



The Coal
Authority



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For the Attention of: Mr D. Cross – Case Officer
Merthyr Tydfil County Borough Council

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

26 August 2021

Dear Mr Cross

PLANNING APPLICATION: P/21/0293

Retention of replacement of storage unit at The Marshalls, Lewis Square, Abercanaid, Merthyr Tydfil, CF48 1YL

Thank you for your consultation letter of 12 August 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 application drawings 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.

The Coal Authority's information indicates that the application site is located in an area where coal seams outcrop at or close to the surface, which may have been worked in the past. Voids and broken/disturbed ground associated with such workings can pose a risk of surface instability.

In addition, the Coal Authority's records indicate that there are a number of mine entries surrounding the new building. The nearest is adit 305204-034, located immediately to the north east of the application site, with its potential zone of influence/instability extending into the site. Whilst the adit may pose a significant risk to safety and stability at the site,

this feature is connected with past ironstone mining activity and, as such, it falls outside the remit of the Coal Authority to provide comment on the implications posed by this feature to development proposals.

We understand that the applicant is seeking to retain the replacement storage building which was constructed on the site of a previous building which was damaged in a storm and subsequently demolished. We assume that the construction of the new building required new foundations rather than reusing existing foundations.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment, or an equivalent report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority **objects** to this planning application.

In light of the fact that the applicant is seeking the retention of the existing building, the Coal Mining Risk Assessment should clearly set out how the risk posed by mining legacy has been addressed in the design and construction of the building which now occupies the site.

The Coal Authority would be 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

James Smith

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

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:

www.gov.uk/planning-applications-coal-mining-risk-assessments

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:

www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

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 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.