



200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG
T: 01623 637 119 (Planning Enquiries)
E: planningconsultation@coal.gov.uk
W: www.gov.uk/coalauthority

For the attention of: Kate Glover – Case Officer

Merthyr Tydfil County Borough Council

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

16 January 2025

Dear Ms Glover

Re: P/24/0285

Proposed Flying Start Creche New Build; YSGOL SANTES TUDFUL, PANTYFFYN ROAD, PENYARD, MERTHYR TYDFIL, CF47 0HU - RECONSULTATION

Thank you for your notification of 14 January 2025 seeking the views of the Coal Authority on further information submitted in support of the above.

The Coal Authority response: **Material Consideration**

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 2 January 2025 as no Coal Mining Risk Assessment, or equivalent Report had been submitted to assess and address any risk to the proposed development from former coal mining legacy recorded at the site.

We welcome the submission of Geotechnical and Geoenvironmental Report (18167, Issue 02, January 2025) prepared for the proposed development by Terra Firma (Geotechnical &

Geoenvironmental Specialists). We note that one of the objectives of the Report is to investigate the risk from historical shallow coal mining features at the site. The Report has been informed by an extensive range of sources of historical, geological and coal mining information including, but not limited to the results of intrusive site investigations in the form of rotary boreholes drilled to 40m depth. Borehole logs and a plan to illustrate where the boreholes were drilled are appended to the Report.

Based on the results and an analysis of the findings of the rotary drilling works, the report author informs that shallow coal mine workings are present beneath the site, which currently represent a high risk to the proposed development. Recommendations have been made that in order to mitigate the risk, shallow mine workings, including the spine roadway recorded within the site (likely to be 2m thick) will need to be remediated in the form of ground stabilisation works (drill and grouting).

We welcome the comments made (Section 3.1.2) that the *foundations of any buildings or structures, and any services or access roads should be located outside a mine entry's zone of influence, as illustrated in Figure 3.2*. Our records indicate that the zone of influence of the off-site mine entry (adit ref: 305306-014) extends into the south western part of the site only (area proposed as outdoor play area: Drawing No. A05 – Proposed Site Plan) and therefore we are pleased to note that no buildings are within or within influencing distance of this feature.

The report author is of the opinion (Section 8.1.1) that the spine roadway identified within the Consultants Coal Mining Report, used to inform their Report, is taken to be the adit that underpasses the west of the site. However, in accordance with our records, this is not the case and the shallow roadway is within the central to the northeast of the site (beneath the proposed building) rather than the southwest of the site.

Notwithstanding the above, we are pleased to note that Section 8.1.2 informs the extent of the area to be remediated should be confirmed following additional drilling which should also establish the exact location of the spine roadway. Recommendations have been made that the location of the spine roadway should be obtained from records held by the Coal Authority. This should inform the extent of the additional drilling required to ensure that all coal mining legacy features are adequately investigated and treated. All treatment works will need to be carried out by a suitably competent body (ie Terra Firma), under the terms and condition of a Coal Authority Permit and in accordance with current authoritative UK Guidance (CIRIA C758D – Abandoned mine workings manual).

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

The Coal Authority records also indicate that the site lies within the boundary of a site where coal has also been removed by surface mining (opencast) methods. Whilst the report author has acknowledged this (Section 2.3.4), no further assessment has been made. We would welcome clarification from Terra Firma on whether they have reviewed the opencast abandonment plans and if so, are they satisfied that there is no risk from opencast workings / highwalls to the proposed development.

Mine Gas

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. Section 9.5 of the Geotechnical and Geoenvironmental Report (18167, Issue 02, January 2025) informs that whilst the initial ground gas monitoring results do not suggest there is a mine gas risk a second phase mine gas risk assessment should be carried out.

Sustainable Drainage

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

Subject to the submission of the above (underlined text), **the Coal Authority would be able to withdraw its objection to the proposed development. This would be subject to the imposition of a planning condition to secure the following:**

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 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 additional drilling and the completion of the remedial works and/or mitigation necessary identified within the Geotechnical and Geoenvironmental Report (18167, Issue 02, January 2025) to address the risks posed by past coal mining activity.

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

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.

It is also requested that the following Informative Notes are included on any planning permission granted:

1 - Ground Investigations

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

2. Mine Entries

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general

precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

3 - 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 would like to discuss this matter further.

Yours sincerely

D Roberts

Deb Roberts M.Sc. MRTPI

Planning & 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.