



The Coal
Authority



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For the Attention of: Jennifer Atkinson – Case
Officer
Manchester City Council

[By Email [REDACTED]]

[Copy Email [REDACTED]]

16 July 2020

Dear Jennifer

PLANNING APPLICATION: 126431/FO/2020

Erection of a multi-use arena (Use Class D2) (61082 sqm) with a partially illuminated external facade together with ancillary retail/commercial uses (Classes A1, A3 and A4), with highways, access, servicing, landscaping, public realm and other associated works; Site South Of Sportcity Way/East of Joe Mercer Way/West of Alan Turing Way and North Of The Ashton Canal at Etihad Campus, Manchester: Further Information Received

Thank you for your notification of 13 July 2020 seeking the views of the Coal Authority on further information submitted in support of the above planning application.

The Coal Authority Response:

I can confirm that the Coal Authority has no specific comments to make in respect of noise & vibration and transport, specifically supplementary information relating to Chapter 10 - Noise & Vibration and Chapter 12 - Transport within the Environmental Statement Volume 2. Accordingly, our previous comments dated 05 May 2020 remain unchanged (**no objection subject to the imposition of a condition(s) to secure site investigations as recommended by the applicant's technical consultants Buro Happold Engineering**)

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



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For the Attention of: Ms J Atkinson – Case
Officer
Manchester City Council

[By Email [REDACTED]]

06 August 2020

Dear Ms Atkinson

PLANNING APPLICATION: 127534/FO/2020

Site investigation and remediation works including trial piling, grouting of coal seams and mineshaft capping and other associated works; Site South Of Sportcity Way, East Of Joe Mercer Way, West Of Alan Turing Way And North Of The Ashton Canal, At The Etihad Campus, Manchester

Thank you for notification of 24 July 2020 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 the red line boundary (Drawing No. 0607 00: Site – Existing Location Plan Proposed Grouting Works) lies within an area of probable shallow coal workings; coal seams of workable thickness inferred to outcrop within the site and surrounding area that may also have been historically worked at shallow depths; and the presence of 2no. recorded on-site mine entries (shaft ref: 386398-003 and 386398-010). Our records identify that shaft 003 *was drilled, grouted and capped in 1986 by Ward Ashcroft and Parkman. This shaft was further grouted in October 2010 using 55 tonnes of cement-based mix. The capping was estimated as being 300mm thick and positioned some 11mbgl* and mine shaft 010 *was located in 2010 using a series of probe holes. The*

shaft was pressure grouted using 5.5 tonnes of a cement /pfa mix grout. A grout plug using a 5:1 mix of pfa/cement was installed above the shaft.

The zone of influence of an off-site mine entry (shaft ref: 386398-004) extends into the southern part of this site boundary. Our records indicate this shaft *was drilled grouted and capped in 1986 by Ward Ashcroft and Parkman.*

We note that this planning application is seeking approval for site investigations and remediation works associated with historic coal mining activity, in order to facilitate future development at this site. Therefore the applicant is seeking to address all risks associated with this coal mining legacy (shallow workings; recorded and unrecorded mine entries in advance of any re-development at this site.

This planning application is accompanied by a Coal Mining Risk Assessment 31 January 2020 prepared for future development at this site (126431/FO/2020) by Buro Happold Engineering. The Coal Mining Risk Assessment has been informed by an extensive range of sources of evidence including previous ground investigations / remedial works undertaken within the site and surrounding area.

Having carried out an in-depth review of the available evidence the report author identifies that whilst ground stabilisation works (shallow workings) have previously been carried out within this site, these works do not cover the full extent of this site. Accordingly, there remains a risk at this site from former coal mining activity. In order to mitigate the risk, appropriate recommendations have been made that additional ground investigations (probing works) are required to inform the extent of remedial works / mitigatory measures required (Section 6).

We note that the location / condition of the mine entries are summarised in Table 4.1. The location / condition for the 2no. on-site mine entries has been confirmed, however mine entry 004 was not found and it is suggested that there could be a fourth mine entry but likely to be a duplicate shaft of 003. The report author considers that there is no risk as a result of the treated mine entries. However as part of any validation report we would expect the applicant's technical consultants to confirm the existing treatment works are appropriate for the future development at this site and are to current industry standards.

The planning application is also accompanied by a Method Statement for Proposed Grouting Works, dated 03 July 2020 that provides details of the remediation measures required to mitigate the risk of land instability / mine gas at this site. In principle we, the planning team at the Coal Authority, consider that the applicant's technical consultants have demonstrated that the site can be made safe and stable (NPPF paras. 178-179). We note that foundation design / bridging structures over the treated mine entries will also be incorporated for any new buildings / structures at this site including gas protection measures. The applicant should be made aware that the above Statement will need to be submitted as part of their permit application, via the Coal Authority's Permitting team, in order that a full appraisal is undertaken by our Engineering team.

<u>The Coal Authority Recommendation to the LPA</u>

In light of the above, we (the Coal Authority's planning team) consider that the applicant has demonstrated to the LPA that subject to implementation of further investigations to inform the extent of remedial / mitigatory measures required, the site can be made safe, stable and will be suitable for future development (NPPF paras. 178-179).

Accordingly, the Coal Authority recommends the imposition of the following condition(s):

* Upon completion of the approved intrusive site investigations and remedial works to mitigate the risk of coal mining legacy at this site (in accordance with authoritative UK guidance) a verification report, or equivalent statement prepared by a competent person, shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the additional intrusive site investigations and the completion of the remedial works and/or mitigation necessary to demonstrate that the site has been made, safe and stable for future development at this site.

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 Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above.**

Please note that whilst we recommend that the above planning conditions are applied if planning permission is granted, due to the Covid-19 pandemic, our own staff resources are significantly reduced. Until further notice we are therefore not able to offer any comments in relation to further related applications that may be made for the discharge of conditions.

We would be very grateful if you could refrain from sending the Coal Authority any consultations relating to the discharge of conditions until further notice. We trust that in this difficult time the local planning authority will appropriately consider the information submitted by applicants to assess whether any mining legacy related conditions have been duly complied with.

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 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. 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 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. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at:

<https://www.gov.uk/get-a-licence-for-coal-mining>

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.