



The Coal
Authority



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For the Attention of: Ms R. Owens – Case Officer
Merthyr Tydfil County Borough Council

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

29 June 2023

Dear Ms Owens

PLANNING APPLICATION: P/22/0066

Erection of 4 no. dwellings (2 no. detached and 1. no pair of semi-detached) including demolition of existing office building with stores at Builders Yard & Premises, Elwyn Drive, Twynyrodyn, Merthyr Tydfil, CF47 0NW – FURTHER RECONSULTATION

Thank you for your consultation letter of 19 June 2023 seeking the further views of the Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

As you are aware, the application site falls within the defined Development High Risk Area. The Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

We last commented on this application in a letter to the LPA dated 20 July 2022. In this letter, we maintained our objection to the application. We acknowledged that information prepared by Terra Firma (Wales) Ltd addressing coal mining legacy matters had been submitted in respect of the development proposed at Plots 1 and 2. However, we highlighted that no assessment had been made of the risk posed by coal mining legacy to the development proposed at Plots 3 and 4.

We are therefore pleased to note that the applicant has now submitted an Intrusive Coal Mining Risk Assessment report (May 2023, prepared by Terra Firma (Wales) Ltd) in support of their application. This report indicates that three rotary boreholes were drilled to depths of 35.0m bgl within the footprint of the dwellings proposed at Plots 3 and 4 in

order to investigate the shallow coal mining situation. These works were carried out under Coal Authority Permit No. 26363.

The report indicates that a single 0.2-0.3m thick coal seam was encountered during drilling, with no evidence of mining activity recorded. Based on the results of the investigation, the report comments '*It may therefore be concluded that there are no mining related ground instability risks to the proposed housing at the site.*'

Terra Firma (Wales) Ltd have not proposed any remedial or mitigatory measures in respect of the development at Plots 3 and 4. However, we note that their earlier Quantitative Coal Mining Risk Assessment Report (October 2015) and Geotechnical and Geo-Environment Report (January 2016) made recommendations at Sections 4.1 and 8.1 respectively, for the use of a reinforced concrete raft type foundation / floor slab to the dwellings at Plots 1 and 2 in order to mitigate the instability risks posed by any unrecorded mine workings.

In light of the information now submitted, we wish to revise our recommendation to the LPA as follows:

The Coal Authority Recommendation to the LPA

The Coal Authority's Planning & Development Team notes the professional opinions expressed by Terra Firma (Wales) Ltd, including the recommendation that precautionary measures should be incorporated into the built development in order to mitigate the risk posed by coal mining legacy and to ensure the safety and stability of the development.

As such, should the LPA be minded to grant planning permission for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. Prior to the commencement of above ground development at Plots 1 and 2 the mitigation measures to protect the development from the effects of potential land instability derived from shallow coal mine workings, as outlined in the supporting Quantitative Coal Mining Risk Assessment Report and Geotechnical and Geo-Environment Report, shall be implemented on site in full.***
These measures shall be carried out in accordance with authoritative UK guidance.
- 2. Prior to the occupation of the development at Plots 1 and 2 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 that the mitigation measures necessary to address the risks posed by past coal mining activity have been implemented in full.***

The Coal Authority therefore **withdraws its objection** to the proposed development subject to the imposition of the above conditions. 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.

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

James Smith

James Smith *BSc. (Hons), Dip.URP, MRTPI*
Planning and 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 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.