountered no evidence of the feature to a maximum depth of 25m bgl. The report author considers that the adit may have been removed as part of historical earthworks within the north eastern site area and, as such, consider the feature to pose a low risk to surface stability. Should the adit exist at a depth greater than 25m bgl, the report author is satisfied that sufficient overlying competent cover is present within the eastern part of the site to mitigate any risk from surface stability of the adit.

'In terms of shallow underground mining activity, based on the finding of the investigations, the report author is satisfied that the risk from pillar and stall workings within the eastern part of the site is low and such there is no requirement for remedial stabilisation works within the north eastern area of the site.

'They do, however, highlight that underground coal workings do pose a risk to surface stability within the northern and western parts of the site (as set out in earlier reporting). They advise that shallow mine workings present beneath these parts of the site should be stabilised by means of drilling and pressure grouting. They also advise that confirmatory probe holes should be drilled within the areas of the former quarry to prove the absence of any shallow coal seam.

'The report indicates that the possibility of encountering unrecorded mine entries/bell pits cannot be discounted. It advises that excavations should be inspected for any disturbed ground, associated with possible historic bell pits/mine entries/ crop workings of the shallow coal. It also recommends that areas beneath proposed buildings have overlying made ground removed in order to expose the natural ground (presumably at the time of development taking place).

'We note that further details of proposed remedial works are included in a Specification for the Drilling and Grouting of Shallow Mine Workings (May 2022, prepared by Sirius) and a subsequent Combined Remediation Strategy, Drilling & Grouting Plan (May 2024, prepared by Remada Ltd). These appear to indicate that the drilling and grouting of workings in the shallow coal seam will take place within those parts of the site where this seam has not been removed by past quarrying activity. The latter report also advises that foundation designs of the buildings should consider the presence of shallow treated/consolidated mine workings.

'The Coal Authority's Planning & Development Team welcomes the further investigatory works carried out. We acknowledge the professional opinions expressed regarding the absence of the recorded adit and the anticipated extent of shallow workings which could pose a risk of surface instability. We also welcome the apparent intention to undertake remedial works to stabilise these workings. We wish to highlight that these further works should seek to ensure the stability of not just the built development but also external parts of the site, such as access roads and vehicle parking and manoeuvring areas.

'We consider that the first part of Condition 21 has been satisfactorily addressed. However, it is evident that the works required to remediate coal mining legacy affecting the site have not been implemented and as such the second part of the condition has not been complied with. We are therefore unable to recommend that the LPA should discharge Condition 21 of the issued consent at this time.'

With regards to the current condition discharge application, we note that the application form indicates that the covering letter provides details of the information submitted to address the various conditions. Unfortunately, we have been unable to find this letter on the LPA website. However, we assume that the published Verification Report (February 2026, prepared by Remada) has been submitted to address coal mining legacy related conditions.

The aforementioned report indicates at Section 1.1 that it has been prepared to address several conditions, including numbers 21 and 22, attached to planning permission 2021/62/92528/E (rather than planning permission 2024/44/92949/E). It advises that a review of previous reports prepared for the site, including those referred to in our letter of 14 November 2024, has been undertaken which informed a programme of drilling and grouting subsequently carried out at the site by Soil Engineering Ltd in October 2025. The

detail of these works is included in the Report on the Consolidation of Mine Workings (19 November 2025, prepared by Soil Engineering) which is appended to the report.

The Coal Authority's Planning & Development Team welcomes the undertaking of works to remediate coal mining legacy affecting the site. We assume that the report author is satisfied that the works carried out have rendered the site in its entirety safe and stable, in terms of coal mining legacy, for the approved scheme of development. However, in the absence of a clear statement/declaration to provide confirmation on this matter, we are currently unable to recommend that the LPA discharges Condition 22 of planning permission 2024/91591.

We would be pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant which addresses the above matter.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

James Smith

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.