



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: Ms S. Brett – Case Officer
Wrexham County Borough Council

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

15 May 2024

Dear Ms Brett

Re: Planning application P/2024/0076

Outline application for erection of dwelling (all matters reserved) at Land off Chapel Street, Acrefair, Wrexham - RECONSULTATION

Thank you for your notification of 7 May 2024 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority response: SUBSTANTIVE CONCERN

As you aware, the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that there are four off-site mine shafts present within 20m of the application site boundary, with their potential zones of influence extending into the site. In addition, our records indicate that the site lies in an area where coal mining has taken place at shallow depth.

We last commented on this proposal in a letter to the LPA dated 29 February 2024. In this letter, we objected to the application due to the lack of a supporting Coal Mining Risk Assessment to identify and assess the risks posed to the proposed development by coal mining legacy.

It would appear that the applicant has now submitted some coal mining information to accompany their planning application, in the form of a Coal Authority CON29M Coal Mining

Report, produced on 22 December 2017. However, this is a factual report only and this information does not provide any assessment of the potential risks posed to the development proposal by past coal mining activity. The Coal Authority's Planning & Development Team therefore **MAINTAINS ITS OBJECTION** to this application.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment to support their application. This assessment should be prepared by a suitably qualified person based on up-to-date coal mining information. Without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this application.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

Yours sincerely

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*

Planning and Development Manager

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a “competent body”. Links to the relevant professional institutions of competent bodies can be found at:

www.gov.uk/planning-applications-coal-mining-risk-assessments

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 the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority’s website at:

www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

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. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on the matter can be found at:

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.