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

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

10 June 2024

Dear David

Re: P/22/0309 COND

Discharge of conditions 5 and 7 of planning permission P/21/0358 relating to ground conditions and land contamination; land off Elm Tree Rise, Twynyrodyn – FURTHER INFORMATION RECEIVED

Thank you for your notification of 30 May 2024 seeking the further views of the Coal Authority on the above.

The Coal Authority response: Substantive Concern

Condition 5 of the permission requires no construction works to take place until an intrusive site investigation has been carried out in accordance with a methodology first submitted to and approved in writing by the Local Planning Authority. The condition requires the results of the site investigation to be submitted to the Local Planning Authority before any development begins.

If any land instability issues are found during the site investigation, Condition 6 of the permission requires a report specifying the measures to be taken to remediate the site to render it suitable for the development to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the condition requires the remedial measures to be

carried out prior to the occupation of any dwelling in accordance with the approved details and retained in perpetuity.

Notwithstanding the above, the applicant previously submitted a Proof Drilling of Shallow Mineworkings Specification, which we considered acceptable in principle. However, the Coal Authority was unable to recommend the discharge of the aforementioned conditions, specifically as the report was unable to confirm either the further investigation of the mine entries, the results, or any detailed methodology or proposed search criteria for their investigation.

The Coal Authority now notes the submitted Report of Ground Stabilisation of Old Shallow Mine Workings (May 2024, prepared by Integral Geotechnique Ltd), which accompanies the application. The Coal Authority notes that the Report is able to confirm that the previously identified shallow coalmine workings have been stabilised. Consequently, the only outstanding issue is that concerning the recorded mine entries.

In terms of mine entries (adits) 305205-21 and 305205-53, you will recall that Site Investigation Report (August 2008, prepared by Integral Geotechnique Ltd), which accompanied the planning application confirmed that mine entry 305205-21 had been located and required remediation. You will also recall, that due to access restrictions, none of the other mine entries were located and the report recommended their investigation/remediation. Condition 8 was imposed accordingly to ensure the further investigations/remediation.

On account of the above, the Coal Authority **objects to the LPA discharging Condition 8** and seeks clarification from the applicant as to why mine entries 305205-34 and 305205-45 have not been investigated, both of which correspond with publically accessible areas. In addition, we also seek clarification regarding adits 305205-21 and 305205-53, specifically as 305205-21 was previously located and the probe drilling area as detailed in Figure 2 of the report does not appear to cover the departure area for 305205-53.

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

Yours sincerely

Chris MacArthur

Chris MacArthur *B.Sc.(Hons), DipTP, MRTPI*
Planning Liaison Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining 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.