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**For the attention of: Rebecca Owens – Case Officer**  
Merthyr Tydfil County Borough Council

[By email: [planning@merthyr.gov.uk](mailto:planning@merthyr.gov.uk)]

31<sup>st</sup> October 2024

Dear Ms Owens

**Re: Planning Application P/24/0239**

**Erection of dwelling with parking Land Adjacent To Lle Hyfryd Mount Pleasant Heolgerrig; Land Adjacent To, Lle Hyfryd, Mount Pleasant, Heolgerrig**

Thank you for your notification of 21 October 2024 seeking the views of the Coal Authority on the above.

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: **Material Consideration**

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment, or equivalent report, is required to be submitted to support this application.

The Coal Authority records indicate that there are two recorded mine entries (one shaft and one adit) within 20m of the site boundary; both recorded as being off-site. However, based on the historic source plans used to plot their current position, this could vary by several metres, and the mine entries could either be present within or much closer to the site. The Coal Authority hold no treatment details for these mine entries and therefore should be considered as untreated.

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>

In addition, the site lies within an area of both recorded and probable unrecorded shallow coal mining. These coal mining features present a significant risk (public safety and surface stability) to the proposed development.

We wish to highlight that the Coal Authority previously commented on a previous application for the site reference P/23/0021. In our response dated 15<sup>th</sup> May 2023 we acknowledged our previous comments for the site in 2019 P/19/0169 and 2016 P/16/0099 for very similar applications, to which we raised no objection subject to the imposition of conditions to ensure the safety and stability of the site. This is as per the recommendations contained in the accompanying amended Mining Risk Assessment Report (June 2016, prepared by Terraforma). Although we note that the current application is not supported by this information in order to prevent undue delay in the planning process we have based our recommendations on the conclusions of this report. It may be prudent to secure a copy of the report from the applicant to support this current submission for your records.

In our previous response we acknowledged the history of the site and our previous comments and made recommendations for relevant conditions on this basis. In light of this we recommended conditions be imposed on any grant of planning permission in order to secure the undertaking of investigations for both the mine entry and shallow coal workings, and the carrying out of any remedial works, or mitigation measures necessary based on these findings.

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 a 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.

## **SUDs**

We also note that 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.

<u>The Coal Authority Recommendation to the LPA</u>
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As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- 1. No development shall commence until (excluding demolition of existing structures and site clearance);**
  - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and to locate or discount mine shaft 303206-040; and**
  - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been 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.**
- 2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or 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 methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.**

The Coal Authority therefore **do not object** to the proposed development **subject to the imposition of the above conditions**. 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.

Should planning permission be granted for this proposal, we also request that the following wording is included as Informative Notes on any decision notice:

### **1 - Ground Investigations**

**Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public**

*health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in 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](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)*

## 2 - Shallow coal seams

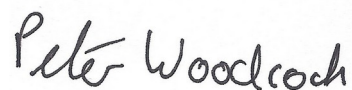
*In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.*

## 3- Requirement for Incidental Coal Agreements

*If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required from the Coal Authority. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>*

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

Yours sincerely,



**Peter Woodcock** | BSc (Hons), AssocRTPI

**Assistant 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 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.*