The Coal Authority

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: Nick Atkinson – Case Officer
Wrexham County Borough Council

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

2 October 2024

Dear Nick

Re: P/2024/1387

Outline application for erection of 33 dwellings (appearance, landscaping and scale reserved); land at Bethania Road, Bethania Road, Acrefair, Wrexham

Thank you for your notification of 17 September 2024 seeking the views of the Coal Authority on the above.

The Coal 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: 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 probable shallow coalmine workings associated with a thick coal seam outcrop and three recorded mine entries (shafts).

The Coal Authority notes the planning history, which relates to this site and specifically the previous outline planning application (P/2022/0469), where layout was reserved for subsequent future approval. However, we note that on this occasion, whilst the application remains in outline form, a detailed layout is sought for approval.

The Coal Authority notes the submitted Desktop Geotechnical and Geo-Environmental Site Investigation Report (8 July 2021, prepared by Eastwood & Partners), which accompanies the application. We note that the report confirms that a ground investigation is required to confirm the situation with regard to shallow workings and to determine any necessary remedial measures.

Notwithstanding the above, we also note that the report confirms that the investigations should extend to locate the recorded mine entries and that the layout should avoid placing plots directly above shafts. However, the proposed layout is considered unacceptable and unjustified, specifically as the applicant has not demonstrated that the layout would avoid the shafts and their potential zones of influence.

Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regards to this issue, the Coal Authority's adopted policy, Development and Mine Entries, can be found here:
https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

The Coal Authority does not support in principle the provision of built development either over or within the zone of influence of a mine entry, even where this has been treated due to the public safety risks arising.

The Coal Authority Recommendation to the LPA

The Desktop Geotechnical and Geo-Environmental Site Investigation Report has been prepared based on a review of appropriate geological and mining information. This information has revealed that there is a significant risk to development of the application site from recorded mine entries (shafts).

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 location of the mine entries with the proposed development avoiding them 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 proposals. Any investigations/remedial measures should then be proposed as part of the revised report, as necessary, to address any issues of land instability.

The Coal Authority therefore **objects** and considers that this issue goes to the heart of whether planning permission should be granted in principle; it is not an issue 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.



Making a **better future** for people
and the environment **in mining areas**