



The Coal
Authority



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RTPI

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For the Attention of: Mr H Roberts – Case Officer
Merthyr Tydfil County Borough Council

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

18 February 2020

Dear Mr Roberts

PLANNING APPLICATION: P/20/0025

Engineering works including provision of drainage channel/ swale and culvert/outflow, raising the level of the land, and creation of site access road; Former Ardagh Site, Dragon Parc, Abercanaid, Merthyr Tydfil – Re-consultation

Thank you for your notification of 5 February 2020 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

We previously commented on this planning application in a letter to the LPA dated 5 February 2020.

The application is now supported by a Coal Mining Risk Assessment, dated January 2020 and prepared by Intégral Géotechnique (Wales) Limited. This report has been informed by a range of sources of information.

Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a risk posed to the development proposals by the past coal mining activity. In this case mine entries on, and close to the site, and shallow mine workings. The report authors therefore recommend that these features are investigated, including the shafts caps where these are present, and appropriate treatment works are carried out as necessary. The report authors also note that the drainage channel may need to avoid the area of these features if mine entries are found to be present within its current alignment.

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order

to establish the exact situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required. They should also guide any amendments necessary to the scheme in order to avoid building over, or close to, the mine entries.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the 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.

1. *No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. 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.*
2. *Where the findings of the intrusive site investigations (required by condition XX above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed 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. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.*

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

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

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

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

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.