



The Coal
Authority

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For the attention of: Mr A Foote – Case Officer

Merthyr Tydfil County Borough Council

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

2nd February 2024

Dear Mr Foote

Re: P/23/0208 - Construction of mountain bike trails, access trails and uplift track extension and amendments; Gethin Woodland Centre, A470 Pentrebach To Rhydyar Northbound, Abercanaid - Reconsultation

Thank you for your notification of the 19th January 2024 seeking the further views of the Coal Authority on the above.

The Coal Authority response: **Material Consideration**

We previously commented on this application in a letter to the LPA dated 26th September 2023, objecting as no Coal Mining Risk Assessment had been submitted.

I have now had an opportunity to review the Coal Mining Risk Assessment, dated January 2024 and prepared by Intégral Géotechnique (Wales) Limited. This report has been informed by a range of sources of information and acknowledges the coal mining features present and the potential risks these pose.

The report authors conclude that based on their desk-based research and the information reviewed they consider that the potential risk to the proposed use of the site from shallow coal workings is considered to be low.

The report authors state the location of the mine entries across the hillside within influencing distance of the proposed development are shown on Figure 3A and Figure 3B. They comment that most of the mine entries are not within an influencing distance of the proposed new bike trails and skills areas, with the adit roadways orientated away from the proposed trails. However, the report authors comment that three adits (Ref: 305202-004, 305203-026 and

305201-007) have entrances that may potentially be located at or across the proposed new bike trails and that adit Ref: 305203-011 is orientated towards a proposed bike trail. They note that due to the distance to the adit entrance from the proposed bike trail and the change of topography, any associated adit roadway from 011 should not cause instability beneath the trail.

The report authors state that the adits noted above should be physically located on site prior to construction of the bike trail with allowances made for the use of intrusive works to locate the features and confirm their exact location. They comment that care should be taken to avoid these features by rerouting the trails around the adit features or consideration given to treatment of the adit entrance and associated roadway prior to construction of the trail if the trail cannot be diverted/rerouted. The report authors note that the necessity for any potential treatment works would be best determined after the location of the features has been confirmed physically on site.

The report authors state that where possible the trails should be rerouted to avoid any mine entries. The Coal Authority would also expect any mine entries in publicly accessible areas, or areas of increased activity, as a consequence of this proposal should be fenced to avoid unauthorised access over these areas in the interests of public safety. The report authors also note that care should be taken to protect any mine entries during construction works to ensure that heavy plant traversing the site does not damage any mine entries present on route to the proposed construction areas. They comment that it is important that all mine entries within any working or access areas are located, and appropriate construction routes planned.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

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 any 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.

The Coal Authority Recommendation

This is our recommendation for condition wording, although we appreciate that you may wish to make some amendments to the choice of words.

1. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;***
- b) the findings of these works, and any measures necessary to address the risks posed, including realignment of the routes, have been submitted to the LPA for consideration and approval in writing.***

2. Prior to commencement of the development of each area of the route identified as being at risk, the remedial works or mitigation measures necessary, to address land instability and public safety risks arising from coal mining legacy, shall be 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.

3. Upon completion of all of the works a signed statement or declaration prepared by a suitably competent person confirming that the site 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 completion of the remedial works and mitigation measures necessary to address the risks posed by past coal mining activity.

The Coal Authority **withdraws its objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.**

It is also requested that the following Informative Notes are included on any planning permission granted:

1 - Ground Investigations

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 to

enter or disturb our property will result in 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: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2 - 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.

If you would like to discuss this matter further, please contact me on the above number.

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Principal Planning & 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.

