



The Coal
Authority



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For the Attention of: Ms J. Jones – Case Officer
Merthyr Tydfil County Borough Council

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

8 September 2023

Dear Ms Jones

PLANNING APPLICATION: P/23/0065

Outline application for erection of a mixed leisure development comprising Indoor Snow Centre (up to 39,200 sq m), Water park (up to 7,500 sq m), Indoor Activity Centre (up to 9,000 sq m), Outdoor Activity Centre, Hotel Accommodation (up to 418 bedrooms), Woodland Lodge accommodation (up to 30 units), car parking (up to 830 spaces) and associated earthworks, access, drainage, servicing and utilities connections/infrastructure at Land to the South West of the A470/A4102 Roundabout at Rhydycar West, Merthyr Tydfil – FURTHER RECONSULTATION

Thank you for your consultation email of 16 August 2023 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

We last commented on this proposal in a letter to the LPA dated 18 April 2023, in which we objected to the application. In this letter, we noted that the proposed scheme of development is likely to result in built development taking place over or close to a number of recorded mine entries. We raised concerns that the proposed illustrative layout drawing did not include the positions of the mine entries and their potential zones of influence in order to clearly identify those parts of the site where there may be conflict between the development and these former mining features.

We are therefore pleased to note that the applicant has now submitted a Mine Entry Summary document (July 2023, prepared by Tetra Tech) in response to our concerns. This includes Drawing No. B023905-TTE-00-XX-DR-U-0002-P01,

which shows the recorded mine entry positions and assumed 20m zones of influence around these features in the context of the proposed scheme of development.

This plan identifies a number of instances where the mine entries will potentially be present within influencing distance of the development. The document also provides tabulated summary information pertaining to the mine entries present within the application site and surrounding area, along with clarification as to whether further works are required in respect of each feature.

The Mine Entry Summary document advises that further assessment is required to develop a detailed ground model including thickness of superficial and stockpile materials, depth to mine workings and to confirm the location of mine entries. It indicates that a phased approach to ground investigation is to be adopted in order to obtain site-specific data which will inform the design of the development and allow the original Coal Mining Risk Assessment to be refined.

The applicant has previously confirmed to the Coal Authority that it is their intention, should outline planning permission be granted, to undertake the recommended intrusive investigation works prior to the submission of any application seeking approval of reserved matters details of the development. This will enable the results of the investigations and the implications posed by the mine entries to be fully addressed in the detailed design of the development.

The Coal Authority's Planning & Development Team considers that the submitted information satisfactorily addresses the concerns raised in our initial consultation response. As such, we are able to withdraw our objection to the outline planning application subject to the imposition of conditions to secure the investigation and remediation of coal mining legacy affecting the site, as set out in the original Phase 1 Geoenvironmental Assessment Desk Top Study and Coal Mining Risk Assessment and Mine Entry Summary document.

We take this opportunity to advise that prior to the undertaking of any site investigations, it would be prudent for the applicant to carry out a positional review of the mine entries from source data, to ensure that investigations are based upon the most accurate best plot positions for these features.

We also wish to highlight that any investigations and subsequent remedial works and mitigation measures required to ensure the safety and stability of the development should be designed and implemented by competent persons, in cognisance of the conclusions of the supporting application documents, and should be carried out in accordance with authoritative UK guidance.

Coal Authority Permission

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

Surface Coal Resource

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, LPAs 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.

Tips

As alluded to in the original Phase 1 Geoenvironmental Assessment Desk Top Study, there are a number of spoil tips present within the site. We take this opportunity to highlight that the Planning & Development Team at the Coal Authority does not provide comment upon matters relating to tips in our role as a statutory consultee. As such, in its consideration of the planning application the LPA should seek its own technical advice regarding the matter.

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team concurs with the conclusions of the supporting Phase 1 Geoenvironmental Assessment Desk Top Study & Coal Mining Risk Assessment and subsequent Mine Entry Summary document; that coal mining legacy poses a risk to the proposed development and that investigations are required along with 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. Prior to the submission of any Reserved Matters application seeking approval of a detailed layout of development for each phase of development, a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, including those posed by recorded mine entries and shallow mine workings. These works shall be carried out in accordance with authoritative UK guidance.*
- 2. Any application seeking approval of a detailed layout of development for any phase of development which contains a recorded mine entry or its associated zone of influence, shall be accompanied by: the findings of the intrusive site investigations (required by condition X above); a proposed layout plan which identifies the positions of all recorded mine entries and the extent of their potential zones of influence; and details of the measures to be taken in the design, layout and construction of the development to address the safety and stability risks posed by the mine entries present.*
- 3. Prior to the commencement of each phase of development, any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, shall be implemented in full in order to ensure that the site is made safe and stable for the proposed development. These works shall be carried out in accordance with authoritative UK guidance.*
- 4. Prior to the first occupation of each phase of development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site 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 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.

Should planning permission be granted for this proposal, we also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. 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.

2 - 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.

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

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.