

Dean Moor Solar Farm – EN010155

FVS Solar

Section 51 Advice Log

Version: 27 March 2025

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (FVS Solar) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

Dean Moor Solar Farm s51 Advice Log - Index	
Date of meeting	Meeting overview
08 January 2025	<ul style="list-style-type: none"> • Update on Submission Date • Lostrigg Solar DCO • Update on external engagement and SoCG's • Programme Document Update
27 March 2025	Adequacy of Consultation Milestone (AoCM) Document feedback

Dean Moor Solar Farm - s51 Advice Library	
Topic	Meeting date: 08 January 2025
Submission Date	The Applicant advised its intended submission date was at the end of March. The Inspectorate advised the applicant to provide an accurate update as soon as possible to assist with its resourcing.
Cumulative Effects	<p>The Applicant stated that it had been engaging regularly with another applicant for a nearby Nationally Significant Infrastructure Project (Lostrigg), immediately to the North of their project, and that the Lostrigg scoping opinion had been used to inform the worst-case scenario for their Environmental Impact Assessment and survey data (particularly regarding surveys and assumptions relating to the assessment of potential landscape, ecology and transport related cumulative effects) had been shared.</p> <p>The Inspectorate advised the Applicant to review recent recommendation reports and Rule 6 letters in respect of NSIPs in the Lincolnshire area that were examined last year, regarding the types of questions asked by the Examining Authorities on the assessment and mitigation of cumulative effects from multiple NSIPs, which could assist with the preparation of the Cumulative Effects chapter of the Environmental Statement and preparation for the examination, should the application be accepted. The Applicant stated that it would be doing this, as it was already monitoring made Development Consent Orders for solar projects in respect of emerging practice or new requirements.</p>
Grid Connection	In answer to questions from the Inspectorate, the Applicant explained that they would seek consent for the new substation owned by ENWL in the DCO and apply for post-decision consents on design on ENWL's behalf.
Design Evolution	The Applicant explained that the project was in general a landscape led design. The Inspectorate pointed to its recent Advice on Good Design and the need for applicants to explain the evolution of the project's design and how it might have been shaped or altered by consultation feedback, topography or mitigation of environmental constraints. The Applicant said it was addressing these points proactively and was expecting to submit a Design Approach Document with its application. However, the Applicant explained that it was not testing its project against design objectives but instead was working within a framework of design principles (as a proportionate approach to its project).

	<p>In answer to a question from the Inspectorate, the Applicant also said that there had been no major changes to the draft Order Limits following statutory consultation. It was confirmed that, minor reductions had been made to remove a small parcel of unregistered land, and land which would not be developed and so no longer formed part of the application.</p> <p>The Inspectorate advised that, as part of the submission of the DCO application, the Applicant should document any departures from regulatory requirements or statutory guidance, clearly explaining the justification for doing so in respect of any specific circumstances caused by their project.</p>
Engagement with Local Authorities and stakeholders	<p>The Applicant stated engagement with Local Authorities had been positive but they were concerned about the authorities' capacity to engage, especially during examination. The Applicant confirmed that it had shared a copy of the draft Development Consent Order with the local authority. A Planning Performance Agreement had been offered to the Cumberland Council but not yet been accepted. The Inspectorate advised the Applicant to pursue any PPAs and constructive dialogue, to help ensure they have appropriate resources and delegated powers in place to provide required documents, such as Local Impact Reports. The Applicant said it had carried out CPD training with relevant Cumberland Council officers, had provided a presentation on the DCO process and the requirements for Council during that progress. The Applicant is looking to progress draft Statements of Common Ground..</p> <p>The Applicant also confirmed that it had shared the draft Development Consent Order with key stakeholders and statutory undertakers potentially impacted by the proposed development.</p>
Topic	Submission date: 21 March 2025
Adequacy of Consultation Milestone (AoCM) Document feedback	<p>The applicant's Adequacy of Consultation Milestone (AOCM) statement has been prepared and submitted having had regard to the government's statutory pre-application stage guidance as well as the Inspectorate's non-statutory 2024 Pre-application Prospectus. Having reviewed the applicant's AOCM statement, the Inspectorate considers that it sets out clearly the applicant's consultation activities undertaken to date, confirms the approaches set out in the applicant's Statement of Community Consultation (SoCC), and summarises the consultation responses and the way in which they are shaping the application. It is also noted that the applicant has explained elements of non-compliance with its SoCC as well as a failure to consult the Scottish Borders</p>

	<p>Council about the proposed development, and the actions the applicant took to remedy these issues: namely, by recontacting certain persons or households within Zone 2 to whom letters about the statutory consultation had failed to reach and extending the statutory consultation period for responses for those persons, and the steps taken to consult the Scottish Borders Council and providing time to receive its response.</p> <p>It is noted, however, that only the host authority, Cumberland Council, was consulted by the applicant on its AOCM statement. It is important that the views and any relevant supporting material about the AOCM is included from all relevant local authorities, where available (it is noted that the AOCM statement lists Westmoreland and Furness Council, Lancaster District Council, North Yorkshire Council and Northumberland Council as other neighbouring district, county and unitary authorities). Additionally, it is unclear in the AOCM statement whether the applicant needed to take any additional approaches to keeping planning officers informed about the proposed development and its pre-application consultation activities at the time Cumberland Council became a unitary authority after April 2023.</p> <p>The applicant provided its AOCM statement to the Planning Inspectorate on Friday 21 March 2025, three working days before the submission of its application for acceptance on Wednesday 26 March 2025. For any future applications, the applicant is respectfully reminded that the AOCM statement should be submitted to the Inspectorate three months before the intended date for submitting the application. While the AOCM is an informal process, the government's guidance explains that it is nonetheless an "important opportunity to check that the pre-application programme is on track, and if it is seriously adrift the Planning Inspectorate will advise the applicant about the steps necessary to enable the application to be submitted having fulfilled the statutory requirements".</p> <p>The Inspectorate's comments on the applicant's AOCM statement are made without prejudice to any decision on whether to accept the application for examination.</p>
--	---