
From: planningconsultation@coal.gov.uk
Sent: 15 May 2023 15:54
To: Planning
Subject: P/23/0021 FOLLOW-UP, LLE HYFRYD, MOUNT PLEASANT, HEOLGERRIG
Attachments: P 23 0021 FOLLOW UP - TCA Response.docx

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Dear Marlene Ferreira

Following the planning consultation on 24 April 2023, please find attached our comments on the above application.

If you would like to discuss any of the issues raised, please contact us.

Regards

Planning and Local Authority Liaison team

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For the Attention of: Marlene Ferreira – Case Officer
Merthyr Tydfil County Borough Council

[By Email: planning@merthyr.gov.uk]
[CC: Mr George]

15th May 2023

Dear Ms Ferreira

PLANNING APPLICATION: P/23/0021

Erection of dwelling; Lle Hyfryd, Mount Pleasant, Heolgerrig – Follow Up

We are now in receipt of further information from Mr Steven George via email to which you were copied into, dated of 24th April 2023 in response to our previous comments dated 7th and 27th March 2023.

We acknowledge that Mr George, the agent for this application, is seeking to renew a historic outline planning application (layout sought for approval) for a single dwelling on site for which the layout of development appears to be unchanged.

Mr George has brought to our attention comments we previously made regarding the development on site, and has clarified that the blue zone marked on drawing 447-01A is a 10m no build zone, which correlates with the departure of 10m we have on record for shaft 303206-040.

Furthermore, Mr George refers to our previous comments in 2019 P/19/0169 and 2016 P/16/0099 for very similar applications, to which we raised no objection subject to the imposition of conditions to ensure the safety and stability of the site. This is as per the recommendations contained in the accompanying amended Mining Risk Assessment Report (June 2016, prepared by Terraforma).

Therefore in this instance and in knowledge that this application is to renew a previous planning permission for which no site investigations appear to have been undertaken, we would expect that appropriate conditions are imposed. This is in order to locate or discount the recorded mine shaft 303206-040 on site and works to confirm the exact

situation with regards to shallow underground mining beneath the site. These investigations should inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

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 the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SUDs

We also note 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

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 shallow coal mining activity and to locate or discount mine shaft 303206-040; 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**. 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,



**Peter Woodcock | BSc (Hons)
Trainee Planning 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.