



The Coal
Authority



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For the Attention of: Mr P. Gittins – Case Officer
Walsall Metropolitan Borough Council

[By Email: planningservices@walsall.gov.uk]

21 March 2023

Dear Mr Gittins

PLANNING APPLICATION: 23/0106

Residential development of up to 59 dwellings (Near to PROW NDA151) at The Allens Centre, Hilton Road, Willenhall, WV12 5XB

Thank you for your consultation letter of 28 February 2023 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 for Energy Security and Net Zero. 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**

The application site falls within the defined Development High Risk Area; therefore within the 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.

More specifically, the Coal Authority records indicate that coal mining has taken place beneath the site at shallow depth and that further historic unrecorded shallow coal mining is likely to have occurred. Voids and broken ground associated with such

workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The planning application is accompanied by a Geo-Environmental Desk Study Report (February 2016, prepared by OPUS), which was prepared to inform future proposals to redevelop the site for residential purposes. Based on a review of relevant sources of coal mining and geological information, the report concludes that worked coal seams pose a potential risk to development at the site. It goes on to recommend that a borehole investigation should be undertaken to establish the coal mining situation and to inform any necessary remedial measures.

We note that the application is also accompanied by a Geo-Environmental Investigation Report (February 2016, also prepared by OPUS), which details and discusses a borehole investigation carried out at the site. The report advises that no broken ground or loss of flush was recorded during drilling works, but notes that a coal seam of potentially economic (workable) thickness was encountered within influencing distance of the surface at shallow depth. It goes on to recommend that a programme of proof drilling and grouting should be undertaken beneath proposed structures.

The Coal Authority's Planning & Development Team welcomes the recommendation for the undertaking of remedial stabilisation works. These further works should be designed and carried out by competent persons in order to ensure the safety and stability of the proposed development as a whole. We wish to highlight that in the design of these remedial stabilisation works, due consideration should be given to the risk of instability posed by shallow mine workings to external parts of the site such as roads, driveways and vehicle parking areas, in addition to the proposed buildings.

The applicant is requested to note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any remedial works that will disturb Coal Authority property, i.e. coal seams and associated workings. 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.

The Geo-Environmental Investigation Report identifies the potential for the presence of unrecorded mine entries within the site. We take this opportunity to highlight that should any previously unrecorded mine entry be encountered during development, appropriate treatment of the feature will be required, in accordance details Permitted under a Coal Authority Permit.

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 & 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.

Surface Coal Resource

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.

SuDS

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's Planning & Development Team concurs with the conclusions of the Geo-Environmental Investigation Report; that coal mining legacy poses a potential risk to the proposed development and that remedial measures are required in order to ensure the safety and stability of the development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. No development shall commence until remedial stabilisation works to address land instability arising from shallow coal mining legacy have been carried out in full in order to ensure that the site is made safe and stable for the development proposed. The remedial works shall be carried out in accordance with authoritative UK guidance.***
- 2. Prior to the occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site 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 completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity.***

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

The following statement provides the justification why the Coal Authority considers that a pre-commencement condition is required in this instance:

The formulation and implementation of an appropriate scheme of remedial measures before building works commence on site is necessary to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework

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

Yours sincerely

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and Development 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. 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.