



The Coal
Authority



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For the Attention of: Ms C. Pulley – Case Officer
Merthyr Tydfil County Borough Council

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

25 May 2021

Dear Ms Pulley

PLANNING APPLICATION: P/21/0170

Demolition of industrial buildings and erection of 14 dwellings and 6 apartments (Outline) at Bryntaf Garage, Bryntaf, Aberfan, Merthyr Tydfil, CF48 4PJ - RECONSULTATION

Thank you for your consultation email of 24 May 2021 seeking the further views of the Coal Authority regarding the above planning application.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that coal mining has taken place beneath the site at shallow depth. In addition, the site lies in an area where coal seams outcrop at or close to the surface. These seams may have been subject to historic unrecorded mining activity.

You will recall that the Coal Authority objected to the proposal in our initial consultation response letter of 21 May 2021 due to the lack of a Coal Mining Risk Assessment, or an equivalent report, to identify and assess the risks posed to the proposed development by coal mining legacy. We are therefore pleased to note that you have provided us with a copy of the Coal Mining Risk Assessment report (March 2021, prepared by FWS), which has been submitted in support of the application.

Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that recorded shallow mine workings in the Brithdir coal seam pose a high risk of instability to the proposed development. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations,

in the form of the drilling of boreholes, in order to establish the depth of these workings and to inform any necessary remedial works to stabilise the workings.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person, in cognisance of the conclusions of the Coal Mining Risk Assessment, to properly assess ground conditions and to establish the exact situation regarding mining legacy which could pose a risk to the proposed development.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The applicant is requested to 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 Authority property, i.e. coal seams and associated workings.

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 the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and

that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence (excluding the demolition of existing structures) until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow 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 made 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 above conditions**. 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 wish to discuss the above matters 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. 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 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.