



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]

07 March 2023

Dear Ms Ferreira

PLANNING APPLICATION: P/23/0021

Erection of dwelling; Lle Hyfryd, Mount Pleasant, Heolgerrig

Thank you for your notification of 23 February 2023 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 for Energy Security and Net Zero. 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: Fundamental Concern

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to be submitted to support this application.

The Coal Authority records indicate that there are two recorded mine entries (one shaft and one adit) within 20m of the site boundary; both recorded as being off-site. However, based on the historic source plans used to plot their current position, this could vary by several metres, and the mine entries could either be present within or much closer to the site. The Coal Authority hold no treatment details for these mine entries and therefore should be considered as untreated. The Coal Authority is of the opinion that building over

the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries> In addition, the site lies within an area of both recorded and probable unrecorded shallow coal mining. These coal mining features present a significant risk (public safety and surface stability) to the proposed development.

Whilst it is noted that Drawing No. 447-01A (Proposed Site Layout) illustrates entries (blue circle) what would appears to be one of the off-site mine and the building is outwith the area to be investigated, it is unclear if this is the no build exclusion zone and if so, how this has been calculated.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report, to support this planning application. As no relevant information has been submitted at this time the Coal Authority **objects** to this planning application.

In this case the Coal Mining Risk Assessment may need to be informed by intrusive site investigations to confirm the presence or otherwise of the mine entries in order to establish the exact location and condition of these features. It would be prudent to carry out a positional review in order that the best plot position can inform the intrusive investigations.

The Risk Assessment should also make recommendations for any remedial works necessary to ensure the safety and stability of these features and to define a no build zone around the mine entries. The location of the building proposed should avoid being located over or within influencing distance of any mine entry, if found to be present on site. If found to be present on site a plan should be submitted to demonstrate how the layout of the development has been designed to take account of the location of the mine entry and its zone of influence. If the mine entries are not found within the site, the assumed position should be based on the worst-case scenario that these are located just outside the site boundary and the zone of influence should be calculated on the ground conditions encountered as part of the site investigations.

Any mine entry found within a site will need to be treated appropriately in line with current UK guidance (CIRIA C758D), respective of the end use and under the terms and condition of a Coal Authority Permit. If the mine entry is not found on site and its presence within the site boundary can be discounted then we would expect detailed consideration to be given to the risks posed to the development by an off-site mine entry and its zone of influence.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

The Coal Mining Risk Assessment needs to interpret the coal mining risks and should be based on up-to-date information of past coal mining activities in relation to the application site. A variety of Coal Mining Report products which provide baseline information on coal mining legacy risks are available from www.groundstability.com. A Coal Mining Risk Assessment should then take the information contained in the Coal Mining Report and interpret the risks identified specifically in relation to the proposed development. If you merely submit a Non Residential Coal Mining Report, an Enviro All-in-One Report or other factual report obtained from www.groundstability.com (or a similar product from private land search suppliers) this will not overcome our objection to your planning application.

This coal mining information you obtain from a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report should then be used to assess whether or not past mining activity poses any risk to the development proposal and, where necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The Coal Mining Risk Assessment should be prepared by a "competent body". Links to the relevant professional institutions of competent bodies can be found at:
<https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

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>

Any form of development over or within the influencing distance of a mine entry can be dangerous and has the potential for significant risks if not undertaken appropriately. For more information with regard to this issue, the Coal Authority's adopted policy, Development and Mine Entries, can be found here:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining 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.