



Dean Moor Solar Farm

Consents and Agreements Position Statement

on behalf of **FVS Dean Moor Limited**

March 2025

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**DEAN MOOR SOLAR FARM
CONSENTS AND AGREEMENTS POSITION STATEMENT
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)(q)**

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This document has been prepared by FVS Dean Moor Limited (the Applicant). It forms part of an application under Section 37 of the Planning Act 2008 (PA 2008¹) for an order to grant development consent for the Dean Moor Solar Farm (the Proposed Development).
- 1.1.2 This Consents and Agreements Position Statement (this Statement) is submitted in accordance with Regulation 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.
- 1.1.3 The purpose and objective of this Statement is to identify what consents and agreements that are or may be required to construct and operate the Proposed Development outside of the powers sought within the draft Development Consent Order (DCO) [REF: 3.1] and how these will be obtained.
- 1.1.4 In preparing this Statement, consideration has been given to the former Department for Communities and Local Government's (2013) Planning Act 2008: Application Form Guidance (paragraphs 45 and 46). As required, this Statement summarises the Applicant's understanding on the likelihood of the relevant consents being granted.

1.2 The Proposed Development

- 1.2.1 The Proposed Development comprises the construction, operation, and decommissioning of a solar photovoltaic (PV) energy generating station with a total capacity exceeding 50 Megawatts ('MW') comprising solar PV arrays, grid connection infrastructure, associated infrastructure, and green infrastructure.
- 1.2.2 The Proposed Development will be located on approximately 276.5ha of land between the villages of Gilgarran and Branthwaite in West Cumbria as shown on the Location Plan [REF: 6.2] ('the Site'). The Proposed Development will be within the 'Order Limits' (the land shown on the

¹ Planning Act 2008, Available at <https://www.legislation.gov.uk> Accessed February 2025

Works Plans **[REF: 2.3]** within which the Proposed Development can be carried out).

- 1.2.3 A detailed description of the Proposed Development is provided in ES Chapter 3 **[REF: 6.1]**

2 Strategy

2.1 Background

- 2.1.1 It is possible for a wide range of matters to be included within the scope of a DCO. Section 33 of the PA 2008¹ disapplies several specific consents. In addition, Section 120 of the PA 2008 provides that a DCO may make provision for, or relating to, any matters listed in Schedule 5, including the application, modification or disapplication of certain relevant statutory provisions where necessary or expedient for the purposes of giving full effect to the DCO. In addition, there are specific sections within the PA 2008, which provide that a DCO may include certain other provisions.
- 2.1.2 There are however some limitations, most notably in section 150 of the PA 2008, which stipulates that certain prescribed non-planning consents may only be disapplied or otherwise modified within a DCO with the agreement of the relevant consenting body.

2.2 Strategy

- 2.2.1 A DCO must be sought as the principal consent for the works (under the PA 2008) including provision of the powers required for any necessary land acquisition and temporary land possession for example.
- 2.2.2 The Proposed Development benefits from the intent of the PA 2008 and Government policy to enable development and construction related consents to be included within the DCO. Therefore, where feasible and practical, additional consents have been included within the draft DCO **[REF: 3.1]**. This would reduce the need for any further approvals before the works covered by the DCO can commence, as most of the consents required for construction would be in place at the point at which the DCO is granted.
- 2.2.3 The Proposed Development has been, and will continue to be, developed based on collaboration between the stakeholders, and any additional consents and agreements will be secured at relevant stages of the Proposed Development, as necessary.

3 Consents and Agreements

3.1 Consents

3.1.1 While the DCO will be the principal consenting mechanism for the Proposed Development, the DCO application may need to be supplemented by other applications if:

- A specific consent cannot be contained in the DCO;
- A consenting authority declines to allow a consent to be contained within the DCO under Section 150 of the PA 2008¹; or
- It is not desirable, or it is inappropriate, to include a consent within a DCO due to the stage of design development meaning the detail required is unavailable.

3.1.2 At submission, most of the consents and all the powers required will have been included, or addressed, within the DCO as permitted by various provisions of the PA 2008. These fall into the following categories:

- Compulsory acquisition of land (including subsoil) and/or rights over land such as easements, restrictive covenants and the temporary possession of land
- Consent to carry out street works
- Highways matters
- Traffic regulation matters (such as speed limits and prohibitions on use)
- Powers to permanently stop-up streets and private means of access
- Powers to temporarily close, alter, divert or restrict the use by vehicles, or classes of vehicles, or pedestrians of any street or private means of access
- Consent to use private roads for construction, maintenance, and decommissioning
- Consent to carry out tree works
- Consent to remove hedgerows
- Consent to discharge to sewers
- Consent and powers to install and remove any apparatus belonging to utility undertakers and/or carry out utilities diversions

3.1.3 The draft DCO also proposes the disapplication and modification of local legislation. This is explained in further detail in the Explanatory Memorandum **[REF: 3.2]**

3.1.4 The permits, consents and agreements that may need to be sought separately from the DCO are identified in Appendix A.

- 3.1.5 The permits and consents included in Appendix A are largely dependent on finalisation of the detailed design, the detailed construction site set-up and methodologies, and discussions with the consenting authorities. These are not sufficiently developed at this stage to confirm the requirements, and therefore it is not practical to include them within the DCO.

3.2 Agreements

- 3.2.1 Agreements with relevant stakeholders may be required in parallel to the DCO process and may take a variety of forms.

Statements of Common Ground

- 3.2.2 A fundamental part of the DCO process is the preparation and agreement of Statements of Common Ground (SoCGs) with a variety of relevant stakeholders to identify the matters on which parties agree and disagree, to narrow the focus of the Examination and to make the Examination process more efficient.
- 3.2.3 Progress on finalising any SoCG or other forms of agreement, along with updated/final documents, will be reported to the Examining Authority before the close of the Examination.
- 3.2.4 In addition to SoCGs, legal agreements regulating land and works powers, and undertakings will be progressed where appropriate.

Appendix A Permits and consents that may be required

Nature of consent	Key legislation	Consenting authority	Status and comments
Electricity Generation Licence	Electricity Act 1989	Office of Gas and Electricity Markets (OFGEM)	Required for electricity generation. The Electricity Generation Licence is expected to be secured prior to commencement.
Water Discharge Permit	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	The need for such a consent is not currently envisaged. However, if the Applicant needs to discharge within 15m of the Main River, it will be required.
Flood Risk Activity Permit (FRAP)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	A FRAP could be required for activity within 8m of a Main River. The need for a FRAP is not currently envisaged, but if the Applicant does undertake construction works within 8m of a Main River it will apply for a FRAP if required.
Consent to obstructions etc. in watercourses	Section 23 of the Land Drainage Act 1991	Lead Local Flood Authority	<p>Consent required for activities that may obstruct watercourses.</p> <p>The Applicant is proposing works to watercourse crossings, but the exact location and nature of the activities is not certain.</p> <p>The detail and methods for the construction of these works will be agreed with the LLFA, post consent and prior to commencing construction of these works, and consents applied for as necessary.</p>
Authorisation of drainage works in connection with a ditch	Section 30 of the Land Drainage Act 1991	LLFA	<p>Authorisation required where the drainage of any land requires: the carrying out of any work in connection with a ditch passing through other land; the replacement or construction of such a ditch; or the alteration or removal of any drainage work in connection with such a ditch.</p> <p>The detail and methods for these works will be agreed with the LLFA, post consent and prior to commencing construction of these works, and consents applied for as necessary.</p>
Permit for transport of abnormal	Road Vehicles (Authorisation of Special Types)	Department for Transport, Highways	The Applicant is considering the need for this permit and will apply for one if necessary. Appropriate applications, in

Nature of consent	Key legislation	Consenting authority	Status and comments
loads (relating to the delivery by road of loads that fall outside standard practice) (if required)	(General) Order 2003 or with authorisation from the Secretary of State under the Road Traffic Act 1988	Agency, Local Highway Authority or the police and bridge owners (if any) as appropriate	accordance with the Construction Traffic Management Plan, will be made by the contractor in advance of the delivery of abnormal load.
Notice of construction works	Construction (design and management) Regulations 2015	Health and Safety Executive	When notice of construction is provided to the HSE to comply with CDM the Applicant will also provide this to the Local Authority, the Highways Authority and any other Regulatory Authorities.
Control of noise on construction sites Section 61 consent – Prior Approval	Control of Pollution Act 1974	Cumberland Council - Environmental Health	The Applicant will address the control of noise during construction in the CEMP, and it is anticipated the measures included within this would avoid the need for any separate consent. Any applications required will be made by the contractor before construction commences.
Health and Safety related consents	Health and Safety at Work Act 1974 and subsidiary legislation	Health and Safety Executive (HSE)	Applications to be made by the contractor before construction commences as required.
Protected species licence	The Conservation of Habitats and Species Regulations 2017, Wildlife and Countryside Act 1981, Protection of Badgers Act 1992	Natural England	It is proposed that the formal application process will take place, and any licences granted, prior to the commencement of construction. Further surveys would take place prior to commencement and may inform the need for such licences.
Mining Remediation Authority (MRA) Permit (Previously Coal Authority Permit)	Coal Industry Act 1994	MRA	Intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the MRA. The Applicant will apply for such permits as necessary and notes the requirement for a permit is subject to the layout, and further preliminary ground investigation to be undertaken post consent. The requirement for such an investigation to take place is secured in the OCEMP.