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For the attention of: Alan Wells – Case Officer
Wrexham County Borough Council

[By email: planning@wrexham.gov.uk]

27 September 2024

Dear Alan

Re: P/2024/1073

Outline application for erection of dwelling (all matters reserved); 3 Fennant Road, Ponciau, Wrexham, LL14 1HL – FURTHER INFORMATION RECEIVED

Thank you for your notification of 20 September 2024 seeking the further views of the Coal Authority on the above.

The Coal Authority response: Substantive Concern

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application, specifically both actual and probable shallow coal mine workings.

Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority records also indicate the presence of two recorded mine entries (shafts) within, or within close proximity of the planning boundary. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

The applicant previously submitted some coal mining information to accompany the planning application; however, the Coal Authority did not consider it adequately addressed the impact of coal mining legacy on the proposed development. We therefore objected to the planning application and considered that the applicant needed to submit a Coal Mining Risk Assessment Report to the LPA.

The applicant has now obtained appropriate and up-to-date geological and mining information, as well other information, which has been used to inform the Coal Mining Risk Assessment (2 September 2024, prepared by NKC Geotech Ltd), which accompanies the planning application. Based on this review of existing information, the report confirms that shallow coal seams where insufficient rock overburden to alleviate the risk of potential subsidence require further investigation, which could be ensured by way of condition.

In terms of the risks posed by the recorded mine entries, we have no details, which confirm either their precise location or condition. Our records indicate the conjectured position of mine entry 329346-261 is approximately 2.7m outside of the planning boundary, but that it could be up to 10m away from that position. In terms of mine entry 329346-262, our records confirm it to be approximately 13m outside of the planning boundary and that it could also be 10m away from that position.

On account of the above, and whilst mine entry 329346-262 is more than likely present outside of the planning boundary, mine entry 329346-261 could be present within the planning boundary, with development (indicatively) being proposed either directly over it or within its zone of influence. In addition, we also note that the BGS confirm the drift thickness to be between 10.3m and 11.1m, which would suggest that any collapse of mine entry 329346-262 could result in the potential zone of instability encroaching extensively across the site. On the basis of the shaft being present on third party land, it would appear that the investigation and remediation of this feature would be unreasonable to ensure by way of condition and prove difficult owing to land ownership in any case.

Notwithstanding the above, and whilst we note that Plan A within the CMRA confirms both mine entries outside of the planning boundary, this obviously conflicts with the data held by both ourselves and the BGS. Despite this, and even working on the scenario as suggested in Plan A, the proposed building and its environs would still be within the zone of influence of both mine entries, which we consider unacceptable.

Whilst we acknowledge that this application is in outline form with siting reserved for subsequent future approval, given the size of the site, the applicant should be required to demonstrate that the application site can be developed safely and that the footprint of any proposed building is capable of being siting to avoid both the recorded mine entries and their respective zone of influence. Taking into consideration the indicative layout, we remain unconvinced that this is achievable and undeveloped gaps in otherwise built up areas often conceal these coal mining hazards.

The Coal Authority does not support the development above mine entries even where treated and would also expect a construction stand-off zone or no build zone to be illustrated on any proposed site layout plan.

On account of the above, The Coal Authority does not consider that the application has fully appreciated the risks associated with mining legacy. On the basis of this information, the Coal Authority **objects** to the planning application.

The Coal Authority Recommendation to the LPA

The Coal Mining Risk Assessment has been prepared based on a comprehensive desk-based review of available coal mining information. This information has revealed that there is a significant risk to development of the application site from two recorded mine entries and shallow coal mine workings.

The applicant should therefore be advised of the Coal Authority's view as technical expert in the field of coal mining legacy and land instability. Furthermore, they should be required to carry out further work in the form of amended plans illustrating the precise/conjectured (worst-case scenario) location of the mine entries with adequate residual room available to allow for the siting of a dwelling and ancillary areas. This area should avoid the mine entries and their zones of influence.

This information is necessary to determine the extent of past coal mining activities and the implications for the layout and design for their development proposal. Any remedial measures should then be proposed as part of the revised report, as necessary, to address any issues of land instability (including shallow coal mine workings).

The Coal Authority considers that these issues go to the heart of whether planning permission should be granted in principle; they are not issues therefore that would be appropriate for the imposition of conditions in this case.

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

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

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:
https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or 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 advisers for this development in relation to ground conditions and the acceptability of development.