



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



The Coal
Authority

For the Attention of: Mr S Ball – Case Officer
Neath Port Talbot County Borough Council

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

19 April 2021

Dear Mr Ball

PLANNING APPLICATION: P2021/0327

Development of a Global Centre of Rail Excellence and Associated Works; Land At And Surrounding The Nant Helen Surface Mine Site, Powys And Onllwyn Distribution Centre, Neath Port Talbot

Thank you for your notification of 29 March 2021 seeking the views of The Coal Authority on the above planning 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: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Our records indicate that within the site, or within 20m of the site boundary, there are 99 mine entries. The site is also in an area of recorded and likely unrecorded coal workings at shallow depth and is within the boundary of a site from which coal has been removed by surface mining methods. In respect of the mine entries, we hold no treatment details for most of these features, although we hold commentary for some indicating that they may have been partially or wholly removed by the surface mining operations.

The planning application is supported by an ES with a Geotechnical Desk Study, dated 18 December 2019 and prepared by Ove Arup & Partners Ltd, being included in Appendix 6A. This report acknowledges that there is significant coal mining legacy on the site, mine entries and potential shallow coal workings, and recommends that appropriate intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues.

Where mine entries are present on a site we would generally expect the development layout to be designed to avoid the established locations of these features and their zones of influence. However, we also appreciate that sometimes this is not possible and where construction does have to take place over mine entries and their zones of influence we would expect justification of the layout and robust remedial measures to be provided to support such a proposal.

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>

Prior to carrying out intrusive site investigations to locate the mine entries it would be prudent to undertake a positional review of these features in order that the best plot position for the mine entries can be used to inform the search areas. Where our records indicate that mine entries may have been removed we would expect a detailed assessment of available records to be carried out to either confirm, or discount, their presence on site.

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.

The Coal Authority Recommendation to the LPA

This is our recommendation for condition wording, although we appreciate that you may wish to make some amendments to the choice of words.

1. *Prior to the submission of the reserved matters;*
 - a) *a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, and;*
 2. *Prior to, or concurrent with, the submission of reserved matters;*
 - a) *the findings of the intrusive site investigations carried out to locate the mine entries and shallow coal mine workings;*
 - b) *details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary. This should include a plan showing the established locations of the mine entries present on site and how these relate to the development layout.*
- The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.*
3. *Prior to the development 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 completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.*

The Coal Authority has **no objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.**

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.

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

Yours sincerely

Melanie Lindsley

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

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: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

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.