



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]

7 April 2022

Dear Mr Cross

PLANNING APPLICATION: P/22/0064

Proposed plastics recycling and processing facility, including two warehouse units with internal office and welfare facilities, external storage area, combined heat and power unit, car parking, weighbridge, surface water lagoon, associated infrastructure, lighting and landscaping; land to the east of Goat Mill Road, Dowlais

Thank you for your consultation letter of 17 March 2022 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: Substantive Concern

The site falls within the defined Development High Risk Area. Consequently, within the site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of any planning application.

The Coal Authority records indicate that there are seven recorded mine entries (shafts and adits) within, or within close proximity of the planning boundary. Our records also indicate that the site is likely to have been subject to unrecorded underground mining at shallow depth and to unrecorded underground mining at shallow depth associated with thick coal seam outcrops. The site has also been subject to past surface mining operations.

The Coal Authority notes the supporting Preliminary Appraisal (Desk Study) (February 2022, prepared by Sirius Geotechnical Ltd), the content of which has been informed by

appropriate coal mining information for the proposed development site. Based on this review of information obtained the report confirms that the investigation of potential shallow coal mine workings will be necessary, along with the positions of any high walls in order to inform foundation design. However, and whilst commitment is made within the report to investigate the mine entries, specifically as the report confirms that those adits in the west of the site may have not been removed by the past surface mining operations, 'Building 2' appears to conflict with the position of adit 306206-006. In addition, the proposed bale storage groups also do not appear to have been designed around those mine entries in the east of the site, or their respective zones of influence.

Notwithstanding the above, the Coal Authority accepts that some or all of the mine entries may have been partially or wholly removed by the past surface mining operations and that consideration is made to implications posed by mine entries potentially remaining open at the base of the former surface extraction. However, the layout is sought for approval and does not appear to reflect these considerations. Consequently, the Coal Authority objects to this planning application.

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

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

The Coal Authority does not support the development above mine entries even where treated and would also expect a construction stand-off zone or no build zone to be illustrated on any proposed site layout plan.

Without this information the Coal Authority is of the view that the current scheme cannot be permitted as in principle the applicant has not demonstrated that the site can be developed safely. Consequently, the Coal Authority does not consider that the application has fully appreciated the risks associated with mining legacy. On the basis of this information, the Coal Authority **objects** to the planning application.

The Coal Authority Recommendation to the LPA

The Preliminary Appraisal (Desk Study) (February 2022, prepared by Sirius Geotechnical Ltd) has been prepared based on a comprehensive desk-based review of available coal mining information. This information has revealed that there is a significant risk to development of the application site from recorded mine entries and shallow coal mine workings.

The applicant should therefore be advised of the Coal Authority's view as technical expert in the field of coal mining legacy and land instability. Furthermore, they should be required to carry out further work in the form of amended plans illustrating the precise/conjectured locations of the mine entries with the proposed development avoiding them and their zones of influence. This information is necessary to determine the extent of past coal mining activities and the implications for the layout and design for their

development proposal. Any investigations/remedial measures should then be proposed as part of the revised report, as necessary, to address any issues of land instability (including shallow coal mine workings).

The Coal Authority considers that these issues go to the heart of whether planning permission should be granted in principle; they are not issues therefore that would be appropriate for the imposition of conditions in this case.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information prepared and submitted by the applicant.

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

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison 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>

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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.

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.