

For the Attention of: The Planning Inspectorate

**By Email**

22 September 2020

Dear Sir or Madam

**PLANNING APPLICATION: DNS/3227364**

**Development of national significance - proposed installation of a ground mounted photovoltaic solar farm development, including proposed cable route; land east of the A48 and land south west of Tycroes, Carmarthenshire**

Thank you for your consultation letter of 2 September 2020 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**

The site falls within the defined Development High Risk Area.

The Coal Authority information indicates that within the site and surrounding area there are coal mining features and hazards, which will need to be considered in relation to the determination of any planning application, specifically probable shallow coal mine workings associated with thick coal seam outcrops and recorded mine entries.

The applicant has submitted a Technical Note (dated 25 March 2020) in support of the development proposals. The content of the Technical Note seeks to address our previous concerns in relation to the recorded mine entries, as we confirmed previously that the supporting desk-based Coal Mining Risk Assessment was able to discount any significant risks to ground stability posed by potential shallow coalmine workings.

In reference to shaft 257209-001, we note that the proposed panel layout now takes into account the conjectured position of the shaft, its departure for plotting area and its respective zone of influence. Whilst no investigation of the shaft is proposed, the Coal Authority is satisfied that such appropriate mitigatory measures could be ensured by way of a suitable condition on any planning permission to prevent access and to safeguard public safety.

In terms of the two shafts along the cable route (258209-003 & 258209-004), we note that the content of the Technical Note is able to confirm that the proposed cable run lies completely outside the zone of influence of shaft 258209-003, but that the only viable position for the cable run is within proximity of shaft 258209-004. Consequently, and having considered both the justification made and that the

investigation/remediation of the shaft is now proposed, the Coal Authority is satisfied, subject to the imposition of a suitable planning condition.

#### The Coal Authority Recommendation to the LPA

##### Mine Shaft 258209-004

The Coal Authority concurs with the recommendations of the Technical Note (25 March 2020, prepared by Yellow Sub Geo Ltd); that Mine Shaft 258209-004, which is potentially located within the site poses a risk to both public safety and the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding it.

The Coal Authority recommends that a Planning Condition should be imposed, should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- \* The undertaking of an appropriate scheme of intrusive site investigations for the mine entry;
- \* The submission of a report of findings arising from the intrusive site investigations;
- \* The submission of a scheme of remedial works for approval; and
- \* Implementation of those remedial works.

##### Mine Shaft 257209-001

It is recommended that an additional Planning Condition is imposed to secure the submission of a proposed mine shaft remediation scheme for approval. This could include the details of mitigation to prevent public access to land within the calculated zone of influence of the shaft.

The Coal Authority therefore **has no objection** to the proposed development **subject to the imposition of the conditions to secure the above**. *This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.*

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

Yours faithfully

# 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 coal mining 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.*