



**The Coal
Authority**



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For the Attention of: Mr Matthew Phillips – Case Officer
Wrexham County Borough Council

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

[Copy Email: matthew.phillips@wrexham.gov.uk]

20 December 2018

Dear Mr Phillips

PLANNING APPLICATION: P/2018/1047

Demolition of existing property and redevelopment to form 4 no. new dwellings and access; Nantcol, 57 Bryn Glas, Rhosllanerchrugog, Wrexham, LL14 2EA

Thank you for your notification of 11 December 2018 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: Substantive Concern

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 likely to have been subject to both recorded and historic unrecorded underground coal mining at shallow depth; a thick coal seam (STONE) outcrops down the central part of the site that may also have been worked in the past, and the presence of two recorded mine entries: one on-site mine entry (shaft ref: 328345-300) and one off-site mine entry (shaft ref: 328345-087) of which its resultant

zone of influence extends into the western part of the site. The Coal Authority hold no treatment details for these mine entries and due to plotting inaccuracies, the actual position could deviate by several metres from their current plotted position.

The planning application is accompanied by a Mining Study (2165/BGR/Replete/mjs, dated 11th December 2018) prepared for the proposed development by GroundSolve Ltd (Consulting Geotechnical, Engineering Geology and Environmental Engineers) which has been informed by an appropriate range of sources of information.

Based on this review of existing geological, historical and coal mining information, the report author identifies that in order to confirm the exact ground condition present and identify and mitigate the risks to the proposed development, intrusive site investigations are required. However it is noted that an existing building is present within the part of the site where our records indicate that the on-site mine entry is located and the report author has identified that this will need to be demolished before these specific site investigations can be undertaken.

Whilst appropriate recommendations have been made that intrusive site investigations are required, as this is a full application and the layout of the development will be determined, the layout as per Drawing No. C063/022 (Site & Location Plan) does not accord with our adopted policy: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries> The presence of the recorded on-site mine entry has in no way influenced the layout of this proposal and therefore we **object** to this planning application. 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.

Our preferred option therefore would be for the applicant to amend the layout to ensure that built development avoids the mine shafts (including any known deviation from the plotted position together with their resultant zone of influence). Accordingly, if the applicant is able to amend the layout, we consider that the proposed mitigation strategy as identified within the Mining Study (Section 8) would be appropriate and acceptable.

However, if the applicant is unable to revise the layout, we consider that site investigations for the mine entries (specifically mine entry: 328345-300) designed and prepared by a qualified and competent person are undertaken in order to confirm the presence, or otherwise, of this recorded mining feature within the application site. If the mine entry is located, information on the condition of the mine entry (has it been treated / capped; is it adequate for the development proposed) should be submitted. Alternately, if the mine shaft has not been treated, an appropriate remediation strategy should be submitted. This will ensure that in the event that the mine shaft was to collapse, this mining feature would not impact on the safety and stability of proposed development.

The Coal Authority Recommendation to the LPA

The Coal Mining Risk Assessment Report has been prepared based on a comprehensive desk-based review of all available coal mining information. However, we consider that based on the current layout, there is a significant risk to the development, and it is the opinion of the Coal Authority that the risk and uncertainty is such that the layout should be revised to avoid this mining feature (specifically mine shaft ref:328345-300). However if this is not an option, we consider that further specialist investigation is required before the applicant can demonstrate to the LPA that the application site can be safely developed.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

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

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRPTI*
Planning 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>

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.