



The Coal
Authority



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RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Mr D. Cross – Case Officer
Merthyr Tydfil County Borough Council

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

3 February 2022

Dear Mr Cross

PLANNING APPLICATION: P/22/0007

Construction of two dwellings with integral garages and associated landscaping and access works at Land Adjoining, 1 Cae Deri, Heolgerrig, Merthyr Tydfil, CF48 1BY - RECONSULTATION

Thank you for your consultation email of 31 January 2022 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. The Coal Authority records indicate that the application site lies in an area where coal mining has taken place at shallow depth. In addition, our information indicates that the site lies in an area where coal seams outcrop at or close to the surface, which may have been subject to unrecorded mining activity in the past.

You will recall that the Coal Authority objected to the proposal in our initial consultation response of 27 January 2022 due to the lack of a Coal Mining Risk Assessment to identify and assess the risks posed to the proposed development by coal mining legacy.

We are therefore pleased to note that the applicant has now submitted a Mining Risk Assessment report (undated, prepared by Blandford Consulting) in support of their application. This report would appear to have been prepared several years ago, as its study area encompasses land to the east of the current application site, which has now been developed.

Notwithstanding its apparent age, the report reviews relevant sources of coal mining and geological information, and concludes that past shallow mining activity poses a potential subsidence risk at the site. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, including the drilling of boreholes, in order to establish the condition of shallow mine workings and to inform any necessary remedial measures.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed and carried out by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The results of the investigations should be interpreted by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the proposed development as a whole, including buildings and external parts of the site such as car parking areas and driveways. Such works/measures may include grouting stabilisation works and foundation solutions.

The applicant should note that Permission is required from our Permit and 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.

The report identifies that a recorded mine shaft and an adit, along with associated shallow roadways pose a risk of surface instability. However, it would appear that the area of potential instability associated with these features is within the eastern part of the study area of the report, which lies outside the current application site boundary.

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

It should be noted that 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.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible 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. No development shall commence until;

a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity; and

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the development, or it 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 methods and findings of the intrusive site investigations and 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.

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

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. 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

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.