



The Coal
Authority



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

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

27 March 2023

Dear Ms Ferreira

PLANNING APPLICATION: P/23/0021

**Erection of dwelling; Lle Hyfryd, Mount Pleasant, Heolgerrig:
RECONSULTATION**

Thank you for your notification of 15 March 2023 seeking the views of the Coal Authority on further information submitted in support of the above planning application.

The Coal Authority Response: Fundamental Concern

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 07 March 2023 as no Coal Mining Risk Assessment had been made available to us, at that time.

We note that the planning application is now accompanied by Mining Risk Assessment Report (13741, June 2016) prepared for residential development at the site by Terra Firma (Wales) Limited. The Report has identified that the site is currently at risk of shallow coal mine workings and in order to mitigate the risk, intrusive ground investigations are considered necessary. The applicant is aware that in the event that shallow workings are within influencing of the surface are encountered, ground stabilisation is likely to be required.

However, no assessment has been carried out for the two mine entries recorded within close proximity of the site (CA shaft ref: 303206-040 and CA adit ref: 303206-023). Based on the information currently held by the Coal Authority, the zone of influence of both mine entries extend into the site and therefore it is unlikely that the proposed development will

be able to accord with our adopted policy:
<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Proposed buildings and structures should avoid, where possible, the established location of the mine entries and their resultant zone of influence unless there is clear written justification provided as to why it cannot be avoided. The applicant should then provide the LPA with a suitable engineering solution (mitigation strategy), designed by a technically competent person, to minimise the ground stability and public safety risks that these features pose.

In our previous letter we noted that Drawing No. 447-01A (Proposed Site Layout) illustrates a blue circle, with what would appear to be the off-site mine shaft and the building is beyond the area to be investigated, however it remains unclear if this is the no build exclusion zone and if so, how this has been calculated.

Based on the above, the Coal Authority **maintains its objection** to this planning application, as we do not consider that the applicant has demonstrated to the LPA that the site is, or can be made safe and stable for the proposed development.

The submitted information could be extrapolated and used in support of an up-to-date desk based study for the current proposal. Therefore, the applicant should seek further advice from their technical consultants (mining / geotechnical engineer); based on the information they currently have in their possession.

The applicant should be made aware that when a site is affected by land instability the responsibility for securing safe and stable development rests with the developer and / or landowner (Planning Policy Wales paras. 6.9.23 – 28).

We welcome the opportunity to comment on further information submitted in support of the above application.

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

General Information for the Applicant

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to

potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: <https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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.