



**The Coal
Authority**



INVESTOR IN PEOPLE



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For the Attention of: Mr B Bolton – Case Officer
Wrexham County Borough Council

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

07 July 2021

Dear Mr Bolton

PLANNING APPLICATION: P/2021/0588

CHANGE OF USE FROM SOCIAL CLUB (CLASS D1 USE) TO BAR AND RESTAURANT (CLASS A2 USE) AND PROVISION OF CHILDREN'S PLAY AREA (PARTLY IN RETROSPECT); Acrefair Sports And Social Club, Bethania Road, Acrefair, Wrexham

Thank you for your notification of 21 June 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: Fundamental Concern

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to be submitted to support this application.

The Coal Authority records indicate that 2no. recorded mine entries are present within the application site. The Coal Authority hold no treatment

details for these mine entries and due to the historic source plans used to plot their current position, this could vary by several metres.

Whilst we acknowledge that the proposed development is predominantly for the change of use of an existing building, the proposal includes the provisions for a children's play area, seating area and the formation of a parking area. All areas could be over or within influencing distance (unstable area should the mine entry collapse) of these mining features.

Whilst it does not appear that any significant ground works will be required to facilitate the proposed development, the nature of the proposal will actively encourage members of the public / children to use this site. Therefore, we consider that the applicant needs to demonstrate to the LPA that this proposed development will be safe for the users of this site.

Accordingly, we consider that a Coal Mining Risk Assessment, prepared by a competent person, is submitted to the LPA to support this planning application, in order that the recorded mine entries can be assessed by a competent person. Based on their findings they should be able to confirm whether any remedial and / or mitigation measures will be required to ensure that the risk to public safety is not compromised as a result of planning permission being granted for the proposed development.

The applicant should be made aware that the responsibility for securing safe development rests with the developer and / or landowner (Planning Policy Wales paras. 6.2.28).

In light of the above, we do not consider that the applicant has demonstrated to the LPA that the proposed development is a safe development (Planning Policy Wales paras 6.9.23 – 28), therefore, the Coal Authority currently **object** to this planning application. However, we welcome the opportunity to review further information submitted to address the risk to public safety that the recorded mine entries may have on this proposal.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information 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. MRTPI*
Planning & Development Manager

General Information for the Applicant

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

Guidance on how to produce a Coal Mining Risk Assessment and a template which the "competent body" can utilise is also contained at:

<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

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>

Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regard to this issue, the Coal Authority's adopted policy, Development and Mine Entries, can be found here:

<https://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 coal mining 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.