



The Coal
Authority



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For the Attention of: Mr David Cross – Case Officer
Merthyr Tydfil County Borough Council

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

21 May 2020

Dear Mr David Cross

PLANNING APPLICATION: P/20/0091

Proposed indoor manege building, horse walker / exerciser and the retention of the hardcore area (resubmission following refusal of P/19/0302); Land At Crophorne Stables, Shingrig Road, Trelewis, Treharris, Merthyr Tydfil

Thank you for your consultation letter of 04 May 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.

Specifically, the application site is conjectured to be underlain by recorded and probable unrecorded coal mine workings at shallow depth.

I note that this application, which is accompanied by a Mining Risk Assessment Report (Blandford Consulting, 12 December 2019), is a resubmission of P/19/0302. The Coal Authority has previously reviewed the accompanying Mining Risk Assessment Report as part of planning application as part of P/19/0302. Therefore, we provide our comments on the same basis as those previously.

The report author recommends that a scheme of intrusive site investigations should be undertaken to assess the risk posed by shallow workings. They state that the findings of these investigations should be used to inform appropriate foundation option for proposed buildings. However, The Coal Authority usually expects that if shallow workings are encountered with the potential to influence the surface of a site that these workings should be appropriately consolidated through a scheme of drilling and grouting.

In this particular case, when considering the potential presence of a fault as identified in the submitted report, buildings are recommended by the report author to not astride the fault and must have a reinforced raft foundation. Following the findings of intrusive site investigations the requirement for a reinforced foundation, in addition to the need for drilling and grouting needs to be considered to ensure the safety and stability of the proposed development.

The exact form and extent of intrusive site investigations need to be agreed with the Permitting Section of The Coal Authority as part of the applicant's permit application. These intrusive site investigations should be prepared and conducted by a suitably competent person and findings used to inform an appropriate scheme of remedial measures if necessary.

The Coal Authority Recommendation to the LPA

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 condition XX 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.*
- *Following implementation and completion of the approved remediation scheme (required by condition XX above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.*

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

Please note that whilst we recommend that the above planning conditions are applied if planning permission is granted, due to the Covid-19 pandemic, our own staff resources are significantly reduced. Until further notice we are therefore not able to offer any comments in relation to further related applications that may be made for the discharge of conditions.

We would be very grateful if you could refrain from sending the Coal Authority any consultations relating to the discharge of conditions until further notice. We trust that in this difficult time the local planning authority will appropriately consider the information submitted by applicants to assess whether any mining legacy related conditions have been duly complied with.

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

Yours Sincerely,

George Weightman

**George Weightman | MSc, BSc (Hons)
Assistant Planning Liaison Manager**

General Information for the Applicant

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>

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>

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.