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The Coal
Authority

For the Attention of: Ms N Kinsey – Case Officer
Planning and Environment Decisions Wales

[By Email: PEDW.Infrastructure@gov.wales]

18 November 2021

Dear Ms Kinsey

RE: DNS/3260565

Development of National Significance – Solar Farm at Bryn-y-rhyd Farm, Llanedi, Pontardulais, Wales, SA4 0FD

Thank you for your notification of 28 October 2021 seeking the views of The Coal Authority on the above.

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 application site there are 5 recorded mine entries (shafts and an adit) and areas of likely unrecorded coal workings at shallow depth. These features pose a potential risk to surface stability and public safety. We hold no treatment details for any of the mine entries and their exact location is unknown. The recorded positions of these features may be subject to significant departure from their actual locations.

We are pleased to see that Appendix 10.2 of the Environmental Statement (Technical Appendices) contains the Coal Mining Risk Assessment, dated June 2021 and prepared by Integrale Limited. This report has been informed by a range of sources of information.

This report acknowledges the presence of coal mining legacy features on the site and the potential risks these features pose to the development. The report authors note that where development is proposed within the identified high risk area targeted investigations to better understand the risks posed should be carried out on site. They note that where mine entries are present these features should be located and once their exact location and zone of influence has been calculated this should either be secured by fencing, or where solar panels are proposed over these areas the mine entries should be treated/capped.

It is noted that the layout submitted indicates that no buildings are proposed in the areas where coal mining features are recorded as being present. We also note that the layout as submitted appears to indicate that no solar panels are proposed over the recorded positions of the mine entries. It is assumed that the layout may need to be amended should the investigations locate the mine entries and their actual positions differ from their recorded positions.

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>

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. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

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.

It is recommended that conditions are imposed on any consent granted for the development to ensure that the intrusive site investigations noted as being necessary in the Coal Mining Risk Assessment are implemented on site. A condition should also require, based on the findings of these works, appropriate remedial works and any mitigation measures, which should include the fencing of the mine entries and their calculated zones of influence, deemed necessary. Subject to the imposition of relevant conditions we have **no objection** to the scheme proposed.

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

Yours sincerely



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.