



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]

16 September 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 - RECONSULTATION

Thank you for your consultation letter of 26 August 2022 seeking the views of the Coal Authority on the additional information submitted in support of the above planning application.

The Coal Authority Response: Material Consideration

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 applicant previously submitted a Preliminary Appraisal (Desk Study) (February 2022, prepared by Sirius Geotechnical Ltd), the content of which had been informed by appropriate coal mining information for the proposed development site. Based on a review

information obtained, the report confirmed that the investigation of potential shallow coal mine workings would be necessary, along with the positions of any high walls in order to inform foundation design. However, and whilst commitment was made within the report to investigate the mine entries, specifically as the report confirmed that those adits in the west of the site may have not been removed by the past surface mining operations, 'Building 2' appeared to conflict with the position of adit 306206-006. In addition, the proposed bale storage groups also did 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 accepted that some or all of the mine entries may have been partially or wholly removed by the past surface mining operations and that consideration was made to implications posed by mine entries potentially remaining open at the base of the former surface extraction. However, with the layout being sought for approval, it did not appear to reflect those considerations. Consequently, the Coal Authority objected to the planning application.

On account of the above, we confirmed that the applicant 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. We confirmed that this was necessary to determine the extent of past coal mining activities and the implications for the layout and design for their development proposal and that any investigations/remedial measures should then be proposed as part of the revised report to address any issues of land instability (including shallow coal mine workings).

The Coal Authority is therefore pleased to note both the letter (dated 16 August 2022) from Sirius Geotechnical Ltd and the proposed site layout drawing, which has been amended, so that 'Building 2' is no longer affected by any recorded mine entries. This is despite the content of the letter confirming that mine entry 303206-006 has almost certainly been removed by the past surface mining operations, which took place on the site.

Having considered the amendments made, together with the letter confirming that the waste bale storage areas are not classified as structures (i.e. meeting TCA's exemption criteria) the Coal Authority is **able to withdraw its objection** to this planning application, subject to a condition to ensure the investigation and remediation of any identified coal mining legacy features on the site. The condition should extend to ensure the identification of any features associated with the past surface mining operations to inform foundation design, which is of course a matter for the Building Regulations process.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

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

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of letter (dated 16 August 2022) from Sirius Geotechnical Ltd that coalmining 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.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. *No development shall commence until;*
 - a) *a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;*
 - b) *any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.*

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

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

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>

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.