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For the attention of: Ms S. Brett – Case Officer
Wrexham County Borough Council

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

29 August 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 – FURTHER RECONSULTATION

Thank you for your notification of 16 August 2024 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority response: MATERIAL CONSIDERATION

As you aware, the application site falls within the defined Development High Risk Area. The Coal Authority records indicate that there a number of 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 9 July 2024. In this letter, we noted the submission of a Coal Mining Risk Assessment (26 June 2024, prepared by NKC Geotech Ltd) but nevertheless maintained our objection to the application. Our concerns related to the use of old co-ordinates for the positions of the mine shafts and the lack of clarify as to how the potential risk of instability posed by a possible off-site shaft collapse will be addressed in terms of the proposed built development and end users of the site.

We note that the applicant has now submitted a revised Coal Mining Risk Assessment report (26 June 2024, prepared by NKC Geotech Ltd) in support of their application. The

content of this report largely reflects that of the original report but now acknowledges that the potential zones of influence of the two mine shafts nearest the site (CA refs. 327343-317 and 327343-386), located close to the site boundary, will need to be calculated. It advises that intrusive investigations will be required in order to enable these calculations and to also establish whether the site is affected by unrecorded shallow mine workings.

We wish to point out that the submitted information does not demonstrate that the indicative proposed layout of development would avoid built development over the recorded shafts or within their associated zones of influence. We are also disappointed that the report does not provide any further commentary as to how the potential risk of instability posed by a possible off-site shaft collapse will be addressed. Nevertheless, we acknowledge that the application has been made in outline with all detailed matters reserved. As such, the approval of the application will not fix the position of the building(s) within the site and further clarification on remedial and mitigatory measures can be provided at reserved matters application stage once the recommended investigations have been carried out.

The applicant should note that intrusive investigations carried out at the site and any subsequent remedial/mitigatory measures required in order to address the risks posed by coal mining legacy (such as grouting works, mine shaft capping, foundation solutions and the use of ground reinforcement / geogrid) should be designed and carried out by competent persons. The investigations should take into account the Coal Authority's latest co-ordinates for the mine shafts set out in our previous letter of 9 July 2024.

The applicant should also note that Permission is required from our Permitting & Licensing Team before undertaking any activity, such as ground investigation and remedial measures, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Any subsequent reserved matters application seeking the approval of a detailed site layout should include a plan identifying the shaft positions and appropriate no-build zones around these features (whether located on-site or considered to lie off-site). This plan should demonstrate to the LPA that the detailed layout of development has been suitably informed by the presence of the mine shafts. Clarification on the remedial/mitigatory measures proposed to address the risk of instability posed by these features should also be provided.

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 the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SuDS

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/entries which may be present beneath/within the site.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team notes the conclusions of the revised Coal Mining Risk Assessment report; that coal mining legacy poses a risk to the proposed development and that further investigations are required, along with remedial/mitigatory measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. Prior to the submission of any Reserved Matters application seeking approval of a detailed layout of development, a scheme of intrusive investigations shall be been carried out on site to fully establish the risks posed to the development by past coal mining activity, including those posed by recorded mine shaft 327343-317 and 327343-386. These works shall be carried out in accordance with authoritative UK guidance.***
- 2. Any application seeking approval of a detailed layout of development shall be accompanied by: the findings of the intrusive site investigations (required by condition X above); a proposed layout plan which identifies the positions of the recorded mine shafts, the extent of their potential zones of influence, and suitable no-build zones around these features.***
- 3. Prior to the commencement of above ground development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.***

- 4. Prior to the first occupation of the development, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.**

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of the above conditions**. 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.

Should planning permission be granted for this proposal, we also request that the following Informative Notes is included on the decision notice:

Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. 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. Failure to obtain permission to enter or disturb our property 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.

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

James Smith

James Smith BSc. (Hons), Dip.URP, MRTPI
Planning and 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 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.