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

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

20 August 2024

Dear David

Re: P/22/0309

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

Thank you for your notification of 3 August 2024 seeking the further views of the Coal Authority on the above.

The Coal Authority response:

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 initially 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 applicant then submitted a Report of Ground Stabilisation of Old Shallow Mine Workings (May 2024, prepared by Integral Geotechnique Ltd) to accompany the application. The Coal Authority noted that the Report was able to confirm that the previously identified shallow coalmine workings had been stabilised. Consequently, we confirmed that the only outstanding issue was that concerning the recorded mine entries.

In terms of mine entries (adits) 305205-21 and 305205-53, we confirmed that the Site Investigation Report (August 2008, prepared by Integral Geotechnique Ltd) confirmed that mine entry 305205-21 had been located and required remediation. We also confirmed, that due to access restrictions, none of the other mine entries had been located and that the report recommended their investigation/remediation.

On account of the above, the Coal Authority objected to the LPA discharging Conditions 5 and 6 and sought clarification from the applicant as to why mine entries 305205-34 and 305205-45 had not been investigated, both of which we confirmed correspond with publically accessible areas. In addition, we also sought clarification regarding adits 305205-21 and 305205-053, specifically as 305205-21 was previously located and the probe drilling area as detailed in Figure 2 of the report did not appear to cover the departure area for 305205-53.

The Coal Authority now notes the commentary provided within the LPA's consultation email (dated 3 August 2024) from the applicant's agent, the content of which seeks to address the previous concerns raised by us.

Turning firstly to adits -034 and -045, the applicant's agent confirms that both have not been investigated due to their potential locations being within densely wooded areas. On the basis that the applicant confirms (worst-case scenario) that all built development would be outside the influence of these coal mining hazards, the previous concerns raised by us have been addressed.

Turning secondly to adit -053, we note that as part of the shallow mining consolidation works the probe holes covered the remaining departure area and no evidence of the adit

was located. We therefore agree with the applicant's agent, that a sufficient level of investigation has been undertaken to locate this adit.

Finally, and concerning adit -021, the applicant's agent confirms that the previous brickwork encountered as part of the initial investigation is now not thought to be evidence of the adit, but of a culvert or drain. On the basis that the subsequent probe holes appear to confirm this and that the applicant's agent confirms that both adits -021 and -053 are either off site or have been obliterated, our previous concerns have also been addressed.

On account of the above, the Coal Authority **would now raise no objections to the LPA discharging Conditions 5 and 6.**

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 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.



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