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For the attention of: Kate Glover – Case Officer
Merthyr Tydfil County Borough Council

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

2 January 2025

Dear Ms Glover

Re: Planning application P/24/0285

Proposed Flying Start Creche New Build at Ysgol Santes Tudful, Pantyffyn Road, Penyard

Thank you for your notification of 23 December 2024 seeking the views of the Coal Authority on the above.

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: FUNDAMENTAL CONCERN

I have reviewed the site location plan, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the plotted position of off-site mine entry (adit 305206-014) with a bearing of 355° is present adjacent to the south western part of the application site with its potential zone of influence extending into the site. Due to potential plotting inaccuracies, the actual position of the mine entry could deviate from its plotted position by several meters. We hold no details of any past treatment of this former coal

mining related feature. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

In addition, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining is likely to have taken place at shallow depth, with a shallow underground roadway recorded to be present beneath the site. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

Our records also indicate that the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) mining methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures.

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 report to support this planning application. As no relevant information has been submitted at this time, the Coal Authority **OBJECTS** to the planning application.

We take this opportunity to highlight that the Coal Authority seeks to ensure that where possible buildings are sited such they do not straddle buried opencast highwalls, if present within a site, in order to avoid any risks arising from differential settlement. As such, the Coal Authority would expect the required Coal Mining Risk Assessment to demonstrate that the proposed development has been designed in a manner which will avoid any buried highwalls present within the site. This may necessitate the undertaking of initial intrusive site investigation works to inform the Coal Mining Risk Assessment should Mine Abandonment Plans not provide sufficient information regarding the positions/alignment of these features.

We also take this opportunity to highlight that development over or within the influencing distance of a mine entry raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided, even when these features are treated. Our adopted policy on this matter can be found at:
www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

The applicant should note that Permission is required from our Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property. Any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

We 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

Bradley Shelton

Bradley Shelton

Apprentice Town Planner

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 and guidance on how to produce a Coal Mining Risk Assessment can be found at:

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

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 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