



# Dean Moor Solar Farm

## Consultation Report on behalf of FVS Dean Moor Limited

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March 2025  
Prepared by: Alpaca  
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**DEAN MOOR SOLAR FARM**

**CONSULTATION REPORT**

**PLANNING INSPECTORATE REFERENCE EN010155**

**PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

**Regulation: SECTION 37(3)(C) OF THE PLANNING ACT 2008**

**REGULATION 5(2)(Q) OF THE INFRASTRUCTURE PLANNING  
(APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE)  
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## Executive Summary

- E.1. This consultation report (the 'Report') has been prepared by FVS Dean Moor Limited ('the Applicant') to support an application for a Development Consent Order ('DCO') for the Dean Moor Solar Farm ('the Proposed Development'). The Report outlines the consultation activities undertaken in compliance with the Planning Act 2008 and other relevant legislation, ensuring a transparent and inclusive engagement process with stakeholders, local authorities, and the public.
- E.2. The Dean Moor Solar Farm is a proposed nationally significant infrastructure project ('NSIP') with a generating capacity exceeding 50 megawatts ('MW'). It will be located on approximately 276.5 hectares of land between the villages of Gilgarran and Branthwaite in West Cumbria. The development will include solar photovoltaic ('PV') arrays, grid connection infrastructure, and associated green infrastructure. Given its scale, the project requires a DCO, with an application (the 'Application') submitted to the Planning Inspectorate ('the Inspectorate') for consideration by the Secretary of State for Energy Security and Net Zero.
- E.3. The consultation process has included both non-statutory and statutory consultation phases. The minimum timeframe for statutory consultation under section 45(2) of the Planning Act 2008 is 28 days. The Applicant chose to carry out an extended statutory consultation period of 47 days from 11 March 2024 until 26 April 2024. Three community consultation events were held in March 2024. At the start of the consultation phase, a brochure and feedback form were distributed to addresses in the local area and deposited, alongside copies of the Preliminary Environmental Information Report ('PEIR'), at four deposit points surrounding the site.
- E.4. Key consultation activities included:
- **Early Engagement & Non-Statutory Consultation:** Conducted between August and November 2023, this phase involved site visits,

engagement with local authorities, press releases, public exhibitions, and digital outreach via the project website and social media.

- **Environmental Impact Assessment ('EIA') Consultation:** A Scoping Opinion was obtained in September 2023, followed by the publication and consultation on a PEIR during the statutory consultation period.
- **Statement of Community Consultation ('SoCC'):** Developed in consultation with Cumberland Council (the 'Council'), the SoCC set out the framework for public engagement, ensuring accessibility and inclusivity.
- **Statutory Consultation:** Conducted between March and May 2024, including extended deadlines where necessary to 3 May and 16 May, this phase involved formal engagement under sections 42, 45, 46, 47, and 48 of the Planning Act 2008, with targeted outreach to affected landowners, community groups, and statutory consultees.

- E.5. The Applicant engaged with a broad range of stakeholders, including local councils, community groups, environmental organisations, and landowners.
- E.6. Feedback themes included concerns over visual impact, biodiversity, noise, and access, as well as suggestions for community benefits such as infrastructure improvements and renewable energy initiatives.
- E.7. Design modifications were made in response to feedback, including increased vegetation screening and preservation of informal footpaths. Additional public consultation events were also arranged in response to feedback.
- E.8. The consultation process adhered to legislative requirements and best practices, ensuring that all relevant parties had an opportunity to contribute to the project's development.

# 1. Introduction

1.1.1 This chapter is supported by the following appendices:

Appendix	Document
Appendix 1.1	Purpose of the appendices
Appendix 1.2	Structure of the appendices

## 1.2 Purpose of this Report

- 1.2.1 This Report has been prepared the Applicant to accompany the Application for a DCO for Dean Moor Solar Farm ('the Proposed Development').
- 1.2.2 The Applicant is developing the proposed Dean Moor Solar Farm under the Planning Act 2008 ('PA 2008'). This is because its proposed generating capacity exceeds 50 megawatts ('MW'), which means that, under the PA 2008, Dean Moor Solar Farm constitutes an NSIP requiring a DCO.
- 1.2.3 Unlike planning applications, which are considered by local authorities, DCO applications are submitted to the Inspectorate. This independent body administers the application process on behalf of the relevant Secretary of State. In this case, the appropriate government department is the Department for Energy Security and Net Zero.
- 1.2.4 This Report is submitted in accordance with section 37(3)(c) of the PA 2008 which states that a consultation report must be submitted with a DCO application.
- 1.2.5 As per section 37(7) of the PA 2008, the report must cover:
- compliance with statutory consultation requirements (sections 42, 47, and 48 of the PA 2008);
  - details of consultation or publicity responses; and
  - consideration of those responses as per section 49 of the PA 2008.

- 1.2.6 This Report outlines pre-application consultation by the Applicant, ensuring compliance with statutory obligations, including Regulation 12 and Regulation 13<sup>1</sup> of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations'). The Proposed Development is EIA development for the purposes of the EIA Regulations and a PEIR was prepared and consulted on in accordance with Regulation 12. In addition, in accordance with Regulation 13, the relevant consultation bodies were notified of the proposed Application under section 48(1) of the PA 2008. This Report also details how consultation feedback was integrated into the DCO Application.
- 1.2.7 Pre-application activities and Report preparation followed then-Department for Communities and Local Government and the Inspectorate guidance for pre-application consultation.<sup>2</sup> This guidance was withdrawn following the publication of new guidance regarding pre-application consultation on 30 April 2024, partway through the statutory consultation period for the Proposed Development (see Chapter 5 below). Since the guidance changed, the Applicant has sought to ensure adherence to the new guidance regarding pre-application consultation.<sup>3</sup>
- 1.2.8 In preparing this Report, the Applicant has also had regard to the Inspectorate's guidance for Nationally Significant Infrastructure Projects: Advice on the Preparation and Submission of Application Documents<sup>4</sup> and Nationally Significant Infrastructure Projects: Advice on the Consultation Report.<sup>5</sup>

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<sup>1</sup> Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/572)

<sup>2</sup> Department for Communities and Local Government (DCLG) (2015) *Planning Act 2008: Guidance on the pre-application process*. London, UK.

<sup>3</sup> Ministry of Housing, Communities and Local Government (MHCLG) (2024) *Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects*. MHCLG. London, UK.

<sup>4</sup> The Planning Inspectorate (2024) *Guidance: Nationally Significant Infrastructure Projects: Advice on the Preparation and Submission of Application Documents*.

<sup>5</sup> The Planning Inspectorate (2024) *Nationally Significant Infrastructure Projects: Advice on the Consultation Report*.



- 1.2.9 This Report serves as evidence that the Applicant considers all statutory pre-application requirements to have been met and has considered the relevant guidance from the Secretary of State. Further consultation compliance details are provided in Chapter 5.

## **1.3 Relevant Legislation and Guidance**

- 1.3.1 DCOs are governed by a fixed, statutory process which requires applicants to consult widely with a range of individuals, bodies, and groups. The following legislation and guidance has been complied with or considered during the undertaking of the pre-application consultation for Dean Moor Solar Farm, and when compiling this Report:

- Planning Act 2008;
- Data Protection Act 2018;
- the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended);
- the General Data Protection Regulation 2016;
- the Conservation of Habitats and Species Regulations 2017;
- the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009;
- Ministry of Housing, Communities & Local Government Planning Act 2008: guidance on the pre-application process for major infrastructure projects 2013 (as amended; publication was withdrawn on 30 April 2024, following the publication of new guidance regarding pre-application consultation);
- Department for Levelling Up, Housing and Communities Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects 2024 (April 2024; this guidance was published after the end of the non-extended statutory consultation period, but before the conclusion of the extended period on 16 May);
- Planning Inspectorate: Nationally Significant Infrastructure Projects: Advice on the Consultation Report (August 2024);
- Planning Inspectorate: Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation (September 2024); and
- Planning Inspectorate: Nationally Significant Infrastructure Projects: Advice on the Preparation and Submission of Application Documents (August 2024).

## **1.4 The Proposed Development**

- 1.4.1 The Proposed Development comprises the construction, operation, and decommissioning of a solar photovoltaic ('PV') energy generating station with a total capacity exceeding 50 MW comprising solar PV arrays, grid connection infrastructure, associated infrastructure, and green infrastructure.
- 1.4.2 The Proposed Development will be located on approximately 276.5 hectares ('ha') of land between the villages of Gilgarran and Branthwaite in West Cumbria, as shown in the Environmental Statement: Chapter 1 – Figure 1.1 Site Location Plan [REF: 6.1] (the 'Site'). The Proposed Development will be within the Order Limits (the land shown on the Works Plan [REF: 2.3]) within which the Proposed Development can be carried out. The extent of the Site is the same as the Order Limits.

## **1.5 Context of the consultation**

- 1.5.1 The Proposed Development is located in the north-west of England within a primarily rural area of West Cumbria, in the Cockermouth South Ward of the Council. The Proposed Development sits entirely within Dean Parish Council and is surrounded by four primary population centres: Dean village and Branthwaite village to the north-east, Gilgarran village to the west, and Distington to the north-west.
- 1.5.2 The wider Council area contains 136,385 homes, of which 11,359 (8%) are within the four wards surrounding the Proposed Development: Cockermouth South Ward, Cleator Moor East and Frizington Ward, Howgate Ward, and Harrington Ward. 273,244 people live within the Council area, of which 23,723 (9%) live within the four identified wards.
- 1.5.3 The area has an older age profile in comparison to the national average, with a higher proportion of residents aged 65+ and a lower proportion of children and working age residents.

- 1.5.4 The 2021 Census recorded that there are 129,953 residents within the Council area aged 16 and over who are classified as economically active (this includes all people in employment or available to work, for example, the unemployed). Of these residents, 11,114 live within the four identified wards. The occupational profile of residents in employment in the Council area is comparable to the national average and the four identified wards.
- 1.5.5 As part of its engagement activities, the Applicant has engaged with both the host Parish Council ('PC') Dean PC, and the three neighbouring PCs: Distington PC, Arlecdon & Frizington PC, and Winscales PC.
- 1.5.6 Throughout the pre-application stage, the Applicant engaged with a range of stakeholders, including residents, political stakeholders, and community organisations. The Applicant has also sought to engage with a number of hard-to-reach stakeholders, including charities, local neighbourhood groups, disability groups, and community organisations.

## 1.6 Summary of consultation activities

- 1.6.1 This Report provides a detailed account of all the pre-application consultation engagement activities conducted by the Applicant, prior to the submission of the Application for development consent.
- 1.6.2 Table 1 below summarises the consultation activities undertaken by the Applicant, the date when the activities were undertaken, and where further details of those activities may be found within this Report.

**Table 1.1: Summary of consultation activities**

Consultation Activity	Date Undertaken	Chapter
Site visits with landowners and neighbours	Autumn 2023 and Spring 2024	Chapter 2
Engagement with host Local Planning Authority regarding approach to engagement and introducing the Proposed Development	Summer 2023 – Winter 2023	Chapter 2
Project launch to members of the public (including website, press and media activity)	Summer 2023	Chapter 2

Consultation Activity	Date Undertaken	Chapter
Non-statutory consultation	Autumn 2023	Chapter 2
Environmental Impact Assessment consultation	Summer 2023 – Winter 2023	Chapter 3
Statement of Community Consultation development and consultation	Autumn 2023 – Winter 2023	Chapter 4
Statutory consultation	Spring 2024	Chapter 5
Engagement between statutory consultation and application submission	Summer 2024 – March 2025	Chapter 7

## 1.7 Structure of this Report

1.7.1 This Report is organised in chronological order with regard to the pre-application engagement and subsequent non-statutory, statutory, and ancillary consultation activities which the Applicant has carried out in relation to the Proposed Development.

1.7.2 The Report has been organised into thematic chapters, the structure and contents of which may be found below:

- **Executive Summary**
- **Chapter 1: Introduction** – provides an introduction to the Report.
- **Chapter 2: Early Engagement and Non-Statutory Consultation** – provides a summary of the meaningful engagement between project launch and statutory consultation, including project launch, stakeholder briefings, and the non-statutory consultation held between 3 October and 3 November 2023.
- **Chapter 3: Environmental Impact Assessment (EIA) Consultation** – provides an overview of the consultation and engagement activities undertaken with regard to the Environmental Impact Assessment ('EIA') process. The request for a Scoping Opinion was submitted on 7th August 2023, and the Scoping Opinion was adopted on 14th September 2023; further consultation was held on the PEIR during the statutory consultation period held between 11 March – 26 April 2024 (extended where required to 3 May and 16 May 2024).
- **Chapter 4: Statement of Community Consultation ('SoCC')** – provides details of the development of the SoCC in advance of the statutory consultation.

- **Chapter 5: Statutory Consultation** - reports on the activities undertaken with regard to the statutory consultation held between 11 March – 26 April 2024 in accordance with the SoCC and the requirements of sections 42, 47 and 48 of the PA 2008. This includes details of how prescribed consultees, persons with an interest in the land ('PILs') and members of the public were consulted. As part of the statutory consultation, site notices were placed on site for unregistered land parcels. Owing to an error in posting of s47 notices, extensions of the consultation period were granted, to 3 May and 16 May where required.
- **Chapter 6: Summary of responses received to statutory consultation** – provides a summary of feedback received in response to the statutory consultation, explaining how the Applicant has had regard to this feedback in accordance with section 49 of the PA 2008. This includes a summary of key changes made to the Proposed Development's design following the consultation, and why the changes were made.
- **Chapter 7: Further/Ongoing Engagement** - provides a summary of the meaningful engagement between statutory consultation and the submission of the development consent Application. This will include title refreshes of the HM Land Registry data and newly revealed landowner engagement via a land interest questionnaire.
- **Chapter 8: Conclusions** – sets out the conclusions of this Report and how the Applicant has undertaken a comprehensive and proportionate approach to pre-application consultation and engagement.

## 1.8 Data protection

- 1.8.1 The Applicant is aware that the Report will be published on the National Infrastructure Planning website (as per the Inspectorate's Nationally Significant Infrastructure Projects: Advice on the Consultation Report guidance)<sup>6</sup>.
- 1.8.2 The Applicant must ensure that it complies with the Data Protection Act 2018, which came into force on 25 May 2018 following the introduction of the General Data Protection Regulation in 2016.

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<sup>6</sup> The Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: Advice on the Consultation Report.

- 1.8.3 The Applicant has therefore avoided the inclusion of personal data relating to individuals.
- 1.8.4 Information such as individuals' names and addresses has been replaced by a number for each consultee.
- 1.8.5 Personal details in this Report have been handled responsibly and where necessary redacted to ensure that the Applicant complies with the requirements of the Data Protection Act 2018 in the production and publication of this Report.

### **Privacy Policy**

- 1.8.6 The privacy policy was linked on the project website:  
<https://www.deanmoorsolarfarm.com/privacy-policy>.

## 2. Early engagement and non-statutory consultation

2.1.1 This chapter is supported by the following appendices:

Appendix	Document
Appendix 2.1	Project launch press release
Appendix 2.2	Evidence of publication of project launch press release
Appendix 2.3	Project launch information letter
Appendix 2.4	Primary consultation zone
Appendix 2.5	Stakeholder correspondence list
Appendix 2.6	Correspondence sent out as part of project launch
Appendix 2.7	Presentations to ward councillor
Appendix 2.8	January 2024 presentation to Distington Parish Council
Appendix 2.9	Non-statutory consultation booklet
Appendix 2.10	Example of stakeholder invitations to project briefings and introduction to project
Appendix 2.11	Non-statutory consultation feedback form
Appendix 2.12	Non-statutory consultation exhibition boards
Appendix 2.13	Images from non-statutory public consultation events
Appendix 2.14	Non-statutory consultation webinar slides
Appendix 2.15	Press release sent ahead of non-statutory consultation
Appendix 2.16	Non-statutory consultation Meta Facebook/Instagram adverts
Appendix 2.17	Non-statutory consultation Meta Facebook/Instagram consultation zone
Appendix 2.18	Example of invitations to local groups and organisations
Appendix 2.19	December 2023 presentation to Cumberland Council Climate and Nature Advisory Group

## 2.2 Introduction

2.2.1 The Applicant had regard to the following guidance, in order to engage early and often with consultees to provide them with many opportunities to influence the design of the proposal:

- Department for Communities and Local Government Planning Act 2008: Guidance on the pre-application process<sup>7</sup> (this guidance was withdrawn on 30 April 2024 following the conclusion of the statutory consultation); and

<sup>7</sup> DCLG (2015) *Planning Act 2008: Guidance on the pre-application process*. London, UK.

- Ministry of Housing, Communities & Local Government Planning Act 2008: guidance on the pre-application process for major infrastructure projects 2013.<sup>8</sup>

- 2.2.2 This chapter of the Report summarises the approach that the Applicant has taken to introduce the Proposed Development to the public, and all additional meaningful engagements and communications before the statutory consultation period. It summarises the parties involved in early engagement, the information provided, the process taken and the outcomes of that early engagement.
- 2.2.3 During this early engagement stage of the process, the Applicant sought to ensure a variety of inputs were heard from different local groups with an interest in the area, in relation to the Proposed Development. The Applicant engaged with these groups initially so that technical knowledge and local advice could be incorporated into the design of the Proposed Development. These stakeholders included local interest groups, elected representatives and local councils.
- 2.2.4 The regular engagement with these local stakeholders provided the opportunity to seek their input and feedback at different stages of the Proposed Development's design process, as a result the Applicant was also able to provide regular briefings and updates prior to the first statutory consultation event in March 2024.
- 2.2.5 Early engagement began in August 2023 and was targeted at local communities and stakeholders. The non-statutory consultation began on 3 October 2023 and ran for 31 days, to 3 November 2023.
- 2.2.6 An early draft of the SoCC was prepared in September 2023 ('early draft SoCC') (appendix 4.1 of this Report) which helped inform the approach to

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<sup>8</sup> Ministry of Housing, Communities and Local Government (MHCLG) (2024) *Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects*. MHCLG. London, UK.



the non-statutory consultation. As the early draft SoCC related to the non-statutory consultation, its preparation was not a requirement.

2.2.7 Table 2.1 below demonstrates the steps taken by the Applicant during the non-statutory consultation.

**Table 2.1: Overview of early engagement and non-statutory consultation**

Step	Date
Press release announcing the consultation issued to local media (appendix 2.1 of this Report)	04/08/2023
Consultation leaflet posted to the local community (appendix 2.9 of this Report)	03/10/2023
Launch of the non-statutory consultation	03/10/2023
In-person public consultation event (Dean Kirkstile Hall)	17/10/2023
In-person public consultation event (Hunday Manor)	18/10/2023
Virtual consultation event (appendix 2.14 of this Report)	19/10/2023
Virtual consultation event (appendix 2.14 of this Report)	30/10/2023
End of non-statutory consultation period	03/11/2023

2.2.8 The Applicant also engaged in meetings with other statutory bodies throughout the programme of consultation. The Applicant followed the design principles outlined in section 4.2 of the Design Approach Document **[REF: 5.8]**:

- PE.3 - Embed principles of meaningful consultation (including accessibility and inclusivity) across all aspects of the Proposed Development so as to positively influence design, delivery (construction), and operations.
- V.2 - Smart engagement with stakeholders that sets reasonable expectations of the Proposed Development grounded in what can be tangibly delivered.

2.2.9 Where the meetings have included key points of agreement or have informed the approach within the Application, these are appended to the Environmental Statement (ES) **[REF: 6.1]**. The ways in which the

engagement has influenced the design evolution and response is set out in Section 5 of the DAD – Design Evolution, and section 6 – Proposed Development Design Review [REF: 5.8]. In most of these meetings, the Applicant provided an update on any changes to the project to provide an accurate picture of what is proposed, and an update on the programme. The Applicant also prepared minutes to reach written agreement on what was discussed. The position will be formalised within statements of common ground ('SoCGs') that will be prepared with key stakeholders in the pre-Examination stage.

2.2.10 The record of the meetings held with statutory stakeholders are outlined in the following tables:

- table 2.2: meetings conducted during pre-scoping period;
- table 2.5: meetings conducted during the pre-PEIR period; and
- table 5.2: meetings conducting following the PEIR.

2.2.11 Table 2.2 may be found below.

**Table 2.2: Meetings held with statutory stakeholders during the pre-scoping period.**

Stakeholder	Meeting Purpose	Date
The Inspectorate	Online inception meeting	09/02/2023
The Council	Introductory meeting to discuss proposals	22/02/2023
National Highways	Transport scoping meeting (1)	18/03/2023
National Highways	Transport scoping meeting (2)	09/06/2023
The Inspectorate	Introductions / discussion of engagement / proposals / public consultation	20/06/2023
The Council (LPA)	Project update meeting / collaborative working / Planning Performance Agreements ('PPA') / DCO Continuing Professional Development ('CPD')	30/06/2023

## **2.3 Site visits with landowners and neighbours**

- 2.3.1 The Applicant has visited the Site to meet with the landowner to discuss the Proposed Development in September 2023, during the non-statutory consultation on 17 October 2023, ahead of the statutory consultation on 22 February 2024, and during the statutory consultation on 19 March 2024. The Applicant has also met with residents of adjacent properties to discuss the Proposed Development.
- 2.3.2 Site visits have also been taken by the relevant specialists for the purpose of surveys which have informed the ES [REF: 6.1].

## **2.4 Engagement with Local Planning Authorities ('LPAs')**

- 2.4.1 The Applicant has sought regular engagement with the Council on the Proposed Development. This has included:
- discussing the environmental effects associated with the Proposed Development, and how these effects will be avoided or mitigated;
  - discussion of delivering enhancements, including the Council's expectations and likely requirements for mitigation and enhancements;
  - meetings and email correspondence to discuss the approach to cumulative assessment within the ES [REF: 6.1], and to confirm the long list of identified potential cumulative schemes;
  - a meeting to discuss the PEIR, the Council's statutory consultation response, and other relevant statutory consultation responses; and
  - engagement with the relevant constituent bodies of the Council to discuss the Proposed Development between the non-statutory consultation period and the statutory consultation. This engagement has included meetings to discuss the scope of the EIA for the PEIR stage. These bodies include:
    - The Local Planning Authority;
    - The Lead Local Flood Authority;
    - The Local Highways Authority;
    - The County Archaeologist;
    - The Environmental Health Officer; and
    - The Minerals and Waste Authority.

## 2.5 Project website

2.5.1 In order to provide the public, stakeholders, and members of the local community with relevant information regarding the Proposed Development, a project website was launched on 3 August 2023. The website contained information regarding:

- an overview of the proposals for the Proposed Development;
- indicative timeline for the Proposed Development;
- a summary of project benefits, both environmental and for the community;
- an outline of the consultation process, including both non-statutory and statutory consultations;
- Frequently Asked Questions;
- a documents page, with downloadable copies of the consultation documents; and
- contact details for the project team.

2.5.2 The website has been continually updated as preparation for the Proposed Development has progressed, with the following changes being made:

- it was updated after the non-statutory consultation event with a recording of the webinar, consultation event boards and information regarding timings of the statutory consultation events;
- it was updated again at the start of the statutory consultation period, to include PEIR documents for download and details of the statutory consultation events;
- it was updated again following the statutory consultation events with recordings of the webinar events and consultation event boards;
- it was updated following the end of the statutory consultation period to inform about the end of the statutory consultation; and
- it was last updated in advance of the Application submission.

2.5.3 The website may be found at the URL here:  
[www.deanmoorsolarfarm.com](http://www.deanmoorsolarfarm.com).

## **2.6 Local press and media**

2.6.1 To inform the renewables industry and the local community of the Proposed Development, a press release was issued to the publications listed below on 4 August 2023:

- BBC Radio Cumbria;
- ITV Granada;
- BBC Northwest;
- ITV News Central;
- News and Star;
- Cumbria Crack;
- Cumbria Live;
- Times and Star (West Cumberland);
- The Cumberland News; and
- Whitehaven News.

2.6.2 A copy of the press release is available at appendix 2.1 of this Report. The press release provides the following information:

- an overview of the Proposed Development;
- the policy context and need for solar energy generating stations;
- details of the intended engagement periods; and
- contact details for the project team.

2.6.3 The press release was published on dates between 28 February and 6 March by the following industry publications: Solar Power Portal, renews.biz, and Renewables Now. Copies of these online publications are available in appendix 2.2 of this Report.

2.6.4 Local media outlets including Times and Star, Cumbria Crack, and the News and Star also picked up the press release and published it between 28 February and 6 March. Evidence of these online publications is available in appendix 2.2 of this Report.

## **2.7 Project launch documents**

- 2.7.1 As part of the project launch, a number of documents were produced and circulated to inform nearby stakeholders of the proposals. These documents and outreach are listed below.

### **Project launch information letter**

- 2.7.2 A project launch information letter was produced and circulated to households within the preliminary Zone 1 outlined in the draft SoCC, as well as a variant which was circulated to the closest identified residential households. Both versions of the information letter may be found at appendix 2.3 of this Report, while the preliminary Zone 1 may be found at appendix 2.4 of this Report. The early draft SoCC may be found at appendix 4.1 of this Report.

### **Introductory correspondence to political stakeholders**

- 2.7.3 Introductory letters were also sent out by email to political stakeholders on 4 August 2023, with an invitation to meet with the team to discuss the proposals. The invitation included a copy of the project launch information letter. A list of stakeholders emailed may be found at appendix 2.5 of this Report. A template of this introductory email may be found at appendix 2.6 of this Report.

## **2.8 Local member briefings**

- 2.8.1 On 23 August 2023 the Applicant met with local ward councillor. An overview of the proposals, the aims and benefits of the Proposed Development and details of public engagement were all discussed. The presentation given may be found in appendix 2.7 of this Report.
- 2.8.2 The Applicant met again with this councillor on 15 May 2024, following the end of the statutory consultation period. This meeting gave an updated overview of the proposals, as well as feedback from the statutory

consultation. This updated presentation may also be found at appendix 2.7 of this Report.

- 2.8.3 The Applicant joined the PC meeting for Dean PC on 6 November 2023, and the PC meeting for Distington PC on 9 January 2024, following the non-statutory consultation and in advance of the statutory consultation period. Both PCs were provided with an update of the Applicant's proposals, including the intended dates of the statutory consultation, and feedback from the non-statutory consultation. This presentation may be found in appendix 2.8 of this Report.

## **2.9 Non-statutory consultation period and engagement**

- 2.9.1 The non-statutory consultation began on 3 October 2023 and ran for 31 days to 3 November 2023.

### **Consultation documents**

- 2.9.2 A range of consultation documents was produced and provided as part of the non-statutory consultation. These documents may be found in appendix 2 of this Report. These documents were produced to ensure anyone interested in the Proposed Development could have a clear understanding of the proposals, its potential benefits and effects, and how to provide feedback, ahead of the statutory consultation in Spring 2024.

- 2.9.3 The documents produced are listed below.

### **Consultation booklet**

- 2.9.4 A non-statutory consultation booklet (appendix 2.9 of this Report) was produced as the primary consultation document for those with an interest in the Proposed Development. Copies of the consultation booklet were made available at the public consultation events, online for viewing, and free to request from the project team.

2.9.5 A copy of the consultation booklet was also circulated to all households identified within Zone 1 of the draft SoCC (appendix 2.4 of this Report). The Applicant also sent emails to host PC clerks, as well as political stakeholders, with a copy of the consultation booklet (examples of this outreach may be found in appendix 2.18 of this Report).

2.9.6 The consultation booklet was written in plain English and contained information on the following topics:

- a summary of the Proposed Development;
- an indicative timeline of the consultation activities, including the non-statutory and statutory events;
- direction to where consultation materials were available;
- how to respond to the non-statutory consultation;
- how to get in touch with the project team; and
- deadline for submitting responses to the consultation.

### **Feedback Form**

2.9.7 A feedback form was also produced as part of the consultation booklet, to collect feedback on the Proposed Development during the consultation period (appendix 2.11 of this Report).

2.9.8 Three questions were asked as part of the feedback form, none of which were mandatory to respond to. The following questions were asked:

- 1. What are your early thoughts on the principle of developing Dean Moor Solar Farm in this location? [In favour / not in favour / undecided]*
- 2. Please let us know any initial thoughts about the proposed site, the local environment, access considerations or other technical points that you feel we should be taking into account as we develop the proposals.*
- 3. We'd like to understand where we may be able to bring local benefit to the communities around the site. Please let us know if you had any thoughts or suggestions on this.*

2.9.9 The feedback form was available on the project website and in hard copy and it included details of a freepost return address (FREEPOST: DEAN



MOOR SOLAR FARM) where hard copies could be sent to the Project Team.

### Consultation events

- 2.9.10 A mixture of in-person and virtual consultation events were held as part of the non-statutory consultation, to enable potential attendees the flexibility of how and when they would like to attend.

### In-person consultation events

- 2.9.11 Two in-person consultation events were held as drop-in sessions during the consultation period, allowing attendees to attend when preferred. Table 2.3 below provides the locations and times of the in-person consultation events.

**Table 2.3: Non-statutory consultation events (in-person)**

Date	Location	Time
17/10/23	Dean Kirkstile Hall, Dean, Workington, CA14 4TH	14.00-19.00
18/10/23	Hunday Manor, Workington, CA14 4JF	14.00-19.00

- 2.9.12 These events offered residents, landowners, elected officials, and other stakeholders the opportunity to find out more about the Proposed Development and speak to members of the project team.
- 2.9.13 The in-person events were held at accessible venues in both Zone 1 and Zone 2 as identified in the early draft SoCC (appendix 4.1 of this Report), in as close proximity as was practicable to the four primary population centres of Dean village, Branthwaite village, Gilgarran village, and Distington.
- 2.9.14 As part of the consultation events, a total of 14 exhibition boards were produced, which followed the same structure and content as the consultation booklet. A copy of the exhibition boards may be found in appendix 2.12 of this Report.

- 2.9.15 Across the two events, there were a total of 37 attendees. Images of the event set-up can be found in appendix 2.13 of this Report.

### **Virtual consultation webinars**

- 2.9.16 Two virtual webinars were also held during the non-statutory consultation period, providing those who were unable to attend the in-person events the opportunity to view details of the Proposed Development and speak to members of the project team. Table 2.4 below provides details of the dates and times of the webinars.

**Table 2.4: Non-statutory consultation events (webinars)**

Date	Time
19/10/23	18.00-19.00
30/10/23	18.00-19.00

- 2.9.17 Hosting online webinars allowed the Applicant to reach people with limited mobility and those outside of the primary consultation zones. The webinars were held after the in-person events and following the October school holidays, to allow for greater attendance and for attendees from the in-person events to attend with any further questions.
- 2.9.18 The webinars followed a presentation and question and answer format, to allow the provision of information and a subsequent discussion. A copy of the presentation given may be found in appendix 2.14 of this Report.
- 2.9.19 In total, 10 people registered to attend the webinars, with 10 attending across both webinars.
- 2.9.20 The first webinar was recorded to enable those who were unable to attend the opportunity to view the recording. The recording was made available on the project website, at [www.deanmoorsolarfarm.com/public-consultation](http://www.deanmoorsolarfarm.com/public-consultation).

## **Presentation**

2.9.21 A presentation was used during the public webinar, and covered the following topics:

- about the Applicant, FVS Dean Moor Ltd;
- introduction to the Proposed Development and potential benefits;
- NSIP planning process and timeline;
- community benefit proposals; and
- construction traffic.

2.9.22 A copy of the presentation may be found in appendix 2.14 of this Report.

## **Advertising and publicity of the consultation**

2.9.23 As outlined in the draft SoCC, the Applicant identified numerous methods by which to advertise the consultation.

2.9.24 On 3 October 2023, consultation booklets and feedback forms were distributed to all residences and businesses within the consultation Zone 1 as per the early draft SoCC. Further letters were sent to key consultees, PCs, local interest groups, and technical consultees via email.

2.9.25 Invitations for project briefings were sent to all local political stakeholders, including ward councillors, Council leadership, MPs, and PCs on 3 October 2023 (an example of this invitation can be found in appendix 2.10 of this Report).

2.9.26 In accordance with the draft SoCC, press releases were sent to local and national media outlets on the 11 October 2023, to the following news outlets (appendix 2.15 of this Report):

- BBC Radio Cumbria;
- ITV Granada;
- BBC Northwest;
- ITV News Central;
- News and Star;

- Cumbria Crack;
- Cumbria Live;
- Times and Star (West Cumberland);
- The Cumberland News; and
- Whitehaven News.

2.9.27 The Applicant also circulated advertisements via the Meta Business Suite (Facebook ('FB'), Instagram) for 31 days starting 3 October 2023. These advertisements included the dates, times, and locations of all four consultation events. The advertisement may be viewed in appendix 2.16 of this Report. The consultation zone for the Meta advertisements may be found in appendix 2.17 of this Report.

### **Consultation methods**

2.9.28 All homes and businesses within Zone 1 (as identified in the draft SoCC (2023)) received consultation booklets via post (appendix 2.9 of this Report). In-person consultation events were held across Zone 1 and Zone 2, with all relevant stakeholders including residents, political stakeholders, interest groups and local businesses being notified of the events. Examples of outreach to these groups may be found in appendix 2.18 of this Report.

2.9.29 Two in-person events were held across Zone 1 and Zone 2, advertised through the consultation booklets (appendix 2.9 of this Report), and online Meta advertisements (appendix 2.16 of this Report). Events took place in locations proximate to the four primary population centres near the Site: Dean village, Branthwaite village, Gilgarran village, and Distington. These were run from 14.00-19.00 in the Dean Kirkstile Hall and Hunday Manor. Members of the project team were present to discuss the proposals, answer questions, and talk through the hard copies of the consultation documents.

- 2.9.30 A dedicated project website provided information on the Proposed Development, and how feedback could be returned to the project team. All consultation documents were available to download free of charge on the project website.

## **2.10 Non-statutory consultation feedback**

- 2.10.1 Stakeholders were able to provide their feedback on the non-statutory consultation via the following methods:

- providing comments via the project email address (info);
- completing the non-statutory consultation feedback form; and
- calling the project freephone number and leaving feedback via the voicemail.

- 2.10.2 In total, the Applicant received the following feedback during the non-statutory consultation period:

- 2 emails to the project email address;
- 16 completed feedback forms; and
- 4 pieces of feedback to the project freephone.

- 2.10.3 The following key themes were identified following analysis of the non-statutory consultation feedback:

Question 1: *What are your early thoughts on the principle of developing Dean Moor Solar Farm in this location?*

- 9 in favour;
- 2 not in favour;
- 0 undecided; and
- 5 did not respond.

Question 2: *Please let us know any initial thoughts about the proposed site, the local environment, access considerations or other technical points that you feel we should be taking into account as we develop the proposals.*

- Desire to preserve and restore current permissive paths;

- desire to maintain parish watering place in north of Site;
- desire to increase biodiversity across the Site;
- noise concerns; and
- a request to hold an event closer to Gilgarran.

Question 3: *We'd like to understand where we may be able to bring local benefit to the communities around the site. Please let us know if you had any thoughts or suggestions on this.*

- Desire for investment into local infrastructure e.g. EV charging points and solar panels on community hall;
- desire to invest into community hall itself; and
- desire to support growth of community owned energy groups.

2.10.4 The feedback received in the non-statutory consultation had a direct influence on the development of the proposals and in the development of the statutory consultation.

2.10.5 The following changes were made to the design of the proposals between the non-statutory consultation and the statutory consultation:

- it emerged from the non-statutory consultation events that there may be informal paths around and through the Site at Area D which reflect routes that were used in association with the former colliery but not designated as public footpaths as part of the restoration scheme. This was confirmed in a meeting on 17 November 2023 with the Local Highway Authority who advised that there were no designated footpaths or formal permissive paths and that no application had been provided to formalise any routes.
- Areas of proposed enhancements to vegetation around the Site boundary were increased in select locations to provide additional visual screening. This includes the landscaping area within the south east corner of the Site around the property adjacent to the Site boundary.

2.10.6 The following aspects of the statutory consultation occurred as a result of the feedback received during the non-statutory consultation:

- a consultation event was held in Distington, closer to Gilgarran, as there was no suitable venue within Gilgarran itself;
- the Applicant presented a consultation board regarding intentions for potential permissive paths;

- the Applicant presented a consultation board detailing the Proposed Development's intended biodiversity net gain.

## 2.11 Engagement following the non-statutory consultation

- 2.11.1 The Applicant continued to engage with local and political stakeholders between the end of the non-statutory consultation on 3 November 2023, and the start of the statutory consultation on 11 March 2024.
- 2.11.2 As noted above at paragraph 2.8.3, the Applicant joined the PC meeting for Dean PC on 6 November 2023 and the PC meeting for Distington PC on 9 January 2024, following the non-statutory consultation and in advance of the statutory consultation period. The PCs were provided with an update on the proposals, including the intended dates of the statutory consultation and feedback from the non-statutory consultation. This presentation may be found in appendix 2.8 of this Report.
- 2.11.3 The Applicant met with a local group, Cumbria Action for Sustainability, on 9 November 2023, to introduce and discuss the Proposed Development.
- 2.11.4 The Applicant also met with the Council's Climate and Nature Advisory Group on 4 December 2023, to introduce and discuss the Proposed Development with ward councillors on the Advisory Group. A copy of the presentation may be found in appendix 2.19 of this Report.
- 2.11.5 Table 2.5 below provides details of the meetings held with statutory stakeholders between the scoping and PEIR stages of the Application.

**Table 2.5: Meetings with statutory stakeholders held between scoping and PEIR.**

Stakeholder	Meeting Purpose	Date
Lake District National Park Authority	Meeting to confirm agreement to proposed viewpoints	03/10/2023
The Inspectorate	Project update and discussion of Scoping Opinion	12/10/2023

Stakeholder	Meeting Purpose	Date
The Council Lead Local Flood Authority ('LLFA')	Discussed drainage strategies. LLFA overall happy with the approach	13/10/2023
Council (Environmental Health Officer) (Westmoreland and Furness)	Discussed approach to assessment of ground conditions, air quality, glint and glare	15/11/2023
Council Minerals and Waste Officer	Discussed mineral safeguarding areas for brick, clay, sand, and gravel, surface coal resource, restoration scheme records	16/11/2023
The Council Local Highways Authority ('LHA')	Discussed access, feedback on paths from public consultation, permissive paths	17/11/2023
Environment Agency	Discussed engagement with the EA going forward	21/11/2023
The Council (LPA)	Project update meeting / DCO CPD / PPA	14/12/2023
The Inspectorate	Project update meeting	10/01/2024
Cumbria Fire and Rescue Service	Discussed BESS fire risk and Battery Safety Management Plan	08/02/2024



### **3. Environmental Impact Assessment Consultation**

3.1.1 This chapter refers to appendices within the ES [REF: 6.1], which are submitted alongside this Report. Specific appendices referenced are noted where indicated.

#### **3.2 Introduction**

3.2.1 The EIA Regulations set out the statutory process and minimum requirements for the provision of adequate environmental information to enable the EIA process. The EIA process is reported in full in the ES.

#### **3.3 EIA scoping**

3.3.1 The Applicant submitted a Scoping Report (ES: appendix 2.1 - EIA Scoping Report [REF: 6.3]) in support of a request for a Scoping Opinion (from the Secretary of State, who consulted with defined consultation bodies upon issuing the Scoping Opinion (ES: appendix 2.2 - EIA Scoping Opinion [REF: 6.3]). The request for a Scoping Opinion was submitted on 7th August 2023, and the Scoping Opinion was adopted on 14th September 2023 for the Proposed Development as an EIA development.

#### **3.4 Development of the PEIR**

3.4.1 For EIA development, an applicant is required by Regulation 12(1)(b) of the EIA Regulations and section 47 of the PA 2008 to consult on preliminary environmental information as listed in Regulation 14(2) of the EIA Regulations. As set out in the Planning Inspectorate's Advice Note 7 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements',<sup>9</sup> this information should be reasonably sufficient for the consultation bodies to develop an informed

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<sup>9</sup> The Planning Inspectorate (2020) Nationally Significant Infrastructure Projects - Advice Note Seven: Environmental Impact Assessment: process, preliminary environmental information and environmental statements. London, UK.

view of the likely significant environmental effects of the Proposed Development.

3.4.2 A PEIR was published which built upon the findings of the Scoping Opinion and the advice provided by the Planning Inspectorate and defined consultation bodies. The PEIR incorporated the findings from surveys and initial assessments to enable consultees to develop an informed view of any likely significant environmental effects of the Proposed Development. Feedback on the PEIR was sought during the statutory consultation from prescribed consultees, local communities in the vicinity of the Site, and other stakeholders.

3.4.3 The ES has been prepared against the feedback received during the statutory consultation period on the PEIR, as well as the findings of completed surveys completed since the statutory consultation period ended, such as the Peat Survey (ES: Appendix 10.3 - Peat Survey [REF: 6.3]). The ES also describes any changes made to the Proposed Development and any proposed mitigation measures.

### **3.5 Summary**

3.5.1 The EIA process has involved stages of consultation with prescribed consultees, relevant stakeholders, and the local community. The outcomes of the non-statutory and statutory consultation periods, and ongoing engagement outside of these periods, have informed, and are reflected within, the ES.

## 4. Statement of Community Consultation

4.1.1 This chapter is supported by the following appendices:

Appendix	Document
Appendix 4.1	Early draft of SoCC informally shared with LPA
Appendix 4.2	Draft SoCC issued for LPA consultation
Appendix 4.3	Letter sent to LPAs for SoCC consultation
Appendix 4.4	Responses from LPAs on SoCC consultation
Appendix 4.5	Published 2024 SoCC
Appendix 4.6	Published section 47 notices
Appendix 4.7	SoCC compliance table
Appendix 4.8	SoCC error correspondence
Appendix 4.9	Council response to Adequacy of Consultation

## 4.2 Requirements of the Planning Act 2008

4.2.1 This Chapter sets out how the Statement of Community Consultation (SoCC) was developed, consulted on, and published in line with the process prescribed in section 47 of the PA 2008, prior to commencing the statutory consultation for the Proposed Development.

4.2.2 Section 47 of the PA 2008 states:

- (1) *'The applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed Application, people living in the vicinity of the land.'*
- (2) *'Before preparing the statement, the applicant must consult each local authority that is within section 43(1) about what is to be in the statement.'*
- (3) *'The deadline for the receipt by the applicant of a local authority's response to consultation under subsection (2) is the end of the period of 28 days that begins with the day after the day on which the local authority receives the consultation documents.'*
- (4) *'In subsection (3) 'the consultation documents' means the documents supplied to the local authority by the applicant for the purpose of consulting the local authority under subsection (2).'*

- (5) In preparing the statement, the applicant must have regard to any response to consultation under subsection (2) that is received by the applicant before the deadline imposed by subsection (3).*
- (6) Once the applicant has prepared the statement, the applicant must —*
- (aa) make the statement available for inspection by the public in a way that is reasonably convenient for people living in the vicinity of the land;*
- (a) publish in a newspaper circulating in the vicinity of the land a notice stating where and when the statement can be inspected, and*
- (b) publish the statement in such manner as may be prescribed.*
- (7) The applicant must carry out consultation in accordance with the proposals set out in the statement.’*

### **4.3 Development of the draft SoCC**

- 4.3.1 The early draft SoCC (appendix 4.1 of this Report) was produced in advance of the Applicant’s round of non-statutory consultation (3 October 2023 – 3 November 2023), and in advance of the statutory consultation period (11 March – 26 April 2024, extended to 3 May and 16 May where required). As discussed in Chapter 5, this was extended as a result of an error with the postal addresses, and so extensions were granted to 3 May and 16 May where required.
- 4.3.2 The Applicant strongly believes that having a two-stage approach to consultation increases efficiency for respondents and clarity for communities as it allows for an additional, more tailored outreach process, and ensures that the statutory consultation can be more accessible.
- 4.3.3 The Applicant’s development of a draft SoCC considered advice and best practices from the Department of Communities and Local Government’s pre-application guidance<sup>10</sup>, resulting in early engagement with the relevant local authorities as described above.

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<sup>10</sup> MHCLG (2024) Planning Act 2008: guidance on the pre-application process for major infrastructure projects

4.3.4 The SoCC provided information regarding the Proposed Development, about the Applicant, the Environmental Impact Assessment, statutory consultation process and how the public can contribute their views to the DCO process.

4.3.5 The main content of the draft SoCC gave an overview of the Statutory Consultation period (11 March 2024 – 26 April 2024) including:

- What is being consulted on and who is being consulted;
- The groups being consulted, including under-represented or seldom-heard groups;
- The primary methods for consultation, including wider engagement and advertisement of the Proposed Development.

#### **4.4 Purpose of the draft SoCC**

4.4.1 The purpose of the draft SoCC was to demonstrate how the Applicant would engage with communities likely to be affected by the Proposed Development.

4.4.2 The strategy outlined in the draft SoCC ensured the statutory consultation was effective as well as appropriate and proportionate to the local area. Moreover, it also ensured compliance with the statutory requirements and associated guidance.

#### **4.5 Consultation on the draft SoCC**

4.5.1 The Applicant identified the Council as the relevant host local authority under section 43(1) of the PA 2008. In compliance with section 47(2) of the PA 2008, the Applicant reached out to the Council for consultation on the draft SoCC.

4.5.2 The Applicant shared an early draft SoCC with the Council on 26 October 2023, ahead of sharing the SoCC formally for consultation. This can be found in appendix 4.1 of this Report.

4.5.3 The Council made the following comments.

**Table 4.1: Informal Council feedback on the draft SoCC**

Date of Comment	Comment from the Council	Change made as a result of feedback
10/11/23	<p>'I've had feedback from our deputy chief exec who looks at policy and comms and they suggest the draft SoCC is very comprehensive with nothing to add.</p> <p>I would suggest informally that gives you a high degree of comfort that the council is satisfied with the approach. As a benchmark I'm assuming you have already reviewed the sovereign SCIs.'</p>	N/A

4.5.4 Following receipt of this feedback, the Applicant independently identified additional areas for improvement because of engagement throughout the non-statutory consultation and through discussion with local councillors and other stakeholders. Therefore, the following additional changes were made to the draft SoCC:

- consultation Zone 1 was expanded to include more local households, who might be proximate to the proposed construction route. The updated Zone 1 is reflected on page 19 of the 2024 SoCC (listed as Figure 2 within that document);
- locations and dates of the statutory public consultation events were added to the SoCC following receipt of the Council's feedback, as these were confirmed by the Applicant following receipt of that initial feedback;
- deposit locations for consultation materials were added.

4.5.5 The Applicant shared an updated draft of the SoCC, incorporating the changes described above, with the Council on 20 November 2023 for formal consultation. A copy of the updated draft SoCC can be found in appendix 4.2 of this Report, and a copy of the accompanying letter sent to the Council is provided in appendix 4.3 of this Report. The Council were given 28 days to respond, and therefore the consultation period ran up to 19 December 2023.

- 4.5.6 The Applicant subsequently received the following comments, with the full correspondence regarding the Council's feedback on the SoCC provided in appendix 4.4 of this Report:

**Table 4.2: Formal Council feedback on the draft SoCC**

Date	Comment from the Council	Change made as a result of feedback
30/11/2023	<i>'Just one thing I did notice on page 23 right hand column bullet point 5. This describes the consultation process in zone 2 but bullet point five mentions 'inviting residents of consultation <b>zone 1</b> to book individual appointments' Not sure that is a typo. Do they intend to offer individual appointments in zone 2?'</i>	The Applicant updated the error as flagged. Individual appointments were not offered to zone 2.
5/12/2023	<i>'As per our chat, I don't have much to add other than to suggest that the relevant Community Panels form part of the consultation group. These are unique to Cumberland Council.  There's also a reference to 'Cumbria Council' which needs altered to say Cumberland Council.'</i>	Community Panels were informally outreached by the Applicant, but no response was received.  The reference to 'Cumbria Council' was fixed by the Applicant following this comment and ahead of the published iteration of the SoCC.

- 4.5.7 The Applicant published the final SoCC in March 2024 which can be found in appendix 4.5 of this Report.
- 4.5.8 Following the completion of the statutory consultation, a further error was identified SoCC by the Applicant, which implied the Applicant would be writing to all addresses within Zone 2. The Applicant notified the Council of this error on 6th August 2024. Further information on this is provided in section 4.8 below.

## 4.6 Publicity under section 47 of the PA 2008

- 4.6.1 The preparation of a SoCC after consultation with the local authority is required under section 47(1) and (2) of the PA 2008. The applicant is

required under section 47(5) of the PA 2008 to have regard for any responses received at that consultation before finalising the SoCC.

- 4.6.2 An applicant must publish and make a SoCC available to the public in a reasonably convenient way, in accordance with section 47(6) of the PA 2008.
- 4.6.3 Section 47(7) of the PA 2008 requires that consultation is carried out in accordance with the proposals contained in the SoCC.
- 4.6.4 The SoCC, as published, identified commitments made by the Applicant in relation to carrying out the community consultation under section 47 of the PA 2008. This can be found in appendix 4.5 of this Report.
- 4.6.5 Consultation was carried out in accordance with the published SoCC. Appendix 4.7 of this Report sets out a summary of the commitments made and how these were adhered to.
- 4.6.6 As required by section 47(1) of the PA 2008, the Applicant consulted those people who live within the vicinity of the Proposed Development. Local individuals, communities, and various other groups and organisations were invited to participate in the consultation (appendix 4.5 of this Report). As per s47(1), 'the Applicant must prepare a statement setting out how the applicant proposes to consult, about the proposed application, people living in the vicinity of the land.'
- 4.6.7 In compliance with the publicity requirements of section 47(6)(a) of the PA 2008, the SoCC was notified in the following newspapers (appendix 4.6 of this Report):



**Table 4.3 Section 47 newspaper notice schedule**

Publication date(s)	Newspaper
28/02/24 and 06/03/24	News and Star
28/02/24 and 06/03/24	Whitehaven News
29/02/24 and 07/03/24	Times & Star
28/02/24	The Times
28/02/24	London Gazette

4.6.8 In compliance with section 47(6)(za) of the PA 2008, the SoCC was also made available to view on the project website from 11 March 2024.

4.6.9 Hard copies were available free of charge on request at consultation events and generally during the consultation period.

4.6.10 Documents were available via USB on request and for a small charge at consultation events and generally during the consultation periods.

4.6.11 Hard copies were also placed at the following deposit locations on 11 March 2024 for the duration of the statutory consultation period until 26 April:

- Distington Library;
- Frizington Library;
- Workington Library; and
- St Oswald's Church at Dean.

4.6.12 A complete statement of how the Applicant undertook the consultation in accordance with the section 47 PA 2008 requirements outlined in section 4.2 of this Report is included in appendix 4.7 of this Report.

## **4.7 Adherence with the SoCC**

4.7.1 The following chapter (Chapter 5) of this Report outlines the process of the statutory consultation, conducted in accordance with the published final SoCC, as mandated by section 47(7) of the PA 2008.

- 4.7.2 A SoCC Compliance Table may be found in appendix 4.7 of this Report summarising the compliance of the statutory consultation with the published SoCC.

## **4.8 SoCC Correction**

- 4.8.1 In August 2024, after the statutory consultation period, an error was identified within the published SoCC. The Applicant informed the Council of this error on 9 August 2024 following its identification, and subsequently included the below information within the Adequacy of Consultation Milestone. The Council notified the Applicant that it found the Adequacy of Consultation Milestone acceptable in their response on 20 January 2025.
- 4.8.2 When developing the SoCC, the Applicant initially proposed (to the Council) that the Zone 1 consultation area (the area in which the Applicant would write to people) should be a 500m buffer around the Site. Residents within Zone 1 area would receive consultation information delivered to their homes.
- 4.8.3 Following consultation with the Council and prior to the non-statutory consultation, the Applicant voluntarily extended the boundary of the Zone 1 due to the sparse population within the 500m boundary. The wider area extended to include more of the closest dwellings and villages (Branthwaite, Gilgarran, part of Winscales, Browtop, Ullock and Asby), increasing both the set distance from the Site boundary to a minimum of 1km and the number of Zone 1 consultees.
- 4.8.4 Following initial consultation with the Council on 26 October 2023, and formal consultation between 20 November – 19 December 2023, the Applicant updated the SoCC to reflect the agreed extension to Zone 1 but did not update the SoCC in relation to Zone 2.
- 4.8.5 The published SoCC therefore included the Applicant's initial (and superseded) commitment to send consultation information to addresses in

Zone 2. This had the result that within the SoCC, Zone 2 was still noted as having the same arrangements as Zone 1 despite the Applicant and Council having agreed otherwise (as illustrated in appendix 4.8 of this Report).

4.8.6 The following actions were undertaken to inform the residents living in Zone 2, based on the Applicant's agreement with the Council (although not in accordance with the unamended SoCC):

- the entirety of Zone 2 was covered by online advertising via Meta, to the effect that these advertisements had an estimated reach of 9,114 accounts across both Zone 1 and Zone 2;
- Zone 2 was also covered by newspapers which contained notices of the proposed Application; and
- two of the consultation events, at Hunday Manor and Distington Community Hall, were held within Zone 2 while the third event, at Dean Kirkstile Hall, was held in Zone 1.

4.8.7 The Applicant is confident that it did consult fully with the residents living in Zone 2, a view confirmed by the Council's response to the Adequacy of Consultation milestone, although the Applicant appreciates this was not done fully in accordance with the published SoCC containing the error.

4.8.8 The Council's response to the Adequacy of Consultation milestone may be found in appendix 4.9 of this Report. All residents had the opportunity to respond to the consultation. Residents of Zone 2 were effectively engaged and given opportunity to meaningfully consult, as of the 15 responses to consultation received, five responses were from residents in Zone 2. This is indicative of the comprehensive consultation programme undertaken, and the Applicant is confident that all residents within both Zone 1 and Zone 2 were supplied with sufficient information and opportunity to contribute to the consultation.

4.8.9 The correspondence between the Applicant and the Council relating to this error may be found in appendix 4.8 of this Report. This correspondence makes clear that the Council agreed to the amended

Zone 1 to include areas previously within Zone 2, and that the purpose of this amendment was to increase the brochure drop zone. The correspondence also clarifies that Zone 2 was not therefore intended to receive a brochure drop.

- 4.8.10 The Applicant informed the Council of this error on 9 August 2024 following its identification. This is further outlined in the Adequacy of Consultation milestone.

## 5. Statutory Consultation

5.1.1 This chapter is supported by the following appendices:

Appendix	Document
Appendix 5.1	Prescribed consultees – List of prescribed consultees under sections 42 and 43
Appendix 5.2	Land interest questionnaire
Appendix 5.3	Example of cover letter sent to Persons with an Interest in Land
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Appendix 5.19	Guide to the statutory consultation document
Appendix 5.20	Statutory consultation exhibition boards
Appendix 5.21	Images from the statutory public exhibition events
Appendix 5.22	Statutory consultation selected viewpoints and photomontages booklet

5.1.2 This chapter outlines the statutory consultation requirements of the PA 2008 and summarises the measures taken by the Applicant to comply with these requirements and uphold the commitments detailed in the published SoCC).

## 5.2 Overview of statutory consultation

- 5.2.1 The Applicant conducted a period of statutory consultation on the Proposed Development from 11 March 2024 until 26 April 2024. Due to errors with the mailout of letters, extensions were granted to 3 May and 16 May where required.
- 5.2.2 The objective of the statutory pre-application consultation was to ensure that local residents, relevant stakeholders, other interested parties, and technical consultees were able to understand and contribute to the details of the Proposed Development. The Applicant presented the proposals for the Proposed Development, explaining how it had been shaped by preliminary environmental assessments and prior engagement.
- 5.2.3 The Applicant sought input on all elements of the Proposed Development, and proposed mitigation and enhancement measures for potential impacts during both its construction phase and its operational phase.
- 5.2.4 Table 5.1 below demonstrates the steps taken by the Applicant during the statutory consultation.

**Table 5.1: Overview of statutory consultation**

Step	Date
Consultation leaflet posted to the local community	08/03/24
Press release announcing the consultation issued to local media	06/03/24
Section 46 notice issued to the Inspectorate	08/03/24
Section 47 notice	11/03/24
Section 48 notice	11/03/24
Launch of the statutory consultation	11/03/24
Publication of the SoCC, the PEIR, consultation booklet, feedback questionnaire and supporting materials	11/03/24
Opening of and placement of documents in the deposit location	11/03/24
Additional section 42 letters sent following mailout error (with consultation period extended)	18/03/24
In-person public consultation event (Distington Community Centre)	19/03/24

Step	Date
In-person public consultation event (Dean Kirkstile Hall)	20/03/24
In-person public consultation event (Hunday Manor)	21/03/24
Additional section 42 letters sent following mailout error (with consultation period extended)	03/04/24
Virtual consultation event	16/04/24
Virtual consultation event	18/04/24
End of statutory consultation period	26/04/24
End of initial extended statutory consultation period	03/05/24
End of secondary extended statutory consultation period	16/05/24

5.2.5 Table 5.2 below provides details of the meetings with statutory stakeholders held following the publication of the PEIR.

**Table 5.2: Meetings with statutory stakeholders following the PEIR.**

Stakeholder	Meeting Purpose	Date
Historic England	Discussed Historic England statutory consultation response	24/04/2024
Cumbria Wildlife Trust	Discussed the proposals for the County Wildlife Site	02/05/2024
Lostrigg Solar	Introductory meeting	17/07/2024
The Inspectorate	Project update meeting – discussion of statutory consultation responses and draft documents for the Inspectorate's review	01/08/2024
The Council (LPA)	Project update meeting / discussion of statutory consultation responses	06/08/2024
Lostrigg Solar	Discussed approach to cumulative effects	09/09/2024
National Highways	Discussed statutory consultation response / modelling / capacity of Lillyhall Roundabout	20/09/2024
Lostrigg Solar	Discussed cumulative assessment of Lillyhall Roundabout	01/10/2024
Natural England	Update on proposals / discussion of statutory consultation response / SoCG	02/12/2024
Coal Authority	Discussed approach to coal mine features on the Site	06/12/2024
Lostrigg Solar	Project update meeting / cumulative effects / stakeholder engagement	10/12/2024
Lostrigg Solar	Ecologist meeting to discuss survey results / SHRA	11/12/2024
The Council	Project update meeting / LPA role in Examination / SoCG	13/12/2024
The Inspectorate	Project update meeting / programme	08/01/2024

Stakeholder	Meeting Purpose	Date
Lake District National Park Authority	Update on proposals / landscaping / SoCG	10/01/2024
Environment Agency	Update on proposals / discussion of statutory consultation response / SoCG	13/01/2025
Cumbria Wildlife Trust	Update on proposals / discussion of statutory consultation response / SoCG	31/01/2025

### 5.3 Section 42 consultation

5.3.1 Section 42(1) of the PA 2008 outlines the duty to consult, which mandates:

*‘The applicant must consult the following about the proposed application –*

- (a) such persons as may be prescribed,*
- (aa) the Marine Management Organisation, in any case where the proposed development would affect, or would be likely to affect, any of the areas specified in subsection (2),*
- (b) each local authority that is within section 43,*
- (c) the Greater London Authority if the land is in Greater London, and*
- (d) each person who is within one or more of the categories set out in section 44.’*

5.3.2 For the purposes of section 42(1)(a), the persons prescribed are those listed in column 1 of the table in Schedule 1 to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the ‘APFP Regulations’) (as in force at the time the statutory consultation began),<sup>11</sup>, as applicable.

5.3.3 Section 42(1)(aa) was not relevant for this consultation as the scheme is inland, and therefore the Marine Management Organisation was not consulted.

<sup>11</sup> The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (SI 2009/2264)



5.3.4 Section 42(1)(b) is defined in further detail in section 43, where local authorities are categorised as 'A', 'B', 'C', and 'D', with distinctions based on the tier of the authority and its proximity to the Proposed Development.

5.3.5 Section 42(1)(c) was not relevant for this consultation because the Proposed Development is not located within the Greater London area.

5.3.6 Section 44 defines and categorises persons within section 42(1)(d) of the PA 2008, as follows:

*(1) 'A person is within Category 1 if the applicant, after making diligent inquiry, knows that the person is an owner, lessee, tenant (whatever the tenancy period) or occupier of the land.'*

*(2) A person is within Category 2 if the applicant, after making diligent enquiry, knows that the person—*

*(a) is interested in the land, or*

*(b) has power—*

*(i) to sell and convey the land, or*

*(ii) to release the land.*

*(3) An expression, other than 'the land', that appears in subsection (2) of this section and also in section 5(1) of the Compulsory Purchase Act 1965 (c. 56) has in subsection (2) the meaning that it has in section 5(1) of that Act.*

*(4) A person is within Category 3 if the applicant thinks that, if the order sought by the proposed application were to be made and fully implemented, the person would or might be entitled—*

*(a) as a result of the implementing of the order,*

*(b) as a result of the order having been implemented, or,*

*(c) as a result of the use of the land once the order has been implemented,*

*to make a relevant claim.*

*This is subject to subsection (5).*

*(5) A person is within Category 3 only if the person is known to the applicant after making diligent inquiry.*

*(6) In subsection (4) 'relevant claim' means—*

*(a) a claim under section 10 of the Compulsory Purchase Act 1965 (c. 56) (compensation where satisfaction not made for the taking, or injurious affection, of land subject to compulsory purchase);*

*(b) a claim under Part 1 of the Land Compensation Act 1973 (c. 26) (compensation for depreciation of land value by physical factors caused by use of public works)*

*(c) a claim under section 152(3).'*

5.3.7 All section 42(1)(d) consultees are referred to as Persons with an Interest in the Land ('PIL's).

### **Compliance with section 42 of the PA 2008**

#### **Identification of consultees specified under section 42(1)(a) of the PA 2008**

5.3.8 To comply with the obligation to consult as stipulated in section 42(1)(a) of the PA 2008, the Applicant assembled a list of relevant statutory consultees. The prescribed consultees are outlined in column 1 of Schedule 1 to the APFP Regulations (as in force at the time the statutory consultation began). The Applicant assessed the relevance of each consultee to the Proposed Development based on columns 2 and 3 of Schedule 1 to the APFP Regulations. A cautious approach was adopted, ensuring that a consultee was not excluded unless there was a substantiated reason for doing so.

5.3.9 The Applicant also had regard to the information in the Advice on EIA Notification and Consultation<sup>12</sup> in identifying relevant consultees under

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<sup>12</sup> The Planning Inspectorate (2024) Nationally Significant Infrastructure Projects: Advice on EIA Notification and Consultation.

section 42(1)(a) of the PA 2008, including in relation to consulting statutory undertakers.

5.3.10 Additionally, the Applicant had regard to the EIA Regulation 11(1)(a) list<sup>13</sup> provided by the Inspectorate, alongside the Scoping Opinion, which set out the list of consultation bodies the Inspectorate notified as part of the EIA scoping process. More comprehensive information regarding EIA consultation and scoping is available in Chapter 3 of this Report.

5.3.11 The definitive list of prescribed consultees who were actively consulted is set out in appendix 5.1 of this Report.

### **Identification of Relevant PCs**

5.3.12 The Proposed Development is within the boundaries of the following PC:

- Dean PC.

5.3.13 Additionally, owing to the proximity of the Proposed Development to neighbouring PCs, the Applicant decided to consult the following :

- Distington PC;
- Arlecdon & Frizington PC; and
- Winscales PC.

5.3.14 In accordance with Schedule 1 to the APFP Regulations (as in force at the time the statutory consultation began), 'the relevant parish council' constituting a prescribed consultee was Dean PC as the body with 'responsibility for the location where the proposals may or will be sited'. The Applicant also consulted the neighbouring PCs, although they were not prescribed consultees at the time. The 30 April 2024 updates to the Schedule 1 to the APFP Regulations enlarged the definition of 'relevant' to include those in proximity to the proposed location of the Proposed Development.

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<sup>13</sup> Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017/572)

- 5.3.15 The list of prescribed consultees can be found in appendix 5.1 of this Report.

**Identification of prescribed consultees under section 42(1)(aa) of the PA 2008**

- 5.3.16 As outlined in section 5.3.3 of this Report, section 42(1)(aa) of the PA 2008 does not apply to the Proposed Development.

**Identification of prescribed consultees under section 42(1)(b) of the PA 2008**

- 5.3.17 Under section 42(1)(b), an applicant has a duty to consult local authorities identified within section 43 of the PA 2008. There are 'A', 'B', 'C' and 'D' category local authorities.
- 5.3.18 The Proposed Development is in one site in the Council's administrative local authority area. For the purposes of section 43 of the PA 2008, this area is a category 'B' authority. As the Council was identified as the host LPA, and it is a Unitary Authority, the Council was identified as the sole category 'B' authority.
- 5.3.19 Westmorland and Furness Council and Northumberland Council, also both unitary authorities, both share a boundary with the Council and were therefore identified as category 'A' consultees under section 43 of the PA 2008.
- 5.3.20 Dumfries and Galloway Council was identified as a category 'A' consultee as it shares a boundary with the Council. The Lake District National Park Authority ('LDNPA') and Northumberland National Park Authority were also both identified as category 'A' consultees, for the same reason.
- 5.3.21 No category 'C' or 'D' consultees were identified in relation to the Proposed Development.

- 5.3.22 In February 2025, it was identified that the Scottish Borders Authority also shares a boundary with the Council, and as such it is also a category 'A' consultee. As the Scottish Borders was not consulted during the statutory consultation, but it should have been, the Applicant reached out on 3 March 2025 to inform the Scottish Borders of the error and to seek a response. On 19 March 2025 the Scottish Borders Council confirmed that it had no comment to make in relation to the Proposed Development. The Applicant notified the Inspectorate of the Scottish Borders Council's response on 20 March 2025.
- 5.3.23 The Applicant is obligated to engage in consultation with the local authorities mentioned above.

**Identification of prescribed consultees under section 42(1)(c) of the PA 2008**

- 5.3.24 As explained in section 5.3.5 of this Report, section 42(1)(c) does not apply to this Proposed Development, as the Site is not located within Greater London.

**Identification of PiLs under section 42(1)(d) of the PA 2008**

- 5.3.25 Under section 42(1)(d), the applicant must consult each person who is within one or more categories set out in section 44 of the PA 2008. This includes any owner, lessee, tenant or occupier, any person interested in the land who has power to sell, convey or release the land and any person entitled to make a relevant claim (as defined by section 44 of the PA 2008).
- 5.3.26 In preparing the Application, the Applicant has conducted thorough research to identify all individuals falling within the categories specified in section 44 of the PA 2008 for the Proposed Development. These individuals are listed in the Book of Reference [REF: 4.3]. Consultation has been conducted with all PiLs regarding the Proposed Development, in

accordance with section 42(1)(d), as elaborated further in the subsequent sections of this Report.

- 5.3.27 The Applicant undertook inquiries to identify affected landowners, those with interests in land, and those with a potentially relevant claim, and included affected interests covered by both on-road and off-road cable route options.
- 5.3.28 These thorough inquiries continued throughout the pre-application period to ensure that all relevant persons with an interest in land are engaged with and consulted about the Proposed Development. A land interest questionnaire (appendix 5.2 of this Report) was sent out to PiLs, accompanied by a cover letter (appendix 5.3 of this Report). This also included a set of landownership plans showing the extent of land within the Order Limits that the Applicant believes the PiLs to have an interest in. Any new information provided by the land interest questionnaires were recorded on the land referencer's database. Attempts to chase any non-respondents were also made to ensure all affected landowners and those with interests in the land were identified.
- 5.3.29 Site notices were also erected to aid the identification of ownership of unregistered parcels of land. These were monitored weekly over the consultation period via an app (Collector app) which was used to store photos as evidence of the site notices being there during the statutory consultation period.
- 5.3.30 Any changes in ownership or new interests have been identified, consulted, and engaged with accordingly. This effort has been complemented by the ongoing engagement conducted by the Applicant, as outlined in Chapter 7 of this Report. Additionally, periodic Land Registry updates and validation checks on data have been conducted, both prior to critical program milestones and on an ongoing basis. A title

refresh was made one month before the submission of the DCO Application.

### **Consultation Outreach**

- 5.3.31 The Applicant wrote to statutory consultees under section 42(1) of the PA 2008 on 9 March 2024 by letter, to inform them of the consultation and invite responses.
- 5.3.32 Letters were sent by Royal Mail, 1st Class Tracked Post. They outlined the Proposed Development, the Applicant's intention to submit a DCO Application, and details of how to respond to the statutory consultation.
- 5.3.33 194 letters were issued to Prescribed Consultation Bodies on 9 March 2024. After sending this initial mailout, the Applicant identified an issue where the company name was missing for 112 of the letters sent to section 42(1)(a) consultees.
- 5.3.34 Letters were sent out again on 18 March to the 112 addressees where the problem was identified. These letters were sent out by Royal Mail, 1st Class Tracked and Signed for post and were issued with a cover letter which explained the reason the letters were being re-issued.
- 5.3.35 Because of the requirement for a signature, the Applicant did not receive responses for all of these letters to confirm receipt. Further letters were issued on 3 April where confirmation was not provided of receipt of the letters sent on 18 March. 27 additional letters were therefore sent by Royal Mail, 1st Class Tracked post, and were issued with a cover letter which confirmed an extension to the statutory consultation period to 3 May 2024 to ensure sufficient time to consider the proposals.
- 5.3.36 Of the 27 letters sent out on 3 April:
- 23 letters were to statutory undertakers;
  - 3 letters were to Section 42(1)(b) consultees (local authorities); and

- 1 letter was to the Secretary of State for Defence.

5.3.37 These additional letters were sent partly to address the lack of tracking receipts from the original 9 March mailout, and partly in response to the second letter on 18 March.

5.3.38 For select consultees, letters were issued to a different address to the previous letters, either an address available online for the consultee, or the registered Companies House address, where an alternative address was used previously. Cover letters were enclosed to explain why an additional letter had been issued, and why a different address was used, where necessary.

5.3.39 Additional letters were further issued by Royal Mail, 1st Class on 15 April to select consultees where proof of delivery could not be confirmed. These letters were sent un-tracked and did not need to be signed for, to ensure that someone did not need to be present to receive the letters. These letters were issued with a cover letter which granted an extension to 16 May. Copies of all letters above may be found in appendix 5.4 of this Report.

5.3.40 The letters also included:

- a list of the consultation materials made available during the consultation, including the PEIR and the SoCC;
- a website address for taking consultees to the project website where the consultation materials were available; and
- a list of the public consultation events being held during the consultation period.

5.3.41 The prescribed bodies consulted under section 42(1)(a) of the PA 2008 and the local authorities consulted under section 42(1)(b) also received a copy of the section 48 notice with the letter and a copy of the Site Location Plan, to comply with Regulation 13 of the EIA Regulations.



- 5.3.42 The list of prescribed bodies consulted may be found in the appendices of this Consultation Report (appendix 5.1 of this Report).

## **5.4 Section 45 – period for consultation**

- 5.4.1 Under section 45(1) of the PA 2008, there is a duty on an applicant, when consulting a person under section 42 of the PA 2008, to notify them of the deadline for the receipt of comments to the consultation. This must be a minimum of 28 days under section 45(2) of the PA 2008, that begins with the day after the day on which the person receives the consultation documents supplied to them for the purpose of consulting them.

### **Compliance with section 45 of the PA 2008**

- 5.4.2 The consultation took place between Monday 11 March 2024 and Friday 26 April 2024. As noted above, this was extended because of an error with the postal addresses, and so extensions were granted to 3 May and 16 May where required.
- 5.4.3 This allowed for 45 days between the day after consultees received the consultation documents (Tuesday 12 March 2024) and the deadline for receipt of comments. This was extended as noted above for consultees affected by the mailing error, to 3 May and 16 May where required.
- 5.4.4 This period, and the extensions where necessary, therefore exceeded the minimum of 28 days required by section 45(2) of the PA 2008 and was carried out as agreed with the section 42(1)(b) Council in the SoCC.
- 5.4.5 The letters, emails, and subsequent enclosures were sent to the section 42 consultees outlined in the consultation timetable described above.

## **5.5 Section 46 consultation**

- 5.5.1 Under section 46 of the PA 2008, an applicant is required to notify the Secretary of State of the proposed application on or before commencing consultation under section 42. The Secretary of State must be supplied

with the same information on the proposed application as is being supplied to those being consulted under section 42.

### **Compliance with section 46 of the PA 2008**

5.5.2 The Applicant notified the Secretary of State of the proposed application by letter on 8 March 2024. The letter confirmed that the following documents would be available on the Applicant's website from 11 March 2024:

- Section 42, 47 and 48 Notice;
- PEIR and PEIR Non-Technical Summary ('NTS');
- Guide to Statutory Consultation;
- Consultation Brochure;
- SoCC; and
- Feedback Form.

5.5.3 The Applicant also provided the Secretary of State with a template statutory notice letter to be sent to statutory consultees under section 42 of the PA 2008. The template included a copy of the Applicant's statutory notice, discharging its obligations under sections 47 and 48 of the PA 2008.

## **5.6 Section 47 consultation**

5.6.1 The publication of a SoCC after consultation with the local authority is required under section 47(1) and (2) of the PA 2008. The applicant is required to have regard for any responses received at that consultation before finalising the SoCC, under section 47(5).

5.6.2 An applicant must publish and make an SoCC available to the public in accordance with section 47(6) of the PA 2008.

5.6.3 Section 47(7) of the PA 2008 requires that consultation is carried out in accordance with the proposals contained in the SoCC.

## **Compliance with section 47 of the PA 2008**

5.6.4 The following activities were undertaken to assist the Applicant discharge its duties under section 47:

- the Applicant identified four consultation Zones, to engage residents and other consultees;
- Residents of the core consultation Zone 1 were engaged via postal drops, FB/Meta advertising, the depositing of consultation materials within the Zone, and online and in-person consultation events;
- other Zones were engaged via FB/Meta advertising (Zone 2), the depositing of consultation materials within the Zone (Zone 2), online and in-person events (Zone 2), outreach to local PCs and political stakeholders (Zone 2, Zone 3), outreach to Council Leadership (Zone 2, Zone 3, Zone 4);
- Local MPs, Site host authority and neighbouring local authorities, and neighbouring PCs were all notified of the statutory consultation, and provided with a copy of the consultation brochure, the feedback questionnaire, and offered a meeting on the proposals;
- The following consultation materials were prepared and made available at deposit locations and on the website:
  - Consultation booklet (including how to provide feedback);
  - Feedback questionnaire;
  - Consultation website;
  - Consultation webinar presentation (including a recording made available on the project website); and
  - Consultation boards.
- Responses to the consultation were collected in the following ways:
  - via the project freepost address at 'Freepost – Dean Moor Solar Farm';
  - via the project website (via an online feedback questionnaire);
  - via the project freephone number at 0800 041 8643; and
  - via the project email address.
- Consultation documents could be inspected at four deposit locations for the duration of the statutory consultation:
  - Distington Library;
  - Frizington Library;
  - Workington Library; and

- St Oswald's Church at Dean.
- Public consultation events were held on the following dates and locations:
  - In-person event - Tuesday 19th March 2pm-6pm, Distington Community Centre, Church Rd, Distington, Workington CA14 5TE;
  - In-person event - Wednesday 20th March 2pm-7pm, Dean Kirkstile Hall, Dean, Workington CA14 4TH;
  - In person event - Thursday 21st March 2pm-7pm, Hunday Manor, Workington CA14 4JF;
  - Online webinar - Tuesday 16th April, 6pm - 7pm; and
  - Online webinar - Thursday 18th April, 6pm - 7pm.
- The consultation was publicised in the following local and national newspapers:
  - The News & Star;
  - The Times and Star;
  - The Times;
  - The Whitehaven News; and
  - London Gazette.
- Advertisements were also placed across Zones 1 and 2 via the Meta digital suite for the duration of the statutory consultation period.
- A wide array of consultation methods were engaged to ensure inclusivity of the consultation, and to engage seldom heard groups. This included the provision of documents in alternative formats, and the use of digital and print mediums to consult.

5.6.5 As outlined in Chapter 4 of this Report, a draft SoCC was produced and consulted on prior to the commencement of the statutory consultation. The Applicant received and had regard to comments received from the Council, as the local authority in the area affected by the Proposed Development, when finalising the SoCC.

5.6.6 The SoCC as published identified commitments made by the Applicant in relation to carrying out the community consultation.

5.6.7 Consultation was carried out in accordance with the published SoCC in compliance with section 47(7) of the PA 2008, and appendix 4.7 of this

Report sets out a summary of the commitments made and how these were adhered to.

5.6.8 The Applicant identified four consultation Zones:

- Zone 1: Any person or group likely to be directly impacted by the proposed Dean Moor Solar Farm by virtue of their living or working in proximity to the Site. This was defined by a minimum 1km distance from the proposed site boundary.
- Zone 2: Any person or group living in proximity to the Site, but outside of Zone 1. This zone is defined by the boundaries of the parishes of Dean, Arlecdon & Frizington, Distington, and Winscales
- Zone 3: People living and working in the host local authority area of the Council outside of consultation Zones 1 and 2.
- Zone 4: Neighbouring district, county and unitary authorities within the administrative areas of:
  - Westmorland and Furness Council;
  - Lancaster District Council;
  - North Yorkshire Council; and
  - Northumberland Council.

5.6.9 As required by section 47(1) of the PA 2008, the Applicant consulted those people who live within the vicinity of the Proposed Development (identified as Zone 1). Local individuals, communities, and various other groups and organisations were invited to participate in the consultation (appendix 5.5 of this Report).

5.6.10 As outlined in the SoCC, the Applicant identified numerous methods by which to advertise the consultation.

5.6.11 Residents and businesses located in the vicinity of the Proposed Development (Zone 1) were contacted via a postal drop of a consultation leaflet on 11 March 2024 (appendix 5.6 of this Report), which notified them of the consultation and invited them to provide their feedback. A feedback questionnaire accompanied the consultation leaflet (appendix 5.7 of this Report).

- 5.6.12 The consultation leaflet was sent to the identified Consultation Zone 1, which was agreed with the Council within the SoCC (all households up to a minimum of 1km distance from the boundary of the Proposed Development), and the addresses were obtained from the Postcode Addresses File supplied by Royal Mail. A map of Consultation Zone 1 is provided in appendix 5.8 of this Report.
- 5.6.13 Invitations to project briefings were sent to all local political stakeholders, including ward councillors, Council leadership, MPs, and PCs on 8 March 2024. These were accompanied by copies of the consultation booklets and questionnaires, and an invitation to attend the statutory consultation events. Examples of these letters can be found in appendix 5.9 of this Report.
- 5.6.14 Only one councillor accepted the invitation to a project briefing, and asked for an update following the completion of the statutory consultation. This briefing occurred on 15 May 2024. This meeting gave an updated overview of the proposals, as well as feedback from the statutory consultation. The presentation given during this briefing may be found at appendix 2.7 of this Report.
- 5.6.15 In accordance with the SoCC, press releases were sent to local and national media outlets on 11 March 2024 (appendix 5.10 of this Report), including:
- BBC Radio Cumbria;
  - ITV Granada;
  - BBC Northwest;
  - ITV News Central;
  - News and Star;
  - Cumbria Crack;
  - Cumbria Live;
  - Times and Star (West Cumberland);
  - the Cumberland News; and

- Whitehaven News.

5.6.16 The Applicant fulfilled its section 47(6)(a) PA 2008 obligations by publishing notices in the following local and national newspapers (appendix 5.11 of this Report):

- the News & Star;
- the Times and Star;
- The Times;
- the Whitehaven News; and
- London Gazette.

5.6.17 The Applicant also circulated advertisements via the Meta Business Suite (FB/Instagram) for 45 days beginning on 11 March 2024. These advertisements included the date, times, and locations of all five consultation events. The advertisement may be viewed in appendix 5.12 of this Report, and the zone of advertisement in appendix 5.13 of this Report.

### **Engagement with hard-to-reach groups**

5.6.18 The Applicant took steps to ensure various different groups could engage with the consultation, and provide feedback in different ways, demonstrating a commitment to inclusivity.

5.6.19 For older people, the approach included direct mailing of consultation leaflets to all addresses within Zone 1, advertising the locations of paper copies of all documents and the ability to provide feedback via post (postal drop zone in appendix 5.8 of this Report).

5.6.20 The Applicant also provided conventional communications channels including a freepost address, a freephone telephone number, and a project email address.

5.6.21 Alternative copies of documents, including dementia-friendly, Braille, and large print versions were available upon request. Consultation events

were held at various locations in Zone 1 and Zone 2, to enable a variety of access. Online events were held to address the needs of people with limited mobility, as well as those from further afield.

- 5.6.22 Geographically isolated communities received direct mailing of consultation leaflets, details on accessing paper copies, and information on the different means for contacting the project team.
- 5.6.23 For young people, online Meta advertisements (appendix 5.12 of this Report) were implemented to encourage attendance at consultation events and feedback form completion.
- 5.6.24 As per the commitments made in the SoCC, the Applicant also outreached directly to various local support groups, to engage directly and make any necessary accommodations to ensure those who wanted to engage in the consultation were able to. Examples of this outreach can be found in appendix 5.14 of this Report.
- 5.6.25 Direct outreach was provided to the following organisations as part of the Applicant's efforts to ensure accessible consultation:
- Age UK West Cumbria;
  - Cumbria Deaf Association;
  - Triple A (All About Autism);
  - Autism Support Allerdale and Copeland;
  - The WI Cumbria-Westmorland Federation;
  - Allerdale Disability Association;
  - Owl Blue Cumbria;
  - Cumbria Young Farmers Clubs;
  - West Cumbria Society for the Blind England; and
  - Anti Racist Cumbria.
- 5.6.26 As a result of this outreach, the Applicant engaged with the Cumbria Deaf Association, and provided a one-hour private session before the start of



the consultation event at Hunday Manor, on Thursday 21 March 2024.

Members of the project team were available to provide additional information and answer any questions, via a British Sign Language interpreter provided by the Cumbria Deaf Association.

### **Consultation methods**

- 5.6.27 All homes and businesses within Zone 1 received a consultation booklet via post. In-person consultation events were held across Zone 1 and Zone 2, with all relevant groups and organisations notified of the events.
- 5.6.28 Three in-person events were held across Zone 1 and Zone 2, advertised through the local media, the consultation booklets, and online Meta advertisements. Events took place in locations proximate to the four primary population centres near the Site: Dean village, Branthwaite village, Gilgarran village, and Distington. These were run from 14.00-19.00 in the Dean Kirkstile Hall and Hunday Manor, and 14.00-18.00 in Distington Community Centre. Members of the project team were present to discuss the proposals, answer questions, and talk through the hard copies of the consultation documents.
- 5.6.29 Two virtual webinars were held during the consultation period, providing those who were unable to attend the in-person events the opportunity to view details of the Proposed Development, and speak to members of the project team. Participants could sign up to attend via the project website or via email. A copy of the webinar slides can be found in appendix 5.15 of this Report.
- 5.6.30 The webinars were held after the in-person events and following the Easter school holidays, to allow for greater attendance and for attendees from the in-person events to attend with any further questions.
- 5.6.31 Hard copies of consultation materials were made available at the four deposit locations identified below (Table 5.3) near the Proposed

Development. Consultation booklets and feedback questionnaires were also kept at the event venues following the public consultation events.

- 5.6.32 A dedicated project website provided information on the Proposed Development, and how feedback could be returned to the project team. All consultation documents were available to download free of charge on the project website.

### **Consultation documents**

- 5.6.33 A range of consultation documents was produced and provided as part of the statutory consultation. Further details of these are given below and can be found in appendix 5 of this Report. These documents were produced to ensure anyone interested in the Proposed Development could have a clear understanding of the proposals, its potential benefits and effects, and how to provide feedback.

### **Consultation booklet**

- 5.6.34 A consultation booklet (appendix 5.6 of this Report) was produced as the primary consultation document for those with an interest in the Proposed Development, as outlined above in this Report. Copies of the consultation booklet were made available at the public consultation events, at the deposit locations (Table 5.3), online for viewing, and free to request from the Project Team.

- 5.6.35 The consultation booklet was written in plain English and contained information on the following topics:

- A summary of the Proposed Development;
- Information on the PEIR chapters;
- Direction to where consultation materials were available;
- How to respond to the consultation;
- How to get in touch with the project team; and
- Confirmed the deadline for receipt of responses.

## Feedback Questionnaire

- 5.6.36 A feedback questionnaire was also produced to accompany the consultation booklet, and to collect feedback on the Proposed Development during the consultation period. A mixture of quantitative and qualitative questions was asked, which allowed respondents to provide definitive feedback on the proposals, as well as further comments where they wished.
- 5.6.37 19 questions were asked as part of the feedback questionnaire, none of which were mandatory to respond to. The following questions were asked:
1. *What is your interest in the scheme?*
  2. *Are you responding on behalf of an organisation or group and if so, please share the name of the organisation or group.*
  3. *Are you happy for us to contact you about your response if required?*
  4. *Do you support the Dean Moor Solar Farm?*
  5. *Do you have any comments on the Concept Layout as outlined in the Dean Moor Solar Farm PEIR?*
  6. *Cultural heritage and archaeology: Based on the information provided do you agree with our proposed approach to cultural heritage and archaeological protection and enhancement?*
  7. *Landscape and visual impact: Based on the information provided do you agree with our proposed approach to landscape mitigation and enhancement?*
  8. *Biodiversity: Based on the information provided do you agree with our proposed approach to ecological mitigation and enhancement?*
  9. *Access, traffic and transportation: Based on the information provided do you agree with our proposed approach to traffic mitigation?*
  10. *Glint and glare: Based on the information provided do you agree with our proposed approach to glint and glare mitigation?*
  11. *Battery safety: Based on the information provided do you agree with our proposed approach to battery safety?*

12. *Noise: Based on the information provided do you agree with our proposed approach to noise impact assessment and mitigation?*
13. *Flood risk, drainage and water quality: Based on the information provided do you agree with our proposed approach to flood risk management and surface water drainage strategy?*
14. *Do you have any comments on the information presented in our Preliminary Environmental Information Report? Please specify any environmental topic areas you are commenting on*
15. *Community benefit fund: As part of this scheme, we are exploring the use of a community benefit fund, and our aim is to work with organisations that will spend the money to support the projects to benefit the local community. We would like to understand what causes are important to you. Please indicate which causes you feel the benefit fund should support. (Please tick as many boxes as needed).*
16. *Do you have any other comments you wish to make about Dean Moor Solar Farm?*
17. *How did you find out about our consultation?*
18. *Have you attended any of our consultation events?*
19. *How informative did you find our consultation materials?*

5.6.38 The feedback questionnaire was available on the project website and in hard copy and included details of a freepost return address (FREEPOST: DEAN MOOR SOLAR FARM) where hard copies could be sent to the Project Team. A copy of the feedback questionnaire is provided in appendix 5.7 of this Report.

### **PEIR and NTS**

- 5.6.39 Chapter 3 of this Report outlines the PEIR and the preliminary information it contained regarding the Proposed Development.
- 5.6.40 Printed copies of the PEIR were made available at the deposit locations below (Table 5.3), and at the in-person consultation events. It was also made available to view and download on the project website. Those with

an interest in the Proposed Development were able to request a USB drive with the PEIR.

- 5.6.41 As the PEIR is a large document, it has not been provided as an appendix to this Report. The PEIR can be viewed on the Inspectorate's website at: <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010155>
- 5.6.42 Alongside the PEIR, an NTS was provided as part of the suite of consultation documents. This provided a summary of the Proposed Development, and the PEIR.
- 5.6.43 The NTS was made available at the below deposit locations (Table 5.3), and on the consultation website. A copy of the NTS is available in appendix 5.16 of this Report.
- 5.6.44 During the statutory consultation event at Distington Community Centre (19 March 2024), the project team was alerted to an error in the PEIR. At paragraph 3.2.1 of the PEIR NTS and paragraph 3.2.1 of Chapter 3 of the PEIR reference is made to the proposed solar farm being '6.5km east of the small village of Gilgarran'. This is incorrect and should instead have read '650m east of the small village of Gilgarran'.
- 5.6.45 PEIR correction letters were sent out to the Council, political stakeholders, and 217 resident addresses in the Gilgarran area. These letters can be found in appendix 5.17 of this Report, along with the email sent to the Council in appendix 5.18 of this Report. PEIR correction notices were also placed in the deposit locations by a member of the project team; these can also be found in appendix 5.17 of this Report.

### **Guide to the statutory consultation**

- 5.6.46 To facilitate the understanding of the statutory consultation process, a guide to the statutory consultation document was produced and made available online, at the consultation events, and at the below deposit

locations (Table 5.3). A copy of the guide to the statutory consultation can be found in appendix 5.19 of this Report.

### Location of consultation documents

5.6.47 The consultation documents were made available to view at the consultation events, and at four different deposit locations. The deposit locations and their opening times are presented in Table 5.3 below:

**Table 5.3: Statutory consultation deposit locations and opening times**

Day of opening	Distington Library	Workington Library	Frizington Library	St Oswald's Church at Dean
Monday	10.00 – 14.00	09.00 – 18.00	14.00 – 17.00	09.00 – 18.00
Tuesday	10.00 – 14.00	09.00 – 17.00	CLOSED	09.00 – 18.00
Wednesday	CLOSED	09.00 – 18.00	14.00 – 17.00	09.00 – 18.00
Thursday	10.00 – 14.00	09.00 – 17.00	CLOSED	09.00 – 18.00
Friday	10.00 – 14.00	09.00 – 17.00	09.30 – 12.00	09.00 – 18.00
Saturday	CLOSED	09.00 – 14.00	CLOSED	09.00 – 18.00
Sunday	CLOSED	CLOSED	CLOSED	09.0 – 18.00

5.6.48 The consultation documents were also made available to view and download on the project website, on the Documents page. The Applicant did not receive any requests for materials to be made available in alternative formats.

### Feedback mechanisms

5.6.49 Interested parties could get in touch with the project team to provide feedback via the following methods:

- Online, via the feedback questionnaire on the project website;
- Freepost, by writing to 'FREEPOST: DEAN MOOR SOLAR FARM';
- Email, by emailing [info@deanmoorsolarfarm.com](mailto:info@deanmoorsolarfarm.com); and
- At the consultation events, by completing feedback questionnaire and submitting it to a member of the project team.

## Consultation events

- 5.6.50 A mixture of in-person and virtual consultation events were held as part of the statutory consultation, to enable potential attendees the flexibility of how and when they would like to attend.

### In-person consultation events

- 5.6.51 Three in-person consultation events were held as drop-in sessions during the statutory consultation period, allowing attendees to attend when preferred.
- 5.6.52 These events offered residents, landowners, elected officials, and other stakeholders the opportunity to find out more about the Proposed Development and speak to members of the project team.
- 5.6.53 The in-person events were held at accessible venues in both Zone 1 and Zone 2, as close as was practicable to the four primary population centres of Dean village, Branthwaite village, Gilgarran village, and Distington.
- 5.6.54 As part of the consultation events, a total of 25 exhibition boards were produced, which followed the same structure and content as the consultation booklet. A copy of the exhibition boards may be found in appendix 5.20 of this Report.
- 5.6.55 Table 5.4 below provides the locations and times of the in-person consultation events.

**Table 5.4: Statutory consultation events (in-person)**

Date	Location	Time
19/03/24	Distington Community Centre, Church Rd, Distington, Workington, CA14 5TE	14.00-18.00
20/03/24	Dean Kirkstile Hall, Dean, Workington, CA14 4TH	14.00-19.00
21/03/24	Hunday Manor, Workington, CA14 4JF	14.00-19.00

5.6.56 Across the three events, there were a total of 47 attendees. Images of the event set-up can be found in appendix 5.21 of this Report.

5.6.57 In addition to the consultation boards, a booklet of selected viewpoints and photomontages was produced and presented at the consultation events. This was made available online, and copies were provided at the deposit locations in Table 5.3 on 11 March 2024. A copy of the selected viewpoints and photomontages booklet may be found in appendix 5.22 of this Report.

### **Virtual consultation webinars**

5.6.58 Two virtual webinars were also held during the consultation period, as outlined above.

5.6.59 Hosting online webinars allowed the Applicant to reach people with limited mobility and those outside of the primary consultation zones. The webinars were held after the in-person events and following the Easter school holidays, to allow for greater attendance and for attendees from the in-person events to attend with any further questions.

5.6.60 The webinars followed a presentation and question and answer format, to allow the provision of information and a subsequent discussion. A copy of the presentation given may be found in appendix 5.15 of this Report.

5.6.61 The first webinar was recorded, to enable those who were unable to attend the opportunity to view the recording. The recording was made available on the project website, at [www.deanmoorsolarfarm.com/public-consultation](http://www.deanmoorsolarfarm.com/public-consultation).

5.6.62 In total, 11 people registered to attend the webinars, with 8 attending across both webinars.

5.6.63 Table 5.5 below provides details of the dates and times of the webinars.



**Table 5.5: Statutory consultation events (online)**

Date	Time
16/04/24	18.00-19.00
18/04/24	18.00-19.00

### **Presentation**

5.6.64 A presentation was used during the public webinar, and covered the following topics:

- About the DCO applicant, FVS Dean Moor Ltd;
- introduction to the proposals and potential benefits;
- NSIP planning process and timeline;
- changes that have been made following comments made at the non-statutory consultation;
- community benefit proposals; and
- construction traffic.

5.6.65 A copy of the presentation may be found in appendix 5.15 of this Report.

## **5.7 Section 48 consultation**

5.7.1 Under section 48 of the PA 2008, the Applicant is required to publicise the proposed Application in the prescribed manner. This is defined in Regulation 4 of the APFP Regulations<sup>14</sup> (as in force at the time the statutory consultation began).

5.7.2 As per Regulations 4(2)(a) to (c) of the APFP Regulations, a notice in respect of section 48 of the PA 2008 (appendix 5.11 of this Report) was published for:

- Two consecutive weeks in one or more local newspapers circulating in the vicinity of the Proposed Development;
- Once in a national newspaper; and
- Once in the London Gazette.

<sup>14</sup> The Infrastructure Planning (Applications: Prescribed Forms and Procedure) 2017 2009 (SI 2009/2264)

- 5.7.3 The Proposed Development does not relate to offshore development, as such APFP Regulation 4(2)(d) does not apply.
- 5.7.4 As the consultation ended on the 26 April 2024 (extended to 3 May and 16 May where required), the Applicant fulfilled the requirement under Regulation 4(3)(i) of the APFP Regulations that not less than 28 days should be allowed for Application publicity following the date when the notice is last published. Table 5.6 below shows the publications and dates of publication.

**Table 5.6: Notice publication list**

Newspaper	Publication date(s)
News & Star	28/02/2024 and 06/03/2024
Whitehaven News	28/02/2024 and 06/03/2024
The Times	28/02/2024
Times & Star	29/02/2024 and 07/03/2024
London Gazette	28/02/2024

- 5.7.5 The section 48 notices included the information required by Regulation 4(3) of the APFP Regulations (as in force at the time the statutory consultation began):

- (a) the name and address of the applicant;*
- (b) a statement that the applicant intends to make an application for development consent to the Commission;*
- (c) a statement as to whether the application is EIA development;*
- (d) a summary of the main proposals, specifying the location or route of the proposed development;*
- (e) a statement that the documents, plans and maps showing the nature and location of the proposed development are available for inspection free of charge at the places (including at least one address in the vicinity of the proposed development) and times set out in the notice;*

- (f) the latest date on which those documents, plans and maps will be available for inspection (being a date not earlier than the deadline in sub-paragraph (i));*
- (g) whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge;*
- (h) details of how to respond to the publicity; and*
- (i) a deadline for receipt of those responses by the applicant, being not less than 28 days following the date when the notice is last published.*

- 5.7.6 A copy of the section 48 notice was made available on the consultation website on 11 March 2024, on the Documents page.
- 5.7.7 As section 47 and section 48 activities (as required in the PA 2008) were carried out together, a copy of the section 48 notice and scanned copies of the notices in the publications listed may be found together with the section 47 notices (as outlined above) in appendix 5.11 of this Report.
- 5.7.8 In accordance with Regulation 13 of the EIA Regulations, a copy of the section 48 notice was also issued to the consultation bodies as defined in Regulation 3 and persons notified to the applicant in accordance with Regulation 11(1)(c).
- 5.7.9 Evidence of this adherence is provided in the Chapter 5 appendices where indicated in this Chapter.

## 6. Summary of responses received to statutory consultation

6.1.1 This chapter is supported by the following appendix:

Appendix	Document
Appendix 6.1	Summary of the matters raised by section 42(1)(a) prescribed consultees, section 42(1)(b) local authorities, section 42(1)(d) PILs, and section 47 consultees, in response to the statutory consultation and the Applicants response

### 6.1 Requirements of the PA 2008

6.1.1 Section 49(2) of the PA 2008 requires an applicant to have regard to any relevant responses to the consultation and publicity.

6.1.2 Section 49(3) of the PA 2008 further clarifies that ‘relevant responses’ means:

- (a) a response from a person consulted under section 42 that is received by the applicant before the deadline imposed by section 45 in that person’s case,*
- (b) a response to consultation under section 47(7) that is received by the applicant before any applicable deadline imposed in accordance with the statement prepared under section 47, or*
- (c) a response to publicity under section 48 that is received by the applicant before the deadline imposed in accordance with section 48(2) in relation to that publicity.’*

6.1.3 This chapter provides an overview of the responses the Applicant has received to the Statutory Consultation in 2024. It provides a description and evidence of how the Applicant has regard of the relevant responses to the Statutory Consultation, in accordance with s. 49 of the PA 2008.

6.1.4 The Chapter is laid out as follows:

- Section 6.2 provides an overview of the different types of responses received by the Applicant; and
- Section 6.3 provides an analysis of the key themes present throughout the responses.

## **6.2 Overview of the responses to the statutory consultation received by the Applicant**

6.2.1 The Applicant received responses to the statutory consultation by various methods. Responses to the consultation were sought through the feedback questionnaire (appendix 5.7 of this Report), which were able to be submitted online and through the post. The Applicant also accepted written responses in the form of emails and letters.

6.2.2 During the consultation the Applicant received:

- 11 completed feedback forms submitted via post;
- 56 email responses;
- 3 completed feedback forms submitted via email (separate from email responses);
- 1 completed feedback form through online submission; and
- 8 calls to the Project freephone number.

6.2.3 The Applicant received a total of 59 responses to the statutory consultation via the dedicated project email inbox (info@deanmoorsolarfarm.com), within the consultation period of 11 March 2024 – 26 April 2024 and including the extensions to 3 May and 16 May where required. No responses were received after the 16 May deadline.

6.2.4 Regarding the 8 calls made to the project freephone number, these were further categorised to the effect that:

- 2 were from local residents and concerned the provision of feedback under section 47 of the PA 2008;
- 2 were from prescribed bodies or persons as per section 42(1)(a) of the PA 2008; and
- 4 were considered unintelligible or did not contain any message.

6.2.5 The feedback questionnaire enquired after comments regarding several key aspects of the Proposed Development, including:

- The Concept Layout as outlined in the PEIR;

- approach to cultural heritage and archaeological protection and enhancement;
- approach to landscape mitigation and enhancement;
- method of ecological mitigation and enhancement;
- proposed approach to traffic mitigation;
- glint and glare mitigation;
- approach to battery safety;
- approach to noise impact assessment and mitigation;
- flood risk management and surface water drainage strategy;
- PEIR; and
- views on the proposed Community Benefit Fund.

6.2.6 In total 35 responses were from consultees identified as section 47 consultees. An analysis of the consultees by category is available below (further details are provided in appendix 6 of this Report):

- 20 responses from local residents;
- 6 responses from local organisations; and
- 3 responses from local elected representatives (in their capacity as such).

6.2.7 In certain cases, respondents were identified as more than one of the above categories, did not provide information as to the relevant category of consultee, or provided multiple responses to the consultation. As a result, the total of 35 section 47 respondents was determined by the total responses received and is therefore a different total to the total in the categorisation above.

## **6.3 Analysis of feedback**

6.3.1 This section of provides an overview of the key themes raised during the section 42 and section 47 consultation, and an analysis of the comments provided by residents.

**Table 6.1: Key themes raised during statutory consultation by section 42 and section 47 consultees**

Theme	Percentage (%)
Visual Impact	15.79%
Biodiversity	10.53%
Community Impact	9.21%
Environmental Concerns	9.21%
Land Use and Suitability	7.89%
Traffic Access	7.89%
Noise Concerns	7.89%
Support for Green Energy	6.58%
Battery Safety	6.58%
Flood Risk and Water Management	6.58%
Glint and Glare Mitigation	6.58%
Property Value	5.26%

6.3.2 This section provides an overview of the key themes raised in response to each question on the statutory consultation feedback form. Table 6.2 below shows the key themes. The full consultation responses are included in appendix 6.1 of this Report.

**Table 6.2: Thematic responses to statutory consultation feedback form**

Question	Themes
<i>Do you support the Dean Moor Solar Farm?</i>	Support for green energy in general and solar farms. Concerns about visual impact and other locations suggested for panels. Concern over impact on property value.
<i>Do you have any comments on the Concept Layout as outlined in the Dean Moor Solar Farm PEIR?</i>	General objection to proposed site location and suggestion of waste sites instead. Concern over the visual and environmental impact.
<i>Do you agree with our proposed approach to cultural heritage and archaeological protection and enhancement?</i>	Concern over access to the stone circle.
<i>Do you agree with our proposed approach to landscape mitigation and enhancement?</i>	Concerns over the visual impact and effectiveness of proposed screening.

Question	Themes
	<p>Concerns over environmental impact in local area.</p> <p>Agreement on introduction of permissive paths.</p>
<i>Do you agree with our proposed approach to ecological mitigation and enhancement?</i>	<p>General agreement with proposed ecological plans.</p> <p>Concerns for future impact on biodiversity with tree removal being cited as key issue.</p>
<i>Do you agree with our proposed approach to traffic mitigation?</i>	<p>Some support for the proposed plans but based on strict adherence to traffic mitigation measures.</p> <p>Concerns over safety and access and potential degradation of local infrastructure.</p> <p>Concern over traffic impact on daily routines such as school runs and commuting.</p>
<i>Do you agree with our proposed approach to glint and glare mitigation?</i>	<p>Concerns over adequacy of the screening.</p> <p>Insufficient information regarding 'glint and glare' particularly the impact from surrounding hills.</p> <p>Emphasis on impact for local fauna.</p>
<i>Do you agree with our proposed approach to battery safety?</i>	<p>A portion of residents in strong opposition to BESS and cite safety concerns.</p> <p>Some agreement but contingent upon proper safety measures being taken.</p>
<i>Do you agree with our proposed approach to noise impact assessment and mitigation?</i>	<p>Strong disagreement with regards to noise as a result of construction.</p> <p>Lack of information regarding expected noise levels once developed.</p>
<i>Do you agree with our proposed approach to flood risk management and surface water drainage strategy?</i>	<p>General agreement contingent upon consistent monitoring and effective flood plans being in place.</p>
<i>Do you have any comments on the information presented in our Preliminary Environment Report?</i>	<p>Desire for more recreational amenities to be made available to Gilgarran population such as path loops.</p> <p>Concern over what socio-economic benefit will be seen in immediate vicinity.</p> <p>Opposition from local farmers due to reduced yields in the area.</p> <p>General support for renewables.</p>
<i>Do you have any other comments you wish to make about Dean Moor Solar Farm?</i>	<p>Perceived overstatement of the economic benefit to the area.</p> <p>Opposition due to the detrimental impact on rural character and local environment.</p>



Question	Themes
	Concerns over the suitability of the area and suggestions to use commercial roofs or wasteland instead.

## 6.4 Responding to feedback

- 6.4.1 In accordance with section 49(2) of the PA 2008, this portion of the Report highlights how the Applicant has had regard to matters raised in relevant responses to the consultation, as defined in section 49(3). Appendix 6.1 of this Report sets out feedback received during the consultation.
- 6.4.2 Feedback from section 42 and 47 consultees is represented faithfully and in full in appendix 6.1 of this Report, along with the Applicant's response to the feedback, including how the Applicant has had regard to this feedback.
- 6.4.3 A summary of the relevant responses received, and the regard had to this feedback, is summarised in section 6.5 below.

## 6.5 Design responses to the statutory consultation

- 6.5.1 The principal changes to the design which were made in response to the consultation, in order of key themes raised during the consultation, are summarised below.

### Landscape and Visual

- 6.5.2 The closest neighbouring residents, PCs, and the Council raised the impacts on views from nearby dwellings during the non-statutory and statutory consultation. Additional landscape buffers and screening to reduce these impacts has been incorporated within the Proposed Development.
- 6.5.3 LDNPA and Dean and Distington PC raised the impact on long distance views from the nearest fells within the Lake District National Park. LDNPA welcomed that the Proposed Development avoided solar arrays on higher

ground within the Site. This higher ground continues to be set aside for green infrastructure enhancements within the Proposed Development (that has not changed after the statutory consultation).

- 6.5.4 In addition, LDNPA suggested additional planting within the Site to address the impact on long distance views. The Proposed Development now features blocks and corridors of screening which will break up the impacts on long distance views, particularly to those viewpoints at the closest fells.

### **Biodiversity**

- 6.5.5 The Council has indicated that improving water quality in the Marron and Derwent Rivers is an area which the Council is developing its strategy and policies to address. The Proposed Development will generally contribute to improved water quality through the reduction in intensity of grazing, which will reduce nutrients from sheep manure entering the watercourse (the principal current use of the Site is sheep farming).
- 6.5.6 The Proposed Development will also be introducing planting and green corridors along the existing watercourses on the Site. This will also intercept nutrients before they enter the watercourse, benefitting water quality. However, given the scale of the Proposed Development, and the scale of the issue with water quality associated with farming in Cumbria as a whole, the Proposed Development would not deliver an improvement which is significant at the county level.
- 6.5.7 The Proposed Development is located partly within a County Wildlife Site ('CWS'), which Cumbria Wildlife Trust ('CWT') is responsible for managing. CWT responded to the statutory consultation, and the Applicant met with CWT during the consultation to discuss the Applicant's approach to biodiversity net gain and plans for the CWS. CWT welcomed the proposed improvements to biodiversity within the CWS. However, it expressed concerns about the impact of solar development within the

CWS. The presence of solar arrays or other development within the CWS has been minimised within the proposed Works Areas.

- 6.5.8 In addition, a large area of the Site which overlaps with the CWS will be set aside for green infrastructure and biodiversity enhancement purposes. In the limited areas where solar arrays may be located within the CWS, the Proposed Development is proposing to enhance the existing grassland, delivering a general improvement in biodiversity in these areas. The Applicant has agreed to work closely with CWT to agree the appropriate grazing management and Biodiversity Net Gain arrangements for those parts of the Site within the CWS, post-consent.
- 6.5.9 The Environment Agency responded to the consultation to request more clarity on the outline biodiversity enhancements which were described during the statutory consultation. In particular, it requested more detail on the enhancements for watercourses and wetlands on Site, and in terms of the improvements to the CWS. The details of the biodiversity enhancements, including how the Proposed Development will deliver biodiversity net gain, will be described in the ES: appendix 8.8 - Biodiversity Net Gain (BNG) [REF: 6.3].
- 6.5.10 Neighbouring residents raised the presence and potential ecological value of a pond within the Site, located south of the Potato Pot Wind Farm. This anecdotally included the regular presence of native species of bird, including swans. The Proposed Development will deliver improvements to this existing pond and to watercourses on Site as part of the proposed biodiversity enhancements.

### **Highways and Access**

- 6.5.11 Nearby residents raised the matter of safety for vehicles turning at the junction between Gilgarran Road and Branthwaite Edge Road. The public and Local Highways Authority accident data indicated that there are historic issues with safety on the Branthwaite Edge Road. The Applicant

has allowed for vegetation clearance to ensure appropriate visibility for construction traffic using this junction within the Order Limits which are proposed. Although this is not envisaged, if the existing junction needed to be improved, this could be achieved through agreement with the Local Highway Authority post consent.

- 6.5.12 The Local Highway Authority indicated a preference to avoid or minimise construction traffic using the Gilgarran Road (also known as Collingate Road), which is a narrow lane between the two areas of the Site. The Applicant will need secondary compounds and accesses north and south off the Collingate Road to deliver equipment to areas closer to construction, and to avoid tracking heavy vehicles across the Site. However, as a general principle most construction traffic would access the primary compounds from existing accesses on the Branthwaite Road or Branthwaite Edge Road. The use of the Gilgarran Road would be minimised where possible.
- 6.5.13 Members of the public raised concerns about the potential impact from construction traffic during peak periods (such as the school run). The Applicant is committed to scheduling deliveries to Site to avoid these times where possible.

### **Footpaths**

- 6.5.14 The Applicant is proposing two permissive paths to improve public accessibility within the Site.
- A permissive path would be established along the eastern edge of Area C to link Gilgarran Road and Dean Cross Road, both of which have good connections onto the wider public rights of way network in the vicinity.
  - The second will be a recreational loop, responding to requests by local residents, and will follow the northwest boundary of Area B to the Area D Pond, which will be enhanced in accordance with the Outline Landscape and Ecology Management Plan.

- 6.5.15 This would be complemented by signage and information boards related to features of interest such as the Stone Circle and Cairn scheduled monument in Area C.

### **Soils and Drainage**

- 6.5.16 The Lead Local Flood Authority ('LLFA') raised concerns about the impacts on soils during construction. The Applicant has met with the LLFA and agreed a strategy to minimise the impact on the Site during construction. The Applicant will also agree mitigation with the LLFA, which will be secured through the Construction Environmental Management Plan prior to construction.

### **Ground Conditions**

- 6.5.17 The northern part of the Site (Areas A and B) is within an area which has been subject to historic mining activities, where there may be risks associated with historic contamination. The Applicant has discussed with the Council's Environmental Health Officer how the risks associated with contaminated land would be managed. They have confirmed that the Proposed Development's use of Area A and B is appropriate in general, subject to the appropriate arrangements being established to avoid risks to human health during construction. The arrangements will be specified and secured in the Construction Environmental Management Plan.

### **Battery Energy Storage System Safety**

- 6.5.18 The BESS has been removed from the Proposed Development following the statutory consultation. This has been removed for various reasons, principally the need to avoiding ground disturbance, and the construction issues associated with the soft ground conditions with the Site. In addition, the removal of the BESS avoids long-term impacts from sterilisation of agricultural land due to loss of soil through construction of the BESS.

- 6.5.19 Members of the public raised concerns regarding the safety of the BESS during the statutory consultation. In addition, the Applicant met with Cumbria Fire and Rescue Service ('CFRS') to discuss developing a Battery Safety Management Plan during the consultation. The Applicant is confident that the issue of safety could have been addressed through agreement with CFRS. However, the removal of the BESS has the benefit of avoiding the need to agree appropriate battery safety management arrangements with CFRS, while also removing a cause of concern for neighbouring residents and the wider public's concerns about such matters.

### **Community Benefits**

- 6.5.20 When engaging with local community organisations, including PCs, the Applicant identified various potential recipients and projects which could receive funding through the Community Benefit Package. The Applicant has changed how to structure the Proposed Development's benefits package to respond better to these organisations' needs.

## 7. Further/ongoing engagement

7.1.1 This chapter is supported by the following appendices:

Appendix	Document
Appendix 7.1	December 2024 Presentation to Dean and Distington PCs
Appendix 7.2	Dean Moor Solar Farm Work Plan
Appendix 7.3	Template letter sent to newly identified land interests

## 7.2 Updates and reflection of feedback to local communities

7.2.1 As noted above at 2.8 and 5.6, the Applicant met again with the local ward councillor on 15 May 2024, following the end of the statutory consultation period. This meeting gave an updated overview of the proposals, as well as feedback from the statutory consultation. This updated presentation may be found at appendix 2.7 of this Report.

7.2.2 The Applicant met with both Dean and Distington PCs on 10 December 2024, following the end of the statutory consultation period. This meeting was primarily regarding community benefit, however, the Applicant also provided both PCs with an update on the site design and mitigation strategies. A copy of the presentation that the Applicant made to the PCs can be found at appendix 7.1 of this Report.

7.2.3 The Applicant has also met with one of the nearest impacted properties on 29 January 2025. The purpose of this meeting was to update those residents who had expressed their concerns of the updated Site Design (as outlined in appendix 7.2 of this Report) following the conclusion of statutory consultation. These changes include increasing the setback between the potential location of the closest solar arrays and the curtilage of the property in question to make use of the natural screening provided by topography.

7.2.4 The Applicant will be providing an update for consultees ahead of the submission of the DCO Application. Updates will be provided to all local political stakeholders, including:

- ward councillors;
- council leadership;
- MPs; and
- PCs.

7.2.5 The Applicant will also be updating local residents of the Application submission. Following submission, the Applicant will be holding an information event for local residents, to update them on the proposals as submitted. This will include updates on the changes to the site design as outlined in section 6.5.

### **7.3 Emerging land concerns**

7.3.1 The Applicant has diligently ensured that any changes in ownership or new interests in the land have been identified, consulted, and engaged with accordingly. This effort has been complemented by the ongoing engagement conducted by the Applicant, as outlined above. All newly identified land interests following the statutory consultation have been provided opportunity to provide feedback on the proposals, and they will additionally have the opportunity to make representations to the Inspectorate in response to any notice published under section 56 of the PA 2008.

7.3.2 In February 2025, the Applicant identified a new land interest in the vicinity of the Site. A letter was sent to the new land interest, outlining the DCO process and how the land interest can engage with the Application. This letter may be found in appendix 7.3 of this Report.

7.3.3 Additionally, periodic Land Registry updates and validation checks on data have been conducted, both prior to critical program milestones and



on an ongoing basis. A title refresh of HMLR data was undertaken 28 days prior to the submission of the Application.

- 7.3.4 Title refreshes of HMLR data will continue to be made to identify changes in interests to the land. Any changes will be updated on the database to ensure any new parties are captured.

## 8. Conclusion

- 8.1.1 The Applicant has submitted this Report in accordance with section 37(3)(c) of the PA 2008, which states that a consultation report must be submitted with a DCO application.
- 8.1.2 As per section 37(7) of the PA 2008, the report must cover:
- compliance with statutory consultation requirements (sections 42, 47, and 48 of the PA 2008);
  - details of consultation or publicity responses; and
  - the Applicant's consideration of responses as per section 49 of the PA 2008.
- 8.1.3 The Applicant has further detailed in this Report the continuous and meaningful engagement had with stakeholders, and how the feedback received throughout the pre-application process has been considered when developing the design of the Proposed Development.
- 8.1.4 This Report has also set out how the Applicant has carried out pre-application consultation and engagement in accordance with the EIA Regulations.
- 8.1.5 The Applicant has demonstrated that an iterative and collaborative approach to consultation has been undertaken during the pre-application stage of the Proposed Development, reflecting the requirements within the then-Department for Communities and Local Government and the Inspectorate's guidance for pre-application consultation.<sup>15</sup>
- 8.1.6 Following the withdrawal of this guidance on 30 April 2024 and its replacement with new guidance, the Applicant has sought to ensure adherence to the new guidance regarding pre-application consultation.<sup>16</sup>

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<sup>15</sup> Department for Communities and Local Government (DCLG) (2015) *Planning Act 2008: Guidance on the pre-application process*. London, UK. (Note: This publication was withdrawn on 30 April 2024, following the conclusion of the statutory consultation period.)

<sup>16</sup> MHCLG (2024) *Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects*. MHCLG. London, UK.

- 8.1.7 The approach taken allowed stakeholders the opportunity to influence and inform the design of the Proposed Development, as evidenced throughout this Report and supporting appendices.
- 8.1.8 The Applicant is satisfied that the evidence provided within this Report supports the assertion that the Proposed Development, which is subject to this Application for development consent, has been designed in a way which has had regard for feedback from prescribed consultees, PiLs, local interest groups, and members of the local communities.
- 8.1.9 This feedback has had a direct influence on changes made to the Proposed Development.
- 8.1.10 The Applicant has therefore concluded that it has complied with all statutory requirements of the PA 2008 in relation to carrying out consultation prior to making an application for development consent.

