



The Coal
Authority



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For the Attention of: David Cross – Case Officer
Merthyr Tydfil County Borough Council

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

14 June 2023

Dear David

PLANNING APPLICATION: P/23/0131

Demolition of existing school and construction of a new school building within the existing site, including sports facilities and associated landscaping, access and engineering works, temporary staff car park, construction compound and classrooms during construction; Bishop Hedley High School, Gwaunfarren Road, Penydarren

Thank you for your consultation letter of 25 May 2023.

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: Material Consideration

I have reviewed the proposals and can confirm that the site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the site has been subject to historic recorded underground coal mining at shallow depth. Our records also indicate that within, or within close proximity of the planning boundary there are seven recorded mine entries (shafts and adits).

Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

The applicant has obtained appropriate and up-to-date geological and mining information, as well as from intrusive site investigations undertaken. This information has been used to inform the Site Investigation Report (April 2023, prepared by Integral Geotechnique Ltd), which accompanies the planning application. From a review of the information, the Report is able to confirm that five of the recorded mine entries have been investigated, none of which were located. Given that these locations are in areas where no built development is proposed, and that proposals in these areas are to compliment existing sports infrastructure or represent forms of development that would meet with the Coal Authority's Exemption Criteria, we concur in that no further works would be proportionate. In terms of the recorded shallow workings underlying parts of the site, no built development is proposed in these locations.

Notwithstanding the above, we welcome that the built development has been designed around mine entry 305207-009 and that further investigations are proposed to investigate it to determine any necessary remedial measures. This could be ensured by way of condition. However, given again both the existing sports infrastructure and that proposals within the area of 305207-022 meet with the Coal Authority's Exemption Criteria, we do not consider that it would be reasonable to seek to ensure the investigation/remediation of this coal mining feature. This will therefore be to the discretion of the applicant.

The intrusive site investigations should be designed and undertaken 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 and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note 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.

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.

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 Site Investigation Report that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding recorded mine entry 305207-009

Accordingly, the Coal Authority recommends the imposition of the following conditions:

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 recorded mine entry 305207-009 , and;*
 - b) *any remediation works and/or mitigation measures to address land instability arising from the recorded mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is 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 **has no objection** to the proposed development **subject to the imposition of the conditions to secure the above.** *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 would like to discuss this matter further.

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison 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. 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>

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.

