



# Dean Moor Solar Farm

## ~~Draft~~ Statement of Common Ground with the Mining Remediation Authority

on behalf of **FVS Dean Moor Limited**

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**DEAN MOOR SOLAR FARM**  
**~~DRAFT~~ STATEMENT OF COMMON GROUND WITH THE MINING**  
**REMEDiation AUTHORITY**  
**PLANNING INSPECTORATE REFERENCE EN010155**  
**PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

The Infrastructure Planning (Applications: Prescribed Forms  
and Procedure) Regulations 2009 5(2)(Q)

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# 1 Introduction

## 1.1 Status of the Statement of Common Ground

1.1.1 This ~~draft~~ Statement of Common Ground ('~~d~~SoCG') has been produced for FVS Dean Moor Limited ('the Applicant') to support the application for a Development Consent Order (the 'DCO application') to the Secretary of State for Energy Security and Net Zero ('SoS') for Dean Moor Solar Farm ('the Proposed Development') located between the villages of Gilgarran and Branthwaite in West Cumbria (the 'Site'), which is situated within the administrative area of Cumberland Council ('the Council').

1.1.2 This ~~d~~SoCG has been prepared by (1) the Applicant and (2) Mining Remediation Authority (MRA) (~~previously known as~~ trading name of the Coal Authority). It is agreed that this ~~d~~SoCG is an accurate description of the matters raised by the MRA and the current status of each matter. A high-level overview of the engagement undertaken since September 2023 is summarised in section 3.

## 1.2 Purpose of this document

1.2.1 The ~~d~~SoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, ~~and where agreement has not (yet) been reached~~. In the planning process, SoCGs are an established means of allowing all parties to identify and focus on specific matters that may need to be addressed during the Examination. This ~~ise~~ ~~d~~SoCG is ~~a 'live' document that will be updated by the parties as matters progress~~ the final version of this document, and has been signed by both parties at page 9.

## 1.3 Terminology

1.3.1 In the matters tables in Section 2 of this ~~d~~SoCG, '*Matter agreed*' indicates where issues are resolved. '*Matter under discussion*' ~~indicates where points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties and~~ '*Matter not agreed*' ~~indicates agreement on the matter could not be reached following significant engagement.~~

## 2 Current Position

### 2.1 Position of the Applicant and the Mining Remediation Authority

- 2.1.1 The Applicant and the MRA have had positive engagement to-date, the outcomes of which are discussed in Table 2.1 below, with the history of engagement logged in Table 3.1.
- 2.1.2 The engagement between the Applicant and the MRA has primarily focused on the legacy of coal mining within the Site and the assessment of geo-environmental hazards within the application's Environmental Statement (ES).
- 2.1.3 This positive engagement has meant the Works Plans [APP-007] have been designed to be sensitive to the known locations of coal mine entries through the application of exclusion areas, and commitments to further investigation and additional mitigation (if required) for those areas which are not excluded, as secured through control documents informed by engagement with the MRA, which will inform the detailed design.
- 2.1.4 The Applicant and the MRA have also engaged on the need to obtain the appropriate permits from the MRA for relevant ground investigations.
- 2.1.5 The shared position set out below within Table 2.1 '*Matters agreed*' is the agreed position. ~~However, the wording may be refined following further engagement between the parties and these updates will be presented in the next version of this dSoCG.~~

## 2.2 Matters agreed

2.2.1 Table 2.1 below details the matters agreed with MRA.

**Table 2.1 Matters agreed**

Ref	Topic	Shared position	Application Ref
MRA1	Desk-based Coal Mining Hazard Assessment (CMHA)	<p>The MRA have supported the Applicant's provision of a Desk-Based Coal Mining Hazard Assessment within the application.</p> <p>It is agreed that the approach and methodology undertaken in the CMHA conforms to industry standards and best practice guidance and forms a suitable baseline for the consideration of further ground investigations and / or mitigations that may be required to ensure the safety of the Proposed Development.</p>	<p>ES Ch10 - Ground Conditions <a href="#">[APP-041]</a></p> <p>ES Appendix 10.2 - Coal Mining Hazard Assessment <a href="#">[APP-171]</a></p>
MRA2	Approach to post-consent ground investigations and mitigation	<p>The Applicant has proposed an appropriate scope ground investigation to be undertaken post-consent, as recommended by the Phase 1 Ground Conditions Assessment (GCA).</p> <p>The ground investigation would investigate and characterise near-surface soils and ascertain the location of historical mine entries to inform the detailed design of the Proposed Development, with any remediation required for risks that cannot be designed-out, and any further mitigation, to be detailed within the Construction Environmental Management Plan (CEMP). This approach is secured through section 11 of the OCEMP, which in turn is secured by a DCO Requirement. The mitigation measures within the final CEMP will be informed by the outcome of these ground investigations, the scope and outcomes of which will be informed by further engagement with the MRA prior to a CEMP being finalised.</p> <p>The approach to ground investigation aligns with the MRA's expectations, which is accepted in principle, with the full acceptance of the MRA to depend on the Applicant's design of (scope and methodology) of the pre-commencement ground investigations, and the acceptability of any mitigation measures based on these outcomes, all of which may be subject to secondary permits from the MRA.</p>	<p>ES Ch10 - Ground conditions <a href="#">[APP-041]</a></p> <p>ES Appx 10.1 Phase 1 Ground Conditions Assessment <a href="#">[APP-169]</a></p> <p>ES Appx 5.1 Outline Construction Environmental Management Plan <a href="#">[APP-108]</a></p> <p>Draft Development Consent Order <a href="#">[APP-012]</a></p>
MRA3	Approach to	It has been agreed that subject to compliance with section 11 of the OCEMP, and the final	ES Ch 10 Ground Conditions

Ref	Topic	Shared position	Application Ref
	coal mine entry hazards	<p>CEMP being informed by engagement with the MRA (as required by the DCO), that risks associated with the presence of historic coal mine entries will be confirmed and addressed through exclusions and/or mitigation measures to be agreed <u>withby</u> the MRA.:</p> <p>It is agreed that the OCEMP establishes that, during construction, the CEMP will be kept under review and updated where necessary, and environmental records will be kept up to date, and where necessary key stakeholders will be engaged with. Should unrecorded coal mine features be identified during construction, the requirements of the Health and Safety Executive would apply.</p> <p>Following the implementation of the Proposed Development in accordance with the final CEMP, it is agreed that risks will have been appropriately designed-out, or that remediation would <u>be</u> undertaken, in advance of the Proposed Development's operational phase.</p> <p>For any ongoing mitigation measures to address any residual risks during the operational phase, it is agreed that these can be set out in the Operational Management Plan (OMP). It is also accepted that in undertaking any operations and maintenance (O&amp;M) activities at the Site, all health and safety and environmental regulations will have to be complied with, including seeking any additional permits from the MRA for works for which a permit would be required.</p>	<p><a href="#">[APP-041]</a></p> <p>ES Appx 10.2 - Coal Mining Hazard Assessment <a href="#">[APP-171]</a></p> <p>ES Appx 5.1 Outline Construction Environmental Management Plan <a href="#">[APP-108]</a></p> <p>ES Appx 3.1 Outline Operational Management Plan <a href="#">[APP-107]</a></p> <p>Draft Development Consent Order <a href="#">[APP-012]</a></p>
MRA4	Approach to coal mine entry buffers	<p>It is agreed that a commitment to a 50m exclusion zone from historic mine entries as mapped in the CMHA Figure 4.1 is an appropriate design control against hazards that may be associated with the potential historic mine entry locations.</p> <p>It is also agreed that through ground investigations, undertaken following the <u>granting approval</u> of the MRA permitting process, some forms of development within these areas may be deemed acceptable depending on the nature of the development and the methodology associated with its implementation and management.</p> <p>It is agreed that the commitment to 50m exclusion zones, and approach to securing these investigations and subsequent mitigation pathways, as established via the OCEMP and the associated DCO Requirement, forms an appropriate means by which to manage the risk posed by the historic mine entries and the potential for development within the 50m zones.</p>	<p>ES Ch10 Ground Conditions <a href="#">[APP-041]</a></p> <p>ES Appx 10.2 - Coal Mining Hazard Assessment <a href="#">[APP-171]</a></p> <p>ES Appx 5.1 Outline Construction Environmental Management Plan <a href="#">[APP-108]</a></p> <p>Draft Development Consent Order <a href="#">[APP-012]</a></p>

Ref	Topic	Shared position	Application Ref
MRA5	Approach to mine gas risks	<p>Mine gases emanating from historical workings beneath the Site are identified as a potential hazard in the Phase 1 GCA and are also discussed in the CMHA. This hazard would only apply to entry into confined spaces during construction and the operational phase where structures with enclosed spaces are present (<u>assuming no other existing receptors exist within 50m of drilling / remedial operations</u>). As a general principle, risk associated with working in confined spaces from mine gas would be prevented by avoiding locating buildings or undertaking construction in the vicinity of the risk.</p> <p>In the event that this is not possible, or should any residual risks be identified, the ground investigations recommended in the CMHA will be undertaken post-consent with the results of the investigations used to refine the design, (i.e., embedded mitigation by design), including a coal mining gas risk assessment following the guidance provided in CL:AIRE, 2021, Good Practice for Risk Assessment for Coal Mine Gas Emissions, as outlined in the OCEMP. The approach set out in section 11 of the OCEMP aligns with best practice and is considered appropriate to address this risk.</p>	<p>ES Ch10 Ground Conditions <a href="#">[APP-041]</a></p> <p>ES Appx 10.2 Coal Mining Hazards Assessment <a href="#">[APP-171]</a></p> <p>ES Appx 10.1 Phase 1 Ground Conditions Assessment <a href="#">[APP-169]</a></p> <p>ES Appx 5.1 Outline Construction Environmental Management Plan <a href="#">[APP-108]</a></p>
MRA6	Secondary consents	<p>It is agreed that a permit (or permits) will be required from the MRA for ground investigations. This is committed to in section 11 of the OCEMP. It is also agreed that further permits may be required for remediation works that may arise following the initial investigative works.</p> <p>As the nature of the ground investigations will depend on the potential final design with respect to the locations and types/specifications of equipment, it is agreed that it will be appropriate to seek MRA permits as secondary consents for investigations that are targeted to address intended intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes.</p> <p>The Applicant will apply for such permits as necessary and notes the requirement for a permit is subject to the layout, and further preliminary ground investigation to be undertaken post-consent.</p> <p>The requirement for such an investigation to take place is secured in the OCEMP which commits to undertaking these investigations only in accordance with MRA permitting where a permit is required.</p>	<p>Consents and Agreements Position Statement <a href="#">[APP-025]</a></p> <p>ES Appx 5.1 Outline Construction Environmental Management Plan <a href="#">[APP-108]</a></p>



## 2.3 Matters under discussion / not agreed

- 2.3.1 ~~At this stage, the~~The Applicant and the MRA do not consider there to be any matters which are ~~currently~~ under discussion or have not ~~yet~~ been agreed.

## 3 Record of Engagement

### 3.1 Summary of consultation and engagement

- 3.1.1 The table below summarises communication in relation to progressing this ~~e~~SoCG. The Applicant notes that there ~~has~~have been instances of informal communication, such as telephone calls between the parties to discuss updates on the Proposed Development and various ad-hoc queries, which are not set out in the table below.

**Table 3.1 Summary of consultation and engagement with the MRA**

Ref	Date	Engagement Type & Record	Key topics discussed and key outcomes
MRA.A	05.09.2023	MRA's response to the consultation on the EIA Scoping Opinion [APP-097]	<p>The MRA's response provided guidance on the following matters:</p> <ul style="list-style-type: none"> <li>Summarised the MRA's information relevant to the coal mine legacy of the Site;</li> <li>Summarised the issues which should be considered within the ES or supporting Coal Mining Risk Assessment;</li> <li>Outlined support for the submission of a Desk-based Coal Mining Hazard Assessment;</li> <li>Highlighted potential safety issues from buildings within the influencing distances of mine entries and the expectation for the layout to avoid mine entries and their zone of influence;</li> <li>Highlighted the potential for mine gas <u>emissions from at-shallow mining and</u> mine coal features;</li> <li>Highlighted that records indicate surface coal resource is present on the Site;</li> <li>Recommend that, where SuDS are proposed, the implications in relation to stability and public safety risks from the coal mine legacy are considered; and</li> <li>Highlight that any intrusive activities <u>that intercept or have the potential to disturb MRA property</u> require the prior written permission from the MRA.</li> </ul>

Ref	Date	Engagement Type & Record	Key topics discussed and key outcomes
MRA.B	03.04.2024	MRA's response to the statutory consultation	<ul style="list-style-type: none"> <li>Set out the expectation that, where mine entries are present, the layout <del>of panels</del> avoids panels or structures within their zones of influence;</li> <li>Requested that the location of the mine entries is identified through intrusive works, or position review from source data, and areas of potential instability fenced off to protect public safety;</li> <li>Re-stated the MRA's policy that building over <u>or within</u> the influencing distance of a mine entry should be avoided; and</li> <li>Highlighted the potential for mine gas where coal mine features exist at a shallow depth.</li> </ul>
MRA.C	06.12.2024	Meeting to discuss the Applicant's approach to securing ground investigation	<ul style="list-style-type: none"> <li>The Applicant explained the layout relative to mining or coal-related features and how the layout might change post-consent to respond to the additional ground investigation <u>findings work</u>.</li> <li>The Applicant explained the general approach to mitigate risk from coal mining hazards, which would <u>require intrusive ground works and</u> avoid placing buildings <del>which would require intrusive ground works</del>, such as the proposed substation (Work No. 2) in locations where former mine entries, or shallow workings, are potentially located.</li> <li>The Applicant explained that the proposed Work Numbers are within areas where historic mine entries may be present. On this basis, the Applicant would have the ability to establish solar arrays and associated structures, similar to shipping containers, <u>provided it is operationally safe to do so</u>, within the areas where these risks are present. However, no construction could be undertaken prior to an investigation and if necessary remediation, to be agreed by a separate permit. Any residual risks would be captured within the CEMP.</li> <li>Discussions of secondary consents. The Applicant proposed to include the requirements to undertake further investigation and remediation with the Coal Authority within the CEMP. The investigation, remediation and any mitigation requirements associated with residual risks would be agreed with the MRA through a separate permit.</li> <li>The MRA confirmed they were satisfied with the overall approach, subject to reviewing the DCO and OCEMP.</li> <li>The MRA raised the need to capture residual risks coming from the permit, including fencing off areas where entries are present. The Applicant agreed that the OCEMP and OMP would identify areas where residual risks are present and the arrangements that would be in place to ensure the safety of construction workers. In general, the Applicant proposed that areas where risks are present would be fenced off during construction and</li> </ul>

Ref	Date	Engagement Type & Record	Key topics discussed and key outcomes
			fencing would only be provided in operation in situations on the <del>periphery of the</del> Site where public access is possible.

## 4 Signatures

4.1.1 This Statement of Common Ground is agreed upon:

On behalf of the Mining Remediation Authority:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date: