The Coal Authority

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

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

11 October 2024

Dear Nick

Re: P/2024/1440

Outline application for up to 159 dwellings (appearance, landscaping, layout and scale reserved); former Air Products site, Llangollen Road, Acrefair, Wrexham, LL14 3HP - RECONSULTATION

Thank you for your notification of 9 October 2024 seeking the further views of the Coal Authority on the above.

The Coal Authority response: Material Consideration

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

The Coal Authority information indicates 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.

The Coal Authority records indicate that the site has been subject to historic recorded underground coal mining at shallow depth and is likely to have been subject to historic unrecorded underground coal mining at shallow depth. Our records also confirm that thick coal seams outcropped across the site, which may have been worked from the surface.

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.

In addition to the above, our records indicate the presence of twenty one 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.

The Coal Authority previously objected to this planning application, as the required Coal Mining Risk Assessment Report had not been submitted as part of the application.

The Coal Authority is therefore now pleased to note the submitted Completion Report – Shallow Mine Workings and Mineshaft Treatment (6 June 2022, prepared by Forkers Ltd), which now accompanies the planning application. The Report is able to confirm that all of the mine entries, which have been located on the site have been stabilised to a standard reflective of the intended future use (i.e. residential). The Report also confirms that the identified shallow coalmine workings, which previously posed a stability risk to the development have been stabilised.

Notwithstanding the above, and on the basis that the detailed layout is reserved for subsequent future approval, the Coal Authority would expect the finalised site layout to be informed by the presence of the mine entries. In this regard we note that the indicative development layout, which does appear to have been designed around them.

Mine Gas

It should be noted that 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.

SUDS

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.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

The Coal Authority Recommendation to the LPA

Based on the above, the Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out. In order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe and stable for the development proposed you may wish to consider the imposition of planning conditions that cover the issues set out below.

* As part of the reserved matters application the submission of the proposed layout plan which identifies the location of the on-site mine entries including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones;

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The undertaking of remedial measures, prior to the commencement of development, is considered to be necessary. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 189 and 190 of the National Planning Policy Framework.

The Coal Authority therefore **withdraws its objection** to the LPA granting outline consent at this site, **subject to the imposition of the conditions to secure the above**.

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

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 from the Coal Authority. 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

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

Where development is proposed over areas of coal and past coal workings at shallow depth, the Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and

treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from the Coal Authority. Further information can be found at: https://www.gov.uk/get-a-licence-for-coal-mining

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available 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.