



Dean Moor Solar Farm

Pre-Application Land and Rights Negotiations Tracker

on behalf of **FVS Dean Moor Limited**

March 2025
Prepared by: Broadfield
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DEAN MOOR SOLAR FARM
PRE-APPLICATION LAND AND RIGHTS NEGOTIATIONS TRACKER
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

The Infrastructure Planning (Applications: Prescribed Forms
and Procedure) Regulations 2009, Regulation 5(2)(h)

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Introduction

- 1.1 This Pre-application Land and Rights Negotiations Tracker alongside the Statement of Reasons **[REF: 4.1]** has been produced by FVS Dean Moor Limited (the 'Applicant') to demonstrate that the Applicant has complied with the Planning Act 2008 (PA 2008) Guidance related to procedures for the compulsory acquisition of land (Department for Communities and Local Government, September 2013) ('CA Guidance'). Paragraphs 25 and 26 of the CA Guidance state:

'25. Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail...'

'26. Applicants should consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan for compulsory acquisition at the same time as conducting negotiations. Making clear during pre-application consultation that compulsory acquisition will, if necessary, be sought in an order will help to make the seriousness of the applicant's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations.'

- 1.2 The Applicant has been and continues to seek to acquire the relevant interests by voluntary agreement in order to ensure implementation of the Proposed Development. Whilst seeking compulsory acquisition powers, the Applicant will continue to seek to reach voluntary agreement wherever possible. This approach of seeking powers of compulsory acquisition in the application for development consent, and in parallel, conducting negotiations to acquire land rights by agreement, accords with paragraphs 25 and 26 of the CA Guidance.

- 1.3 This document has also been produced in line with the latest guidance on the pre-application stage for Nationally Significant Infrastructure Projects (Planning Act 2008: Pre-application stage for Nationally Significant Infrastructure Projects, Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities, 30 April 2024) (the 'Pre-application Guidance'). This guidance states that:

'The expectation now in this guidance is that there are standard documents which the Examining Authority will normally require as part of an application to support an informed decision:'

...

where the application involves a request for compulsory acquisition powers a Land and Rights Negotiation Tracker which identifies each plot of land and enables the progress of negotiations relating to each one during the examination to be easily monitored'

- 1.4 Table 1 sets out the latest position in relation to these voluntary agreements with the category 1 land interests as shown in the Book of Reference **[REF: 4.3]**. The CA Guidance states that there must be a clear idea how the land to be acquired is to be used, Appendix A of the Statement of Reasons sets out the purpose for acquisition by reference to the works carried out in each plot.
- 1.5 Mines and mineral holders are not included in Table 1. The Applicant has written to these parties advising them that it proposes to incorporate the mineral code (Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981) in the draft Development Consent Order **[REF: 3.1]** which provides that the Applicant shall not be entitled to any mines under the land comprised in the draft DCO unless expressly purchased. Such mines are otherwise deemed to be excepted out of any conveyance of land unless expressly named and conveyed.
- 1.6 With regards to the status of engagement with those listed in this document, the Applicant is pursuing engagement with all persons with an interest in the relevant land in order to try to avoid the need for compulsory acquisition. Affected land interests were served with letters in accordance with section 42 of the PA 2008 and the Proposed Development was publicised by way of notices in accordance with sections 47 and 48 of the PA 2008.
- 1.7 Table 2 sets out the position in relation to Statutory Undertakers who have been identified as having apparatus in the Order Limits.
- 1.8 This Pre-application Land and Rights Negotiations Tracker is one of a number of documents accompanying the application for development consent. It should be read in conjunction with the following documents:
- Land Plans **[REF: 2.2]**;
 - Works Plans **[REF: 2.3]**;
 - Draft Development Consent Order;

- Book of Reference; and
- Statement of Reasons.

1.9 It is envisaged that, in accordance with the Pre-application Guidance, this Pre-application Land and Rights Negotiations Tracker will be updated at regular intervals throughout Examination. The latest updates will be included in this document in red text at the relevant deadline.

Table 1: Category 1 Land Interests

Interest Name	DCO Plot Number	Land Power / Interest Sought in Book of Reference	Work Number(s)	Summary of negotiation status
Diana Gate and Robert Dickinson Gate	1-11, 1-14, 1-15, 1-16, 1-18, 1-19, 1-20, 1-22, 1-25, 1-26, 1-27, 1-29, 1-20, 1-32, 1-33, 1-34, 1-35, 1-36, 1-37, 1-38, 1-42, 1-46 1-09, 1-17, 1-21, 1-31, 1-40, 1-43, 1-71, 2-01 1-05, 1-48, 1-57, 1-62, 1-69, 1-73	permanent acquisition, permanent acquisition of new rights and temporary possession	1, 3, 4, 5, 6	An agreement has been reached with this party and the Applicant has the benefit of an option agreement over the land.
John Myles Bateson	1-67, 2-08, 2-09, 2-10, 4-07, 4-08, 4-09, 4-10, 4-11, 4-13 1-70, 2-02, 4-12	permanent acquisition, permanent acquisition of new rights and temporary possession	1, 2, 2A, 3, 4, 5, 6	An agreement has been reached with this party and the Applicant has the benefit of an option agreement over the land.

Interest Name	DCO Plot Number	Land Power / Interest Sought in Book of Reference	Work Number(s)	Summary of negotiation status
	1-68, 1-72, 2-04, 2-05, 2-06, 4-01, 4-02, 4-03, 4-04			
Potato Pot Wind Farm Limited	1-20, 1-22, 1-29, 1-30, 1-32, 1-37, 1-42, 1-46 1-21, 1-31, 1-40, 1-43	permanent acquisition and permanent acquisition of new rights	1, 3, 4, 5, 6	The Applicant has been engaging with this party on a voluntary agreement. Negotiations are ongoing and the Applicant expects to conclude Heads of Terms shortly. Technical discussions are ongoing.

Table 2: Statutory Undertakers and Utilities

Interest Name	DCO Plot Number	Land Power / Interest Sought in Book of Reference	Work Number(s)	Summary of negotiation status
Cumberland Council	1-01, 1-02, 1-03, 1-04, 1-05, 1-06, 1-07, 1-08, 1-10, 1-47, 1-48, 1-49, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-58, 1-59, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-68, 1-69, 1-70, 1-71, 1-72, 2-01, 2-02, 2-03, 2-07, 2-11, 4-01, 4-02, 4-03, 4-04, 4-05, 4-06	Permanent acquisition of new rights and temporary possession in respect of public highway	3, 5	<p>The Applicant has been in regular contact with the Council and they have been consulted on the Applicant's proposals.</p> <p>The Applicant has written to the Council to advise on its land requirements.</p>
Electricity North West Limited (ENW)	1-02, 1-02, 1-03, 1-04, 1-04, 1-05, 1-06, 1-09, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-20, 1-21, 1-21, 1-22, 1-30, 1-31, 1-32, 1-43, 1-45, 1-47, 1-48, 1-48, 1-65, 1-65, 1-67, 1-68, 1-69, 2-04, 2-05, 2-06, 2-08, 2-08, 2-09, 2-09, 2-10, 4-01, 4-01, 4-01,	Permanent acquisition, permanent acquisition of new rights and temporary possession	1, 2, 2A, 3, 4, 5, 6	<p>ENW retain apparatus in these plots. The draft DCO includes standard protective provisions for the benefit of electricity undertakers, and these would protect ENW's interests.</p> <p>The Applicant has contacted ENW regarding its land requirements.</p>

Interest Name	DCO Plot Number	Land Power / Interest Sought in Book of Reference	Work Number(s)	Summary of negotiation status
	4-02, 4-02, 4-07, 4-07, 4-08, 4-09, 4-09, 4-10, 4-10, 4-11, 4-11, 4-12, 4-13			
Environment Agency (EA)	1-65, 4-01	Temporary possession	3, 5, 6	<p>The EA retain an interest in these plots as a result of Lostrigg Beck. Only a small area is within the Order limits.</p> <p>The Applicant has contacted the EA regarding its land requirements.</p>
Northern Gas Networks Limited (NGN)	1-01, 1-02, 1-04, 1-07, 1-08	Temporary possession	3, 5, 6	<p>NGN retain apparatus in these plots. The draft DCO includes standard protective provisions for the benefit of gas undertakers, and these would protect NGN's interests. The Applicant has contacted NGN regarding its land requirements.</p>

Interest Name	DCO Plot Number	Land Power / Interest Sought in Book of Reference	Work Number(s)	Summary of negotiation status
Openreach Limited	1-48, 1-55, 1-57, 1-59, 1-62, 1-65, 1-66, 4-01, 4-02	Temporary possession	3, 5, 6	<p>Openreach retain apparatus within these highway plots. The draft DCO includes standard protective provisions for the benefit of operators of the telecommunications code and these protect Openreach's interests.</p> <p>The Applicant has contacted Openreach regarding its land requirements.</p>
United Utilities Group PLC (UU)	2-07, 2-11, 4-01, 4-02	Temporary possession	3, 5, 6	<p>UU retain apparatus in these highway plots. The draft DCO includes standard protective provisions for the benefit of water undertakers, and these would protect UU's interests.</p> <p>The Applicant has contacted UU and is engaging on the need for any further protections.</p>