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For the attention of: Marlene Ferreira – Case Officer

Merthyr Tydfil County Borough Council

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

18 June 2025

Dear Ms Ferreira

Re: Planning application P/23/0167

Proposed extension to workshop at 7 - 9 Harlan Business Park, Goat Mill Road, Dowlais

Thank you for your notification of 5 June 2025 seeking the views of the Coal Authority on the above.

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**

The application site falls within the defined Development High Risk Area (DHRA); therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to development proposals.

More specifically, the Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining is likely to have taken place at shallow depth. Voids and broken ground associated with such workings may pose a risk to ground stability and public safety.

As the site falls within the defined DHRA, the Coal Authority's Planning & Development Team would typically expect the submission of a desk-based Coal Mining Risk Assessment (CMRA) in support of this planning application. Such a report would identify coal mining legacy affecting the site and would assess the implications posed by this legacy to the scheme of proposed development.

We understand from your email that you have been unsuccessful in obtaining a CMRA from the applicant despite multiple requests over a period of two years. We note that you have queried whether a CMRA can be secured by means of a pre-commencement condition.

The Coal Authority's Planning & Development Team does not consider that securing the submission of a CMRA by means of a planning condition is appropriate. However, considering the specific coal mining legacy affecting the site (probable unrecorded shallow mine workings), we acknowledge that any CMRA produced may well ultimately recommend that further intrusive investigation works are required to fully establish the coal mining situation at the site and to inform any necessary remedial/mitigatory measures to ensure the safety and stability of the development.

In light of the above, and to avoid any further delays in the determination of the application, we would have **no objection** to this application **subject to the imposition on any planning permission granted of conditions to secure the undertaking of these investigations and any necessary remedial works or mitigatory measures.**

The investigations should be designed and carried out by competent persons in order to properly assess ground conditions and to establish the exact situation regarding mining legacy and the risks it may pose to the development. The results of the investigations should be reviewed by competent persons and used to inform any remedial works and/or mitigation measures that may be necessary to ensure the safety and stability of the development. Such works/measures may include grouting stabilisation works and foundation solutions.

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

Should planning permission be granted for the proposed development, we recommend that the following conditions are included on the decision notice:

- 1. No above ground 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*
- 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.*

We also request that the following Informative Notes are included on the decision notice:

1 - Ground Investigations and groundworks

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in 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.

2 - Requirement for Incidental Coal Agreements

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found at: www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements.

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.

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

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.

Please do not hesitate to contact me if you would like to discuss this matter further.

Yours sincerely

Bradley Shelton

Bradley Shelton

Apprentice Town Planner

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.