

[REDACTED]

From: Dean Moor Solar
Sent: 03 March 2025 15:08
To: [REDACTED]
Subject: RE: Dean Moor Solar Farm - S42 Consultation

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Mr Legg

Thank you for your correspondence of 28 February 2025 informing the Planning Inspectorate that the applicant for the Dean Moor Solar Farm development consent order project has omitted to consult the Scottish Borders Council (as a neighbouring authority to Cumberland Council) as part of its pre-application statutory consultation stage under s43 of the Planning Act 2008 (the 2008 Act).

As our published [Advice on the Preparation and Submission of Application Documents](#) states, applicants should ensure that their proposals are fully developed and consulted upon before submission. Applicants must ensure that their Nationally Significant Infrastructure Project applications meet all relevant legislation, policy, and guidance to be accepted for examination and to enable the Secretary of State to decide whether to grant development consent. This includes the applicant's consultation duties under ss42-49 of the 2008 Act. The Inspectorate can only confirm whether an application has been accepted for examination after the acceptance stage and having carried out all necessary checks under s55 of the 2008 Act.

We note that you intend to contact the affected Council by today, to inform them of the position. It is recommended that you should obtain written confirmation from the Council, as soon as practicable as to their views on the application and your proposed approach, in view of the impending submission of the application at the end of March. The Council may elect to provide you with its views within a shorter timescale than the standard statutory 28-day timescale for consultation. However, under s45(2) of the 2008 Act it is not possible to set a shorter deadline than the 28-day period (commencing the day on which the person receives the consultation documents). Depending on the Council's response, however, the applicant will need to decide whether it can still submit its application within its current timescale. It will be necessary for the applicant to explain the omission in its Consultation Report, together with what remedy it applied, and how it has considered any views expressed by the Council.

Yours sincerely

Robert Cook



Robert Cook
Case Manager – National Infrastructure
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From: Legg, Jonathan [REDACTED] >
Sent: 28 February 2025 14:52
To: Dean Moor Solar <DeanMoorSolar@planninginspectorate.gov.uk>
Cc: [REDACTED]
[REDACTED]
[REDACTED]

Subject: Dean Moor Solar Farm - S42 Consultation

Good afternoon,

It has come to our attention that in undertaking the s42 consultation for the Dean Moor solar farm DCO application in March 2024 the Scottish Borders Council (SBC) was not consulted. SBC shares a small border with Cumberland Council (the host authority) and therefore qualifies as a 'local authority' under s43(3) of the Planning Act 2008. There is a significant distance between the proposed solar farm site (between the villages of Branthwaite and Gilgarran) and the boundary of Cumberland Council and SBC (approximately 70km), and the Applicant does not consider there would be any impact of the Proposed Development on SBC. This led to an oversight in not consulting SBC.

We intend to contact SBC by Monday to inform them of the position, explaining that they should have been consulted back in 2024 and asking them to confirm that, given the significant distance from the proposed solar farm, the nature of the project and the Applicant's belief that there would not be any impact on the Council, if they are content not to be formally consulted. The Applicant does not believe that SBC would be prejudiced by this approach. The Dean Moor solar farm is a relatively small (in solar NSIP terms) renewable energy project with minimal adverse local impacts and the Applicant considers that there would be no material adverse impacts on SBC. SBC remains able to participate in the examination (if the application is accepted) should it so wish and to raise issues with the ExA, and so remains able to express its views and opinions on the proposed development prior to determination.

The Applicant did consult Dumfries and Galloway Council (also in Scotland) during the S42 consultation, however they did not respond to the consultation.

We should be grateful if you would confirm that the Planning Inspectorate is content with the Applicant's approach outlined above in relation to consultation with SBC.

Kind regards

Jonathan Legg MRTPI
Associate Planner

[REDACTED]
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