



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]

14 September 2022

Dear Mr Cross

PLANNING APPLICATION: P/22/0218

Siting of a rural enterprise dwelling (3 years) with dependent relative's annex and the erection of a general purpose livestock building and associated works at Pencoedcae Farm, Cwmbblacs, Merthyr Tydfil

Thank you for your consultation letter of 26 August 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 application site falls partly 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.

More specifically, the Coal Authority's information indicates that a coal seam outcrops at or close to the surface of the site, which may have been worked in the past. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

In addition, our records indicate that the proposed livestock building would be located within the potential zone of influence of a recorded coal mine adit 306205-004. Due to

potential plotting inaccuracies, the actual position of this former coal mining feature could depart/deviate from its potted position by several metres. We hold no details of any past treatment of this adit. An untreated or an inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

Our records also indicate that the proposed livestock building would be located close to or potentially over a recorded ironstone adit 306205-022. We hold no details of any past treatment of this feature. We wish to highlight that it falls outside the remit of the Coal Authority to comment upon non-coal related mining activity. The LPA should therefore seek its own technical advice on the safety and stability risks posed by ironstone mining activity at the site.

We take this opportunity to highlight that 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. 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. Our adopted policy on the matter can be found at:

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

The planning application is accompanied by a Mining Risk Assessment report (22 June 2020, prepared by Blandford Consulting); however, the Coal Authority does not consider that this adequately addresses the impact of coal mining legacy on the proposed development. We therefore **object** to the proposal.

As with the previously proposed scheme for the siting of a dwelling on the site for a temporary period (proposed under planning application P/21/0330), we note that the dwelling currently proposed (log cabin) would be sited outside the defined Development High Risk Area. However, the additional livestock building now proposed would be sited within the High Risk Area, close to the recorded mine entries and in part of the site where coal of a potentially workable thickness would be expected to be present at shallow depth.

We note that the submitted Mining Risk Assessment has been produced to inform a proposal for the erection of a detached house at Pencoedcae Farm. The report discounts any risks from recorded mine entries, but concludes that recorded shallow mine workings underlying the site pose a potential risk of surface subsidence. It goes on to recommend that a borehole investigation should be carried out to establish the shallow mining situation. It advises that any shallow workings found to present a risk should be stabilised by means of a drilling and grouting programme.

The Coal Authority notes the professional opinions expressed in the submitted report. However, we must highlight that the report does not include a plan of the position of the proposed house, and it is clear from Drawing No. BC/MB/06.20.05.03. appended to the report that its study area does not extend to that part of the site where the livestock building is currently proposed.

The applicant should therefore be made aware of our objection and should be requested to submit an up-to-date, development specific Coal Mining Risk Assessment in support of their planning application. This should clearly demonstrate to the LPA how the site is to be made safe and stable for the proposed scheme of development currently under consideration.

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

James Smith

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