



The Coal
Authority



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For the Attention of: Rebecca Owens – Case Officer
Merthyr Tydfil County Borough Council

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

[Copy Email: Rebecca.Owens@merthyr.gov.uk]

25 March 2020

Dear Ms Owens

PLANNING APPLICATION: P/20/0060

Erection of 9 no. storage units; Willows House, Abercanaid Industrial Estate, Abercanaid

Thank you for your notification of 10 March 2020 seeking the views of the Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is within an area of thick coal seams which outcrop within (LOWER SEVEN FT BTM LEAF) and to the north (FIVE FOOT GELLIDEG) of the site that may have been historically worked by illicit means at shallow depths beneath this site.

The planning application is accompanied by a Coal Mining Risk Assessment (02 October 2019) prepared for the application site by Blandford Consulting. This Assessment has been informed by an appropriate range of geological, historical and coal mining information.

Having carried out an in-depth review of the available evidence, the report author considers that shallow workings within two seams of coal (Gellideg and Seven Feet) that could affect the surface ground stability at this site as currently, the extent of superficial deposits / bedrock is unknown. If there is less than the standard 10 x seam thickness to rock cover ratio (CIRIA C758D Guidance – Abandoned mine workings manual) this could affect the safety and stability of this development. In addition, the report author identifies the presence of shallow ironstone workings cannot yet be discounted.

Accordingly, appropriate recommendations have been made that in order to mitigate the risk and to characterise the depth / condition of any coal (and ironstone) seams / workings, and to establish the depth of drift / bedrock, a scheme of intrusive site investigations, is required. We are pleased to note that the applicant is aware that the Coal Authority's written consent / agreement from our Licensing and Permitting team, prior to commencement of the ground investigations is required, as part of the permitting process.

Once the exact ground conditions have been confirmed the applicant's technical consultants can design the extent of remedial / mitigatory measures that may be required to ensure that the site is suitable for development and the storage units will be safe and stable (Planning Policy Wales paras. 6.9.23 – 28).

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment (02 October 2019) based on the professional opinion of Blandford Consulting, that there is currently a risk to the proposed development from coal mining legacy. In order to confirm the exact ground conditions present beneath this site in order to inform any remedial / mitigatory measures that may be required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to commencement of development.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

* No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

* Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for

consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

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 has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above.**

Please note that whilst we recommend that the above planning conditions are applied if planning permission is granted, due to the Covid-19 pandemic, our own staff resources are significantly reduced. Until further notice we are therefore not able to offer any comments in relation to further related applications that may be made for the discharge of conditions.

We would be very grateful if you could refrain from sending the Coal Authority any consultations relating to the discharge of conditions until further notice. We trust that in this difficult time the local planning authority will appropriately consider the information submitted by applicants to assess whether any mining legacy related conditions have been duly complied with.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*

Planning & 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:

<https://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.