



The Coal
Authority



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For the Attention of: Caroline Pulley – Case Officer
Merthyr Tydfil County Borough Council

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

06 February 2020

Dear Ms Pulley

PLANNING APPLICATION: P/20/0017

New classroom building with an associated sheltered walkway to the existing school; Trelewis Primary School, High Street, Trelewis

Thank you for your consultation letter of 22 January 2020 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. 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 confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is within an area of recorded shallow coal mining.

The planning application is accompanied by a Coal Mining Risk Assessment Report (15335, March 2019) prepared for the proposed development by Terra Firma (Wales) Limited. This Assessment has been informed by an appropriate range of sources of information.

Having reviewed the available historical, geological and coal mining information, the report author considers that whilst it is unlikely that shallow coal workings have taken place within the Mynyddsilwyn coal seam beneath the site (given the site proximity of the coal seam outcrop and the presence of the railway), there remains the possibility of unrecorded workings. If shallow coal workings are present beneath the site, this could affect surface stability to the proposed development.

Accordingly, recommendations have been made that in order to mitigate the current risk and to characterise the depth / condition of any coal seams / workings, intrusive site investigations are required (rotary probeholes). The nature and extent of the site investigations will need to be agreed with our Licensing and Permitting team, prior to commencement of the investigations, as part of the permitting process.

The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development. However, the findings of the intrusive site investigations should inform any remedial / mitigatory measures that may be required.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the conclusion / recommendations of the Coal Mining Risk Assessment Report (15335, March 2019) based on the professional opinion of Terra Firma (Wales) Limited, that currently it has not been possible to discount the risk to the proposed development from recorded and historic unrecorded shallow coal mining. In order to confirm the exact ground conditions present beneath this site and to inform any remedial / mitigatory measures that may be required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to development.

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

* No development shall commence until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.

* Where the findings of the intrusive site investigations (required by the condition above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

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.

The Coal Authority has **no objection** to the proposed development **subject to the imposition of the conditions to secure the above.**

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 Liaison Manager

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>

Where development is proposed over areas of coal and past coal workings at shallow depth, The Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from The Coal Authority. Further information can be found at:

<https://www.gov.uk/get-a-licence-for-coal-mining>

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.