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For the attention of: Ms R. Owens – Case Officer

Merthyr Tydfil County Borough Council

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

23 February 2026

Dear Ms Owens

Re: Planning application P/25/0265

Demolition of existing buildings and development of a restaurant with drive-thru facility (Use Class A3) including access and cycle path, servicing, car parking, hard and soft landscaping, advertisements and other associated works at Land to the north of The Heads of the Valleys Road, The Heads of the Valleys Road, Dowlais – FURTHER RECONSULTATION

Thank you for your notification of 17 February 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) on the above planning application.

The Coal Authority response: MATERIAL CONSIDERATION

Further to our previous consultation response letter of 15 January 2026 regarding the content and conclusion of the submitted Site Investigation & Risk Assessment Report (5 August 2025, prepared by ST Consult), we note that the applicant has now submitted a letter from Andrew Moffatt of ST Consult, dated 27 January 2026, in response to the matters raised.

Mr Moffatt indicates that he is satisfied that the ground conditions encountered in the three boreholes drilled are considered likely to be representative of the local ground

conditions across the site. He goes to comment that the cumulative effect of worked seams (coal and ironstone) is unlikely to affect the stability of the site.

With regards to addressing the residual risks of surface movement from past mining activity, in addition to the foundation solution for the proposed building recommended in the Site Investigation & Risk Assessment Report, Mr Moffatt advises that *'The pavement construction should allow for robust design due to the presence of untreated deep made ground, including inspection, removal of soft spots, proof rolling and inclusion of geo-grid to help minimise the effects of differential settlement.'*

The Coal Authority recommendation to the LPA:

The Coal Authority's Planning & Development Team notes the information prepared by ST Consult and the professional opinions contained therein; that the risk posed by coal mining legacy is low but that measures are required in the development to mitigate the residual risk posed by mining legacy.

As such, should planning permission be granted for the proposed development, we recommend that the following condition is included on the decision notice:

- 1. Prior to the development 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 completion of mitigation measures 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 condition**. 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.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist, 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.

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

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 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 purposed 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.