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

Merthyr Tydfil County Borough Council

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

15 January 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, off Rhymney Common Road, Dowlais – FURTHER RECONSULTATION

Thank you for your notification of 12 January 2026 seeking the further views of the Coal Authority (trading as the Mining Remediation Authority) regarding the above planning application.

The Coal Authority response: CLARIFICATION REQUIRED

As you are aware, the application site falls within the defined Development High Risk Area. Our records indicate that the site lies in an area where coal mining has taken place at shallow depth and where further historic unrecorded shallow coal mining activity is likely to have occurred. Voids and broken ground associated with such workings can pose a risk to ground stability and public safety.

Our records also indicate that the site lies in an area where ironstone mining has taken place at shallow depth. It falls outside the remit of the Coal Authority to comment upon non-coal related mining activity. The LPA should therefore seek its own technical advice on the safety and stability risks posed by past ironstone mining activity at the site.

You will recall that we last commented on this proposal in our consultation response letter of 27 October 2025. In this letter, we withdrew our objection to the application subject to the imposition on any permission issued of conditions to secure works to investigate the risks posed to the proposed development by possible shallow coal mining legacy and the implementation of any necessary remedial/mitigatory measures in this regard.

We note that the applicant has now submitted a Site Investigation & Risk Assessment Report (5 August 2025, prepared by ST Consult) in support of their application. This indicates that investigations carried out at the site included the drilling of three boreholes to a maximum depth of 36.40m.

It appears that two or three intact coal seams were encountered during drilling. A void, considered by the report author to be associated with possible mine workings, was encountered in one borehole (BH03 at depth of 29.9-30.6m bgl). They comment that it is unclear whether the void relates to coal or ironstone workings.

The report acknowledges the apparent discrepancies between the expected mining conditions (based on our records) and the conditions encountered during drilling. It comments that *'One potential explanation for the above and for the absence of the Five Foot Gellideg at depth of 11m below the site could be that the site and surrounding area was worked, in an open cast manner to the depth of the seam, with the spoil materials placed back on site at a later date. This ties into the information provided by the Coal Authority ... which stated that on the rationalised seam plans (historically produced by the National Coal Board) for the site both the coal seams and ironstone seams includes a note stating "Ironstone/Coal probably worked to outcrop in each seam".'*

Section 19 of the report comments that the presence of a void encountered during coupled with the site's known history of coal mining *'suggests that there is the potential for underground mine workings and associated ground collapse to be present beneath the site.'* Given the depth of the workings encountered, the report concludes that the rock cover above the workings is likely to mitigate the risk of subsidence at the site surface.

The report goes on to advise that *'Whilst the risk is therefore considered to be low and no mitigation/remedial measures are considered necessary in the context of the proposed development, a suitably robust foundation solution will help mitigate the risk further.'* It goes on to make recommendations for the use of a shallow reinforced raft foundation in this regard.

The Coal Authority's Planning & Development Team notes the professional opinions expressed in the submitted report, however, in order to enable us to comment fully we request that further commentary is provided by the applicant's technical consultants regarding the following points:

- We note that none of the three deeper boreholes were drilled within the part of the site where the building is proposed. Confirmation should be provided that the report author is satisfied that the results of the boreholes are considered representative of the shallow mining conditions beneath the proposed building.
- The report author has indicated that they are satisfied that due to the amount of cover above the identified workings, the risk of surface instability is low. However, it is unclear whether consideration has been given to the potential stability implications posed by interaction between all potentially worked seams (both coal and ironstone) present and whether this could cumulatively affect the stability of the site.
- Whilst a foundation solution is proposed to mitigate the risk of instability posed by shallow mine workings to the proposed building, the report does not provide any comment as to whether any mitigatory measures are required in the construction of external parts of the development, such as hardsurfaced vehicle parking areas.

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.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

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.