



The Coal
Authority



INVESTOR IN PEOPLE



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

[By Email [REDACTED]]

05 May 2020

Dear Ms Atkinson

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 Ashton Canal at Ethiad Campus, Manchester

Thank you for your notification of 15 April 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 the site is within an area of both recorded and historic unrecorded shallow coal workings which could be attributed to the thick coal seams inferred to outcrop within the site and surrounding area, and the presence of three on-site mine entries. It is noted that the zone of influence of three off-site mine entries marginally intersect the southern boundary of the site.

The planning application is accompanied by an Environmental Statement, dated March 2020. Section 7 (Ground Conditions) has been informed by the Coal Mining Risk

Assessment (Appendix 7.2) prepared for the proposed development 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 have previously been carried out within this site, these works do not cover the full extent of this application site boundary. In addition, the exact location / condition of one of the on-site mine entries has not been confirmed. Accordingly, there remains a risk to the proposed development, from former coal mining activity. Therefore, in order to mitigate the risk, appropriate recommendations have been made that additional ground investigations to inform the remedial works / mitigatory measures, are required (Section 6).

In accordance with Drawing No. 0605 (Proposed Site Plan) we note that the building will be over the two of the treated mine entries, however, we acknowledge that it is unlikely that this is unavoidable, in this particular instance. Accordingly, we consider that in principle, the engineering solutions identified (span over the treated shafts – Section 6.2.12) would be acceptable. However further details of the treatment works (previously undertaken in 2011) to the mine entries (are these to current industry standard / suitable for the proposed development) will need to be submitted and agreed with our Permitting team, as part of the applicant's future permit application in order that a full engineering appraisal can be undertaken by our Engineering team.

We note that due consideration has been afforded to the risk from mine gas (Section 6.2.3).

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment (Appendix 7.2 of the Environmental Statement, dated March 2020), based on the professional opinion of Buro Happold Engineering that the site is at risk from former coal mining activity (mine entries and former coal workings). In order to mitigate the risks and to confirm the extent of remedial / mitigatory measures required to ensure that the development is safe and stable (NPPF paras. 178-179), further intrusive site investigations should be undertaken prior to development.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

* No development shall commence until further intrusive site investigations have been carried out on site (Section 6.1 of the above report) to establish risks associated with mine entries and former workings. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

* Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development

shall commence until a detailed and approved remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. These findings shall be supported by a plan which shows the location of all mine entries established as being present on the site and shall define the calculated zones of influence for these features. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

* Following implementation and completion of the approved remediation scheme (required by the condition above) and prior to the occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

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.**

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

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigatory measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

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

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.



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

[By Email [REDACTED]]

[Copy Email [REDACTED]]

13 May 2020

Dear Ms Atkinson

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 Ethiad Campus, Manchester: Re-consultation

Thank you for your notification of 07 May 2020 seeking the views of the Coal Authority on the amendments to one of the technical chapters (Noise) in the Environmental Statement.

The Coal Authority Response:

I can confirm that the Coal Authority has no specific comments to make on the amended technical chapter (Noise) and our previous comments dated 05 May 2020 remain unchanged: ***“The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above**”.***

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



Jennifer Atkinson

RE: [External] 126431 - proposed arena Eastlands Manchester

1 message

Debra Roberts

To: Jennifer Atkinson

28 July 2020 at 13:49

Hi Jen

I hope this email finds you well and those close to you continue to be safe as restrictions start to ease and people return back to work.

We are aware that each LPA (181 coalfield LPAs) may wish to make some amendments to our suggested wording of a condition (in order to meet the test of the condition) therefore as long as the specific parameters to be satisfied are not altered we have no objections to amended wording.

However from the wording below, there is no mention of any remedial measures being undertaken (shafts may require treating (grouting / concrete cap) shallow workings may require stabilisation works) including mitigation measures (foundation design / gas protection measures for the building). I am unsure if these measures will be captured in a Foundation Works Risk Assessment, but based on the wording, it would appear unlikely. However you may know different.

Therefore please feel free to amend the wording to suit your requirements, however I must re-iterate that as the building is over 2no. of the mine entries, we would request that the applicant / developer submits a robust remedial / mitigatory strategy which would be incorporated as part of this development in order that the development is safe and stable (NPPF. Paras. 178-179).

We would expect the applicant / developer to submit expert / technical advice / documentation as part of any discharge of condition application which demonstrates that a suitable engineering design has been developed (which has been approved by our Permitting team as part of the permitting process) that takes into account all the relevant safety and environmental risk factors including gas and mine-water.

I hope this helps but please do not hesitate to contact me if you require any further advice.

Kind regards and stay safe.

Debs



The Coal Authority

Deb Roberts *M.Sc. MRTPI***Planning & Development Manager – Planning and Local Authority Liaison****T:**

M [REDACTED]

E [REDACTED]

W: [gov.uk/government/organisations/the-coal-authority](https://www.gov.uk/government/organisations/the-coal-authority)

From: Jennifer Atkinson [REDACTED]
Sent: 23 July 2020 08:42
To: The Coal Authority-Planning [REDACTED]
Subject: [External] 126431 - proposed arena Eastlands Manchester

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Hi

You have suggested a condition on the above planning approval which has been sent to the applicant for agreement as it is a pre- commencement planning condition. The applicant wishes to make some changes to that condition which are detailed below. Please could you let me know if you are happy with that?

Many thanks

Jen

Prior to commencement of the development, the need for and extent of any further intrusive site investigation relating to previous coal mining activity shall be submitted for approval in writing by the City Council, as Local Planning Authority. This shall be set out within a Coal Mining Risk Assessment, which shall identify whether the coal mining legacy on the site poses a risk to surface stability. These findings shall be supported by a plan which shows the location of all known mine entries established as being present on the site and shall define the calculated zones of influence for these features. The approved Coal Mining Risk Assessment shall be implemented within the Contractors Foundation Works Risk Assessment and an enabling

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Deloitte.

works strategy. The Foundation Works Risk Assessment shall detail and appropriately de-risk any issues to the proposed development associated with historical coal mining activities.

Jennifer Atkinson
Principal Planner
Development Management North
Planning Building Control and Licensing - Growth and Development
Manchester City Council

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