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For the attention of: Ms C. Hall – Case Officer

Neath Port Talbot County Borough Council

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

30 June 2026

Dear Ms Hall

Re: Application P2026/0410

Request for Screening opinion under Regulation 6 of the Town and Country Planning (Environment Impact Assessment) (Wales) Regulations 2017 for a proposed biomass gasification Combined Heat and Power (CHP) waste-to-hydrogen production facility at Abernant Colliery, Pontardawe, SA8 4SX

Thank you for your notification of 22 June 2026 seeking the views of the Coal Authority (trading as the Mining Remediation Authority) regarding the above matter.

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:

The application site falls partly within the defined Development High Risk Area. Therefore, within the site and surrounding area there are recorded coal mining features present at surface or shallow depths. The risk these features may pose should be considered as part of the planning process.

Our information indicates that the potential zone of influence (ZOI) of off-site recorded mine shaft 270208-011 (Abernant Colliery - North Shaft) encroaches marginally into the

eastern part of the site. This shaft is recorded to have been filled with 18,427 tonnes of hardcore and 49,644 tonnes of shale in 1988. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

In addition, our information indicates that a coal seam outcrops in the vicinity of the northern boundary of the site, dipping in a southerly direction beneath the site, which may have been subject to historic unrecorded mining activity. Voids and broken ground associated with such workings can pose a risk to surface stability and public safety.

We do not wish to comment on whether the proposed development would or would not constitute EIA Development for which an Environmental Statement (ES) would be required. However, in accordance with the agreed risk-based approach to development management in the DHRA, the past coal mining activities affecting the site should be fully considered as part of any ES, if produced; this should take the form of a risk assessment, together with any necessary mitigation measures. Alternatively, if the development is not deemed EIA development, then the issues of past coal mining activities affecting the site should be addressed in a standalone Coal Mining Risk Assessment, which should be submitted in support of any planning application.

In light of the above, we are pleased to note a Tier 1: Preliminary Risk Assessment & Coal Mining Risk Assessment (23 May 2025, prepared by Spencer Quntum) was commissioned to inform development proposals at the site, and is included in Annex 2 of the Request for EIA Screening Advice document (17 June 2026, prepared by Sol Environment). Figure 1 of the Tier 1 report indicates that its study area covers a much larger area than the proposed application site boundary.

Based on a review of coal mining and Tier 1: Preliminary Risk Assessment & Coal Mining Risk Assessment identifies the presence in the locality of recorded mine shaft 270208-011 and the associated Abernant Colliery - South Shaft (ref. 270208-012). Whilst it notes that these mine entries have previously been treated, it considers that the risk they pose remains high and advises that a development exclusion zone will be required around them. The report also acknowledges the presence of the recorded coal seam outcrop on site which it considers may pose a risk to the proposed development geotechnically or from a risk of mine gas.

The report goes on to recommend that intrusive investigations should be carried out to locate the shafts so that exclusion zones can be determined for building stability. It also recommends that rotary boreholes should be undertaken to further assess the risk posed by possible unrecorded mine workings beneath the site. A mine gas risk assessment is also recommended.

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. We have 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 the matter can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries.

In this particular case, having reviewed the Proposed Site/Roof Plan included in Annex 1 of the Request for EIA Screening Advice document, built development would not appear to encroach into the potential ZOI of the recorded off-site mine entry, although a section of an internal access road running along the eastern site boundary would cross the ZOI.

In light of the above, the Tier 1: Preliminary Risk Assessment & Coal Mining Risk Assessment should be revised to reflect the actual proposed planning application (red line) boundary shown on Figure 2.2 of the Request for EIA Screening Advice document. As the recorded mine shafts are located outside the redline boundary, and therefore investigation of these features may not be secured, the revised report should provide confirmation that the proposed detailed scheme of development has been designed to avoid the shaft ZOIs. It should also set out what, if any, measures are required to mitigate the risks posed to elements of the development which may fall within the ZOIs, such as internal roads etc.

Subject to the supporting Tier 1: Preliminary Risk Assessment & Coal Mining Risk Assessment being revised to address the above matters, the Coal Authority's Planning & Development Team is unlikely to object to a future planning application for development of the site in the manner proposed. Please note that we are likely to make recommendations regarding the imposition of conditions on any permission issued to secure further works, which should in turn be used to inform any remedial and/or mitigatory measures required to ensure the safety and stability of the proposed development.

The Tier 1 report identifies the presence of a coal tip within / close to the southern boundary of the site and advises that the extent and stability of this tip will need assessing. We must clarify that the Coal Authority does not provide comment upon matters relating to tip stability in our role as a statutory consultee in the planning process. As such, the LPA should seek its own technical advice regarding this matter.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist 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.

Permitting

Permission is required from our Permitting Team before undertaking any activity, such as ground investigation and ground works, which may disturb our property, since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, 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 Mining Remediation Authority permission and further guidance can be obtained from: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property.

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

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.