



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]

23 September 2020

Dear Ms Pulley

PLANNING APPLICATION: P/20/0174

Proposed erection of 2 Passivhaus dwellings, laundry/drying room and associated works at Land at Former Garage Site, Glasier Road, Twynnyrodyn, Merthyr Tydfil - RECONSULTATION

Thank you for your consultation letter of 22 September 2020 seeking the further views of the Coal Authority on 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 the application site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

You will recall that the Coal Authority previously objected to the proposal in our initial consultation response of 7 August 2020 due to the lack of a Coal Mining Risk Assessment Report, or an equivalent report, to identify and assess the risks posed to the proposed development by coal mining legacy.

We note that the applicant has now submitted a Geotechnical & Geo-environmental Report (February 2018, prepared by Terra Firma (Wales) Ltd) in support of their planning application. This report appears to have been prepared to inform a previous proposal for the installation of two temporary accommodation caravans at the site.

Section 6.6 of the report provides a Mining Risk Assessment, which concludes that unrecorded shallow workings pose a potential stability risk to development at the site. It also states, "*The caravans are considered to count as non-permanent structures with no ground works. In accordance with the Coal Authorities "Exemptions List" for the Risk Based Approach to development Management the proposed nature of the development*

may be exempt. The Local Planning Authority may therefore consider the temporary accommodation to be exempt from Coal Authority Consultation due to the nature of Development.”

Unlike the previous proposal for the site, the Coal Authority understands that the current proposal will create permanent structures to be occupied for residential purposes, which will necessitate groundworks/foundations. As such, we would expect appropriate intrusive site investigations, designed by a competent person, to be carried out prior to the commencement of development in order to establish the exact situation regarding shallow coal 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.

The submitted report states “*Gas protection measures are not required as the underside of the caravans are open to external air.*” Given the different character of development now proposed, the Coal Authority recommends that the LPA seek comments from the Council’s Environmental Health / Public Protection Team on this matter and any resultant need for the incorporation of gas protection measures within the proposed development.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusion of the Geotechnical & Geo-environmental Report; that coal mining legacy potentially poses a risk to development at the application site. As such, should planning permission be granted for the proposed development, the Coal Authority recommends that the following conditions are included on the Decision Notice:

1. No development shall commence until;

- a) a scheme of intrusive site 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 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:

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.