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For the attention of: Nicole Helliwell - Case Officer
Kirklees Council

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

28 October 2026

Dear Ms Helliwell

Re: 2026/60/92590/E

Outline application for residential development; The Cliff, 62 High Street, Clayton West, Huddersfield, HD8 9NS

Thank you for your notification of 21 October 2026 seeking the views of the Coal Authority on the above.

The Coal Authority (trading as the Mining Remediation 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**

I have reviewed the proposals and confirm that the application site falls within the Coal Authority's defined Development High Risk Area. Therefore within the application site and

surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

The Coal Authority records indicate that within 20m of the application site (Drawing No. 25438)1_Location Plan) there is a recorded mine entry (CA shaft ref: 425410-008; recorded position - off-site). The Coal Authority hold no treatment details for this mine entry and therefore should be considered as untreated. An untreated or inadequately treated mine shaft poses a significant risk to public safety and surface stability. Due to the historic source plans used to record its current position, this could vary by several metres. The Coal Authority is of the opinion that building over or within influencing distance of a mine entry should be avoided as detailed by our adopted policy: Building on or within the influencing distance of mine entries - GOV.UK

It would appear that the applicant is seeking to approve the layout as part of this outline application and we are pleased to note that no buildings are within or within 20m of the mineshaft (Drawing No. (25438)2_Indicative layout).

In addition to the above, the site lies within an area of both recorded (south western part of the site) and probable historic unrecorded shallow coal mining. Coal seams of workable thickness infer to outcrop at or close to the surface within parts of the site that may have been historically worked from the surface within or within influencing distance of the site. Collectively, these coal mining features currently present a risk to public safety and surface stability.

The planning application is accompanied by a Coal Mining Risk Assessment report (B20825 rev A, 04 January 2016) prepared for residential development within the area denoted on (Drawing No. (25438)2_Indicative layout) by JNP Group.

The Design and Assess Statement states that *"this application seeks to re-establish the outline permission for the creation of a residential development comprising four new build dwellings and a new access driveway to the existing detached dwelling House at The Cliff, High Street, Clayton West. It is limited to the principle of development, access and layout and is a re-submission of the latest approval from October 2022 (Approval no. 2022/90044)".*

The Coal Authority were consulted by the LPA as part of the previous application which was also accompanied by the above Coal Mining Risk Assessment. The report authors identified

the risks to the proposed development (probable unrecorded workings; coal seam outcrop) and considered that in order to establish the exact ground conditions present beneath the site, intrusive site investigations were required, prior to commencement of development. The findings would then inform the extent of any remedial works and / or mitigation measures that may be required to ensure safe and stable development. The Planning team at the Coal Authority raised no objections subject to the LPA imposing a suitably worded condition. We are pleased to note that the LPA imposed such conditions (Condition 14 & 15).

The current application site boundary differs from that of the previously approved development. As a result, our records identify additional coal mining features that have not previously been assessed by JNP Group. However, the area proposed for built development remains unchanged. Our response assumes that the additional areas within the red line boundary will remain in their current use as garden or open space, with no development taking place in those areas.

Subject to the above, we would have no objection to this current proposal, subject to the LPA imposing the same or similarly worded conditions as per above (Conditions 14 & 15).

The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary.

The applicant should be aware that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

<u>Mine Gas</u>

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.

Sustainable Drainage

It should be noted that 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.

It is also requested that the following Informative Notes are included on any planning permission granted:

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

Building on or within the influencing distance of mine entries - GOV.UK

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

What is a permit and how to get one? - GOV.UK (www.gov.uk)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

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. Further information regarding Incidental Coal Agreements can be found here - https://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

Deb Roberts *M.Sc. MRTPI*
Planning & 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.