



The Coal
Authority



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For the Attention of: Nia Chard – Case Officer
Merthyr Tydfil County Borough Council

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

18 July 2023

Dear Nia

PLANNING APPLICATION: P/22/0303

Replacement of existing stables with new stable block for hobby use, sitting of 3 No. steel containers for tack and fodder storage and retention of retaining wall at Land to the South East of Ael-y-Bryn, Trelewis, CF46 6BD - RECONSULTATION

Thank you for your consultation email of 11 July 2023 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. More specifically, the Coal Authority's information indicates that a coal seam outcrops at or close to the surface to the west of the site, dipping in an easterly direction beneath the site. This outcropping coal seam may have been subject to unrecorded mining activity in the past. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

We initially commented on this application in a letter to the LPA dated 29 November 2022. In this letter, we objected to the application due to the lack of a supporting Coal Mining Risk Assessment to identify and assess the risks posed by coal mining legacy to the proposed development. We are therefore pleased to note that a Coal Mining Risk Assessment report (9 June 2023, prepared by Rhondda Geotechnical Services) has now been submitted in support of the application.

Based on an extensive review of historical, geological and coal mining information for the site and surrounding area, the aforementioned report concludes that there is strong evidence that the Mynyddislwyn seam will have been worked at shallow depth beneath the site. Nevertheless, due to the amount and nature of overlying cover, the report author is satisfied that the risk to surface stability posed by these workings is negligible. As such, they are satisfied that no mitigation measures are required in respect of coal mining legacy in this case.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team considers that the Coal Mining Risk Assessment report and the professional opinions expressed therein are sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore **withdraws its objection** to the proposed development.

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.

SuDS

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.

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

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.