



**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: Ms Sharon Holman – Case Officer
Wrexham County Borough Council

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

28 June 2017

Dear Ms Holman

PLANNING APPLICATION: P/2017/0437

Application for variation of condition No. 1 imposed under planning permission P/2012/0364 to allow a further 5 years for commencement of development (erection of 4 no. detached two-storey dwellings with integral garages) at Land North of 8 Grango Lane, Ponciau, Wrexham - RECONSULTATION

Thank you for your consultation email of 21 June 2017 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for 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

As you are aware, 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.

Our information indicates that a recorded mine entry (shaft, CA ref. 329346-060) is present within the application site and that the zones of influence of two further mine entries (shafts, CA refs. 329346-061 and 329346-529), which are present immediately adjacent to the site boundaries, encroach into the site. We hold no details of any treatment of these coal mining features and, due to potential plotting inaccuracies, the precise position of the shafts may deviate from their plotted positions by several metres. In addition, historic unrecorded coal mining is likely to have taken place beneath the site at shallow depth.

You will recall that The Coal Authority previously objected to the proposal in our initial consultation response of 20 June 2017 due to the lack of a Coal Mining Risk Assessment Report, or equivalent, to identify risks posed to the proposed development by coal mining legacy. In addition, we highlighted that due to the presence of recorded mine entries within/adjacent to the application site, intrusive site investigations should be carried out prior to the determination of the application in order to ensure that built development is not permitted over or within the zone of influence of these features.

We note that the applicant has now submitted a Shaft Search report (2 March 2017, prepared by GroundSolve Ltd) in support of the planning application. This Report indicates that intrusive site investigations have been carried out under Coal Authority Permit 13338 in an attempt to locate two of the recorded mine entries affecting the site (CA refs. 329346-529 and 329346-060):

Shaft 329346-060

The Report indicates that shaft 329346-060 was not found in its plotted position and is likely to be present within the unadopted road. We note that it was not possible to undertake investigations within the unadopted road due to the presence of services.

The Coal Authority is satisfied that appropriate investigation works have been undertaken in order to discount the presence of shaft 329346-060 beneath or immediately adjacent to the proposed dwellings at Plots 1 and 2.

It is unclear whether the access road to the front of Plots 1 and 2 is to be retained in its existing state or is to be ungraded in order to facilitate the development. As such, should works be proposed to the access road, The Coal Authority considers that a remedial strategy should be formulated by the applicant to address ground movement derived from the presence of the shaft. This could include the incorporation within the road of a geo-grid type membrane within the road surfacing.

Shaft 329346-529

The Shaft Search report indicates that shaft 329346-029 was not found in the vicinity of The Coal Authority's original plotted position for the feature. Based on a desk-based review of various sources of information, the Report author considers that the shaft is likely to be positioned to the east of the new section of adoptable road (away from the proposed built development).

I can confirm that The Coal Authority acknowledges the conclusions of the report and has revised its plotted position for this shaft on this basis. However, there remains the potential for this feature to pose a risk to the stability of the new section of adoptable road. We therefore consider that the aforementioned remedial strategy should also identify what measures are to be incorporated into the development to address any ground movement associated with this feature.

Shaft 329346-061

Whilst the zone of influence associated with Shaft 329346-061 extends into the planning application site, it does not affect that part of the site where built development is currently proposed.

The Coal Authority notes that the Shaft Search report indicates that unrecorded mine entries could be present within the application site. Should any previously unrecorded mine entry be encountered during development, appropriate treatment will be required i.e. filling and capping. This may also necessitate revisions to the site layout.

Shallow mine workings

Whilst the submitted report acknowledges that shallow coal seams are present beneath the application site and are known to have been worked in the locality, no detailed assessment of the risk posed by these past workings has been provided.

We note, however, that a Coal Authority Permit has recently been issued for an investigation by boreholes to determine presence of shallow mine workings/coal seams at the site. As such, there is a clear acknowledgement from the applicant that shallow coal mining activity poses a risk to the proposed development. As such, it is considered that these investigatory works and any remedial works subsequently identified as being necessary to ensure the safety and stability of the development can be secured by condition on any planning permission issues.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that appropriate site investigations have been undertaken to demonstrate that the proposed new dwellings would not be constructed over recorded mine entries. However, shallow coal mining legacy still potentially poses a risk to the proposed development and further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding this matter.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development, along with any remedial measures to address ground movement derived from the recorded mine entries.

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

- * The submission of a scheme of intrusive site investigations for shallow coal mine workings for approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring;
- * The submission of a scheme of remedial works for shallow coal mine workings for approval;
- * The submission of a remedial strategy to address the implications of ground movement from the recorded mine entries to the access road; and
- * The implementation of those remedial works.

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

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 Liaison 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:

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

With reference to the mine entries, any form of development over or within the influencing distance of these features 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 this 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 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.