



The Coal
Authority



INVESTOR IN PEOPLE



RTPI
Learning Partner

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

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

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

8 December 2022

Dear David

PLANNING APPLICATION: 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

Thank you for your consultation letter of 30 November 2022 seeking the views of the Coal Authority on the above discharge of condition 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: 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.

The applicant has submitted the same Site Investigation Report (August 2008, prepared by Integral Geotechnique), which accompanied the planning application and which can therefore be discounted.

Notwithstanding the above, and whilst we do note the letter (dated 13 June 2022) from Integral Geotechnique, the report is unable to confirm either the further investigation of the mine entries, the results, or indeed any detailed methodology or proposed search criteria for their investigation. The Coal Authority is therefore **unable to recommend the discharge of Conditions 5 or 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

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. 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>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

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

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.