



The Coal Authority

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For the attention of: Marlene Ferreira – Case Officer

Merthyr Tydfil County Borough Council

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

29 November 2024

Dear Ms Ferreira

Re: P/24/0245

Outline planning permission for 3 dwellings (all matters reserved); GREENACRES, BRONDEG, HEOLGERRIG - RECONSULTATION

Thank you for your notification of 21 November 2024 seeking the views of the Coal Authority on further information submitted in support of the above.

The Coal Authority response: **Material Consideration**

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 01 November 2024 as no Coal Mining Risk Assessment had been submitted at that time in order to assess and address the risk to the proposed development from coal mining legacy recorded at the site.

The planning application is now accompanied by a Mining Risk Assessment (19th July 2017) prepared for the applicant for residential development at the site by Blandford Consulting.

The Report has been informed by an appropriate range of sources of historical, geological and coal mining information.

Having carried out a review of the available information, the Report states that there is currently a significant risk to the redevelopment of the site due to the presence of shallow coal mine workings. In addition, due to the proximity of the off-site mine entry to the south of the site, this impacts the safety and stability of Plot 4. It should be noted that since the time that has lapsed from compiling the Report, the layout has changed and the plot that is affected by the off-site mine entry, relative to this current application, is Plot 5.

Appropriate recommendations have been made that in order to mitigate the risk to the proposed development, intrusive site investigations are required in order to confirm the exact ground conditions present beneath the site and enable the applicant's geotechnical consultant to calculate the zone of influence (no build exclusion zone) for the off-site mine entry. The findings should inform the extent of any remedial works and mitigation measures required to ensure that the proposed development can be made safe and stable, as required by Planning Policy Wales paras. 6.9.23 – 28). As the applicant is seeking outline consent only, the findings should inform the layout of the development, specifically Plot 5 (Drawing No. 1059.03 Revision A – Proposed Site Block Plan) to ensure that adequate separation between the off-site mine entry and built development can be incorporated. As the applicant is seeking outline consent, with all matters reserved, we consider that in this particular instance the intrusive site investigations can be secured by the LPA imposing a suitably worded condition as the site is likely to be able to accommodate the quantum of development seeking approval (3 dwellings).

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

The applicant is aware 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

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.

Sustainable Drainage

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

In light of the above, the Coal Authority recommends the imposition of the following conditions:

1. Prior to the submission of the reserved matters application a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity identified at the site (shallow coal mine workings; off-site mine entry). The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.
2. As part of the submission of reserved matters application the applicant shall provide the LPA with a Report that details the findings of the intrusive site investigations and identifies any remediation works and/or mitigation measures required to address land instability arising from coal mining legacy, as may be necessary. This should include the submission of the proposed site layout plan to illustrate the calculated no build exclusion zone of the off-site mine entry (CA shaft ref: 303206-129). All built development should be located outside the no build exclusion zone.

3. No development shall commence until 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 remedial works and/or mitigation measures shall be carried out in accordance with authoritative UK guidance.

4. 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.

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.

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

It is also requested that the following Informative Notes are included on any planning permission granted:

1 – Mine entries

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. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

2 - Ground Investigations

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 to enter or disturb our property may result in 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

3 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

D Roberts

Deb Roberts M.Sc. MRTPI

Planning & Development Manager

Disclaimer

The above consultation response is provided by the Coal Authority as a statutory consultee and is based upon the latest available data and the electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based on the information provided to the Coal Authority by the Local Planning Authority and/or information that 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 advisors for this development in relation to ground conditions and the acceptability of development.