
From: planningconsultation@coal.gov.uk
Sent: 18 April 2023 16:15
To: Planning
Subject: P/23/0065, LAND TO THE SOUTH WEST OF THE A470/A4102 ROUNDABOUT, AT RHYDYCAR WEST, MERTHYR TYDFIL
Attachments: P 23 0065 - TCA Response.docx

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Dear Huw Roberts

Following the planning consultation on 21 March 2023, please find attached our comments on the above application.

If you would like to discuss any of the issues raised, please contact us.

Regards

Planning and Local Authority Liaison team

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For the Attention of: Mr H. Roberts – Case Officer
Merthyr Tydfil County Borough Council

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

18 April 2023

Dear Mr Roberts

PLANNING APPLICATION: P/23/0065

Outline application for erection of a mixed leisure development comprising Indoor Snow Centre (up to 39,200 sqm), Water park (up to 7,500 sqm), Indoor Activity Centre (up to 9,000 sqm), Outdoor Activity Centre, Hotel Accommodation (up to 418 bedrooms), Woodland Lodge accommodation (up to 30 units), car parking (up to 830 spaces) and associated earthworks, access, drainage, servicing and utilities connections/infrastructure at Land to the South West of the A470/A4102 Roundabout at Rhydycar West, Merthyr Tydfil

Thank you for your consultation letter of 21 March 2023 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 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: Substantive Concern

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 following provides a summary of the Coal Authority's information relating to the extensive coal mining legacy affecting the site:

- The site is within the potential zone of influence of former mine workings in 10 coal seams, including workings at shallow depth.

- There are parts of the site where historic unrecorded coal mining activity is likely to have taken place at shallow depth.
- There are 30 recorded mine entries (shafts and adits) and their associated zones of influence present within the site or within 20m of its boundary. We hold limited treatment details for two shafts and no information relating to past treatment of the remaining mining entries. Due to potential plotting inaccuracies, the actual positions of the mine entries could deviate from their plotted positions by several metres.

The identified mining legacy poses a potentially significant risk not only to surface stability but also public safety, and may give rise to the emission of mine gases.

The planning application is accompanied by a Phase 1 Geoenvironmental Assessment Desk Top Study and Coal Mining Risk Assessment (January 2023, prepared by Tetra Tech). Based on a review of coal mining and geological information, the report acknowledges that the site has extensive coal and associated ironstone mining legacy including recorded and probable unrecorded mine workings and mine entries. It identifies that this legacy, poses a high risk to the proposed development.

Section 11.2.2 of the report provides a proposed Mitigation Strategy to address the risk posed by coal mining legacy. It advises that phased ground investigations will be required in order to assess the risk posed by shallow mine workings across the site, with geophysical and intrusive methods of investigation proposed to locate the recorded mine entries. It goes on to advise that the results of these investigations will inform detailed proposals for the remediation of the legacy present, including the grouting and capping / stopping of the mine entries and grouting of shallow mine workings.

The Coal Authority's Planning & Development Team welcomes the acknowledgement of the risk that coal mining legacy poses to development at the site and the recommendations made for the undertaking of site investigations to fully characterise the risk present and to inform further remedial works.

We take this opportunity to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided. Our adopted policy on this matter can be found at:

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

We note that the applicant has applied for outline planning permission for the proposed development. However, the nature and scale of the development, the shape of the proposed application site and the layout of development shown on the Illustrative Masterplan, suggests that the development will take place over numerous mine entries.

Section 11.2.1 of the report acknowledges the Coal Authority's policy relating to building on or within the influencing distance of mine entries and accepts that the development shown on the illustrative plan "*lie in proximity to the anticipated locations of mine entries and shallow workings.*" Figure 3 of the report identifies the positions of the recorded mine entries within the application site.

The report goes on to advise that "*The proposed development is located on a platform formed by material excavated as during the construction of the A470 road adjacent to the site as such the utilisation of the proposed development plan limits the ability to relocate the proposed structures. Additional constraints relating to statutory designations (SSSI, SAC and SAM) further limit the ability to relocate the proposed development. However, the findings of proposed ground investigation and remedial works outlined below will be utilised within the detailed design process where possible.*"

The Coal Authority's Planning & Development Team appreciates that it is not always possible for large scale development proposals, such as that currently proposed, to avoid mine entries and their associated zones of influence. We acknowledge the justification provided as to why it is unlikely that it will be possible to arrange development in a manner which would completely avoid the recorded mine entries. We also acknowledge the applicant's intention to locate and treat the mine entries.

Nevertheless, we would expect the planning application to be accompanied by a version of the proposed illustrative layout drawing detailing the positions of the mine entries and their potential zones of influence in order to show those parts of the site where there may be conflict between the development and these former mining features. Unfortunately, it does not appear that a plan showing this information has been submitted with the application.

Until such time as a suitable plan showing the relationship between the proposed development and the recorded mine entries has been submitted for consideration by the LPA, the Coal Authority's Planning & Development Team must object to the planning application.

Tips

As alluded to in the submitted report, there are a number of spoil tips present within the site. We take this opportunity to highlight that the Coal Authority does not provide comment upon matters relating to tips in our role as a statutory consultee. As such, in its consideration of any future planning application, the LPA would need to seek its own technical advice regarding the matter.

Surface Coal Resource

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, LPAs 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.

We would be pleased to receive for further consultation and comment any additional information submitted by the applicant.

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

General 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. 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

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.