



**The Coal
Authority**



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For the Attention of: Mared Rees-Jones
Wrexham County Borough Council

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

15 August 2019

Dear Mared

PLANNING APPLICATION: P/2019/0546

Outline planning permission for up to 450 dwellings, provision of a primary school, small district centre, comprising up to 1,395 Sq.M of retail, up to 372 Sq.M restaurant/public house, up to 465 Sq.M of Class D1 use, multi-functional green infrastructure, including children's play areas and informal open space, with all matters reserved except for vehicular access from Brymbo Road - Former Site Of Brymbo Steelworks, Brymbo, Wrexham

Thank you for your notification of 26 July 2019 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 there are approximately 22 mine entries, on or within, 20m of the site boundary. There are also recorded and likely unrecorded coal mine workings at shallow depth on site and the site is within the boundary of a site from which coal has been removed by surface mining methods.

The planning application is supported by a Coal Mining Risk Assessment, dated July 2019 and prepared by Wardell Armstrong. This report has been informed by an appropriate range of sources of information. This report also refers to the site's long history and highlights the previous works carried out to create development platforms on parts of the site.

This risk assessment has identified 26 mine entries located within, or within 20m of the boundary of the site, with only 4 of these having any record of previously stabilised. They comment that the presence of a mine entry can provide a significant constraint to the stability of built development and a desk based appraisal of the original source records has been undertaken to verify the identity and most probable position of each mine entry, in order to better inform detailed development layout proposals. They recommend that intrusive site investigations are undertaken to confirm the actual location of each mine entry and to facilitate an appropriate scheme of stabilisation works. The report authors state that it would be prudent to extend the scope of these investigations to confirm the level of treatment afforded to the 4 recorded treated mine entries. They comment that it should be noted that the majority of the reported mine entries are situated within the eastern part of the site, and their presence may influence the layout of the proposed development. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

The report authors note that parts of the site are situated within the boundaries of former opencast sites and that the presence of buried highwalls and significant thicknesses of backfill could represent a ground stability risk. They comment that the location of the buried high walls and the thicknesses and composition of backfill within the former opencast excavations is recorded within reports pertaining to both the Ty-Cerrig and eastern development parcels. The report authors note that consideration of the performance of the opencast backfill should be undertaken during the detailed design phase, ahead of the construction of new built development. The location of the highwalls should be used to inform the layout of the development in order to avoid locating buildings over these features, where possible, to prevent any associated risks arising from differential settlement.

The report notes that there are recorded underground workings at influencing depths beneath the site within the Two Yard, Crown and Blackbed coal seams at depths of 0m, 23m and 30m respectively. They comment that review of BGS Geological Mapping also identifies that the Smiths, Drowsell, Powell, Hollin, Crank and Quaker coal seams are also inferred to subcrop within the boundaries of the site. They also comment that the BGS mapping identifies that the Main coal seam may be present on site, between the Blackbed and Crown coal seams, and therefore this seam could also be potentially present at influencing depths beneath the site. They recommend that a comprehensive investigation is undertaken to confirm the shallow mining setting at the site and to determine whether potential areas are affected by shallow mine workings. The report authors comment that if potential areas of shallow mine workings are proven, then stabilisation works will be required.

The report authors state that a ground gas investigation is recommended to be undertaken in consideration of the potential for sources of gas (coal seams, mine entries and thick backfill deposits) and viable migration pathways (mine entries, geological faults, permeable backfill deposits). The results of this investigation should be considered to determine the requirement and scope of ground gas protection measures required in the new development, as is routine for a development within a former coal mining area.

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exaction situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

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.

In the event that the site investigations confirm the need for remedial works to treat the mine entries and areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to, or concurrent with, the submission of the reserved matters application for any, and each, phase of the development:

- * The submission of a report of findings arising from intrusive site investigations for the mine entries and shallow coal mine workings;
- * As part of the reserved matters application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones;
- * As part of the reserved matters application the submission of a layout plan which identifies appropriate no-build zones for the highwalls present on the site;
- * As part of the reserved matters application the submission of a scheme of treatment for the mine entries on site for approval;
- * As part of the reserved matters application the submission of a scheme of remedial works for the shallow coal workings for approval; and

A condition should also require prior to the commencement of development:

- * Implementation of those remedial works.
- * Submission of a verification report confirming the works carried out on site in order to address the coal mining legacy risks present.

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

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

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader

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:

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

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.