



**The Coal
Authority**



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr S Greenland
Wrexham County Borough Council

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

17 November 2021

Dear Mr Greenland

PLANNING APPLICATION: P/2021/0982

**OUTLINE APPLICATION FOR THE ERECTION OF 1 NO. TWO-STOREY DWELLING
WITH ASSOCIATED GROUNDWORKS AND ALTERATIONS TO VEHICULAR ACCESS
AT HILLCREST; Hillcrest, Bethania Road, Acrefair, Wrexham**

Thank you for your consultation letter of 09 November 2021 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. 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: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore 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 is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. An off-site mine entry (shaft) lies within close proximity of the site boundary and the Coal Authority does not hold any treatment details for this mine entry, therefore its recorded location may be subject to significant departure.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk

Assessment (or equivalent) (September 2021, prepared by commercial arm of the Coal Authority) to accompany the planning application.

The report is able to identify that the proposed development site has been subject to past coal mining activity, namely recorded shallow workings in what is suspected to be the Main and Brassey seams and the potential for unrecorded shallow workings in the Quaker and Crank seams (in addition to the potential for further unrecorded shallow workings in the Main and Brassey seams). **The risk to the site from legacy mining features is medium.**

Nevertheless, subject to the undertaking of appropriate site investigations and any potential necessary remedial measures as outlined in Section 4a of this report, the Coal Authority considers that the site may be made safe and stable for future development and the risk to the development reduced to low.

On the basis of the information available, the report indicates that it is not considered likely that any recorded mine entries will exist within the site boundary and it is also considered unlikely that the zone of influence for local entries will encroach on any areas of proposed development. However, owing to the proximity of an off-site mine entry the applicant should be aware that if ground conditions are found to differ during the undertaking of investigation works at the site from those locally recorded (specifically if rockhead is found to be more than 9.75m bgl) then the potential for the zone of influence of mine shaft 328343-446 to encroach on the development site boundary should be reconsidered by the applicant's competent person. However, at this time and on the basis of available evidence, **the risk to the proposed development from recorded mine entries is considered to be low.**

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

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

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 and 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

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.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;
 - a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or 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 methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above**.

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.

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

Yours sincerely

Ashley Langrick

Ashley Langrick BA (HONS) Dip TRP MRTPI
Planning and Development Manager (Corporate Projects)

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>

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.

On the basis of the information available, the report indicates that it is not considered likely that any recorded mine entries will exist within the site boundary and it is also considered unlikely that the zone of influence for local entries will encroach on any areas of proposed development. However, owing to the proximity of an off-site mine entry the applicant should be aware that if ground conditions are found to differ during the undertaking of investigation works at the site from those locally recorded (specifically if rockhead is found to be more than 9.75m bgl) then the potential for the zone of influence of mine shaft 328343-446 to encroach on the development site boundary should be reconsidered by the applicant's competent person. However, at this time and on the basis of available evidence, **the risk to the proposed development from recorded mine entries is considered to be low.**

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.