Dean Moor
Solar Farm

Policy Compliance Document

on behalf of **FVS Dean Moor Limited**

March 2025
Prepared by: Stantec UK Ltd
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Firma Energy

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DEAN MOOR SOLAR FARM

POLICY COMPLIANCE DOCUMENT

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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Contents

1 Introduction

1.1 Purpose of this document

1.1.1 This Policy Compliance Document ('PCD') has been produced by FVS Dean Moor Limited (the 'Applicant') to support the DCO application for the Dean Moor Solar Farm ('the Proposed Development').

1.1.2 This PCD sets out the accordance of the Proposed Development against relevant national and local planning policy.

1.1.3 The PCD is designed to be read alongside the Planning Statement ('PS') **[REF 5.5]** which provides the legislative and policy background to the Proposed Development.

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 ('GI').

1.2.2 The Proposed Development will be located on approximately 276.5 hectares ('ha') of land located between the villages of Gilgarran and Branthwaite in West Cumbria (the 'Site') (as shown on the Location Plan **[REF 2.1]**), which is situated within the administrative area of Cumberland Council ('the Council'). The Proposed Development will be within the 'Order Limits' (the land shown on the Works Plans **[REF 2.3]** within which the Proposed Development can be carried out). The extent of the Site is the same as the Order Limits.

1.2.3 A detailed description of the Proposed Development is provided in Environmental Statement ('ES') Chapter 3 – Site and Proposed Development Description **[REF 6.1]**.

1.3 The Applicant

1.3.1 FVS Dean Moor Limited is a joint-venture partnership between two renewable energy development specialists: Firma Energy ('Firma Energy') and ib vogt ('IBV').

1.4 Overview and structure

1.4.1 The PCD is divided into the following sections:

- Section 1 Introduction
- Section 2 Compliance with national policy
- Section 3 Compliance with local policy

2 Compliance with National Policy

2.1 National Policy background

2.1.1 There are three National Policy Statements ('NPSs') considered relevant to the Proposed Development:

- Overarching National Policy Statement for Energy ('EN-1') (2024)[1];
- National Policy Statement for Renewable Energy ('EN-3') (2024)[2]; and
- National Policy Statement for Electricity Networks Infrastructure ('EN-5')[3] (2024).

2.1.2 The following sections (2.2 to 2.4) outline the compliance of the Proposed Development in relation to EN-1, EN-3, and EN-5, as presented in Tables 2.1, 2.2 and 2.3 respectively.

2.1.3 EN-1 provides the primary policy for all nationally significant energy infrastructure, whilst EN-3 is specific to renewable energy infrastructure and EN-5 focuses on electricity networks infrastructure.

2.1.4 It is conveyed in Table 2.3 that EN-5 is applicable to certain components of the Proposed Development, particularly Work No. 2 – Grid Infrastructure and Work No. 2A – Point of Connection ('POC') Masts and the underground cables required.

2.1.5 It is considered that EN-1 and EN-3 relate to the principle of the Proposed Development (as a solar energy generating station) whilst EN-5 relates to certain functions or components of the Proposed Development. Therefore, the Applicant has taken a proportionate approach to identify relevant EN-5 policies.

2.2 EN-1 Compliance

Table 2.1: EN-1 compliance table

Para	EN-1 Policy Detail	Policy Compliance
The need for new nationally significant infrastructure projects – Secretary of State Decision Making		
3.2.1	*The government's objectives for the energy system are to ensure our supply of energy always remains secure, reliable, affordable, and consistent with net zero emissions in 2050 for a wide range of future scenarios, including through delivery of our carbon budgets and Nationally Determined Contributions.*	The Proposed Development would help the government in reaching their objectives for the energy system by providing a secure, reliable, affordable, low carbon energy supply. Whilst EN-1 Paragraph 3.2.8 states that the Secretary of State ('SoS') does not need to consider the specific contribution the Proposed Development makes in addressing the need set out in EN-1, section 5 of the PS establishes the need for the Proposed Development.
3.2.6	*The Secretary of State should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent, as described for each of them in this Part.*	
3.2.7	*In addition, the Secretary of State has determined that substantial weight should be given to this need when considering applications for development consent under the Planning Act 2008.*	
3.2.8	*The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS.*	
The need for different types of electricity infrastructure		
3.3.7	*Electricity networks are needed to connect the output of other types of electricity infrastructure with consumers and each other. However, they are a means of transporting electricity rather than generating or storing it, so cannot replace those other types of electricity infrastructure in meeting the substantial increase in demand expected over the coming decades.*	The Proposed Development would comprise a PV energy generating station, helping to secure energy supplies and in meeting projected demand. The Grid Connection Statement ('GCS') **[REF: 7.1]** provides confirmation that the Proposed Development will export the electricity generated to the existing Distribution Network Operator ('DNO') infrastructure.

Para	EN-1 Policy Detail	Policy Compliance
Delivering affordable decarbonisation		
3.3.13-3.3.14	*The Net Zero Strategy sets out the government's ambition for increasing the deployment of low carbon energy infrastructure consistent with delivering our carbon budgets and the 2050 net zero target. This made clear the commitment that the cost of the transition to net zero should be fair and affordable. Value for money assessments are not required on applications for development consent for energy infrastructure projects. However, government will work to ensure there are market frameworks which promote effective competition and deliver an affordable, secure and reliable energy system and government support for specific technologies and projects will be dependent on clear value for money for consumers and taxpayers.*	The Proposed Development will help the government realise its ambition for building low carbon energy infrastructure consistent with its net zero target. As set out in Section 5 of the PS, the Proposed Development constitutes solar energy generation which is low cost (as recognised in paragraph 3.3.20 of EN-1). The Funding Statement **[REF: 4.2]** outlines the costs and funding relating to the Proposed Development.
3.3.15	*Based on our whole-system modelling, by 2050, emissions associated with power could need to drop by 95-98 per cent compared to 2019, down to 1-3 MtCO2e. In the interim, to meet our NDC and CB6 targets, we expect emissions could fall by 70-75 per cent by 2030 and 80-85 per cent by 2035, compared to 2019 levels. These figures are based on an indicative power sector pathway contributing to the whole-economy net zero and interim targets.*	ES Chapter 5 – Construction and Decommissioning Methodology and Phasing **[REF: 6.1]** explains that the Proposed Development could be operational as early as 2027. The Proposed Development would help the government in achieving its 2035 net zero and low carbon energy provision targets.
3.3.16	*If demand for electricity doubles by 2050, we will need a fourfold increase in low carbon generation and significant expansion of the networks that transport power to where it is needed. In addition, we committed in the Net Zero Strategy to take action so that by 2035, all our electricity will come from low carbon sources, subject to security of supply, whilst meeting a 40-60 per cent increase in electricity demand. This means that the majority of new generating capacity needs to be low carbon.*	
3.3.19	*Given the changing nature of the energy landscape, we need a diverse mix of electricity infrastructure to come forward, so that we can deliver a secure, reliable, affordable, and net zero consistent system during the transition to*	The Proposed Development will help to diversify the energy mix and support the UK's net zero target by generating large scale (over 50MW) low carbon (and low cost) electricity from solar.

Para	EN-1 Policy Detail	Policy Compliance
	2050 for a wide range of demand, decarbonisation, and technology scenarios.	The Proposed Development could be operational as early as 2027 and the operational life of the Proposed Development is up to 40 years. Further, ES Chapter 9 – Climate Change **[REF: 6.1]** reports a major beneficial impact (significant) on climate change mitigation at a local level due to the renewable energy generation of the Proposed Development. For the projected energy mix for 2027, which includes fossil fuels and renewable sources, carbon savings of approximately 8,986.03 tCO2e per annum are anticipated. This is a saving of approximately 359,441.2 tCO2e over the 40-year operational lifespan of the Proposed Development, or 1,340,902.8 tCO2e if displacing only fossil fuel sources.
3.3.20	*Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar*	
The role of wind and solar		
3.3.21	*As part of delivering this, UK government announced in the British Energy Security Strategy an ambition to deliver up to 50 gigawatts (GW) of offshore wind by 2030, including up to 5GW of floating wind, and the requirement in the Energy White Paper for sustained growth in the capacity of onshore wind and solar in the next decade.*	Section 4.2 of the PS has had regard to the Energy White Paper[4] and the Clean Power 2030 Action Plan[5] published by DESNZ in December 2024. The Proposed Development would act to support the government's identified need for solar provision within the next decade.
The need for electricity generating capacity		
3.3.57	*Government has committed to reduce GHG emissions by 78 per cent by 2035 under carbon budget 6.61 According to the Net Zero Strategy this means that by 2035, all our electricity will need to come from low carbon sources, subject to security of supply, whilst meeting a 40-60 per cent increase in demand.*	The Proposed Development will help the government to realise its commitment to reduce greenhouse emissions ('GHG') emissions and net zero targets by generating large scale (over 50MW) low carbon electricity from solar. The Proposed Development could be operational as early as 2027 and the operational life of the Proposed Development is up to 40 years.
3.3.58	*Given the urgent need for new electricity infrastructure and the time it takes for electricity NSIPs to move from design conception to operation, there is an urgent need for new (and particularly low carbon) electricity NSIPs to be brought forward as soon as possible, given the crucial role of electricity as the UK decarbonises its economy.*	
3.3.59	*All the generating technologies mentioned above are urgently needed to meet the government's energy objectives by:*	The Proposed Development would help the government in reaching their objectives for the energy system by providing a secure, reliable, affordable, low carbon energy supply.

Para	EN-1 Policy Detail	Policy Compliance
	• *Providing security of supply (by reducing reliance on imported oil and gas, avoiding concentration risk and not relying on one fuel or generation type)* • *Providing an affordable, reliable system (through the deployment of technologies with complementary characteristics)* *Ensuring the system is net zero consistent (by remaining in line with our carbon budgets and maintaining the options required to deliver for a wide range of demand, decarbonisation and technology scenarios, including where there are difficulties with delivering any technology)*	
3.3.60	*Known generation technologies that are included within the scope of this NPS (and would be classed as an NSIP if above the relevant capacity thresholds set out under the Planning Act 2008) include:* • *Offshore Wind (including floating wind)* • *Solar PV…*	The Proposed Development as a solar PV generating station constitutes a known form of renewable energy generation. As set out in the PS, the Proposed Development meets the thresholds set out under the Planning Act 2008[6] to qualify as an NSIP.
3.3.61	*The need for all these types of infrastructure is established by this NPS and a combination of many or all of them is urgently required for both energy security and Net Zero, as set out above.*	The Proposed Development should be considered on the basis that its need is established within the NPSs, and this urgent need should be given substantial weight in the decision on the Application.
3.3.62	*Government has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Section 4.2 states which energy generating technologies are low carbon and are therefore CNP infrastructure.*	The Proposed Development is for onshore renewable energy generation (with the absence of fossil fuel consumption) and is therefore considered to be low carbon infrastructure of Critical National Priority ('CNP') as set out in Section 4.2 of EN-1. Section 7 of the PS states that *'the limited residual effects of the Proposed Development do not outweigh the substantial benefits, and do not represent an unacceptable risk that would negate the presumption in favour of consent for this CNP infrastructure*.'
3.3.63	*Subject to any legal requirements, the urgent need for CNP Infrastructure to achieving our energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. Government strongly supports the delivery of CNP Infrastructure, and it should be progressed as quickly as possible.*	

Para	EN-1 Policy Detail	Policy Compliance
The need for new electricity networks		
3.3.65	*There is an urgent need for new electricity network infrastructure to be brought forward at pace to meet our energy objectives.*	The GCS provides confirmation that the Proposed Development will export the electricity generated to the existing DNO infrastructure.
General Policies and Considerations		
4.1.2	*The Energy White Paper and British Energy Security Strategy emphasises the importance of the government's net zero commitment and efforts to fight climate change, as well as the need to maintain a secure and reliable energy system. The Levelling Up White Paper calls on the Government to ensure investment in the transition to Net Zero benefits less well-performing parts of the UK, reducing emissions, facilitating economic development and the creation of jobs.*	ES Chapter 9 – Climate Change reports a major beneficial impact (significant) on climate change mitigation at a local level due to the renewable energy generation of the Proposed Development. A socio-economics chapter was included at the PEIR stage as Chapter 10, and no significant effects were identified that related directly to socio-economics. The only significant effects that were identified related to landscape and visual amenity and climate change and are therefore covered in their respective ES chapters (technical chapters 7 and 9). The socio-economics chapter submitted with the PEIR is included in ES Appendix 2.7 **[REF: 6.3]**.
4.1.3 - 4.1.4	*Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State will start with a presumption in favour of granting consent to applications for energy NSIPs. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008 referred to at paragraph 1.1.4 of this NPS.*	This PCD demonstrates the accordance of the Proposed Development against the relevant NPS policies.
Weighing impacts and benefits		
4.1.5	*In considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:* • *Its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits*	The Proposed Development is for onshore renewable energy generation (with the absence of fossil fuel consumption) and is therefore considered to be low carbon infrastructure of CNP as set out in Section 4.2 of EN-1[1]. Section 7 of the PS states that '*the limited residual effects of the Proposed Development do not outweigh the substantial benefits, and do not represent an unacceptable risk that would negate the presumption in favour of consent for this CNP infrastructure*.'

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	• *Its potential adverse impacts, including on the environment, and any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy.*	
4.1.6	*In this context, the Secretary of State should take into account environmental, social and economic benefits and adverse impacts, at national, regional and local levels. These may be identified in this NPS, the relevant technology specific NPS, in the application or elsewhere (including in local impact reports, marine plans, and other material considerations as outlined in Section 1.1).*	
4.1.7	*Where this NPS or the relevant technology specific NPSs require an applicant to mitigate a particular impact as far as possible, but the Secretary of State considers that there would still be residual adverse effects after the implementation of such mitigation measures, the Secretary of State should weigh those residual effects against the benefits of the proposed development. For projects which qualify as CNP Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. This presumption, however, does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.*	
Land rights		
4.1.8	*Where the use of land at a specific location is required to facilitate the development by providing for mitigation and landscape enhancement, an*	The Applicant is seeking the right to compulsorily acquire land which includes land to be used for mitigation and landscape enhancement. The application is supported by a Statement of Reasons **[REF: 4.1]**, Funding

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	applicant may, as part of its application to the Secretary of State, seek the compulsory acquisition of that land, or rights over that land.	Statement, Book of Reference **[REF: 4.3]**, and Pre-Application Land and Rights Negotiations Tracker **[REF: 4.4]**.
Other documents		
4.1.13-4.1.15	*Where the project conflicts with a proposal in a draft Development Plan, the Secretary of State should take account of the stage which the Development Plan document in England or Local Development Plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the Development Plan document in England or local Development Plan in Wales is to being adopted by the LPA, the greater weight which can be attached to it. In the event of a conflict between these documents and an NPS, the NPS prevails for the purpose of Secretary of State decision making given the national significance of the infrastructure.*	Local policy is considered in section 3 of this PCD. The Proposed Development is situated within the administrative area of Cumberland Council (the 'Council') which was established in April 2023. Prior to the establishment of the Council, the Site was within the administrative boundary of Allerdale Borough Council. The Council are preparing a new Local Plan however it is at the early evidence gathering stage. Therefore, until the new Local Plan is adopted, the policies within the Allerdale Local Plan 2014-2029 (Part 1)[7] which was adopted in 2014, are applicable to the Proposed Development. The Cumbria Minerals and Waste Local Plan 2015 to 2030[8] which was adopted in 2017 also forms part of the development plan. In addition, the western boundary of Area C of the Site is parallel with the former Copeland Borough Council area. Gilgarran, one of the settlements closest to the Proposed Development is within the former Copeland Borough Council area. Therefore, the policies of the Copeland Borough Council Local Plan[9] (adopted November 2024) which are most relevant are considered in the PS and section 3 of this PCD. As set out in the PS and this PCD, no substantial conflict has been identified with the Allerdale Local Plan 2014-2029 (Part 1), the Cumbria Minerals and Waste Local Plan 2015 to 2030 or the Copeland Borough Local Plan (2024). Section 4.7 of the PS provides an overview of the Lake District National Park Authority ('LDNPA') policy which is approximately 4km from the Site. LDNPA policy is not considered further in this PCD.
Development consent		
4.1.18	*The Secretary of State may consider any development consent obligations that an applicant agrees with local authorities. These must be relevant to planning, necessary to make the proposed development acceptable in planning terms, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development, and reasonable in all other respects.*	The Applicant does not consider that any development consent obligations are required.

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Early engagement		
4.1.19-4.1.20	*Early engagement both before and at the formal pre-application stage between the applicant and key stakeholders, including public regulators, Statutory Consultees (including Statutory Nature Conservation Bodies (SNCBs)), and those likely to have an interest in a proposed energy infrastructure application, is strongly encouraged in line with the Government's pre-application guidance.* *This means that only applications which are fully prepared and comprehensive can be accepted for examination, enabling them to be properly assessed by the Examining Authority and leading to a clear recommendation report to the Secretary of State. This is particularly so in the case of HRA matters covered in paragraphs 5.4.25 to 5.4.31 below, which explain the onus is on the applicant to submit sufficient information to enable the Secretary of State to conduct an Appropriate Assessment if required.*	The Applicant has undertaken extensive consultation throughout the preparation of the application. This is described in full in the Consultation Report **[REF: 5.1]** whilst a summary of the pre-application consultation undertaken is provided in Section 1 of the PS. A non-statutory consultation and statutory consultation have been undertaken in 2023 and 2024 respectively. Other activities have included ongoing engagement with various stakeholders and site visits with landowners and neighbours of the Site for example. In addition to meetings with the Council, the Applicant has met with the LDNPA, the Environment Agency ('EA'), Natural England ('NE'), National Highways ('NH'), Historic England ('HE') and Cumbria Wildlife Trust ('CWT'). A Shadow Habitats Regulation Assessment ('sHRA') (ES Appendix 8.7) **[REF: 6.3]** supports the DCO application.
Financial and technical viability		
4.1.22	*Where the Secretary of State considers that the financial viability and technical feasibility of the proposal has been properly assessed by the applicant, it is unlikely to be of relevance in Secretary of State decision making (any exceptions to this principle are dealt with where they arise in this, or other energy NPSs, and the reasons why financial viability or technical feasibility is likely to be of relevance explained).*	The Funding Statement outlines the costs and funding relating to the Proposed Development and demonstrates there are no issues of financial viability which are likely to be of concern to the SoS. The GCS provides evidence that the Proposed Development is technically feasible; the Proposed Development would export the electricity generated to the existing DNO infrastructure and there is a connection agreement in place between the Applicant and Electricity North West Limited ('ENW') (the relevant DNO).
The critical national priority for low carbon infrastructure		
4.2.4	*Government has therefore concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure.*	

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4.2.5	*This does not extend the definition of what counts as nationally significant infrastructure: the scope remains as set out in the Planning Act 2008. Low carbon infrastructure for the purposes of this policy means:* • *For electricity generation, all onshore and offshore generation that does not involve fossil fuel combustion (that is, renewable generation, including anaerobic digestion and other plants that convert residual waste into energy, including combustion, provided they meet existing definitions of low carbon; and nuclear generation), as well as natural gas fired generation which is carbon capture ready* • *For electricity grid infrastructure, all power lines in scope of en-5 including network reinforcement and upgrade works, and associated infrastructure such as substations. This is not limited to those associated specifically with a particular generation technology, as all new grid projects will contribute towards greater efficiency in constructing, operating and connecting low carbon infrastructure to the national electricity transmission system* • *For other energy infrastructure, fuels, pipelines and storage infrastructure, which fits within the normal definition of "low carbon", such as hydrogen distribution, and carbon dioxide distribution* • *For energy infrastructure which is directed into the NSIP regime under section 35 of the planning act 2008, and fit within the normal definition of "low carbon", such as interconnectors, multi-purpose interconnectors, or 'bootstraps' to support the onshore network which are routed offshore* • *Lifetime extensions of nationally significant low carbon infrastructure, and repowering of projects*	The Proposed Development is for onshore renewable energy generation (not involving fossil fuel consumption) and is therefore considered to be low carbon infrastructure of CNP as set out in Section 4.2 of EN-1. The Proposed Development constitutes energy generation from solar PV and as set out in the Planning Statement meets the thresholds set out under the Planning Act 2008 to qualify as an NSIP.
4.2.6	*The overarching need case for each type of energy infrastructure and the substantial weight which should be given to this need in assessing*	The need for the Proposed Development, covered in section 5 of the PS considers the need case set out in EN-1.

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	applications, as set out in paragraphs 3.2.6 to 3.2.8 of EN-1, is the starting point for all assessments of energy infrastructure applications.	
4.2.10	*Applicants for CNP [critical national priority] infrastructure must continue to show how their application meets the requirements in this NPS and the relevant technology specific NPS, applying the mitigation hierarchy, as well as any other legal and regulatory requirements.*	As above, the Proposed Development is CNP infrastructure. The PS and this PCD demonstrates how the Application meets NPS requirements. The ES demonstrates the application of the mitigation hierarchy, legal and regulatory requirements.
4.2.11	*Applicants must apply the mitigation hierarchy and demonstrate that it has been applied. They should also seek the advice of the appropriate SNCB or other relevant statutory body when undertaking this process. Applicants should demonstrate that all residual impacts are those that cannot be avoided, reduced or mitigated.*	The ES demonstrates that the Proposed Development has taken the approach to avoid, minimise and mitigate effects, as explained in section 11.6 of ES Chapter 11 – Cumulative Effects and Residual Effects Summary **[REF: 6.1]**. Residual effects are also reported on in the ES and summarised in Chapter 11. Based on the Landscape Strategy Plan ('LSP') as depicted in ES Figures 7.6 1-5 **[REF: 6.2]**, Biodiversity Net Gain ('BNG') is reported as 114.69% for habitats, 44.84% for hedgerows, and 12.56% for watercourses in the BNG Report **[REF: 6.3]**, with all net gains capable of being delivered on-Site. Until the final layout is established, the Outline Landscape and Ecological Management Plan ('OLEMP') (ES Appendix 7.7 **[REF: 6.3]**) seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target. Engagement and formal consultation with NE (the relevant SNCB) has been undertaken as demonstrated in the Consultation Report and ES Chapter 8 – Biodiversity **[REF: 6.1]**.
4.2.12	*Applicants should set out how residual impacts will be compensated for as far as possible. Applicants should also set out how any mitigation or compensation measures will be monitored and reporting agreed to ensure success and that action is taken. Changes to measures may be needed e.g.*	ES Chapter 11 summarises the cumulative effects assessment (intra-project and inter-project effects) and the residual effects of the Proposed Development. The Commitments Register (ES Appendix 11.1 **[REF: 6.3]**) details associated mitigation measures. Mitigation and enhancement measures will be secured through the DCO.

Para	EN-1 Policy Detail	Policy Compliance
	adaptive management. The cumulative impacts of multiple developments with residual impacts should also be considered.	
4.2.13	*Where residual impacts relate to HRA or MCZ sites then the Applicant must provide a derogation case, if required, in the normal way in compliance with the relevant legislation and guidance.*	A sHRA report has been prepared. The River Derwent and Bassenthwaite Lake Special Area of Conservation ('SAC') and Solway Firth Special Protection Area ('SPA') were taken forward to the Screening Assessment. The Site is hydrologically connected to the River Derwent and Bassenthwaite Lake SAC and due to the potential for effects to occur during construction, an Appropriate Assessment was undertaken. The Appropriate Assessment concluded that there will be no impact to the integrity of the River Derwent and Bassenthwaite Lake SAC or its Conservation Objectives provided that mitigation measures outlined in the sHRA are implemented. An Appropriate Assessment was also undertaken for the Solway Firth SPA as a functional linkage between the Site and the SPA for wintering herring gulls could not be ruled out. It is considered that the Proposed Development will not have an adverse effect on the integrity of the Solway Firth SPA alone, as supported by correspondence with NE. It is also considered that the Proposed Development will not have an adverse effect on the integrity of the Solway Firth SPA in-combination with other developments.
Environmental Effects/Considerations		
4.3.3	*The Regulations require an assessment of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, transboundary, short, medium, and long-term, permanent and temporary, positive and negative effects at all stages of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects.*	The ES has assessed the likely significant effects during construction, operation (and maintenance) and decommissioning of the Proposed Development and considers embedded and additional mitigation. The Commitments Register sets out all of the embedded and additional mitigation. The Applicant has also prepared the following management plans: • Outline Construction Environmental Management Plan ('OCEMP') (ES Appendix 5.1 **[REF: 6.3]**); • Outline Construction Traffic Management Plan ('OCTMP') (ES Appendix 5.2 **[REF: 6.3]**); • OLEMP; • Outline Operational Management Plan ('OOMP') (ES Appendix 3.1 **[REF: 6.3]**); • Outline Soil Management Plan ('OSMP') (ES Appendix 5.3 **[REF: 6.3]**); and
4.3.4	*To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This*	

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	information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being.	• Framework Decommissioning Management Plan ('FDMP') (ES Appendix 5.4 **[REF: 6.3]**). Detailed versions of the management plans will be prepared post consent (should consent be granted) as secured by Requirements in the draft DCO **[REF: 3.1]**. The Archaeological Mitigation Strategy ('AMS') (ES Appendix 6.3 **[REF: 6.3]**) has been produced in order to secure a programme of archaeological fieldwork in association with the pre-commencement and construction phases of the Proposed Development. The archaeological work set out in the AMS comprises a staged programme of work to be secured by DCO Requirement; this approach has been adopted to account for varying archaeological potential across different sections of the Site. The Outline Drainage Strategy ('ODS') (contained within ES Appendix 2.4 **[REF: 6.3]**) sets out the surface water drainage requirements for the Proposed Development. A detailed drainage strategy will be developed post consent (should consent be granted) as secured by DCO Requirement. The final strategy will include details around the adoption of Sustainable Drainage Systems ('SuDS') and the SuDS maintenance plan, including a maintenance schedule and details of easements and outfalls for the drainage system. Section 7 of the PS sets out the key strategic benefits offered by the Proposed Development (energy security, reliability and affordability). In addition to the strategic benefits, the Proposed Development will also feature extensive ecological and landscape (green/blue infrastructure) enhancements which will bring about a substantial BNG, a net environmental gain, and water quality betterment. The new permissive paths which will be integrated into the GI proposals will also provide a health and wellbeing benefits to local residents.
4.3.5-4.3.7	*For the purposes of this NPS and the technology specific NPSs the ES should cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project. Where the NPSs use the term 'environment' they are referring to both the natural and historic environments. In the absence of any additional information on additional assessments, the principles set out in this Section will apply to all assessments.*	The ES contains the following: • Chapter 1: Introduction **[REF: 6.1]** • Chapter 2: EIA Methodology **[REF: 6.1]** • Chapter 3: Site and Proposed Development Description • Chapter 4: Alternatives and Design Evolution **[REF: 6.1]** • Chapter 5: Construction and Decommissioning Methodology and Phasing • Chapter 6: Cultural Heritage **[REF: 6.1]**

Para	EN-1 Policy Detail	Policy Compliance
		• Chapter 7: Landscape and Views **[REF: 6.1]** • Chapter 8: Biodiversity • Chapter 9: Climate Change • Chapter 10: Ground Conditions **[REF: 6.1]** • Chapter 11: Cumulative Effects and Residual Effects Summary In addition, a non-technical summary ('NTS') **[REF: 6.4]** has been prepared. These chapters cover the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the Proposed Development and where required, measures are proposed to mitigate adverse effects.
4.3.10	*The applicant must provide information proportionate to the scale of the project, ensuring the information is sufficient to meet the requirements of the EIA Regulations.*	The information provided is proportionate to the scale of the Proposed Development.
4.3.11	*In some instances, it may not be possible at the time of the application for development consent for all aspects of the proposal to have been settled in precise detail. Where this is the case, the applicant should explain in its application which elements of the proposal have yet to be finalised, and the reasons why this is the case*	As in ES Chapter 3 – Site and Proposed Development Description, in order to maintain flexibility, the ES has assessed the parameters which represent the worst-case scenario with the absence of absolute certainty on some entities of the Proposed Development. These parameters are listed within the Design Parameters Document ('DPD') **[REF: 5.7]** and ES Chapter 3 which provide the envelope for future detailed design in terms of appearance and manner of implementation / operation. Flexibility has been sought as renewable energy technology is rapidly evolving and current options may be superseded before construction can start, as set out in Section 5.5 of the Design Approach Document ('DAD') **[REF: 5.8]**. This is reflected within the minimum and maximum parameters which limit the scale and appearance of the infrastructure but provide a degree of flexibility. Should development consent be granted, the design (layout and governance) will need to be in accordance with the DPD and approved by the Council under the detailed design DCO Requirement.
4.3.12	*Where some details are still to be finalised, the ES should, to the best of the applicant's knowledge, assess the likely worst-case environmental, social and economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.*	

Para	EN-1 Policy Detail	Policy Compliance
4.3.15	*Applicants are obliged to include in their ES, information about the reasonable alternatives they have studied. This should include an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.*	ES Chapter 4 – Alternatives and Design Evolution outlines the reasonable alternatives studied by the Applicant, in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017[10] and thereby 4.3.18, including the 'Do Nothing' alternative, site selection, alternative locations or uses, site evolution and refinement and alternative designs.
4.3.22-4.3.28	*Given the level and urgency of need for new energy infrastructure, the Secretary of State should, subject to any relevant legal requirements (e.g. under the Habitats Regulations) which indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives:* • *The consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner* • *Only alternatives that can meet the objectives of the proposed development need be considered.* *The Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals.* *Alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the Secretary of State thinks they are both important and relevant to the decision. As the Secretary of State must assess an application in accordance with the relevant NPS (subject to the exceptions set out in the Planning Act 2008), if the Secretary of State concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in the relevant NPS, the existence of that alternative is unlikely to be important and relevant to the Secretary of State's decision. Alternative proposals which mean the necessary development could not proceed, for*	

Para	EN-1 Policy Detail	Policy Compliance
	example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision. Alternative proposals which are vague or inchoate can be excluded on the grounds that they are not important and relevant to the Secretary of State's decision	
4.3.19	*The Secretary of State should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy, or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place*	Each technical chapter of the ES considers the cumulative effects with other proposals. A summary of significant cumulative effects and intra-project effects is given in ES Chapter 11 – Cumulative Effects and Summary.
Health		
4.4.4	*As described in the relevant sections of this NPS and in the technology specific NPSs, where the proposed project has an effect on humans, the ES should assess these effects for each element of the project, identifying any potential adverse health impacts, and identifying measures to avoid, reduce or compensate for these impacts as appropriate.*	ES Chapter 2 – EIA Methodology contains a section on human health and an assessment which explains why health has been scoped out of the ES as a standalone chapter. Section 2.9 outlines how the potential effects to human health from the Proposed Development have been considered within the relevant technical chapters of the ES, setting out the embedded and additional mitigation measures which will ensure no significant risk to human health. A human health chapter was therefore not included in the ES.
4.4.5	*The impacts of more than one development may affect people simultaneously, so the applicant should consider the cumulative impact on health in the ES where appropriate.*	
4.4.6	*Opportunities should also be taken to mitigate indirect impacts, by promoting local improvements to encourage health and wellbeing, this includes potential impacts on vulnerable groups within society i.e. those groups within society which may be differentially impacted by a development compared to wider society as a whole.*	The Applicant is proposing to create two permissive paths, which will benefit the health and wellbeing of local residents. The permissive path routes are identified in the OLEMP Further information on the permissive paths is included in the PS (sections 6.6, 6.9, 6.11 and 7) and the DAD (section 6.3).

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4.4.7-4.4.8	*Generally, those aspects of energy infrastructure which are most likely to have a significantly detrimental impact on health are subject to separate regulation (for example for air pollution) which will constitute effective mitigation of them, so that it is unlikely that health concerns will either by themselves constitute a reason to refuse consent or require specific mitigation under the Planning Act 2008. However, not all potential sources of health impacts will be mitigated in this way and the Secretary of State will want to take account of health concerns when setting requirements relating to a range of impacts such as noise.*	ES Chapter 2 – EIA Methodology sets out that topics such as air quality and noise and vibration have been scoped out through the EIA Scoping Opinion (ES Appendix 2.2) **[REF: 6.3]** or additional information provided within the ES. Application of the mitigation hierarchy has meant that the Proposed Development has sought to avoid, minimise and mitigate effects, for example through careful consideration of siting. The OCEMP and OCTMP outline best practice measures to help reduce impacts such as construction noise and vibration.
Environmental and Biodiversity Net Gain		
4.6.1	*Environmental net gain is an approach to development that aims to leave the natural environment in a measurably better state than beforehand. Projects should therefore not only avoid, mitigate and compensate harms, following the mitigation hierarchy, but also consider whether there are opportunities for enhancements.*	Section 5 of the PS sets out the need for the Proposed Development and section 7 summarises the key strategic benefits that it would bring, such as increasing energy security, reliability and affordability of energy supply which would benefit both the local and national electricity network. Further benefits that would be brought about by the Proposed Development are set out throughout section 6 of the PS, and summarised at section 7. BNG is set out in the BNG Report as 114.69% for habitats, 44.84% for hedgerows, and 12.56% for watercourses based on the LSP. BNG is covered in more detail in subsequent policy responses (4.6.7-4.6.8 for example). Until the final layout is established, the OLEMP seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target. The ecological and landscape enhancements set out within the LSP which proposes a holistic, multifunctional, nature-based solutions approach that would contribute to the GI of the Site, providing BNG
4.6.2	*Biodiversity net gain is an essential component of environmental net gain. Projects in England should consider and seek to incorporate improvements in natural capital, ecosystem services and the benefits they deliver when planning how to deliver biodiversity net gain.*	
4.6.3	*Currently environmental net gain only applies to terrestrial and intertidal components of projects. Principles for Marine Net Gain are currently in development by Defra who will provide guidance in due course. There are provisions in the Environment Act 2021 to allow marine net gain to be made mandatory in the future.*	
4.6.6	*Energy NSIP proposals, whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by*	

Para	EN-1 Policy Detail	Policy Compliance
	providing net gains for biodiversity, and the wider environment where possible.	and enhancements to public accessibility through the creation of two new permissive paths (responding to 4.6.13 on access to greenspace). The OLEMP includes management prescriptions for the landscape establishment period (first 5 years) of the operational phase to support meeting the target condition of each habitat to deliver BNG. A LEMP will be prepared which must be substantially in accordance with the OLEMP and will be secured by DCO requirement. The LEMP must include the habitat management objectives, targets and prescriptions set out for the full 40-year operational period of the Proposed Development. In doing so it will also set out how the Proposed Development will be maintained and monitored to deliver the BNG commitments. As part of the maintenance regime of the Site, sheep grazing would continue at a reduced intensity. The Outline Grazing Management Plan ('OGMP') (OLEMP Appendix A) outlines the co-located grazing and associated pastoral activities. The cessation of intensive grazing and the chemical-free management of land under solar arrays as species rich grassland will provide further environmental improvement including to: soil health, future agricultural land quality and contributing towards improving the water quality of watercourses within the Site, and downstream.
4.6.13	*In addition to delivering biodiversity net gain, developments may also deliver wider environmental gains relevant to the local area, and to national policy priorities, such as reductions in GHG emissions, reduced flood risk, improvements to air or water quality, climate adaptation, landscape enhancement, increased access to natural greenspace, or the enhancement, expansion or provision of trees and woodlands. The scope of potential gains will be dependent on the type, scale, and location of specific projects. Applicants should look for a holistic approach to delivering wider environmental gains and benefits through the use of nature-based solutions and Green Infrastructure.*	
4.6.7-4.6.8	*In England applicants for onshore elements of any development are encouraged to use the latest version of the biodiversity metric to calculate their biodiversity baseline and present planned biodiversity net gain outcomes. This calculation data should be presented in full as part of their application. Where possible, this data should be shared, alongside a completed biodiversity metric calculation, with the Local Authority and Natural England for discussion at the pre-application stage as it can help to highlight biodiversity and wider environmental issues which may later cause delays if not addressed.*	Defra's Statutory Metric tool[11] was used to undertake the biodiversity metric calculations in the BNG Report (ES Appendix 8.8). This document contains the full calculations undertaken to determine the BNG of the Proposed Development, which is reported as 114.69% for habitats, 44.84% for hedgerows, and 12.56% for watercourses based on the LSP. All net gain will be provided on Site through the creation and enhancement of habitats, hedgerows, and watercourses as per the LSP. The Applicant has engaged with the local Wildlife Trust ('CWT') to establish suitable post-development habitats.
4.6.10	*Biodiversity net gain should be applied after compliance with the mitigation hierarchy and does not change or replace existing environmental obligations, although compliance with those obligations will be relevant to the question of the baseline for assessing net gain and if they deliver an additional enhancement beyond meeting the existing obligation, that enhancement will count towards net gain.*	The mitigation hierarchy has been applied as set out in ES Chapter 8 – Biodiversity. Baseline surveys have identified the presence of protected species on Site and they will be safeguarded during both construction and operation by appropriate working and management practices set out in both the OCEMP and OLEMP.

Para	EN-1 Policy Detail	Policy Compliance
4.6.11	*Biodiversity net gain can be delivered onsite or wholly or partially off-site. Any off-site delivery of biodiversity net gain should also be set out within the application for development consent.*	As set out in the BNG Report, all net gain will be provided on Site.
4.6.14	*The Environment Act 2021 mandated the preparation of Local Nature Recovery Strategies (LNRSs) across England. They are a new system of spatial strategies for nature recovery and will play a major role in providing detail on the best locations to create, enhance and restore nature and deliver wider environmental benefits. LNRSs will also agree priorities for nature recovery and map the most valuable existing areas for nature. They will be critical in delivering new government targets for species abundance and habitat creation commitments, as well as other pressing environmental outcomes for water and flood risk, carbon and tree planting and woodland creations. LNRSs will also drive the creation of a Nature Recovery Network (NRN), a major commitment in the government's 25 Year Environment Plan*	The LNRS for Cumbria and the Statement of Biodiversity Priorities for Cumbria were consulted to determine the strategic significance of habitats on Site (section 2.8 of the BNG Report).
Criteria for good design for Energy Infrastructure		
4.7.2	*Applying good design to energy projects should produce sustainable infrastructure sensitive to place, including impacts on heritage, efficient in the use of natural resources, including land-use, and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however that the nature of energy infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.*	The DAD demonstrates how the Proposed Development has embedded good design throughout the governance and decision-making of the project, with consideration of the National Infrastructure Commission's Design Principles and 'good design' as set out in local and national policy. It provides an overview of the vision and Project Design Principles which have guided the design of the Proposed Development, setting out how the landscape, visual impact, cultural heritage, and biodiversity constraints and opportunities presented by the Site and its surroundings have informed the design of the Proposed Development to ensure it integrates well with its surroundings and meets high standards of design quality. The DAD also details the evolution of the design, explaining the rationale behind key decisions and how the design has developed over time. The need to be sensitive to place and make efficient use of the land and its resources is reflected within all the Project Design Principles which have guided decision-making throughout the pre-application process. The appearance of the Proposed Development is controlled by the DPD which is proposed to be secured by the detailed design DCO Requirement to control the appearance of infrastructure.

Para	EN-1 Policy Detail	Policy Compliance
4.7.3	*Good design is also a means by which many policy objectives in the NPSs can be met, for example the impact sections show how good design, in terms of siting and use of appropriate technologies, can help mitigate adverse impacts such as noise. Projects should look to use modern methods of construction and sustainable design practices such as use of sustainable timber and low carbon concrete. Where possible, projects should include the reuse of material.*	Section 5.4 of the DAD sets out how the design of the Proposed Development has evolved to mitigate environmental impacts through considering environmental constraints and opportunities as well as responding to issues identified by stakeholders, including consideration of siting and appropriate technologies. For example, the Proposed Development has been carefully sited to consider impacts on sensitive landscape receptors such as the Lake District National Park ('LDNP'), the amenity of nearby residents, and glint and glare impacts through the sensitive siting of the taller infrastructure within the Site in relation to topography and existing screening. Sections 5 and 6 of the DAD further describe the approach to establishing exclusion areas with respect of environmental health, for example drawing on the conclusions of the preliminary Noise Impact Assessment work to define possible locations for the noise-generating grid connection. As set out in Table 5.1 of the DAD, one of the Project Design Principles (V.1) is to '*embed circular economy and nature-based-solutions principles into the design (including management plans) so that choices for the Proposed Development reflect its temporary nature and support sustainable decommissioning*', demonstrating the Applicant's regard to sustainability. This is evidenced within the proposal of natural methods of drainage where possible and enhancements to GI across the Site. A core commitment of the FDMP which must be carried through into the future document suite is that the DMP will be expected to demonstrate that re-use and recycling are prioritised and that no materials which can be re-used or recycled are disposed of in any other way without a compelling justification.
4.7.4	*Given the benefits of good design in mitigating the adverse impacts of a project, applicants should consider how good design can be applied to a project during the early stages of the project lifecycle.*	Section 4 of the DAD sets out the vision and Project Design Principles which have shaped the Proposed Development. This section also describes how the Applicant has embedded good design within the design process, including through governance established at the outset, and how these governance arrangements embed good practice throughout the design lifecycle, including into those aspects which will occur post consent. The Project Design Principles were the framework for the establishment of the more detailed Design Parameters set out within the DPD which will control the appearance of the Proposed Development. The DPD is proposed to be secured by the detailed design Requirement of the draft DCO to ensure that the Proposed Development stays within defined limits during its detailed design and construction phases, helping to manage expectations and maintain consistency.
4.7.5	*To ensure good design is embedded within the project development, a project board level design champion could be appointed, and a representative design panel used to maximise the value provided by the infrastructure. Design principles should be established from the outset of the project to guide the development from conception to operation. Applicants should consider how their design principles can be applied post-consent.*	

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4.7.6	*Whilst the applicant may not have any or very limited choice in the physical appearance of some energy infrastructure, there may be opportunities for the applicant to demonstrate good design in terms of siting relative to existing landscape character, land form and vegetation. Furthermore, the design and sensitive use of materials in any associated development such as electricity substations will assist in ensuring that such development contributes to the quality of the area. Applicants should also, so far as is possible, seek to embed opportunities for nature inclusive design within the design process.*	The design of the Proposed Development has been developed to minimise views of the Site with planting and the sensitive placement of infrastructure based on topography and existing natural screening provided by vegetation. The Proposed Development has been designed to respond to the character of the Site and to be sensitive to the surrounding landscape, particularly the need to avoid impacts on sensitive receptors, nearby dwellings, and heritage assets. The design has aimed to ensure visual impacts are mitigated in a way that complements the existing landscape structure, while also contributing positively to the vision for the Proposed Development as multifunctional GI. Habitats in the Site have also informed the siting of infrastructure and commitments in control documents. In general, Work No. 1, Work No. 2, and Work No. 3 would be sited in those parts of the Site which are heavily grazed modified grassland, which is not presently performing as an important or sensitive ecological feature. Similarly, sensitive habitats such as ancient woodland, watercourses and waterbodies and peat are avoided through buffers / exclusion areas as described in ES Chapter 3 Table 3.3. As explained at section 7 of the DAD, a nature-based solutions approach has been incorporated wherever possible within the design of the Proposed Development, minimising the 'built' elements and embodying the importance of the 'value' National Infrastructure Commission principle in addressing multiple problems with one solution. This has included the use of natural drainage features which mimics greenfield runoff, a landscape-led approach to GI which provides visual screening and ecological benefit through habitat corridors; and supporting conservation grazing.
4.7.7	*Applicants must demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected.*	The DAD demonstrates how the Proposed Development has considered the National Infrastructure Commission's Design Principles[12] and 'good design' set out in local and national policy. It provides a broader overview of the hierarchy of vision and design principles which have guided the design of the Proposed Development. It explains the context of the design, including considerations for the landscape, visual impact, cultural heritage, and biodiversity, setting out how the Proposed Development integrates well with its surroundings and meets high standards of design quality. At section 5, the DAD also details the evolution of the design, explaining the rationale behind key decisions and how they have been informed by thorough research and consultation and a multidisciplinary approach. Section 6 of the DAD further explains how the Site's constraints and opportunities have informed the design, and how good design is secured through the application within the DPD and management plans.

Para	EN-1 Policy Detail	Policy Compliance
		ES Chapter 4 – Alternatives and Design Evolution outlines the reasonable alternatives studied by the Applicant, in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, including the 'Do Nothing' alternative, site selection, alternative locations or uses, site evolution and refinement and alternative designs.
4.7.8	*Applicants should consider taking independent professional advice on the design aspects of a proposal. In particular, the Design Council can be asked to provide design review for nationally significant infrastructure projects and applicants are encouraged to use this service. Applicants should also consider any design guidance developed by the local planning authority.*	The design of the Proposed Development has been an iterative process involving the Applicant, the design team and the environmental consultant team. The design has also been informed by considering feedback from consultation and engagement with stakeholders and statutory consultees, host authorities, local communities, local residents and through the EIA scoping process. The Council's policies on good design have been considered within the DAD and have informed the development of the Design Principles.
4.7.13	*The Secretary of State should consider such impacts under the relevant policies in this NPS. Assessment of impacts must be for the stated design life of the scheme rather than a shorter time period.*	As set out in ES Chapter 2 – EIA Methodology, the ES has assessed an 18 month construction period, 40 year operational lifespan and 12 month decommissioning period.
Climate Change Adaptation and Resilience		
4.10.3	To support planning decisions, the government produces a set of UK Climate Projections as well as hazard-specific tools and guidance like the Environment Agency's climate change allowances for flood risk assessments. In addition, the government's National Adaptation Programme and Adaptation Reporting Power will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including energy utilities) assess the risks to their organisation presented by climate change.	ES Chapter 9 – Climate Change reports on the likely significant effects, mitigation measures, residual effects and cumulative effects of the Proposed Development in relation to climate change. Both the impact of the Proposed Development on climate and the effect of climate change on the Proposed Development are considered. In line with 2020 IEMA (Institute of Environmental Management and Assessment, now known as The Institute of Sustainability and Environmental Professionals) Guidance[13], the climate change adaptation assessment within Chapter 9 has utilised UK climate projection data to assess the potential impact of a changing climate on the Proposed Development. Chapter 9 assesses the resilience of the Proposed Development, incorporating the proposed embedded and additional measures which constitute nature-based solutions such as the LSP, and measures outlined in the ODS.
4.10.5	*In certain circumstances, measures implemented to ensure a scheme can adapt to climate change may give rise to additional impacts, for example as a result of protecting against flood risk, there may be consequential impacts on coastal change. In preparing measures to support climate change adaptation applicants should take reasonable steps to maximise the use of nature-based solutions alongside other conventional techniques.*	

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4.10.6-4.10.7	*Integrated approaches, such as looking across the water cycle, considering coordinated management of water storage, supply, demand, wastewater, and flood risk can provide further benefits to address multiple infrastructure needs, as well as carbon sequestration benefits. In addition to avoiding further GHG emissions when compared with more traditional adaptation approaches, nature-based solutions can also result in biodiversity benefits and net gain, as well as increasing absorption of carbon dioxide from the atmosphere.*	Chapter 9 Climate Change outlines the flood risk and natural environment mitigation measures in relation to climate change. The effect on peat has been mitigated through avoidance; as set out in Table 3.3 ES Chapter 3, Work No. 1 and Work No. 2 will not be permitted within 10m of identified peat deposits, therefore avoiding impacts on this source of carbon sequestration. The Proposed Development follows a nature based solutions approach through the LSP and ODS which in turn enhances the climate resilience of the Proposed Development.
4.10.8-4.10.9	*New energy infrastructure will typically need to remain operational over many decades, in the face of a changing climate. Consequently, applicants must consider the direct (e.g. site flooding, limited water availability, storms, heatwave and wildfire threats to infrastructure and operations) and indirect (e.g. access roads or other critical dependencies impacted by flooding, storms, heatwaves or wildfires) impacts of climate change when planning the location, design, build, operation and, where appropriate, decommissioning of new energy infrastructure.* *The ES should set out how the proposal will take account of the projected impacts of climate change, using government guidance and industry standard benchmarks such as the Climate Change Allowances for Flood Risk Assessments, Climate Impacts Tool, and British Standards for climate change adaptation, in accordance with the EIA Regulations.*	Chapter 9 Climate Change stipulates the bespoke methodology for the assessment. To consider the adaptability and resilience of the Proposed Development to climate change during its operational phase, the Guide to Climate Change Resilience and Adaptation (June 2020)[14] was followed, in accordance with the EIA regulations.
4.10.10 - 4.10.11	*Applicants should assess the impacts on and from their proposed energy project across a range of climate change scenarios, in line with appropriate expert advice and guidance available at the time. Applicants should be able to demonstrate that proposals have a high level of climate resilience built-in from the outset and should also demonstrate how proposals can be adapted over their predicted lifetimes to remain resilient to a credible maximum climate change scenario. These results should be considered alongside relevant research which is based on the climate change projections*	Chapter 9 Climate Change stipulates the bespoke methodology for the assessment. The methodology has regard to the IEMA Resilience and Adaptation Guidance and IEMA GHG Guidance, recognising that mitigation should be considered from the outset of the Proposed Development, and throughout its lifetime. In line with 2020 IEMA GHG Guidance, the climate adaptation assessment utilises the 'worst case scenario' future climate projections, therefore Representative Concentration Pathway 8.5 scenarios are used. In assessing the impact of the operation of the Proposed Development on climate, the sixth UK Carbon Budget was utilised which aligns with the net zero 2050 target. Operational carbon savings have been assessed by considering the renewable energy generation from the 2027 projected energy mix. For construction phase assessments, the fourth Carbon Budget (2023-2027) was utilised; this targets an 80%

Para	EN-1 Policy Detail	Policy Compliance
		reduction in greenhouse gases and was adopted as the construction phase is anticipated to align with this Carbon Budget period.
4.10.12	*Where energy infrastructure has safety critical elements, the applicant should apply a credible maximum climate change scenario. It is appropriate to take a risk-averse approach with elements of infrastructure which are critical to the safety of its operation.*	In line with 2020 IEMA Guidance, ES Chapter 9 – Climate Change utilises the 'worst case scenario' future weather projections, therefore Representative Concentration Pathway 8.5 scenarios are used.
4.10.13 - 4.10.14	*The Secretary of State should be satisfied that applicants for new energy infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections and associated research and expert guidance (such as the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments) available at the time the ES was prepared to ensure they have identified appropriate mitigation or adaptation measures. This should cover the estimated lifetime of the new infrastructure, including any decommissioning period. Should a new set of UK Climate Projections or associated research become available after the preparation of the ES, the Secretary of State (or the Examining Authority during the examination stage) should consider whether they need to request further information from the applicant.*	The Flood Risk Assessment ('FRA') (ES Appendix 2.4 **[REF: 6.3]**) has used government guidance and industry standard benchmarks such as the Climate Change Allowances for FRA which provides contingency allowances for potential increases due to climate change in peak river flow, rainfall intensity and sea level rise.
4.10.15	*The Secretary of State should be satisfied that there are not features of the design of new energy infrastructure critical to its operation which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK climate projections, taking account of the latest credible scientific evidence on, for example, sea level rise (for example by referring to additional maximum credible scenarios – i.e. from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.*	Section 1.7 Residual Effects of ES Chapter 9 – Climate Change outlines that following the implementation of mitigation, no significant effects are anticipated on the Proposed Development due to climate change (resilience / adaptation). The ODS contains measures that will shape the detailed design of surface water drainage solutions. The final strategy for adoption of SuDS and the SuDS maintenance plan, including a maintenance schedule and details of easements and outfalls for the drainage system, will be produced at the detailed design phase, and secured via a DCO Requirement.

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4.10.16	*If any adaptation measures give rise to consequential impacts (for example on flooding, water resources or coastal change) the Secretary of State should consider the impact of the latter in relation to the application as a whole and the impacts guidance set out in Part 5 of this NPS*	
4.10.17	*Any adaptation measures should be based on the latest set of UK Climate Projections, the government's latest UK Climate Change Risk Assessment, when available, and in consultation with the EA's Climate Change Allowances for Flood Risk Assessments or the Welsh Government's Climate change allowances and flood consequence assessments.*	
4.10.19	*Adaptation measures should be required to be implemented at the time of construction where necessary and appropriate to do so. However, where they are necessary to deal with the impact of climate change, and that measure would have an adverse effect on other aspects of the project and/or surrounding environment (for example coastal processes), the Secretary of State may consider requiring the applicant to keep the need for the adaptation measure under review, and ensure that the measure could be implemented should the need arise, rather than at the outset of the development (for example increasing height of existing, or requiring new, sea walls).*	
Network Connection		
4.11.5-4.11.6	*The applicant must liaise with National Grid who own and manage the transmission network in England and Wales or the relevant regional DNO or TSO to secure a grid connection. Applicants may wish to take a commercial risk where they have not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application. In this situation applicants should provide information as part of their application confirming that there is no obvious reason why a network connection would not be possible.*	The GCS confirms who will be responsible for designing and building the connection to the electricity grid. The Applicant has liaised with ENW (the relevant DNO) and has accepted an offer made by ENW to provide the connection to the DNO's Distribution System.

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4.11.7	*The Planning Act 2008 aims to create a holistic planning regime so that the cumulative effect of different elements of the same project can be considered together. Co-ordinated applications typically bring economic efficiencies and reduced environmental impact. The government therefore envisages that wherever reasonably possible, applications for new generating stations and related infrastructure should be contained in a single application to the Secretary of State or in separate applications submitted in tandem which have been prepared in an integrated way, as outlined in EN-5. This is particularly encouraged to ensure development of more co-ordinated transmission overall.*	The Applicant is seeking a DCO for the construction, operation, and decommissioning of a PV energy generating station with a total capacity exceeding 50 Megawatts ('MW') comprising solar PV arrays, grid connection infrastructure, associated infrastructure, and GI. The application includes the required infrastructure to support the function and delivery of the Proposed Development. The GCS provides confirmation that the Proposed Development will export the electricity generated via existing DNO infrastructure.
Pollution Control and Other Environmental Regulatory Regimes		
4.12.6	*Many projects covered by this NPS will be subject to the Environmental Permitting Regulations, which also incorporates operational waste management requirements for certain activities. When an applicant applies for an Environmental Permit, the relevant regulator (usually the EA or NRW but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permitting Regulations requirements.*	The status of any permits, consents and licences, and respective discussions with regulators is sets out in the Consents and Agreements Position Statement **[REF: 5.4]**. The Applicant has engaged with the EA during the pre-application process on the topic of Environmental Permits. The Applicant's current position is that a Water Discharge Permit is not envisaged to be required and the need for a Flood Risk Activity Permit is anticipated to be avoided as there is no Main River within the Site.
4.12.7-4.12.8	*Applicants should make early contact with relevant regulators, including EA or NRW and the MMO, to discuss their requirements for Environmental Permits and other consents, such as marine licences. Wherever possible, applicants should submit applications for Environmental Permits and other necessary consents at the same time as applying to the Secretary of State for development consent.*	

Para	EN-1 Policy Detail	Policy Compliance
Safety		
4.13.2	*Some technologies, for example major accident hazard pipelines, will be regulated by specific health and safety legislation. The application of these regulations is set out in the technology specific NPSs where relevant.*	The OCEMP states that comprehensive health and safety assessments are an essential part of the construction process and would be carried out prior to construction by the contractor in accordance with legislation. A framework of legislation has been compiled and is contained in Appendix A. A Construction, Design and Management (CDM) co-ordinator will be appointed and be responsible for the provision of a pre-construction information pack, as required under the Construction (Design and Management) Regulations 2015[15].
4.13.3	*Some energy infrastructure will be subject to the Control of Major Accident Hazards (COMAH) Regulations 2015. These Regulations aim to prevent major accidents involving dangerous substances and limit the consequences to people and the environment of any that do occur. COMAH regulations apply throughout the life cycle of the facility, i.e. from the design and build stage through to decommissioning. They are enforced by the Competent Authority comprising HSE or ONR (Office for Nuclear Regulation, for nuclear) and the EA acting jointly in England and by the HSE and NRW acting jointly in Wales, and the HSE and Scottish Environment Protection Agency (SEPA) acting jointly in Scotland.*	The Applicant does not expect the Proposed Development to be subject to the Control of Major Accident Hazards Regulations 2015 (COMAH)[16].
4.13.6-4.13.7	Applicants seeking to develop infrastructure subject to the COMAH regulations should make early contact with the Competent Authority. If a safety report is required it is important to discuss with the Competent Authority the type of information that should be provided at the design and development stage, and what form this should take. This will enable the Competent Authority to review as much information as possible before construction begins, in order to assess whether the inherent features of the design are sufficient to prevent, control and mitigate major accidents.	
4.13.5	*Applicants should consult with the Health and Safety Executive (HSE) on matters relating to safety.*	As evidenced in the Consultation Report and Appendix 5.1 of the Consultation Report **[REF: 5.2]**, the Applicant has consulted with the HSE.

Para	EN-1 Policy Detail	Policy Compliance
Hazardous Substances		
4.14.5	*Applicants must consult the HSA and HSE at pre-application stage if the project is likely to need hazardous substances consent. Hazardous substances consents are a part of the planning regime which contributes to public safety.*	The Applicant has not consulted with the HSA as a hazardous substances consent is not anticipated to be required for the Proposed Development. The Applicant has consulted with HSE as part of the statutory consultation however no response was received.
4.14.6	*HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at preapplication stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult the HSE for its advice on locating the particular development on that site.*	
Common Law Nuisance and Statutory Nuisance		
4.15.5	*At the application stage of an energy NSIP, possible sources of nuisance under section 79(1) of the 1990 Act and how they may be mitigated or limited should be considered by the Secretary of State so that appropriate requirements can be included in any subsequent order granting development consent (see Section 5.7 on Dust, odour, artificial light etc. and Section 5.12 on Noise and vibration).*	Possible sources of nuisance as in 79(1) of the Environmental Protection Act (EPA) 1990[17] are considered in the Statutory Nuisance Statement ('SNS') **[REF: 5.3]**. Table 3.1 of the SNS summarises the matters as listed in the EPA and whether or not they may be engaged. Sections 4-7 summarise the mitigation measures relevant to the conditions of the Site (including waste management and pollution and contamination), air quality, artificial light, and noise and vibration. The SNS concludes that the embedded design and additional mitigation measures identified in the ES will prevent impacts which have the potential to result in statutory nuisance.
Security Considerations		
4.16.4	*Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations.*	ES Chapter 3, the OCEMP, and OOMP outline the security measures during construction and operation. Illustrations of perimeter fencing, security fencing and security camera designs are provided in ES Figures 3.15, 3.16, and 3.24 and the parameters set out in the DPD describe the parameters for security measures.

Para	EN-1 Policy Detail	Policy Compliance
4.16-5-4.16.7	*DESNZ will be notified at pre-application stage about every likely future application for energy NSIPs, so that any national security implications can be identified.* *Where national security implications have been identified, the applicant should consult with relevant security experts from NPSA, ONR (for civil nuclear) and/or DESNZ to ensure security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. The applicant should only include sufficient information in the application as is necessary to enable the Secretary of State to examine the development consent issues and make a properly informed decision on the application.*	Prior to commencing the Section 42 consultation, the Applicant notified the Secretary of State of its intention to submit an application for development consent. The letter was sent electronically to the Planning Inspectorate on 8 March 2024. A copy of the letter can be found at Appendix 5.4 of the Consultation Report. The Applicant has not been notified by DESNZ that any national security implications have been identified as a result of the Proposed Development. The ONR were also consulted however the Applicant was informed that the ONR does not comment on pre-planning applications. At the time of the Section 42 consultation, a battery energy storage system (BESS) was included in the Proposed Development and a Framework Battery Safety Management Plan was produced. The Applicant is confident that the issue of safety could have been addressed through agreement with Cumbria Fire and Rescue Service. However, the Proposed Development no longer includes the BESS therefore the associated safety risk has been removed.
Air Quality and Emissions		
5.2.7	*Proximity to emission sources can have significant impacts on sensitive receptor sites for air quality, such as education or healthcare sites, residential use or sensitive or protected ecosystems. Projects near a sensitive receptor site for air quality should only be proposed in exceptional circumstances if no viable alternative site is available. In these instances, substantial mitigation of any expected emissions will be required (see para 5.2.10 below)*	As per Table 2.7 of ES Chapter 2, the Planning Inspectorate agreed in their EIA Scoping Opinion (ES Appendix 2.2) to scope out air quality as a standalone chapter provided that: i) sufficient information on dust sensitive receptors and dust suppression techniques was provided and ii) that the ES demonstrates that construction and operational traffic movements will not exceed the Institute of Air Quality Management ('IAQM') criteria. Due to there being limited sensitive receptors in close proximity to the Site, such as residential dwellings, a Construction Dust Risk Assessment has not been undertaken. Mitigation measures to reduce the effect of construction dust are included in the OCEMP. It is therefore considered that construction dust is adequately considered in the ES.
5.2.8	*Where the project is likely to have adverse effects on air quality the applicant should undertake an assessment of the impacts of the proposed project as part of the ES.*	In relation to vehicle emissions, the number of anticipated movements during construction (20 HGV Average Annual Daily Traffic ('AADT')) and operation (1-2 AADT vehicle movements) are below the threshold criteria requiring an assessment of significant effects in the 'Land Use Planning and Development Control: Planning for Air Quality' guidance (IAQM, 2017). Further, the OCTMP and Transport Statement ('TS') (ES Appendix 2.5) **[REF: 6.3]**) include measures to ensure vehicle emissions impacts on receptors are minimised.

Para	EN-1 Policy Detail	Policy Compliance
Greenhouse Gas Emissions		
5.3.4	*All proposals for energy infrastructure projects should include a GHG assessment as part of their ES (See Section 4.3). This should include:* • *A whole life GHG assessment showing construction, operational and decommissioning GHG impacts, including impacts from change of land use.* • *An explanation of the steps that have been taken to drive down the climate change impacts at each of those stages.* • *Measurement of embodied GHG impact from the construction stage.* • *How reduction in energy demand and consumption during operation has been prioritised in comparison with other measures.* • *How operational emissions have been reduced as much as possible through the application of best available techniques for that type of technology.* • *Calculation of operational energy consumption and associated carbon emissions.* • *Whether and how any residual GHG emissions will be (voluntarily) offset or removed using a recognised framework.* • *Where there are residual emissions, the level of emissions and the impact of those on national and international efforts to limit climate change, both alone and where relevant in combination with other developments at a regional or national level, or sector level, if sectoral targets are developed.*	ES Chapter 9 – Climate Change stipulates the methodology for the assessment. The methodology has regard to the IEMA Guidance, recognising that mitigation should be considered from the outset of the Proposed Development, and throughout its lifetime. Regarding the GHG assessment, direct and indirect effects of the Proposed Development on climate change have been assessed. This has included an assessment of the GHG emissions during the construction of the Proposed Development, including emissions from construction vehicles. A quantitative GHG assessment of the embodied carbon of materials used has not been undertaken and it is also not possible to quantify a worst-case scenario. However, a qualitative assessment of GHG emissions from construction works has assessed these to be non-significant. The carbon savings associated with the operational lifetime of the Proposed Development have been determined. During the operation of the Proposed Development, there will be a potential carbon saving resulting from the export of renewable electricity to the local distribution network, in lieu of the current energy mix, which include fossil fuels and renewable sources. However, the 'Limitations and Assumptions' in section 1.3 of ES Chapter 9 sets out that a quantitative assessment of the embodied carbon of construction materials has not been possible due to insufficient information available. An assessment of vehicular emissions during the decommissioning phase has also been scoped out on the basis that effects would be no greater than the construction phase and the decommissioning phase is too far in the future to be able to accurately predict traffic flows and emissions. Table 9.2 provides further information on the scope of the GHG emissions assessment. The OCTMP sets out a range of proposed mitigation measures that will contribute to a reduction in construction vehicle emissions. Measures include (but are not limited to) delivery scheduling, re-use of materials on-Site, smart procurement, and the implementation of a framework Construction Worker Travel Plan ('CWTP'). Further information is available from OCTMP section 7.Further, measures within the OCEMP cover, plant and processes, materials, waste and air quality during construction. Measures that will reduce GHG emissions during construction include, for example, no unnecessary idling of engines, maintenance of plant equipment to check they are operating optimally, only using construction plant that operates with fuel when necessary, and efficient use of materials to reduce waste in line with the waste hierarchy.

Para	EN-1 Policy Detail	Policy Compliance
5.3.5	*A GHG assessment should be used to drive down GHG emissions at every stage of the proposed development and ensure that emissions are minimised as far as possible for the type of technology, taking into account the overall objectives of ensuring our supply of energy always remains secure, reliable and affordable, as we transition to net zero.*	ES Chapter 9 has assessed direct and indirect carbon emissions during construction and the carbon savings associated with the operational lifetime of the Proposed Development. As above, measures to mitigate GHG emissions during construction are set out in ES Chapter 9 – Climate Change, OCEMP & OCTMP. Table 9.2 of ES Chapter 9 outlines that a decommissioning phase assessment has been scoped out of the ES.
5.3.6	*Applicants should look for opportunities within the proposed development to embed nature-based or technological solutions to mitigate or offset the emissions of construction and decommissioning.*	
5.3.7	*Steps taken to minimise and offset emissions should be set out in a GHG Reduction Strategy, secured under the Development Consent Order. The GHG Reduction Strategy should consider the creation and preservation of carbon stores and sinks including through woodland creation, hedgerow creation and restoration, peatland restoration and through other natural habitats.*	
5.3.11-5.3.12	*Operational GHG emissions are a significant adverse impact from some types of energy infrastructure which cannot be totally avoided (even with full deployment of CCS technology). Given the characteristics of these and other technologies, as noted in Part 3 of this NPS, and the range of non-planning policies that can be used to decarbonise electricity generation, such as the UK ETS (see Section 2.4), government has determined that operational GHG emissions are not reasons to prohibit the consenting of energy projects or to impose more restrictions on them in the planning policy framework than are set out in the energy NPSs (e.g. the CCR requirements). Any carbon assessment will include an assessment of operational GHG emissions, but the policies set out in Part 2, including the UK ETS, can be applied to these emissions. Operational emissions will be addressed in a managed, economy-wide manner, to ensure consistency with carbon budgets, net zero and our international climate commitments. The Secretary of State does not, therefore need to assess individual applications for planning consent against*	During the operation of the Proposed Development, 1-2 vehicle trips per week are expected. As detailed in Table 9.2, given the associated vehicle emissions are expected to be negligible, operational vehicle movements were scoped out of the assessment. ES Chapter 9 – Climate Change reports a major beneficial impact (significant) on climate change mitigation at a local level due to the renewable energy generation of the Proposed Development. For the projected energy mix for 2027, which includes fossil fuels and renewable sources, carbon savings of approximately 8,986.03 tCO2e per annum are anticipated. This is a saving of approximately 359,441.2 tCO2e over the 40-year operational lifespan of the Proposed Development, or 1,340,902.8 tCO2e if displacing only fossil fuel sources. Assumptions are also made with respect to operational traffic emissions that they will reduce over the lifespan of the Proposed Development as it is anticipated that operational vehicle movements will increasingly be comprised of Electric Vehicles (EV). Furthermore, as outlined in the OOMP, the Proposed Development will include electric vehicle (‘EV’) charging spaces for at least two EV’s.

Para	EN-1 Policy Detail	Policy Compliance
	operational carbon emissions and their contribution to carbon budgets, net zero and our international climate commitments.	
Biodiversity and Geological Conservation		
5.4.2	*In the 25 Year Environment Plan, the government set out its vision for a quarter of-a-century action to help the natural world regain and retain good health. A commitment to review the plan every 5 years was set into law in the Environment Act 2021. The Environmental Improvement Plan was published in 2023, which reinforces the intent of the 25 Year Environment Plan and sets out a plan to deliver on its framework and vision. The government's policy for biodiversity in A list of designated sites (including marine sites) is included in the Geological Conservation Review held by the Joint Nature Conservation Committee (JNCC) England is set out in the Environmental Improvement Plan 2023176, the National Pollinator Strategy and the UK Marine Strategy. The aim is to halt overall biodiversity loss in England by 2030 and then reverse loss by 2042, support healthy well-functioning ecosystems and establish coherent ecological networks, with more and better places for nature for the benefit of wildlife and people. This aim needs to be viewed in the context of the challenge presented by climate change. Healthy, naturally functioning ecosystems and coherent ecological networks will be more resilient and adaptable to climate change effects. Failure to address this challenge will result in significant adverse impact on biodiversity and the ecosystem services it provides.*	The policy responses to Section 4.6 and 4.7 of EN-1 provided earlier in this table demonstrate that the Proposed Development is compatible with the government's 25 Year Environment Plan. The Proposed Development will deliver a BNG in excess of the 10% target and wider environmental benefits, please refer to the policy compliance response to EN-1 4.6.1-13.
5.4.4-5.4.5	*The highest level of biodiversity protection is afforded to sites identified through international conventions. The Habitats Regulations set out sites for which an HRA will assess the implications of a plan or project, including Special Areas of Conservation and Special Protection Areas. As a matter of policy, the following should be given the same protection as sites covered by the Habitats Regulations and an HRA will also be required: (a) potential Special Protection Areas and possible Special Areas of Conservation; (b) listed or proposed Ramsar sites; and (c) sites identified, or*	The sHRA presents the results of the shadow Habitats Regulations Assessment undertaken. The sHRA outlines that potential SPAs and candidate SACs (cSACs), listed or proposed Ramsar sites, and sites identified, or required, as compensatory measures for adverse effects on identified sites, are provided the same protection as SAC and SPA, and are therefore also considered in the report accordingly, where appropriate.

Para	EN-1 Policy Detail	Policy Compliance
	required, as compensatory measures for adverse effects on any of the other sites covered by this paragraph.	
5.4.7	*Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. Most National Nature Reserves are notified as SSSIs*	The Preliminary Ecological Appraisal (PEA) & Great Crested Newt (GCN) Report (ES Appendix 8.1 **[REF: 6.3]**) confirms that the River Derwent and Tributaries Site of Special Scientific Interest (SSSI) (also internationally designated as River Derwent and Bassenthwaite Lake Special Area of Conservation) is approximately 1.2km east of the Site. There are no further SSSIs within 2km of the Site. ES Chapter 8 Biodiversity together with the sHRA do not report significant residual effects to statutory designated sites (including the aforementioned SSSI and SAC) and no cumulative effects with other developments are anticipated.
5.4.8	*Development on land within or outside a SSSI, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits (including need) of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSIs.*	
5.4.12-5.4.13	*Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Wildlife Sites, are areas of substantive nature conservation value and make an important contribution to ecological networks and nature's recovery. They can also provide wider benefits including public access (where agreed), climate mitigation and helping to tackle air pollution. National planning policy expects plans to identify and map Local Wildlife Sites, and to include policies that not only secure their protection from harm or loss but also help to enhance them and their connection to wider ecological networks.*	The non-statutory designated sites present within a 2km buffer of the Proposed Site are outlined in ES Chapter 8 – Biodiversity and mapped in Figure 8.2 of ES Appendix 8.1. Dean Moor County Wildlife Site ('CWS') is partially within the southern part of the Site (Area C) and Special Roadside Verge ('SRV') MP K3 is within the Order Limits where it falls within Highways Estate and is located on Branthwaite Edge Road. No significant adverse residual effects to SRV MP K3 are reported during construction, operation or decommissioning. During construction, short-term negative residual effects to a small part of Dean Moor CWS are reported, which is considered significant at the local level. However, once operational, long-term, positive residual effects to Dean Moor CWS are reported, which is considered significant at the local level. It is considered that the re-establishment of natural habitats across a large area of the retained CWS will offset any negative residual construction effects identified.
5.4.17	*Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally, and locally designated sites of ecological or geological conservation importance (including those outside England), on protected species and on habitats and*	ES Chapter 8 – Biodiversity reports on the likely significant effects of the Proposed Development on the environment with respect to biodiversity, considering statutory designated sites, non-statutory designated sites, notable habitats (including ancient woodland and Habitats of Principal Importance) and protected species.

Para	EN-1 Policy Detail	Policy Compliance
	other species identified as being of principal importance for the conservation of biodiversity, including irreplaceable habitats.	
5.4.19-5.4.21	*The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests. Applicants should consider wider ecosystem services and benefits of natural capital when designing enhancement measures. As set out in Section 4.7, the design process should embed opportunities for nature inclusive design. Energy infrastructure projects have the potential to deliver significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains (see Section 4.6 on Environmental and Biodiversity Net Gain). The scope of potential gains will be dependent on the type, scale, and location of each project.*	Section 8.6 of ES Chapter 8 – Biodiversity sets out any further mitigation (beyond embedded mitigation) during the construction, operation and decommissioning of the Proposed Development required to avoid significant negative effects, ensure legal compliance, ensure best practice is delivered, and to contribute to environmental enhancements including delivery of BNG. ES Chapter 8 reports a significant positive residual effect to Dean Moor CWS during the operational lifetime of the Proposed Development. Whilst a small part of the Dean Moor CWS may be co-located with solar PV infrastructure (Work No. 1), impacts during construction and decommissioning will be minimised by limiting the extent of solar panels within the CWS. Further, the Dean Moor CWS sits within Work No. 6 and will be enhanced through the inclusion of buffer strips, grassland enhancements and the relaxation of grazing across the Site will also be applicable to Dean Moor CWS. The LSP shows these enhancements with further details on management provided in the OLEMP. As per section 8.3 of Chapter 8, engagement with CWT has taken place to discuss the proposals within Dean Moor CWS, including ecological enhancement opportunities, the development of a OGMP and the potential for solar infrastructure within the boundary of the CWS. Further, section 8.7 of ES Chapter 8 sets out that the cessation or relaxation and management of grazing, coupled to the adoption of the LEP (as secured by the LSP through the OLEMP) as well as the other enhancement and management measures set out in the OLEMP will benefit habitats across the Site. The Proposed Development will have a long-term, positive effect on habitats at the Site level. As per CIEEM Guidance[18], this effect will be not significant, as this effect is at the Site level. The BNG calculations are set out in the BNG Report and will be achieved through habitat modification and enhancements across the Site. This includes establishing species rich grasslands, enhancing and expanding the existing hedgerow network and promoting species diverse buffer strips adjacent to hedges and watercourses. The management of these habitats to improve their condition, in accordance with the Statutory BNG Metric Tool, is presented in the OLEMP

Para	EN-1 Policy Detail	Policy Compliance
5.4.22	*The design of Energy NSIP proposals will need to consider the movement of mobile / migratory species such as birds, fish and marine and terrestrial mammals and their potential to interact with infrastructure. As energy infrastructure could occur anywhere within England and Wales, both inland and onshore and offshore, the potential to affect mobile and migratory species across the UK and more widely across Europe (transboundary effects) requires consideration, depending on the location of development.*	Table 8.5 of ES Chapter 8 – Biodiversity sets out the nature conservation importance of species in accordance with CIEEM geographic framework guidelines. Bats, otters, breeding birds and wintering birds were taken forward for further assessment. The Proposed Development has accounted for the movement of mobile species by including proposals to improve habitats on Site, in particular linear elements such as hedgerows and watercourses which may act as commuting and foraging corridors for a range of species. The inclusion of mammal gaps and GI which will tie into habitats off Site to facilitate species movement. Information on free movement of mammals is provided in the OCEMP (section 5.3). No significant adverse residual effects to species are reported in ES Chapter 8.
5.4.15 & 5.4.32	*Ancient woodland is a valuable biodiversity resource both for its diversity of species and for its longevity as woodland. Keepers of Time, the government's policy for ancient and native trees and woodlands in England sets out the government's commitment to maintain and enhance the existing area of ancient woodland, maintain and enhance the existing resource of known ancient and veteran trees, excluding natural losses from disease and death, and to increase the percentage of ancient woodland in active management. Ancient and veteran trees found outside ancient woodland are also particularly valuable. Other types of irreplaceable habitats include blanket bog, limestone pavement, coastal sand dunes, spartina salt marsh swards, mediterranean saltmarsh scrub, and lowland fen.* *Applicants should include measures to mitigate fully the direct and indirect effects of development on ancient woodland, ancient and veteran trees or other irreplaceable habitats during both construction and operational phases.*	There are no irreplaceable habitats on Site as demonstrated in the BNG Report. Seven parcels of ancient woodland lie within 2km of the Site, with the closest being adjacent to the western boundary of Area C. ES Chapter 8 confirms that ancient woodland will not be impacted during the construction, operation and decommissioning of the Proposed Development. As described in ES Chapter 3, Table 3.3, there is an Ancient Woodland Exclusion Area, such that Works Nos. 1, 2, 3, and 5 are not permitted within 15m of ancient woodland. As stated in the Arboricultural Impact Assessment ('AIA') (ES Appendix 7.8 **[REF: 6.3]**), according to the Woodland Trust Ancient Tree Inventory, there are no designated ancient or veteran trees on-Site. However, one Category A tree (T70) was identified as veteran during the survey. As per the Tree Protection Plan (AIA Appendix C), T70 is shown on Sheet 20 as to be retained (Sheet 20) and the suitable root protection area will be employed.
5.4.33	*Applicants should consider any reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out under Section 4.6.*	ES Chapter 8 sets out the measures the Proposed Development will adopt to avoid significant negative effects, ensure legal compliance, ensure best practice is delivered, and to contribute to environmental enhancements including delivery of BNG. The cessation or relaxation and management of grazing, coupled with the adoption of the LSP to be secured by a DCO Requirement, as well as the other enhancement and management measures set out in the OLEMP will benefit habitats across the Site. The Proposed Development will have a long-term, positive effect on habitats at the Site level (not significant as per CIEEM Guidance) and a significant positive residual effect to the Dean Moor CWS during the operational lifetime of the Proposed Development.

Para	EN-1 Policy Detail	Policy Compliance
		Geological Survey mapping indicates the potential presence of peat on Site. The Peat Survey Report (ES Appendix 10.3 **[REF: 6.3]**) sets out the results of the peat survey. In order to minimise the impact on peat at the Site, the Applicant has committed to avoidance (as required by the guidance). Table 3.3 ES Chapter 3 provides details on the horizontal buffer distance of 10m from identified areas of peat. This will ensure minimal disruption to the ecology, or release of CO2, and that the carbon balance savings of the scheme are maximised. Should any construction activity related to Work No. 3 need to take place within identified areas of peat during the construction phase of the Proposed Development, then mitigation measures outlined in the OCEMP will be implemented and secured by a DCO Requirement.
5.4.34	*Consideration should be given to improvements to, and impacts on, habitats and species in, around and beyond developments, for wider ecosystem services and natural capital benefits, beyond those under protection and identified as being of principal importance. This may include considerations and opportunities identified through Local Nature Recovery Strategies, and national goals and targets set through the Environment Act 2021 and the Environmental Improvement Plan 2023.*	The BNG Report and OLEMP set out how biodiversity enhancements will be targeted and managed on Site. The inclusion of GI across the Site which will tie into landscape features off Site and therefore benefit species in adjacent habitats. Grazing management will improve water quality which will benefit riparian habitats further downstream. Appropriate habitat creation and enhancement will support local species, and appropriate planting and grazing management will improve Dean Moor CWS. Consultation with CWT will determine the suitability of proposed habitats both within Dean Moor CWS and across the wider Site which have been identified within the Local Nature Recovery Strategy.

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5.4.35	*Applicants should include appropriate avoidance, mitigation, compensation and enhancement measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:* • *During construction, they will seek to ensure that activities will be confined to the minimum areas required for the works* • *The timing of construction has been planned to avoid or limit disturbance* • *During construction and operation best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements* • *Habitats will, where practicable, be restored after construction works have finished* • *Opportunities will be taken to enhance existing habitats rather than replace them, and where practicable, create new habitats of value within the site landscaping proposals. Where habitat creation is required as mitigation, compensation, or enhancement, the location and quality will be of key importance. In this regard habitat creation should be focused on areas where the most ecological and ecosystems benefits can be realised.* • *Mitigations required as a result of legal protection of habitats or species will be complied with.*	The OCEMP sets out practices for minimising disturbance and/or damage/harm to habitats and species (sections 5.2 and 5.3). For example, this includes appointing an Ecological Clerk of Works ('ECoW') to undertake pre-construction surveys for protected species; oversee the compliance of species protection plans and wildlife legislation; supervise the appropriate siting of silt fences; monitor biosecurity, and the satisfactory implementation of other habitats and species protective measures. Habitat buffers and other no-go zones will also be demarcated and temporary barriers will be erected prior to the commencement of construction to keep plant and personnel out of ecological sensitive areas (OCEMP section 5.2). The removal of sensitive habitats would be mitigated through a clear programme of works with details of the proposed habitat removal and proposed methods of buffer strip planting and ongoing management, including the re-sowing of grasslands with a species-rich grass mix at the end of construction. Section 2 of the OLEMP provides an overview of the proposed environmental measures set out in the LSP. The LSP provides an overview of locations relating to the environmental mitigation measures, which includes retained features, some of which are proposed to be enhanced, and new elements - a detailed LSP (a Landscape and Ecology Plan ('LEP')) will be provided post consent (should consent be granted) as secured by DCO Requirement. Appendix 8.8 BNG Report demonstrates the application of the Biodiversity Gain Hierarchy, outlining the embedded mitigation measures to avoid and reduce impacts on the existing biodiversity of the Site (2.5.8) and the on-Site biodiversity enhancement and creation proposals. Section 8.6 of ES Chapter 8 - Biodiversity sets out any further mitigation (beyond embedded mitigation) during the construction, operation and decommissioning of the Proposed Development required to avoid significant negative effects, ensure legal compliance, ensure best practice is delivered, and to contribute to environmental enhancements including delivery of BNG.
5.4.36	*Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.*	As set out in the OCEMP, OLEMP and Chapter 8 - Biodiversity, an ECoW will be appointed to undertake tasks during construction and operation including but not limited to monitoring visits to assess habitat conditions; report on success or otherwise of planting within buffer strips and provide advice and Site presence for any ancillary work needed for Site operation. Toolbox talks will also be delivered to personnel working close to habitats of conservation of concern to improve awareness of biodiversity.

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5.4.38	*To further minimise any adverse impacts on geodiversity, where appropriate applicants are encouraged to produce and implement a Geodiversity Management Strategy to preserve and enhance access to geological interest features, as part of relevant development proposals.*	Means to manage geodiversity during construction and operation are captured within the OLEMP which will be updated post consent (should consent be granted) as secured by a DCO Requirement.
5.4.42-5.4.43	*As a general principle, and subject to the specific policies below, development should, in line with the mitigation hierarchy, aim to avoid significant harm to biodiversity and geological conservation interests, including through consideration of reasonable alternatives (as set out in Section 4.3 above). Where significant harm cannot be avoided, impacts should be mitigated and as a last resort, appropriate compensation measures should be sought. If significant harm to biodiversity resulting from a development cannot be avoided (for example through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then the Secretary of State will give significant weight to any residual harm.*	Section 8.5 of ES Chapter 8 states that a hierarchical approach to mitigation has been adopted through the design process which seeks to avoid adverse impacts in the first instance through an iterative approach to design, e.g., informing layout and access routes to avoid sensitive receptors where possible. In areas where avoidance is not possible, measures have been adopted to prevent or reduce potentially significant negative effects. Measures to compensate negative effects are also included, e.g., habitat creation to offset impacts associated with habitat loss and fragmentation where these cannot be avoided. ES Chapter 8 reports on the likely significant effects of the Proposed Development on the environment with respect to biodiversity, considering statutory designated sites, non-statutory designated sites, notable habitats (including ancient woodland and Habitats of Principal Importance) and protected species. Aside from Dean Moor CWS non-statutory designated site, no significant adverse residual effects are reported in ES Chapter 8. During construction, short-term negative residual effects to a small part of Dean Moor CWS are reported, which is considered significant at the local level. However, once operational, long-term, positive residual effects to Dean Moor CWS are reported, which is considered significant at the local level. It is considered that the re-establishment of natural habitats across a large area of the retained CWS will offset any negative residual construction effects identified. The OCEMP and OLEMP also indicate how biodiversity will be safeguarded during construction and throughout operation.
5.4.44	*The Secretary of State should consider what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained. Any habitat creation or enhancement delivered including linkages with existing habitats for compensation or biodiversity net gain should generally be maintained for a minimum period of 30 years, or for the lifetime of the project, if longer.*	BNG is set out in the BNG Report as 114.69% for habitats, 44.84% for hedgerows, and 12.56% for watercourses based on the LSP. BNG is covered in more detail in subsequent policy responses (4.6.7-4.6.8 for example). Until the final layout is established, the OLEMP seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with

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		these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target. The OLEMP includes management prescriptions for the landscape establishment period (first 5 years) of the operational phase to support meeting the target condition of each habitat to deliver BNG. A LEMP will be prepared which must be substantially in accordance with the OLEMP and will be secured by DCO Requirement. The LEMP must include the habitat management objectives, targets and prescriptions set out for the full 40-year operational period of the Proposed Development. In doing so it will also set out how the Proposed Development will be maintained and monitored to deliver the BNG commitments.
5.4.45	*The Secretary of State will need to take account of what mitigation measures may have been agreed between the applicant and the SNCB and the MMO/NRW (where appropriate). The Secretary of State will also need to consider whether the SNCB or the MMO/NRW has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.*	Table 8.3 and the Scoping and Consultation subsection of section 8.3 of ES Chapter 8 outline the engagement and consultation between the Applicant and NE (the relevant SNCB). As set out in the Consents and Agreements Position Statement, the Applicant has engaged with NE during the pre-application process on the topic of protected species licences which may be required. NE have not raised any concerns regarding granting protective species licences. Should consent for the Proposed Development be granted, further ecological surveys would take place, and the formal licence application process would be followed prior to the commencement of construction.
5.4.48	*In taking decisions, the Secretary of State should ensure that appropriate weight is attached to designated sites of international, national, and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.*	ES Chapter 8 reports on the likely significant effects of the Proposed Development on the environment with respect to biodiversity, considering statutory designated sites, non-statutory designated sites, notable habitats (including ancient woodland and Habitats of Principal Importance) and protected species. No significant adverse residual effects to statutory sites are reported in ES Chapter 8.
5.4.49	*[Habitat Regulations] The Secretary of State must consider whether the project is likely to have a significant effect on a protected site which is part of the National Site Network (a habitat site), a protected marine site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects.*	A sHRA report has been prepared. The River Derwent and Bassenthwaite Lake SAC and Solway Firth SPA were taken forward to the Screening Assessment. The Site is hydrologically connected to the River Derwent and Bassenthwaite Lake SAC and due to the potential for effects to occur during construction, an Appropriate Assessment was undertaken. The Appropriate Assessment concluded that there will be no impact to the integrity of the River Derwent and Bassenthwaite Lake SAC or its Conservation Objectives provided that mitigation measures outlined in the sHRA are implemented.

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		An Appropriate Assessment was also undertaken for the Solway Firth SPA as a functional linkage between the Site and the SPA for wintering herring gulls could not be ruled out. It is considered that the Proposed Development will not have an adverse effect on the integrity of the Solway Firth SPA alone, as supported by correspondence with NE. It is also considered that the Proposed Development will not have an adverse effect on the integrity of the Solway Firth SPA in-combination with other developments.
5.4.52	*The Secretary of State should give due consideration to regional or local designations. However, given the need for new nationally significant infrastructure, these designations should not be used in themselves to refuse development consent.*	The non-statutory designated sites present within a 2km buffer of the Proposed Site are outlined in ES Chapter 8 Biodiversity and mapped in Figure 8.2 of ES Appendix 8.1. Dean Moor CWS is partially within the southern part of the Site (Area C) and Special Roadside Verge ('SRV') MP K3 is within the Order Limits where it falls within Highways Estate and is located on Branthwaite Edge Road. No significant adverse residual effects to SRV MP K3 are reported during construction, operation or decommissioning. During construction, short-term negative residual effects to a small part of Dean Moor CWS are reported, which is considered significant at the local level. However, once operational, long-term, positive residual effects to Dean Moor CWS are reported, which is considered significant at the local level. It is considered that the re-establishment of natural habitats across a large area of the retained CWS will offset any negative residual construction effects identified.
5.4.54	*The Secretary of State should ensure that species and habitats identified as being of importance for the conservation of biodiversity are protected from the adverse effects of development by using requirements, planning obligations, or licence conditions where appropriate.*	No significant adverse residual effects are reported on notable habitats (including ancient woodland and Habitats of Principal Importance) and protected species in ES Chapter 8. As detailed in the OCEMP, a suitably qualified ECoW will be appointed and will undertake pre-construction surveys for protected species and seek licences where appropriate. They will ensure compliance with any conditions set out in the licence. Sites of geological conservation are not present on the Site or within the defined Study Area (see ES Chapter 10 – Ground Conditions). Geological Survey mapping indicates the potential presence of peat on Site. The Peat Survey Report (ES Appendix 10.3) sets out the results of the peat survey. In order to minimise the impact on peat at the Site, the Applicant has committed to avoidance (as required by the guidance). Table 3.3 ES Chapter 3 provides details on the horizontal buffer distance of 10m from identified areas of peat. This will ensure minimal disruption to the ecology, or release of CO_2, and that the carbon balance savings of the scheme are maximised. Should any construction activity related to Work No. 3 need to take place within identified areas of peat during the construction phase of the Proposed Development, then mitigation measures outlined in the OCEMP will be implemented and secured by DCO Requirement.
5.4.55	*The Secretary of State should refuse consent where harm to a protected species and relevant habitat would result, unless there is an overriding public interest and the other relevant legal tests are met. In this context the Secretary of State should give substantial weight to any such harm to the detriment of biodiversity features of national or regional importance or the climate resilience and the capacity of habitats to store carbon, which they consider may result from a proposed development.*	

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Civil and Military Aviation and Defence Interests		
5.5.44	*Mitigation for infringement of OLS may include:* • *Agreed changes to operational procedures of the aerodromes in accordance with relevant guidance, provided that safety assurances can be provided by the operator that are acceptable to the CAA where the changes are proposed to a civilian aerodrome. Applicants should engage airport operators at an early stage of the planning process to understand the potential impacts of development on aviation operations and develop mitigations if appropriate; or* • *Installation of obstacle lighting and/or by notification in Aeronautical Information Service publications*	The Applicant consulted the Civil Aviation Authority (CAA), however no response was received. The tallest structures which may be constructed as part of the Proposed Development are the POC Masts (Work No. 2A), which could be up to 30m which is no higher than the existing connecting pylon.
5.5.49-5.5.50	*The Secretary of State should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets or operations have been addressed by the applicant and that any necessary assessment of the proposal on aviation, NSWWS or defence interests has been carried out.* *In particular, the Secretary of State should be satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes and that realistically achievable mitigation is carried out on existing surveillance systems such as radar/tracking technologies. It is incumbent on Operators of aerodromes to regularly review the possibility of agreeing to make reasonable changes to operational procedures.*	The Applicant consulted the CAA, National Air Traffic Services (NATS) and the Ministry of Defence (MoD) during the Statutory Consultation. NATS confirmed that they operate no infrastructure within 10km of the Site and anticipates no impact from the Proposed Development. The MoD confirmed the Site is outside of MoD safeguarded areas, does not affect other defence interests and does not require detailed consideration of radar effects. Further, the Glint and Glare Assessment (ES Appendix 7.9 **[REF: 6.3]**) determined that the Proposed Development would not result in significant effects to Gilgarran Airfield (a seasonally used unlicensed general aviation aerodrome) and therefore no mitigation is required.
5.5.53	*If there are conflicts between the government's energy and transport policies and military interests in relation to the application, the Secretary of State should expect the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts. In so doing, the parties should seek to protect the aims and interests of the other parties as far as possible, recognising simultaneously the evolving landscape*	

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	in terms of the UK's energy security and the need to tackle climate change, which necessitates the installation of wind turbines and the need to maintain air safety and national defence and the national weather warning service.	
5.5.54	*There are statutory requirements concerning lighting to tall structures. Where lighting is requested on structures that goes beyond statutory requirements by any of the relevant aviation and defence consultees, the Secretary of State should be satisfied of the necessity of such lighting taking into account the case put forward by the consultees. The effect of such lighting on the landscape and ecology may be a relevant consideration.*	There is existing tall infrastructure on Site including electricity pylons which are of a similar height to the tallest elements of the Proposed Development (Work No. 2A POC Masts). There are also three wind turbines on Site at Potato Pot Wind Farm which are approximately 100m tall. If required, appropriate safety lighting would be provided on any tall structures, particularly the POC Masts (if required) to comply with the necessary standards. Any lighting required would be designed to avoid effects as per 5.5.55.
5.5.55	*Lighting must also be designed in such a way as to ensure that there is no glare or dazzle to pilots and/or ATC, aerodrome ground lighting is not obscured and that any lighting does not diminish the effectiveness of aeronautical ground lighting and cannot be confused with aeronautical lighting. Lighting may also need to be compatible with night vision devices for military low flying purposes.*	
Dust, Odour, Artificial Light, Smoke, Steam, and Insect Infestation		
5.7.5	*The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke, and artificial light to have a detrimental impact on amenity, as part of the ES.*	The SNS assesses the potential for artificial light, dust, odour, smoke, steam, and insect infestation as a result of the Proposed Development to result in a statutory nuisance. Table 3.1 confirms that the Proposed Development is not expected to cause insect emanation or generate odour, steam and smoke. Dust generation is considered further within Section 5 of the SNS, which summarises the standard measures set out in the OCEMP and OCTMP which would be applied to ensure there is no impact on amenity during construction. Any air quality impacts on decommissioning would be mitigated through standard measures similar to those set out in the OCEMP / OCTMP, in line with legislation at the time of decommissioning. No significant effects are expected to occur in relation to air quality, and therefore it has been scoped out of assessment within the ES; see the Applicant's response to EN-1 5.2.7 and 5.2.8. As set out in Chapter 2 - EIA Methodology artificial light has been scoped out of the ES on the basis that lighting during construction and decommissioning would be mitigated through the OCEMP and ODMP. During
5.7.6	*In particular, the assessment provided by the applicant should describe:* • *The type, quantity and timing of emissions* • *Aspects of the development which may give rise to emissions* • *Premises or locations that may be affected by the emissions* • *Effects of the emission on identified premises or locations* • *Measures to be employed in preventing or mitigating the emissions*	

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		operation, lighting would be minimal and motion-sensor activated. Section 6 of the SNS concludes that artificial lighting is unlikely to constitute a statutory nuisance.
5.7.12	*The Secretary of State should satisfy itself that:* • *An assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation to have a detrimental impact on amenity has been carried out; and* • *That all reasonable steps have been taken, and will be taken, to minimise any such detrimental impacts.*	The SNS includes an assessment of the potential for artificial light, dust, odour, smoke, steam and insect infestation as a result of the Proposed Development to result in a statutory nuisance. The SNS concludes that the embedded design and additional mitigation measures identified in the ES will prevent impacts which have the potential to result in statutory nuisance. As set out in the SNS, the OCEMP, OCTMP, OOMP and FDMP include mitigation measures on lighting, dust and noise and vibration to minimise impacts or nuisance.
5.7.13	*If development consent is granted for a project, the Secretary of State should consider whether there is a justification for all of the authorised project (including any associated development) to be covered by a defence of statutory authority against nuisance claims. If the Secretary of State cannot conclude that this is justified, the Secretary of State should disapply in whole or in part the defence through a provision in the Development Consent Order.*	
Flood Risk		
5.8.7	*Where new energy infrastructure is, exceptionally, necessary in flood risk areas (for example where there are no reasonably available sites in areas at lower risk), policy aims to make it safe for its lifetime without increasing flood risk elsewhere and, where possible, by reducing flood risk overall. It should also be designed and constructed to remain operational in times of flood.*	As per Table 2.7 of ES Chapter 2, the Planning Inspectorate agreed in their EIA Scoping Opinion (ES Appendix 2.2) to scope out flood risk and surface water runoff from soil compaction as a standalone chapter, given the nature of the site and the development, and subject to ensuring no increase in flood risk and agreeing design and mitigation measures with the EA and the Lead Local Flood Authority ('LLFA'). The FRA concludes that: • The Site lies in Flood Zone 1 'Low Probability' (less than a 1 in 1000 (0.1%) annual probability of flooding from rivers or the sea). • The majority of the Site has a 'Very Low' risk of surface water flooding, with some localised areas of 'Low' to 'High' risk in some of the parcels denoting the presence of ordinary watercourses and/or localised depressions.
5.8.13	*A site-specific flood risk assessment should be provided for all energy projects in Flood Zones 2 and 3 in England or Zones B and C in Wales. In Flood Zone 1 in England or Zone A in Wales, an assessment should accompany all proposals involving: • sites of 1 hectare or more • land which has been identified by the EA or NRW as having critical drainage problems • land identified (for example in a local authority strategic flood risk assessment) as being at increased flood risk in future • land that may be*	

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	subject to other sources of flooding (for example surface water) • where the EA or NRW, Lead Local Flood Authority, Internal Drainage Board or other body have indicated that there may be drainage problems.	• The Site is located outside the fluvial floodplain and is not considered to be at risk when peak river flows incorporating climate change impacts are considered. • The remaining sources of flood risk are considered to be a low risk.
5.8.9	*If, following application of the Sequential Test, it is not possible, (taking into account wider sustainable development objectives), for the project to be located in areas of lower flood risk the Exception Test can be applied as defined in https://www.gov.uk/guidance/flood-risk-and-coastal-change#table2. The test provides a method of allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.*	The Site is located within Flood Zone 1 with 'Low Probability' of fluvial flooding and has mostly a 'Very Low' risk of surface water flooding, thereby meeting the requirements of the Sequential Test, and not requiring an Exception Test (see ES Appendix 2.4). In addition, a sequential approach has been applied throughout the design development of the Proposed Development to focus development within those areas at lowest flood risk, with any encroachment into higher risk areas limited to elements that have no impact on flood risk or on surface runoff.
5.8.10	*The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site. It would only be appropriate to move onto the Exception Test when the Sequential Test has identified reasonably available, lower risk sites appropriate for the proposed development where, accounting for wider sustainable development objectives, application of relevant policies would provide a clear reason for refusing development in any alternative locations identified. Examples could include alternative site(s) that are subject to national designations such as landscape, heritage and nature conservation designations, for example Areas of Outstanding Natural Beauty (AONBs), SSSIs and World Heritage Sites (WHS) which would not usually be considered appropriate.*	
5.8.11	*Both elements of the test will have to be satisfied for development to be consented. To pass the Exception Test it should be demonstrated that:* • *The project would provide wider sustainability benefits to the community that outweigh flood risk; and* • *The project will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible will reduce flood risk overall.*	

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5.8.12	*Development should be designed to ensure there is no increase in flood risk elsewhere, accounting for the predicted impacts of climate change throughout the lifetime of the development. There should be no net loss of floodplain storage and any deflection or constriction of flood flow routes should be safely managed within the site. Mitigation measures should make as much use as possible of natural flood management techniques.*	The ODS has been developed in line with the CIRIA SuDS Manual (2015)[19] and is based on the DEFRA 'Non-statutory technical standards for sustainable drainage systems' (March 2015)[20] to ensure that the Proposed Development does not increase flood risk to the Site or elsewhere. The Proposed Development seeks to maintain existing natural patterns of surface water drainage, maintaining existing overland flow routes, and the FRA confirms there is no impact on floodplain storage capacity.
5.8.18-5.8.19	*Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions before the official pre-application stage of the NSIP process with the EA or NRW, and, where relevant, other bodies such as Lead Local Flood Authorities, Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners223 and operators.* *Such discussions should identify the likelihood and possible extent and nature of the flood risk, help scope the FRA and identify the information that will be required by the Secretary of State to reach a decision on the application when it is submitted. The Secretary of State should advise applicants to undertake these steps where they appear necessary but have not yet been addressed.*	Table 1.1 of the FRA provides an overview of the key feedback received from consultees including the LLFA and EA at the Statutory Consultation, as well as the Applicant's response on how items raised relating to flooding have been addressed. Feedback from both the EA and LLFA has been instrumental in refining the FRA and ensuring that mitigation measures align with local and national flood risk management standards. A copy of the EA response and evidence of discussions with the LLFA and EA is available at Appendix D of the FRA.
5.8.20	*If the EA, NRW or another flood risk management authority has reasonable concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the EA or NRW and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the authority's concerns.*	
5.8.40	*If the EA, NRW or another flood risk management authority continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the Secretary of State can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the authority to try to resolve the concerns.*	

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5.8.22-5.8.23	*The technology specific NPSs set out some exceptions to the application of the Sequential Test. However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, provided the proposed development is consistent with the use for which the site was allocated and there is no new flood risk information that would have affected the outcome of the test. Consideration of alternative sites should take account of the policy on alternatives set out in Section 4.3 above. All projects should apply the Sequential Test to locating development within the site.*	As above, the Site is located within Flood Zone 1 with 'Low Probability' of fluvial flooding and has mostly a 'Very Low' risk of surface water flooding. Whilst limited developable areas for solar arrays extend into areas of 'Low' to 'High' surface water flood risk, this has no detrimental impact on flood risk as the solar panels are raised above the ground on supports. The inverter-transformer units and other such containerised ancillary buildings are to be sited in developable areas that have either a 'Very low' or 'Low' risk of surface water flooding. It is therefore demonstrated that components of the Proposed Development have been sited sequentially.
5.8.24	*To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property.*	The ODS considers the surface water drainage requirements and sets out the proposed Drainage Strategy for the Proposed Development. A detailed Drainage Strategy will be developed with the LLFA post-consent as secured by DCO Requirement. To manage surface water during construction, primary and secondary construction compounds will be established on a permeable aggregate over a geotextile membrane and stand-off distances will be implemented to protect hedgerows and watercourses and to ensure surface run-off is contained within SuDS or swales and not directly into surface water channels. The FRA and OCEMP set out that all buildings and structures will be located within Flood Zone 1 and in areas at very low / low risk from surface water flooding, with no significant flood risk. Inverter units and ancillary buildings will be elevated on gravel bases or plinths to mitigate any residual flood risk, particularly during extreme rainfall events. While solar panels can be located in areas at risk of surface water flooding, they will not increase the flood risk due to their design and spacing, which allows for natural water flow beneath the panels. Grassland will be established below and between solar arrays to slow run-off and promote infiltration. SuDS measures will ensure that surface water runoff is controlled, with no increase in runoff rates post-construction. The flood risk measures will be implemented in coordination with ecological protection strategies to ensure minimal impact on both ground conditions and local waterbodies.
5.8.25	*In this NPS, the term SuDS refers to the whole range of sustainable approaches to surface water drainage management including, where appropriate:* • *Source control measures including rainwater recycling and drainage* • *Infiltration devices to allow water to soak into the ground, that can include individual soakaways and communal facilities* • *Filter strips and swales, which are vegetated features that hold and drain water downhill mimicking natural drainage patterns* • *Filter drains and porous pavements to allow rainwater and run-off to infiltrate into permeable material below ground and provide storage if needed* • *Basins, ponds and tanks to hold excess water after rain and allow controlled discharge that avoids flooding*	

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	• *Flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding*	
5.8.26	*Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.*	The ODS states that any attenuated discharge rate will limit discharge to the existing runoff rate in rainfall events up to and including the 1 in 100 (1.0%) annual probability, plus allowance for climate change rainfall events in accordance with the SuDS Guide.
5.8.27	*The surface water drainage arrangements for any project should, accounting for the predicted impacts of climate change throughout the development's lifetime, be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.*	
5.8.28	*It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration facilities or attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation.*	The Applicant does not propose to use land outside of the Site for surface water drainage.
5.8.29	*The sequential approach should be applied to the layout and design of the project. Vulnerable aspects of the development should be located on parts of the site at lower risk and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously developed sites and using SuDS.*	As above, the Site is located within Flood Zone 1 with 'Low Probability' of fluvial flooding and has mostly a 'Very Low' risk of surface water flooding. Whilst limited developable areas for solar arrays extend into areas of 'Low' to 'High' surface water flood risk, this has no detrimental impact on flood risk as the solar panels are raised above the ground on supports. The inverter-transformer units and other such containerised ancillary buildings are to be sited in developable areas that have either a 'Very low' or 'Low' risk of surface water flooding. It is therefore demonstrated that components of the Proposed Development have been sited sequentially. Work No. 1 and Work No. 2 are excluded from being within 8m of watercourses and waterbodies. The FRA and OCEMP set out that all buildings and structures will be located within Flood Zone 1, and in areas at very low / low risk from surface water flooding, with no significant flood risk. Inverter units and ancillary buildings will be elevated on gravel bases or plinths to mitigate any residual flood risk, particularly during extreme rainfall events. While solar panels can be located in areas at risk of surface water flooding, they will not increase the flood risk due to their design and spacing, which allows for natural water flow beneath the

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		panels. Grassland will be established below and between solar arrays to slow run-off and promote infiltration. SuDS measures will ensure that surface water runoff is controlled, with no increase in runoff rates post-construction. The flood risk measures will be implemented in coordination with ecological protection strategies to ensure minimal impact on both ground conditions and local waterbodies.
5.8.33-5.8.35	*The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood Warning and evacuation plans should be in place for those areas at an identified risk of flooding.* *The applicant should take advice from the local authority emergency planning team, emergency services and, where appropriate, from the local resilience forum when producing an evacuation plan for a manned energy project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.* *Flood resistant and resilient materials and design should be adopted to minimise damage and speed recovery in the event of a flood.*	The Site is located outside of the fluvial floodplain. The FRA explains that continuous safe and dry access is available to the Site and that the Site will be largely unmanned, with a low number of personnel attending the Site intermittently during the operational phase (typically comprising 1-2 visits per week by van or 4x4 type vehicle).
5.8.36	*In determining an application for development consent, the Secretary of State should be satisfied that where relevant:* • *The application is supported by an appropriate FRA* • *The Sequential Test has been applied and satisfied as part of site selection* • *A sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk* • *The proposal is in line with any relevant national and local flood risk management strategy*	The FRA sets out that the Site is located within Flood Zone 1 with 'Low Probability' of fluvial flooding and has mostly a ‘Very Low’ risk of surface water flooding, thereby meeting the requirements of the Sequential Test, and not requiring an Exception Test. In addition, a sequential approach has been applied throughout the design development of the scheme to focus development within those areas at lowest flood risk, with any encroachment into higher risk areas limited to elements that have no impact on flood risk or on surface runoff. The ODS considers the surface water drainage requirements and sets out the proposed Drainage Strategy for the Proposed Development. A detailed Drainage Strategy will be developed with the LLFA post-consent as secured by DCO Requirement. An emergency plan and land for flood risk management infrastructure are not deemed to be required for the Proposed Development and therefore not included in the proposals.

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	• *Suds (as required in the next paragraph on National Standards) have been used unless there is clear evidence that their use would be inappropriate* • *In flood risk areas the project is designed and constructed to remain safe and operational during its lifetime, without increasing flood risk elsewhere (subject to the exceptions set out in paragraph 5.8.42)* • *The project includes safe access and escape routes where required, as part of an agreed emergency plan, and that any residual risk can be safely managed over the lifetime of the development* • *Land that is likely to be needed for present or future flood risk management infrastructure has been appropriately safeguarded from development to the extent that development would not prevent or hinder its construction, operation or maintenance*	
5.8.37-5.8.39	*For energy projects which have drainage implications, approval for the project's drainage system, including during the construction period, will form part of the development consent issued by the Secretary of State. The Secretary of State will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010.* *In addition, the Development Consent Order, or any associated planning obligations, will need to make provision for appropriate operation and maintenance of any SuDS throughout the project's lifetime. Where this is secured through the adoption of any SuDS features, any necessary access rights to property will need to be granted.* *Where relevant, the Secretary of State should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. Responsible bodies could include, for example the landowner,*	To manage surface water during construction, primary and secondary construction compounds will be established on a permeable aggregate over a geotextile membrane and stand-off distances will be implemented to protect hedgerows and watercourses and to ensure surface run-off is contained within SuDS or swales and not directly into surface water channels (OCEMP). The FRA and OCEMP set out that all buildings and structures will be located within Flood Zone 1, with no significant flood risk. Inverter units and ancillary buildings will be elevated on gravel bases or plinths to mitigate any residual flood risk, particularly during extreme rainfall events. While solar panels can be located in areas at risk of surface water flooding, they will not increase the flood risk due to their design and spacing, which allows for natural water flow beneath the panels. Grassland will be established below and between solar arrays to slow run-off and promote infiltration. SuDS measures will ensure that surface water runoff is controlled, with no increase in runoff rates post-construction. The flood risk measures will be implemented in coordination with ecological protection strategies to ensure minimal impact on both ground conditions and local waterbodies. As above, a detailed Drainage Strategy will be developed with the LLFA post-consent as secured by a DCO Requirement. The Applicant, as owners and operators of the Proposed Development, will be responsible for the ongoing management and maintenance of the surface water management systems. The final strategy for

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	the relevant lead local flood authority or water and sewerage company (through the Ofwat-approved Sewerage Sector Guidance), or another body, such as an Internal Drainage Board.	adoption of SuDS and the SuDS maintenance plan, including a maintenance schedule and details of easements and outfalls for the drainage system, will be produced at the detailed design phase, as secured by DCO Requirement.
5.8.41	*Energy projects should not normally be consented within Flood Zone 3b, or Zone C2 in Wales, or on land expected to fall within these zones within its predicted lifetime. This may also apply where land is subject to other sources of flooding (for example surface water). However, where essential energy infrastructure has to be located in such areas, for operational reasons, they should only be consented if the development will not result in a net loss of floodplain storage and will not impede water flows.*	The FRA finds that the Site lies in Flood Zone 1 'Low Probability' (less than a 1 in 1000 (0.1%) annual probability of flooding from rivers or the sea). The majority of the Site has a 'Very Low' risk of surface water flooding, with some localised areas of 'Low' to 'High' risk in some of the parcels denoting the presence of ordinary watercourses and/or localised depressions. The Site is located outside the fluvial floodplain and is not considered to be at risk when peak river flows incorporating climate change impacts are considered. The remaining sources of flood risk are considered to be a low risk.
5.8.42	*Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the Secretary of State may grant consent if they are satisfied that the increase in present and future flood risk can be mitigated to an acceptable and safe level and taking account of the benefits of, including the need for, nationally significant energy infrastructure as set out in Part 3 above. In any such case the Secretary of State should make clear how, in reaching their decision, they have weighed up the increased flood risk against the benefits of the project, taking account of the nature and degree of the risk, the future impacts on climate change, and advice provided by the EA or NRW and other relevant bodies.*	The ODS has been developed in line with the CIRIA SuDS Manual (2015) and is based on the DEFRA 'Non-statutory technical standards for sustainable drainage systems' (March 2015) to ensure that the Proposed Development does not increase flood risk to the Site or elsewhere. The Proposed Development seeks to maintain existing natural patterns of surface water drainage, maintaining existing overland flow routes, and would not impact on floodplain storage capacity.
Historic Environment		
5.9.6	*Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments or Protected Wreck Sites should be considered subject to the policies for designated heritage assets. The absence of designation for such heritage assets does not indicate lower significance or necessarily imply that it is not of national importance.*	The Geophysical Survey Report (ES Appendix 6.2 [**REF: 6.3]**) indicates that the general archaeological potential for the Site is considered to be low. The AMS sets out a staged approach which is secured by DCO Requirement. It details archaeological works to be undertaken at the Site, with any intrusive evaluation to be undertaken when the detailed design of the Proposed Development is established. This incorporates a mechanism for any Non-Designated heritage assets of archaeological interest that are demonstrably of equivalent significance to Scheduled Monuments that may be found during this work (however unlikely).

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5.9.9	*The applicant should undertake an assessment of any likely significant heritage impacts of the proposed development as part of the EIA and describe these along with how the mitigation hierarchy has been applied in the ES (see Section 4.3). This should include consideration of heritage assets above, at, and below the surface of the ground. Consideration will also need to be given to the possible impacts, including cumulative, on the wider historic environment. The assessment should include reference to any historic landscape or seascape character assessment and associated studies as a means of assessing impacts relevant to the proposed project.*	ES Chapter 6 – Cultural Heritage assesses the impact of the Proposed Development on known or potential below ground heritage receptors (archaeological remains) and above ground heritage receptors (buildings, structures, and landscapes of heritage value). Cumulative effects are also considered and embedded, and additional mitigation measures are set out to avoid, minimise and mitigate effects.
5.9.10	*As part of the ES the applicant should provide a description of the significance of the heritage assets affected by the proposed development, including any contribution made by their setting. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the applicant should have consulted the relevant Historic Environment Record235 (or, where the development is in English or Welsh waters, Historic England or Cadw) and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.*	Section 6.3 of ES Chapter 6 Cultural Heritage sets out the methodology for assessment. This section explains that the sensitivity/value of a heritage receptor has been determined by its designated status and desk-based research to inform a professional judgement in relation to its heritage interest, accounting for the likely nature, date, extent, survival, condition, rarity, and group value along with an assessment of the contribution its setting makes to this value. The assessment of setting has been undertaken with reference to the assessment steps set out in HE's guidance document GPAP3 'The Setting of Heritage Assets'. The sources of information considered to inform the Chapter are provided in the methodology; information sources include the Historic Environment Desk-Based Assessment ('HEDBA') for the Site (ES Appendix 6.1), the Geophysical Survey reports/plots produced as of November 2023, and Local Historic Environment Record ('HER') for example.
5.9.11	*Where a site on which development is proposed includes, or the available evidence suggests it has the potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, accurate representative visualisations may be necessary to explain the impact.*	The HEDBA provides a full baseline of known or potential heritage receptors. A geophysical survey of the Site was undertaken to study below ground heritage assets with archaeological interest (Geophysical Survey Report). Further information on potential below ground heritage receptors is provided in section 6.4 of Chapter 6. The AMS sets out a staged approach which is secured by DCO Requirement. It details archaeological works to be undertaken at the Site, with any intrusive evaluation to be undertaken when the detailed design of the Proposed Development is established.
5.9.13	The applicant is encouraged, where opportunities exist, to prepare proposals which can make a positive contribution to the historic environment, and to consider how their scheme takes account of the significance of heritage assets affected. This can include, where possible:	Embedded mitigation measures were developed through the iterative design process and are now integrated / embedded into the design of the Proposed Development, allowing it to be sensitive to the historic environment context. Landscape buffers have been introduced, and the presentation and appreciation of the designated Stone Circle will be enhanced through cultural heritage management strategies. Furthermore, the

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	• *Enhancing, through a range of measures such a sensitive design, the significance of heritage assets or setting affected* • *Considering where required the development of archive capacity which could deliver significant public benefits* • *Considering how visual or noise impacts can affect heritage assets, and whether there may be opportunities to enhance access to, or interpretation, understanding and appreciation of, the heritage assets affected by the scheme.*	archaeological fieldwork programme as detailed within the AMS will provide a benefit to our understanding of the historic environment in the area and will contribute to the overall archaeological data for the area.
5.9.14	*Careful consideration in preparing the scheme will be required on whether the impacts on the historic environment will be direct or indirect, temporary, or permanent.*	ES Chapter 6 – Cultural Heritage considers both direct and indirect effects as a result of the construction, operation and decommissioning of the Proposed Development, and whether the effects will be temporary or permanent.
5.9.15	*Applicants should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.*	Embedded mitigation measures were developed through the iterative design process and are now integrated / embedded into the design of the Proposed Development, allowing it to be sensitive to the historic environment context. Landscape buffers have been introduced, and the presentation and appreciation of the designated Stone Circle will be enhanced through cultural heritage management strategies. Furthermore, the archaeological fieldwork programme as detailed within the AMS (ES Appendix 6.3) will provide a benefit to our understanding of the historic environment in the area and will contribute to the overall archaeological data for the area.
5.9.16	*A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether such loss should be permitted, and whether or not consent should be given.*	Table 6.8 of Chapter 6 – Cultural Heritage summarises the likely significant residual effects associated with the construction, operation and decommissioning of the Proposed Development. No direct significant adverse effects are reported. Moderate adverse effects to designated receptors, namely the 'Large Irregular Stone Circle and a Round Cairn' (scheduled monument) and 'Wythemoor Sough and Adjoining Barn and Stable' (Grade II listed) are anticipated during the operational phase as the Proposed Development has potential to affect their value through development within their setting. These significant effects are classed as temporary (although long term) indirect.
5.9.17	*Where the loss of the whole or part of a heritage asset's significance is justified, the Secretary of State will require the applicant to record and advance understanding of the significance of the heritage asset before it is lost (wholly or in part). The extent of the requirement should be proportionate to the asset's importance and significance and the impact. The applicant should be required to publish this evidence and to deposit copies of the*	

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	reports with the relevant Historic Environmental Record. They should also be required to deposit the archive generated in a local museum or other public repository willing to receive it.	With regards to the potential below ground heritage receptors (where surviving), these would be further evaluated and recorded as appropriate and in accordance with the AMS (ES Appendix 6.3). A moderate beneficial effect is reported during construction as further evaluation (in accordance with the AMS) would uncover new information, contributing towards the local HER. 'No change' effects are reported during operation and decommissioning. The AMS includes details of the committed archaeological fieldwork, and this has been agreed with the Council's Archaeological Advisor.
5.9.18	*Where appropriate, the Secretary of State will impose requirements on the Development Consent Order to ensure that the work is undertaken in a timely manner, in accordance with a written scheme of investigation that complies with the policy in this NPS and which has been agreed in writing with the relevant local authority, and to ensure that the completion of the exercise is properly secured.*	
5.9.25-5.9.26	*The Secretary of State should consider the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution that their conservation can make to sustainable communities, including to their quality of life, their economic vitality, and to the public's enjoyment of these assets. The Secretary of State should also consider the desirability of the new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials, use and landscaping (for example, screen planting).*	Chapter 6 – Cultural Heritage outlines the various embedded mitigation measures which have informed the design of the Proposed Development to assist mitigating adverse impacts and effects, primarily regarding setting. These measures include a mitigation and enhancement area across much of the southern part of the Site (adjacent to the scheduled monument), careful consideration of the positioning of solar panels and associated infrastructure in relation to topography and the existing built form, and the use of appropriate landscape screening (new woodland and scrubland planting and hedgerow enhancement).
5.9.27	*When considering the impact of a proposed development on the significance of a designated heritage asset, the Secretary of State should give great weight to the asset's conservation. The more important the asset, the greater the weight should be. This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.*	Table 6.4 of Chapter 6 – Cultural Heritage details the heritage receptors within the 1km study area for non-designated receptors and the 3km study area for designated receptors. A select group of receptors within 5km of the Site are also included for robustness. There is a single designated heritage receptor located within the Site; the Large Irregular Stone Circle and a Round Cairn on Dean Moor Scheduled Monument. The western boundary of the Site (within Area C) bisects the receptor. As shown on the Works Plans and the Parameter Plan (ES Figure 3.4 **[REF: 6.2]**), the Scheduled Monument is situated within Work No. 6 – GI and as such no solar panels or associated infrastructure is proposed. The Grade II listed Wythemoor Sough and Adjoining Barn and Stable (designated heritage receptor) is located outside of the Order Limits, approximately 160m to the north west of the Site.

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		The English LDNP (designated heritage receptor) is approximately 3.2km east of the Site. The residual effects (significant and non-significant) for the above receptors are reported in Table 6.8 of Chapter 6.
5.9.31	*Where the proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset the Secretary of State should refuse consent unless it can be demonstrated that the substantial harm to, or loss of, significance is necessary to achieve substantial public benefits that outweigh that harm or loss, or all the following apply:* • *The nature of the heritage asset prevents all reasonable uses of the site* • *No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation* • *Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible* • *The harm or loss is outweighed by the benefit of bringing the site back into use*	As set out in the summary section of ES Chapter 6, the Proposed Development is not considered to result in substantial harm to any designated heritage asset. Section 6.5 of the PS considers that the environmental and social benefits of the Proposed Development outweigh any residual heritage impacts.
5.9.32	*Where the proposed development will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate securing its optimum viable use.*	
5.9.33	*In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*	Table 6.8 of Chapter 6 – Cultural Heritage outlines a moderate beneficial (significant) effect for Potential Below Ground Heritage Receptors (Archaeological Remains) during construction, with 'no change' effects during operation and decommissioning. A moderate beneficial effect is reported during construction as further evaluation (in accordance with the AMS) would uncover new information, contributing towards the HER.
5.9.34	*Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation*	The Proposed Development will not result in substantial harm to any designated heritage asset (in NPPF terms).

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	Area or World Heritage Site should be treated either as substantial harm under paragraph 5.9.30 or less than substantial harm under paragraph 5.9.32, as appropriate, considering the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.	Significant effects to the LDNP are not reported across construction, operation and decommissioning of the Proposed Development.
5.9.35	*Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the Secretary of State should not take its deteriorated state into account in any decision.*	There is no evidence of deliberate neglect of, or damage to any heritage asset relevant to the Proposed Development.
5.9.36	*When considering applications for development affecting the setting of a designated heritage asset, the Secretary of State should give appropriate weight to the desirability of preserving the setting such assets and treat favourably applications that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset. When considering applications that do not do this, the Secretary of State should give great weight to any negative effects, when weighing them against the wider benefits of the application. The greater the negative impact on the significance of the designated heritage asset, the greater the benefits that will be needed to justify approval.*	Residual effects (significant and non-significant) for designated receptors are solely via setting and have been reported in Table 6.8 of Chapter 6.
Landscape and Visual		
5.10.5-5.10.6	*Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape, but there may also be beneficial landscape character impacts arising from mitigation. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.*	ES Chapter 7 – Landscape and Views reports on the assessment of the likely significant effects of the Proposed Development on the environment with respect to landscape and visual matters, including both beneficial and adverse effects. Measures that have been integrated into the design of the Proposed Development to avoid and reduce impacts are set out in Section 7.5, as well as enhancement measures. Section 7.6 includes further information on relevant additional mitigation measures contained within the management plans which accompany the DCO application, such as the CEMP, OOMP, LEMP and FDMP. The way in which consideration of the landscape character has influenced the design and siting of the Proposed Development is set out within Section 5 of the DAD.

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5.10.7	*National Parks, the Broads and AONBs have been confirmed by the government as having the highest status of protection in relation to landscape and natural beauty. Each of these designated areas has specific statutory purposes. Projects should be designed sensitively given the various siting, operational, and other relevant constraints. For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.*	The Proposed Development is approximately 3.2km away from the LDNP and Lake District World Heritage Site (WHS) which lies to the east of the Site. Section 7.3 of ES Chapter 7 – Landscape and Visual explains that professional experience of other assessments and site appraisals for this type of development has shown that effects on landscape and visual receptors would typically not be significant beyond 2.5km from a site. However, given the sensitivity of the LDNP and WHS, potential effects on landscape and visual amenity within it have also been considered. Further, the Proposed Development has sought to minimise effects on the designation through careful siting, with the exclusions of development from the elevated plateaus within the southern part of Area C. The Applicant has also collaborated with the LDNP and agreed to help break up long distance views by implementing screening which is committed to in the LSP and Works Plans Being sufficient, appropriate and proportionate to the Proposed Development, these measures should satisfy the SoS's duty in respect of protected landscapes.
5.10.8	*The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be designed sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.*	Section 7.4 of ES Chapter 7 states that the Site may be discernible in long distance views from the LDNP, and these views are represented by and assessed as VL12, VL13a / 13b a/ 13cb and VL14 (see Appendix 7.5: View Location Photosheets) **[REF: 6.3]**. A full explanatory commentary on the magnitude and significance of effects on receptors is set out in ES Appendix 7.2 Schedule of Landscape Effects, and ES Appendix 7.3: Schedule of Visual Effects **[REF: 6.3]**. In summary, no significant adverse residual landscape impacts to the LDNP are reported across the construction, operational and decommissioning phases of the Proposed Development. During construction and decommissioning, moderate adverse, short term, reversible (significant) residual visual impacts at VL13c (view from Blake Fell within the LDNP / WHS) and VL14 (view from Fellbarrow within the LDNP / WHS) are reported. During operation, moderate adverse, medium to long term, partially reversible (significant) residual visual impacts at VL13c and VL14 are reported.
5.10.12	*Outside nationally designated areas, there are local landscapes that may be highly valued locally. Where a local development document in England or a local development plan in Wales has policies based on landscape or waterscape, locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development.*	Table 7.3 of ES Chapter 7 – Landscape and Visual sets out the relevant landscape designations considered in the ES, including international, national, regional and local designations.

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5.10.13 - 5.10.14	*All proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites. The Secretary of State will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the project.*	ES Chapter 7 reports on the assessment of the likely significant effects of the Proposed Development on visual receptors, including local residents. Significant adverse residual visual effects are reported. However, by Year 15 of operation these effects are considered to reduce, impacting on five visual receptors which are mostly residential receptors at or near the Site boundary. By Year 15 of operation, landscaping mitigation and enhancement measures will have matured such that a significant beneficial effect is predicted for trees, woodland and hedgerow within the Site and the green infrastructure network.
5.10.16	*The applicant should carry out a landscape and visual impact assessment and report it in the ES, including cumulative effects (see Section 4.3). Several guides have been produced to assist in addressing landscape issues.*	Section 7.3 of ES Chapter 7 sets out the assessment methodology for assessing landscape and visual impacts associated with the Proposed Development. The detailed methodology for undertaking the landscape and visual assessment is provided in ES Appendix 7.1: Methodology **[REF: 6.3]**. The methodology for assessing cumulative landscape and visual effects is outlined section 7.3 of ES Chapter 7. The findings of the cumulative effects assessment are presented in Section 7.8 of ES Chapter 7, with the full assessment within Appendix 7.4: Cumulative Effects **[REF: 6.3]**.
5.10.17	*The landscape and visual assessment should include reference to any landscape character assessment and associated studies as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.*	Section 7.3 of ES Chapter 7 sets out the sources of information used when undertaking the baseline data review and desktop study to establish the baseline landscape and landscape character information, which included local authority landscape character assessments and local authority local plans. Section 7.3 of ES Chapter 7 elaborates: 'Published Landscape Character Assessments ('LCA') have been considered with respect to the LDNP and the former Cumbria County Council. Areas of Distinctive Character, published by the LDNP have been discussed in Section 7.6 of this chapter, and have been illustrated on Figure 7.2b: Published Landscape Character (LDNP), but given their larger scale and overlapping nature with regards to the published Landscape Character Types ('LCTs') within the LDNP LCA, they have not been assessed.'

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5.10.19	*The applicant should consider landscape and visual matters in the early stages of siting and design, where site choices and design principles are being established. This will allow the applicant to demonstrate in the ES how both negative effects have been minimised and opportunities for creating positive benefits or enhancement have been recognised.*	Measures that have been integrated into the design of the Proposed Development (embedded mitigation) to avoid and reduce impacts are set out ES Chapter 7, section 7.5. Embedded mitigation measures were developed through the iterative design process and are now integrated / embedded into the design of the Proposed Development. The importance of landscape and visual matters in the early stages of siting and design is set out within Section 5 of the DAD. A range of embedded mitigation measures which are relevant, and which have been considered for ES Chapter 7 are shown in the LSP. These indicative planting proposals and measures will be secured by DCO Requirement. Embedded mitigation measures (once established) collectively will provide GI resources which have multifunctional environmental benefits for the natural environment. Enhancement measures are set out in Section 7.5 of ES Chapter 7 and are shown on the LSP. Section 7.6 of ES Chapter 7 includes further information on relevant additional mitigation measures contained within the management plans which accompany the DCO application such as the CEMP, OOMP, LEMP and DEMP. Measures that have been integrated into the design of the Proposed Development (embedded mitigation) to avoid and reduce impacts are set out in the DPD. The Project Design Principles are set out in the DAD.
5.10.20	*The assessment should include the effects on landscape components and character during construction and operation. For projects which may affect a National Park, The Broads or an Areas of Outstanding Natural Beauty the assessment should include effects on the natural beauty and special qualities of these areas.*	Section 7.3 of Chapter 7 sets out that the assessment has considered effects of the Proposed Development on landscape components and landscape character. The Proposed Development is approximately 3.2km away from the LDNP and Lake District WHS which lies to the east of the Site. Section 7.3 of Chapter 7 explains that professional experience of other assessments and site appraisals for this type of development has shown that effects on landscape and visual receptors would typically not be significant beyond 2.5km from a site. However, given the sensitivity of the LDNP and WHS, it has been considered in the chapter.

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5.10.21	*The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include light pollution effects, including on dark skies, local amenity, and nature conservation.*	Section 7.3 of Chapter 7 sets out that the assessment has considered effects of the Proposed Development on views and visual amenity. A range of embedded mitigation measures which are relevant to construction, operational, and decommissioning phases, and which have been considered for ES Chapter 7 are shown on the LSP. A full explanatory commentary on the magnitude and significance of visual effects on receptors during construction, operation and decommissioning of the Proposed Development is set out in Appendix 7.3: Schedule of Visual Effects. Table 7.1 explains that the Site is not within a dark sky area and that significant effects on the existing character of the night-sky and on visual receptors (due to lighting) are not anticipated. Further, the Council agreed to the effects of lighting being scoped out of the ES in their Scoping consultation response (paragraph 18.18 Lighting within Topics to be scoped out, ES Appendix 2.2) [**REF 6.3]**). Lighting is therefore not considered further in Chapter 7.
5.10.22	*The assessment should also address the landscape and visual effects of noise and light pollution, and other emissions (see Section 5.2 and Section 5.7), from construction and operational activities on residential amenity and on sensitive locations, receptors and views, how these will be minimised.*	Standard and best practice construction and operational management practices will be adopted to avoid and reduce environmental effects such as noise, light and other emissions. A suite of outline management plans (OCEMP, OCTMP, OSMP & OOMP) have been submitted with the DCO Application and full, detailed versions of these documents will be produced post consent (should consent be granted) as secured by DCO Requirement.
5.10.24	*Applicants should consider how landscapes can be enhanced using landscape management plans, as this will help to enhance environmental assets where they contribute to landscape and townscape quality.*	As set out in section 7.6 of Chapter 7, the future management of the indicative planting proposals (considered as embedded mitigation and shown on the LSP) will be carried out in compliance with a LEMP. An OLEMP has been prepared (ES Appendix 7.7) and a full, detailed LEMP to secure the successful long-term establishment of the final mitigation proposals will be secured by DCO Requirement. Further, the OLEMP and future LEMP will cover management of existing and proposed landscape and ecology measures as set out on the LSP.
5.10.25	*In considering visual effects it may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on equally sensitive receptors. This may assist the Secretary of State in judging the weight they should give to the assessed visual impacts of the proposed development.*	The presence of the existing Potato Pot Wind Farm and Pylons within the Site are considered as part of the baseline in the ES Chapter 7. The proposed POC Masts which are up to 30m would be no taller than the existing connecting pylon, which is adjacent. These structures (proposed and existing) are included in the visualisations.

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5.10.26	*Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of a proposed energy infrastructure project may result in a significant operational constraint and reduction in function - for example, the electricity generation output. There may, however, be exceptional circumstances, where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the Secretary of State may decide that the benefits of the mitigation to reduce the landscape and/or visual effects outweigh the marginal loss of function.*	The layout of the Proposed Development has been established in order to avoid or minimise landscape and visual effects, and therefore no further need for reduction in scale is anticipated.
5.10.27	*Adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within its development site and wider setting. The careful consideration of colours and materials will support the delivery of a well-designed scheme, as will sympathetic landscaping and management of its immediate surroundings.*	Appropriately siting infrastructure and employing sympathetic landscaping are both part of the embedded landscape and visual mitigation measures set out under section 7.5 of Chapter 7: • Careful siting of proposed infrastructure to minimise visual intrusion, including 'no-build' areas on the elevated open moorland within the southern part of Area C, with relaxed grazing in place to ultimately attain species-rich grassland, and taller plant and features located centrally within the site to minimise visibility from sensitive receptors. • New native structural landscape planting to provide visual screening, including native hedgerows, hedgerow trees, scrub / shrub planting, with the aim of breaking up the extent of development, and linking existing habitats / landscape features where possible to provide enhanced green infrastructure and biodiversity opportunities. The DPD sets out details around controlling colour use, and the appearance of the Proposed Development.
5.10.28	*Depending on the topography of the surrounding terrain and areas of population it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines may mitigate the impact when viewed from a more distant vista.*	No off-site landscaping measures are proposed. Opportunities to infill existing field boundary hedgerows and repair or enhance existing dry stone walls at Site boundaries are listed as part of the additional mitigation / enhancement measures set out under section 7.5 of ES Chapter 7.
5.10.29	*The Secretary of State should take into consideration the level of detailed design which the applicant has provided and is secured in the DCO, and the extent to which design details are subject to future approvals.*	ES Chapter 3 explains that the ES adopts a parameter-led assessment that considers the 'worst case', having regard to the Planning Inspectorate's Advice Note Nine: Rochdale Envelope (July 2018) and paragraph 4.3.12 of EN-1. The parameters assessed are set out in ES Chapter 3 and the DPD. The 'design parameters' have been iteratively developed in response to environmental constraints and consultation and to accord with the

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		project-level 'Design Principles'. As secured by a Requirement within the draft DCO, the detailed design of the Proposed Development must be in accordance with the design parameters. Further, an iterative design process has allowed for embedded mitigation measures to be instilled in the Proposed Development to avoid and minimise landscape and visual impacts. The LSP illustrates the embedded mitigation and enhancement measures which the ES has relied upon and which will be secured by DCO Requirement.
5.10.32	*When considering applications for development within National Parks, the Broads and AONBs the conservation and enhancement of the natural beauty should be given substantial weight by the Secretary of State in deciding on applications for development consent in these areas. The Secretary of State may grant development consent in these areas in exceptional circumstances. Such development should be demonstrated to be in the public interest and consideration of such applications should include an assessment of:* • *The need for the development, including in terms of national considerations245, and the impact of consenting or not consenting it upon the local economy;* • *The cost of, and scope for, developing all or part of the development elsewhere outside the designated area or meeting the need for it in some other way, taking account of the policy on alternatives set out in section 4.3; and* • *Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*	The Proposed Development is not situated within a National Park, the Broads or any AONB. The Site is approximately 3.2km away from the LDNP / WHS which lies to the east of the Site. Given the sensitivity of the LDNP / WHS, its landscape and visual amenity has been considered within Chapter 7 – Landscape and Visual.
5.10.33	*For development proposals located within designated landscapes the Secretary of State should be satisfied that measures which seek to further purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development. The Secretary of State should ensure that any projects consented in these designated areas should be carried out*	Table 7.3 of Chapter 7 – Landscape and Visual sets out the relevant landscape designations considered in the ES including international, national, regional and local designations. The Site is not situated within any designated landscape.

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	to high environmental standards, including through the application of appropriate requirements where necessary.	
5.10.34	*The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas, which may have impacts within them. The aim should be to avoid harming the purposes of designation or to minimise adverse effects on designated landscapes, and such projects should be designed sensitively given the various siting, operational, and other relevant constraints. The fact that a proposed project will be visible from within a designated area should not in itself be a reason for the Secretary of State to refuse consent.*	The Proposed Development is approximately 3.2km away from the LDNP and Lake District WHS which lies to the east of the Site. Section 7.3 of Chapter 7 explains that professional experience of other assessments and site appraisals for this type of development has shown that effects on landscape and visual receptors would typically not be significant beyond 2.5km from a site. However, given the sensitivity of the LDNP and WHS, potential effects on landscape and visual amenity within it have also been considered. Further, the Proposed Development has sought to minimise effects on the designation through careful siting, with the exclusions of development from the elevated plateaus within the southern part of Area C. The Applicant has also collaborated with the LDNP and agreed to help break up long distance views by implementing screening which is committed to in the LSP and Works Plans.
5.10.35	*The scale of energy projects means that they will often be visible across a very wide area. The Secretary of State should judge whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project.*	Table 7.7 ES Chapter 7 – Landscape and Visual contains a summary of the assessment of likely significant effects of the Proposed Development. Significant adverse residual visual effects are reported during the construction, operation and decommissioning phases of the Proposed Development. However, these effects are limited to the Site itself, and visual receptors in close proximity of the Site (section 7.9). Section 6.6 of the PS states that these residual effects should be considered acceptable in light of the significant benefits associated with CNP renewable energy infrastructure as per EN-1 5.10.35.
5.10.36	*In reaching a judgement, the Secretary of State should consider whether any adverse impact is temporary, such as during construction, and/or whether any adverse impact on the landscape will be capable of being reversed in a timescale that the Secretary of State considers reasonable.*	Sections 7.5 and 7.7 of ES Chapter 7 – Landscape and Visual report on the likely significant and residual landscape and visual effects, detailing the nature, duration and reversibility of effects where relevant. A full explanatory commentary on the magnitude and significance of effects on receptors is set out in ES Appendix 7.2 Schedule of Landscape Effects, and Appendix 7.3: Schedule of Visual Effects. Generally, as time passes and the mitigation proposals become established, the significance of effects would reduce, with potential beneficial effects predicted for vegetation within the Site (section 7.9).

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5.10.37	*The Secretary of State should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by appropriate mitigation.*	Measures that have been integrated into the design of the Proposed Development (embedded mitigation) to avoid and reduce impacts are set out in Section 7.5 of ES Chapter 7. Embedded mitigation measures were developed through the iterative design process and are now integrated / embedded into the design of the Proposed Development. A range of embedded mitigation measures which are relevant to construction, operational, and decommissioning phases, and which have been considered for Chapter 7 are shown on the LSP. These indicative planting proposals and measures will be secured by DCO Requirement. Embedded mitigation measures (once established) will collectively provide GI resources which have multifunctional environmental benefits for the natural environment. Enhancement measures (additional mitigation beyond the embedded mitigation) are set out in Section 7.5 of ES Chapter 7 and shown on the LSP. Section 7.6 of ES Chapter 7 includes further information on relevant additional mitigation measures contained within the management plans which accompany the DCO application such as the CEMP, OOMP, LEMP and DEMP. Measures that have been integrated into the design of the Proposed Development (embedded mitigation) to avoid and reduce impacts are set out in the DPD. The Project Design Principles are set out in the DAD.
Land Use, Including Open Space, Green Infrastructure, and Green Belt		
5.11.5	*Where pre-existing land contamination is being considered within a development, the objective is to ensure that the site is suitable for its intended use. Risks would require consideration in accordance with the contaminated land statutory guidance as a minimum.*	ES Chapter 10 – Ground Conditions reports on the likely significant effects of the Proposed Development on the environment with respect to ground conditions (stability and existing ground contamination). Defra's Contaminated Land Statutory Guidance has been considered in the preparation of ES Chapter 10 and consideration has been given to the guidance in Land Contamination Risk Management (LCRM). No significant adverse residual effects are reported in Chapter 10 across the construction, operation and decommissioning phases of the Proposed Development.

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5.11.8	*The ES (see Section 4.2) should identify existing and proposed land uses near the project, any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan. The assessment should be proportionate to the scale of the preferred scheme and its likely impacts on such receptors. For developments on previously developed land, the applicant should ensure that they have considered the risk posed by land contamination and how it is proposed to address this*	Chapter 3 provides a description of the Site including its existing and proposed uses, notable features and designations. As set out in ES Chapter 2 – EIA Methodology, each technical chapter (6-10) includes an assessment of the likely significant cumulative effects of the Proposed Development, with a summary provided in ES Chapter 11 – Cumulative Effects and Summary. The projects identified for the cumulative effects assessment are set out in Table 2.6 and mapped in ES Figure 2.1 **[REF: 6.2]**. Much of the northern part of the Site (Area A) is situated within a former open cast coal mine, which has been restored. In addition, there are records of historic mine entries located across other areas of the Site (Area B and C). There are ground stability and potentially land contamination risks associated with these activities. ES Chapter 10 – Ground Conditions reports on the likely significant effects of the Proposed Development on the environment with respect to ground conditions (stability and existing ground contamination). With the proposed suitable mitigation, no significant adverse residual effects are expected across the construction, operation and decommissioning phases of the Proposed Development. On this basis, the Site is considered suitable for its proposed use.
5.11.9-5.11.10	*Applicants will need to consult the local community on their proposals to build on existing open space, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space including green and blue infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. When considering proposals for green infrastructure, Applicant's should refer to the Green Infrastructure Framework. Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land is surplus to requirements.*	The Site does not comprise existing open space, sports or recreational buildings and land. Feedback received from the public during the non-statutory and statutory consultations (see the Consultation Report) informed the Applicant that there are existing informal paths on Site used by local residents. The Applicant is aware of the potential for these paths to be formally adopted (as PRoW) and added to the Council's Definitive Map during the Proposed Development's operational phase. As such, the Applicant is proposing two new permissive paths within the Site as identified and described in the OLEMP at Figure 7.7b. Please refer to the PS for more information.
5.11.11	*During any pre-application discussions with the applicant the LPA should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements*	During the pre-application stage, the Council has not informed the Applicant of any concerns regarding the impacts of the Proposed Development on land use.

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5.11.12	*Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5).*	As confirmed in the Agricultural Land Classification ('ALC') Report (ES Appendix 2.8 **[REF: 6.3]**), there is no best and most versatile agricultural land on Site. The Site is predominantly classed as Grade 4 agricultural land (64%), with 17.5% being subgrade 3b and 12.6% being Grade 5. The remaining 5.9% is non-agricultural/other land.
5.11.13	*Applicants should also identify any effects and seek to minimise impacts on soil health and protect and improve soil quality taking into account any mitigation measures proposed.*	During construction, best practices set out in the OSMP and OCEMP would be followed to manage soil and help improve soil health, such as increasing soil organic matter and soil organic carbon and improving soil biodiversity and soil structure.
5.11.14	*Applicants are encouraged to develop and implement a Soil Management Plan which could help minimise potential land contamination. The sustainable reuse of soils needs to be carefully considered in line with good practice guidance where large quantities of soils are surplus to requirements or are affected by contamination*	An OSMP has been prepared to maintain and where possible improve soil quality and quantity at the Site. Should consent be granted, a Soil Management Plan ('SMP') will be produced following the guidance in the OSMP. The SMP will be secured by DCO Requirement. The OSMP sets out how soils are to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The reuse of excavated soils can be undertaken subject to complying with one of the following: • Soils that are excavated and temporarily stored prior to being returned to the original excavation would not be considered a waste. This activity does not meet the definition of a waste as the holder does not intend to discard it, nor is required to discard it. • Article 2.1 (c) of the Waste Framework Directive - "naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated." • A Waste Exemption that is registered. • Environment Permit - Standard rules to use waste in a deposit for recovery operations (construction, reclamation, restoration or improvement of land other than by mobile plant) or Bespoke permit. • CL: AIRE Definition of Waste (DoW) Code of Practice (CoP). • A Regulatory Position Statement.

Para	EN-1 Policy Detail	Policy Compliance
5.11.17	*Applicants should ensure that a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination.*	Much of the northern part of the Site (Area A) is situated within a former open cast coal mine, which has been restored. In addition, there are records of historic mine entries located across other areas of the Site (Area B and C). There are ground stability and potentially land contamination risks associated with these activities. ES Chapter 10 reports on the likely significant effects of the Proposed Development on the environment with respect to ground conditions (stability and existing ground contamination). With the proposed suitable mitigation, no significant adverse residual effects are expected across the construction, operation and decommissioning phases of the Proposed Development. On this basis, the Site is considered suitable for its proposed use.
5.11.18	*For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination, and where contamination is present, applicants should consider opportunities for remediation where possible. It is important to do this as early as possible as part of engagement with the relevant bodies before the official pre-application stage.*	The potential for pre-existing land contamination is considered in the baseline assessment of ES Chapter 10 Ground Conditions. Much of the northern part of the Site (Areas A and B) is situated within a former open cast coal mine, which has been restored to agricultural use. In addition, there are historic mine entries and areas of potential ground instability associated with historic mine workings located across the central and southern areas of the Site (Area B and C). There is potential contamination risks associated with these historic land use activities. Section 10.5 states that the ground conditions in the northern part of the Site are identified as having a Medium impact magnitude for contamination and instability due to the unconfirmed nature of the backfill used to restore the open cast mine. Throughout the pre-application stage, the Applicant has liaised with relevant bodies including the Coal Authority (now known as the Mining Remediation Authority), EA and the Council's Environmental Health Officer as summarised in Tables 10.1 and 10.2 and the Consultation Report. As embedded mitigation, and in response to advice from the Mining Remediation Authority, no permanent buildings within Work Nos. 1, 2 or 3 is permitted within 50m of any former mine entries (see Table 3.3 within ES Chapter 3). Additional mitigation measures are proposed and would include an intrusive ground investigation to be undertaken post-consent, as recommended within the GCA Appendix 10.1 and described in the OCEMP. The ground investigation would investigate and characterise near-surface soils and ascertain the location of historical mine entries to inform the final, detailed design of the Proposed Development and any further mitigation to be detailed within the CEMP. The Applicant considers that it would be possible to place solar arrays or other associated development within 50m of these historic mine entries. However, the Applicant’s ability to undertake any development within the exclusion areas would be subject to the results of the intrusive ground investigation, and the Applicant’s

Para	EN-1 Policy Detail	Policy Compliance
		undertaking of any necessary remediation or mitigation. The remediation and mitigation would need to be agreed with the Mining Remediation Authority prior to commencement.
5.11.19	*Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.*	Minerals were scoped out from the ES, as described in Table 10.1 of ES Chapter 10. As part of the EIA scoping process, the Applicant met with Westmoreland and Furness Council to discuss the potential impacts on mineral resources. The Council agreed that the extraction of sand and gravel need not be considered in the EIA due to the limited extent of that resource within the Site (the MSA overlaps the existing Branthwaite Road which is within the DCO boundary but not affected by any new buildings or structures). With regards to the potential impact on the brick clay MSA, the Council indicated there is sufficient capacity for the production of brick clay in within Cumbria. In addition, and with reference to the NPS and Cumbria Minerals and Waste Local Plan policies, the Proposed Development would be decommissioned and removed after operation, so access to this minerals resource would be possible in the future.
5.11.20	*The general policies controlling development in the countryside apply with equal force in Green Belts but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy (see paragraph 5.11.36 below).*	The Site is not located within the Green Belt.
5.11.23	*Although in the case of most energy infrastructure there may be little that can be done to mitigate the direct effects of an energy project on the existing use of the proposed site (assuming that some of that use can still be retained post project construction) applicants should nevertheless seek to minimise these effects and the effects on existing or planned uses near the site by the application of good design principles, including the layout of the project and the protection of soils during construction.*	As set out in the DAD, Project Design Principle PL.2 is to '*have regard for the existing land use and ensure the Proposed Development provides opportunities for continued co-located agriculture, with benefits from retaining aspects of landscape character and supporting the rural economy'.* ES Chapter 3 describes the existing land uses of the Site which primarily consists of agricultural land currently in intensive pastoral grazing use. The existing agricultural use of sheep grazing is currently anticipated to continue during the operational phase of the Proposed Development. Sheep grazing would continue at a reduced intensity as part of the maintenance regime of the Site, the OGMP outlines the co-located grazing and associated pastoral activities. Further, during construction, best practices set out in the OSMP and OCEMP would be followed to manage

Para	EN-1 Policy Detail	Policy Compliance
		soil and help improve soil health, such as increasing soil organic matter and soil organic carbon and improving soil biodiversity and soil structure.
5.11.27	*Existing trees and woodlands should be retained wherever possible. In the EIP, the Government committed to increase the tree canopy and woodland cover to 16.5% of total land area of England by 2050. The applicant should assess the impacts on, and loss of, all trees and woodlands within the project boundary and develop mitigation measures to minimise adverse impacts and any risk of net deforestation as a result of the scheme. Mitigation may include, but is not limited to, the use of buffers to enhance resilience, improvements to connectivity, and improved woodland management. Where woodland loss is unavoidable, compensation schemes will be required, and the long-term management and maintenance of newly planted trees should be secured*	The Applicant has prepared an AIA. The LSP and Work No. 6 allows all sensitive habitats to be retained such as ponds, watercourses, woodland, hedgerows and small areas of scrub, swamp, and mire. Removal of woodland, trees, hedges will be avoided, other than limited clearance to enable access and for construction compounds, where required, with effects managed through the CEMP. Buffers will be included between sensitive features (e.g. hedgerows and watercourses) and the Proposed Development. The LSP provides an overview of locations relating to the environmental mitigation measures, which includes retained features, some of which are proposed to be enhanced, and new elements. A detailed version of the LSP (the LEP) will be provided post consent (should consent be granted) as secured by DCO Requirement. Until the final layout is established, the OLEMP seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target.
5.11.28	*Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the Secretary of State should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.*	Minerals were scoped out from the ES, as described in Table 10.1 of ES Chapter 10. As part of the EIA scoping process, the Applicant met with Westmoreland and Furness Council's minerals and waste officer (as a representative for Cumberland) to discuss the potential impacts on mineral resources. The Council agreed that the extraction of sand and gravel need not be considered in the EIA due to the limited extent of that resource within the Site (the MSA overlaps the existing Branthwaite Road which is within the DCO boundary but not affected by any new buildings or structures). With regards to the potential impact on the brick clay MSA, the Council indicated there is sufficient capacity for the production of brick clay in within Cumbria. In addition, the Proposed Development would be decommissioned and removed after operation, so access to the minerals resource would not be permanently prevented.

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5.11.29	*Where a project has a sterilising effect on land use (for example in some cases under transmission lines) there may be scope for this to be mitigated through, for example, using or incorporating the land for nature conservation or wildlife corridors or for parking and storage in employment areas.*	It is anticipated that the existing agricultural use of sheep grazing would continue (at a reduced intensity and in accordance with the OGMP during the operational phase of the Proposed Development. The FDMP sets out that following the 40 year operational period, the Proposed Development will be decommissioned and the Site must be returned to its current use.
5.11.30	*Public Rights of way, National Trails, and other rights of access to land are important recreational facilities for example for walkers, cyclists and horse riders. The Secretary of State should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails, other rights of way and open access land and, where appropriate, to consider what opportunities there may be to improve or create new access. In considering revisions to an existing right of way, consideration should be given to the use, character, attractiveness, and convenience of the right of way.*	There are no PRoWs or National Trails on Site. Feedback received from the public during the non statutory and statutory consultations (see the Consultation Report) informed the Applicant that there are existing informal paths on Site used by local residents. The Applicant is aware of the potential for these paths to be formally adopted (as PRoW) and added to the Council's Definitive Map during the Proposed Development's operational phase. As such, the Applicant is proposing two new permissive paths within the Site as identified and described in the OLEMP and Figure 7.7b. Please refer to the PS for more information.
5.11.34	*The Secretary of State should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. Where schemes are to be sited on best and most versatile agricultural land the Secretary of State should take into account the economic and other benefits of that land. Where development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.*	As confirmed in the ALC Report, there is no best and most versatile agricultural land on Site. The Site is predominantly classed as Grade 4 agricultural land (64%), with 17.5% being subgrade 3b and 12.6% being Grade 5. The remaining 5.9% is non-agricultural/other land.
5.11.38 - 5.11.40	*In England, Local Green Spaces may be designated locally in Local Plans and Neighbourhood Plans. These enjoy the same protection as Green Belt in England and the Secretary of State should adopt a similar approach. In Wales, 'green wedges' may be designated locally. These enjoy the same protection as Green Belt in Wales and the Secretary of State should adopt a similar approach. Green wedges do not convey the same level of permanence of a Green Belt and should be reviewed by the local authority as part of the development plan review process.*	The Site is not designated as local green space in the Allerdale Local Plan (2014-2029).

Para	EN-1 Policy Detail	Policy Compliance
Noise and Vibration		
5.12.6	*Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment:* • *A description of the noise generating aspects of the development proposal leading to noise impacts, including the identification of any distinctive tonal characteristics, if the noise is impulsive, whether the noise contains particular high or low frequency content or any temporal characteristics of the noise* • *Identification of noise sensitive receptors and noise sensitive areas that may be affected* • *The characteristics of the existing noise environment* • *A prediction of how the noise environment will change with the proposed development* *o in the shorter term, such as during the construction period* • *In the longer term, during the operating life of the infrastructure* • *At particular times of the day, evening and night (and weekends) as appropriate, and at different times of year* • *An assessment of the effect of predicted changes in the noise environment on any noise-sensitive receptors, including an assessment of any likely impact on health and quality of life / well-being where appropriate, particularly among those disadvantaged by other factors who are often disproportionately affected by noise-sensitive areas* • *If likely to cause disturbance, an assessment of the effect of underwater or subterranean noise261* • *All reasonable steps taken to mitigate and minimise potential adverse effects on health and quality of life*	The production of a standalone chapter on noise and vibration has been scoped out of the ES, as set out in Table 2.7 of Chapter 2. In the Scoping Opinion, the Planning Inspectorate agreed to scope out traffic noise and vibration, given that the Scoping Report (ES Appendix 2.1 **[REF: 6.3]**) outlined that the increase to traffic movements at all phases of the Proposed Development is unlikely to give rise to significant noise and vibration effects. In addition, the Planning Inspectorate agreed to scope out construction vibration given such significant effects are unlikely. The Planning Inspectorate stated that further information was needed to justify that construction noise would not give rise to significant effects. Table 2.7 of ES Chapter 2 sets out that further information on the proposed construction techniques, locations, routes, machinery, and duration is provided in ES Chapter 5, the OCEMP and the OCTMP which rules out the likelihood of significant effects relating to construction noise occurring. The Planning Inspectorate agreed that operational noise and vibration could be scoped out subject to appending a Noise and Vibration Impact Assessment to the ES and demonstrating that through carefully siting equipment and plant, significant effects would be unlikely. A Noise and Vibration Impact Assessment ('NIA') is provided at ES Appendix 2.6 **[REF: 6.3]**. The Works Plans and the Parameter Plan have been designed to ensure that equipment of the Proposed Development such as the substation are located in such a way that prevents significant noise and vibration impacts on sensitive receptors. The detail of the approach to mitigation of noise effects is secured through additional noise modelling of the detailed design in respect of the locations of the PCS Units (within Work No.1). This will ensure that the SOAEL (Significant Observed Adverse Effect Level) is not exceeded, including through careful siting of equipment and other attenuation if required. The risk of noise from operational activity is low given the low level of activity required to maintain a solar farm; adherence to general measures included within the OOMP will provide for all standard maintenance requirements.

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5.12.7 – 5.12.8	*The nature and extent of the noise assessment should be proportionate to the likely noise impact. Applicants should consider the noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation.*	
5.12.9	*Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards and other guidance. Further information on assessment of particular noise sources may be contained in the technology specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards and other guidance which also give examples of mitigation strategies.*	The NIA incorporated British Standards BS 4142:2014 + A1 2019 Methods for Rating and Assessing Industrial and Commercial Sound and BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings in the assessment criteria for assessing operational noise and vibration.
5.12.10	*Some noise impacts will be controlled through environmental permits and parallel tracking is encouraged where noise impacts determined by an environmental permit interface with planning issues (i.e. physical design and location of development). The applicant should consult the EA and/or the SNCB, and other relevant bodies, such the MMO or NRW, as necessary, and in particular regarding assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be considered.*	The Applicant has engaged with a number of stakeholders throughout the EIA process including NE; the EA; CWT, and the Council. ES Chapter 8 has considered the effects of noise to species using the Site during construction and decommissioning. As set out in the Consents and Agreements Position Statement, the Applicant will address the control of noise during construction via the CEMP and it is anticipated the measures included within this which would be agreed with the Council would avoid the need for any separate consent (such as a 'Control of noise on construction sites Section 61 consent'). The Applicant has met with the Environmental Health Officer, but the need for this consent was not discussed. Should such a consent be needed, the application would be made by the contractor before construction commences as appropriate.

Para	EN-1 Policy Detail	Policy Compliance
5.12.15 - 5.12.16	*The project should demonstrate good design through selection of the quietest or most acceptable cost-effective plant available; containment of noise within buildings wherever possible, taking into account any other adverse impacts that such containment might cause (e.g. on landscape and visual impacts; optimisation of plant layout to minimise noise emissions; and, where possible, the use of landscaping, bunds or noise barriers to reduce noise transmission). A development must be undertaken in accordance with statutory requirements for noise. Due regard must be given to the relevant sections of the Noise Policy Statement for England264, the NPPF, and the government's associated planning guidance on noise. In Wales the relevant policy will be PPW and the TANs, as well as the Welsh Government's Noise and Soundscape Action Plan.*	The DAD sets out how the topic of noise and vibration has influenced the design of the Proposed Development. The OCEMP and the OCTMP (Appendix 5.2) set out the mitigation measures for construction techniques, locations, routes, machinery, and duration to address noise and vibration during the construction phase of the Proposed Development.
Socio-Economic Impacts		
5.13.2	*Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see Section 4.3).*	A socio-economics chapter was included at the PEIR stage (PEIR Chapter 10 - Socio-Economics) and no significant effects were identified that related directly to socio-economics. The only significant effects that were identified related to landscape and visual amenity and climate change and are therefore covered within Chapters 7 and 9). A standalone socio-economics was therefore scoped out of the ES.
5.13.3	*The applicant is strongly encouraged to engage with relevant local authorities during early stages of project development so that the applicant can gain a better understanding of local or regional issues and opportunities.*	As set out in the Consultation Report, the Applicant has engaged with and consulted Dean Parish Council and Cumberland Council (within which the Site is located) and the three neighbouring parish councils (Ditstington, Arlecdon & Frizington and Winscales). The Applicant proposes to fund a Community Benefit Package and has engaged with local community organisations (including parish councils) on their proposals. The details of the Community Benefit Package would be established post consent (should consent be granted) and the funding would be provided to sources which align with the Applicant's values, as described in the DAD.

Para	EN-1 Policy Detail	Policy Compliance
Traffic and Transport		
5.14.6	*National Highways and Highways Authorities are statutory consultees on NSIP applications including energy infrastructure where it is expected to affect the strategic road network and / or have an impact on the local road network. Applicants should consult with National Highways and Highways Authorities as appropriate on the assessment and mitigation to inform the application to be submitted.*	The Applicant has consulted NH and Cumberland Council, as the Local Highways Authority, as described within the Consultation Report.
5.14.7	*The applicant should prepare a travel plan including demand management and monitoring measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by active, public and shared transport to: • reduce the need for parking associated with the proposal • contribute to decarbonisation of the transport network • improve user travel options by offering genuine modal choice*	The OCTMP includes a Framework Construction Workforce Travel Plan ('FCWTP') which has been developed to promote sustainable transport for workers during the construction and decommissioning phases. This would be developed further post-consent (should consent be granted), once a Principal Contractor has been appointed and the final construction programme and worker numbers are confirmed. A final CWTP will be provided as part of a final CTMP, secured by DCO Requirement. During the operational phase of the Proposed Development, 1-2 visits a week for maintenance (consisting of 2-4 vehicular movements) and occasional ad-hoc HGV visits are expected. On this basis, a travel plan for the operational phase was not deemed necessary. The Proposed Development will include at least two EV charging points, likely near the Grid Connection Infrastructure, in order to support the transition to EV for operational and maintenance fleets.
5.14.11 - 5.14.12	*Where mitigation is needed, possible demand management measures must be considered. This could include identifying opportunities to:* • *Reduce the need to travel by consolidating trips* • *Locate development in areas already accessible by active travel and public transport* • *Provide opportunities for shared mobility* • *Re-mode by shifting travel to a sustainable mode that is more beneficial to the network* • *Retime travel outside of the known peak times*	In the Scoping Opinion, the Planning Inspectorate agreed that a standalone traffic and access chapter could be scoped out (Table 2.7, Chapter 2). To fulfil the Planning Inspectorate's requirements set out in their Scoping Opinion, the Applicant has produced a TS, OCTMP (including a FCWTP) and included a description of the anticipated trip generation, routeing, and any necessary mitigation measures and how such measures would be secured through the DCO, or other legal mechanism is included within ES Chapter 5. As stipulated in the TS, an OCTMP has been prepared to outline the management of construction vehicles associated with the Proposed Development. A detailed CTMP will be developed post-consent (should consent be granted) as secured by DCO Requirement. The TS demonstrates that there would be no significant residual effects on the local travel network during the operational phase of the Proposed Development; during its operation, 1-2 visits a week for maintenance (consisting of 2-4 vehicular movements) and occasional ad-hoc HGV visits are expected.

Para	EN-1 Policy Detail	Policy Compliance
	• *Reroute to use parts of the network that are less busy* • *If feasible and operationally reasonable, such mitigation should be required, before considering requirements for the provision of new inland transport infrastructure to deal with remaining transport impacts. All stages of the project should support and encourage a modal shift of freight from road to more environmentally sustainable alternatives, such as rail, cargo bike, maritime and inland waterways, as well as making appropriate provision for and infrastructure needed to support the use of alternative fuels including charging for electric vehicles.*	Prior to the commencement of decommissioning, a plan governing transport and travel during this phase would be developed, as secured by DCO Requirement.
5.14.14	*The Secretary of State may attach requirements to a consent where there is likely to be substantial HGV traffic that:* • *Control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements* • *Make sufficient provision for HGV parking,270 and associated high quality drive facilities either on the site or at dedicated facilities elsewhere, to support driver welfare, avoid 'overspill' parking on public roads, prolonged queuing on approach roads and uncontrolled on-street HGV parking in normal operating conditions* • *Ensure satisfactory arrangements for reasonably foreseeable abnormal disruption, in consultation with network providers and the responsible police force.*	The TS sets out that vehicle trips generated during peak construction phases are anticipated to be a daily average of approximately 20 HGV trips (40 movements). Vehicle trips would be spread across the day, managed through delivery scheduling and avoiding network peak hours wherever possible. During the operational phase, there could be an occasional ad-hoc HGV visit for operations such as equipment replacement, although the likeliness of these deliveries may be reduced through the provision of on-site Operations & Maintenance Containers for spares and supplies needed more regularly.
5.14.15	*The Secretary of State should have regard to the cost-effectiveness of demand management measures compared to new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.*	The Proposed Development does not include any new significant transport infrastructure.

Para	EN-1 Policy Detail	Policy Compliance
5.14.16	*Applicants should consider the DfT policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads" when preparing their application*	Abnormal Indivisible Load ('AIL') movements are not anticipated to be required during the construction or decommissioning of the Proposed Development (OCTMP). If during those periods AIL movements were required, the OCTMP sets out that they would be managed in accordance with standard notification and consenting processes with the affected LHAs, NH, structures owners and Police forces using existing systems such as ESDAL (Electronic Service Delivery for Abnormal Loads), AbHaulier or similar.
5.14.17	*If an applicant suggests that the costs of meeting any obligations or requirements would make the proposal economically unviable this should not in itself justify the relaxation by the Secretary of State of any obligations or requirements needed to secure the mitigation.*	The Funding Statement outlines the costs and funding relating to the Proposed Development and demonstrates there are no issues of financial viability which are likely to be of concern to the SoS.
5.14.18	*A new energy NSIP may give rise to substantial impacts on the surrounding transport infrastructure and the Secretary of State should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development and by enhancing active, public and shared transport provision and accessibility.*	The TS demonstrates that sufficient measures (as per the OCTMP & FCWTP) can be put in place to minimise and manage the environmental and traffic impacts from the construction phase of the Proposed Development. Vehicle trip generation associated with the Proposed Development would be limited, and as such it is considered that the Proposed Development can be accommodated without detriment to the highway network at the construction, operational, and decommissioning phases. As per section 6.9 of the PS, the Proposed Development is considered to have a negligible impact on the road network, would not unacceptably impact on highway safety, and would not cause severe cumulative effects.
5.14.20	*Development consent should not be withheld provided that the applicant is willing to enter into planning obligations for funding new infrastructure or requirements can be imposed to mitigate transport impact. In this situation the Secretary of State should apply appropriately limited weight to residual effects on the surrounding transport infrastructure.*	
5.14.21	*The Secretary of State should only consider refusing development on highways grounds if there would be an unacceptable impact on highway safety, residual cumulative impacts on the road network would be severe, or it does not show how consideration has been given to the provision of adequate active public or shared transport access and provision.*	
Resource and Waste Management		
5.15.8-5.15.11	*The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a report that sets out the sustainable management of waste and use of resources throughout any*	A standalone resources and waste ES chapter has not been prepared; further information can be found in ES Chapter 2.

Para	EN-1 Policy Detail	Policy Compliance
	relevant demolition, excavation and construction activities. The arrangements described and a report setting out the sustainable management of waste and use of resources should include information on how re-use and recycling will be maximised in addition to the proposed waste recovery and disposal system for all waste generated by the development. They should also include an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant is encouraged to refer to the Waste Prevention Programme for England: Maximising Resources Minimising Waste and 'Towards Zero Waste: Our Waste Strategy for Wales' and should seek to minimise the volume of waste produced and the volume of waste sent for disposal unless it can be demonstrated that this is the best overall environmental outcome. If the applicant's assessment includes dredged material, the assessment should also include other uses of such material before disposal to sea, for example through re-use in the construction process.	Construction waste is considered in the OCEMP, and no significant effects are likely. The full CEMP, to be secured by a DCO Requirement will also consider the impacts of construction waste and will include mitigation measures to be implemented during the construction phase which will follow the waste hierarchy. Waste will also be managed via the OOMP and FDMP (secured by DCO Requirement) which will accord with the waste hierarchy and industry best practice at the time.
5.15.12	*The UK is committed to moving towards a more 'circular economy'. Where possible, applicants are encouraged to source materials from recycled or reused sources and use low carbon materials, sustainable sources and local suppliers. Construction best practices should be used to ensure that material is reused or recycled onsite where possible.*	The OCEMP sets out that waste production will be minimised and any waste produced will be managed (appropriately separated and stored), recycled/re-used (where possible) and disposed of. As set out in the DAD, Project Design Principle V.1 is to '*Embed circular economy and nature-based-solutions principles into the design (including management plans) so that choices for the Proposed Development reflect its temporary nature and support sustainable decommissioning*' (see Table 7.1 of the DAD for further information).
5.15.13	*Applicants are also encouraged to use construction best practices in relation to storing materials in an adequate and protected place on site to prevent waste, for example, from damage or vandalism. The use of Building Information Management tools (or similar) to record the materials used in construction can help to reduce waste in future decommissioning of facilities, by identifying materials that can be recycled or reused.*	The OCEMP sets out the methods to appropriately store waste and materials. Waste and material storage areas will be defined within the construction compounds. Site waste material will be segregated to be put into skips and kept clean of any debris. Food waste (from the welfare facilities) or other putrescible waste will be stored appropriately and regularly collected. Materials will be stored neatly in designated storage areas on-Site and securely stored to prevent theft and vandalism.

Para	EN-1 Policy Detail	Policy Compliance
5.15.14 - 5.15.15	*The Secretary of State should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development.* *The Secretary of State should be satisfied that:* • *Any such waste will be properly managed, both on-site and off-site.* • *The waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area.* • *Adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent for recovery or disposal, except where that is the best overall environmental outcome.*	Detail on waste management (on-Site and off-Site) is set out above. As recommended by the GCA Appendix 10.1 and described in Chapter 10 and the OCEMP, an intrusive ground investigation would be undertaken post-consent (should consent be granted). The ground investigation would investigate and characterise near-surface soils and ascertain the location of historical mine entries to inform the final, detailed design of the Proposed Development and any further mitigation. An OSMP has been prepared to maintain and where possible improve soil quality and quantity at the Site. Should consent be granted, an SMP will be produced following the guidance in the OSMP. The SMP will be secured by DCO Requirement. The OSMP sets out how soils are to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The reuse of excavated soils can be undertaken subject to complying with one of the following: • Soils that are excavated and temporarily stored prior to being returned to the original excavation would not be considered a waste. This activity does not meet the definition of a waste as the holder does not intend to discard it, nor is required to discard it. • Article 2.1 (c) of the Waste Framework Directive - “naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated.” • A Waste Exemption that is registered. • Environment Permit - Standard rules to use waste in a deposit for recovery operations (construction, reclamation, restoration or improvement of land other than by mobile plant) or Bespoke permit. • CL: AIRE Definition of Waste (DoW) Code of Practice (CoP). • A Regulatory Position Statement
5.15.18 - 5.15.19	*Where the project will be subject to the Environmental Permitting regime, waste management arrangements during operations will be covered by the permit and the considerations set out in Section 4.12 will apply. The Secretary of State should have regard to any potential impacts on the achievement of resource efficiency and waste reduction targets set under the Environment*	Waste permits are not anticipated to be required for the Proposed Development (refer to the Consents and Agreements Position Statement).

Para	EN-1 Policy Detail	Policy Compliance
	Act 2021 or wider goals set out in the government's Environmental Improvement Plan 2023.	
Water Quality and Resources		
5.16.3	*Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of the proposed project on, water quality, water resources and physical characteristics of the water environment, and how this might change due to the impact of climate change on rainfall patterns and consequently water availability across the water environment, as part of the ES or equivalent (see Section 4.3 and 4.10).*	Table 2.7 of ES Chapter 2 sets out the justification for scoping out a standalone chapter on water quality and resources. A Water Framework Directive ('WFD') Assessment (ES Appendix 2.3 FRA and ODS have been provided. Detailed design and control measures to mitigate the impact on water quality during the construction or decommissioning phase from the relevant statutory bodies including the LLFA will occur post-consent (should consent be granted) and secured through DCO Requirement. The OCEMP sets out further evidence than provided at Scoping on the control measures to mitigate the impact on water quality during construction. The FDMP is expected to implement measures similar to those outlined in the OCEMP. The WFD Assessment demonstrates that the Proposed Development is not anticipated to cause significant impacts to WFD water bodies and that waterbodies may be positively impacted by the Proposed Development through reducing the intensity of sheep grazing.
5.16.5	*Where possible, applicants are encouraged to manage surface water during construction by treating surface water runoff from exposed topsoil prior to discharging and to limit the discharge of suspended solids e.g. from car parks or other areas of hard standing, during operation.*	The ODS considers the surface water drainage requirements and sets out the proposed Drainage Strategy for the Proposed Development. A detailed Drainage Strategy will be developed with the LLFA post-consent and secured by DCO Requirement. To manage surface water during construction, primary and secondary construction compounds will be established on a permeable aggregate over a geotextile membrane and stand-off distances will be implemented to protect hedgerows and watercourses and to ensure surface run-off is contained within SuDS or swales and not directly into surface water channels (OCEMP). A pollution prevention and control plan would be implemented and followed during construction. The FRA and OCEMP set out that all buildings and structures will be located within Flood Zone 1 and in areas at very low / low risk from surface water flooding, with no significant flood risk. Inverter units and ancillary buildings will be elevated on gravel bases or plinths to mitigate any residual flood risk, particularly during extreme rainfall events. While solar panels can be located in areas at risk of surface water flooding, they will not increase the flood risk due to their design and spacing, which allows for natural water flow beneath the panels. Grassland will be established below and between solar arrays to slow run-off, promote infiltration and provide water quality treatment before surface water enters any watercourses within and surrounding the Site. SuDS measures will ensure that surface water runoff is controlled, with no increase in runoff rates post-

Para	EN-1 Policy Detail	Policy Compliance
		construction. The flood risk measures will be implemented in coordination with ecological protection strategies to ensure minimal impact on both ground conditions and local waterbodies. During operation, measures within the LEMP and OMP will help govern water quality effects.
5.16.6	*Applicants are encouraged to consider protective measures to control the risk of pollution to groundwater beyond those outlined in River Basin Management Plans and Groundwater Protection Zones – this could include, for example, the use of protective barriers.*	The WFD Assessment considers the connection between the Proposed Development and groundwater and concludes that no further mitigation measures are required to control the risk of pollution to groundwater.
5.16.9	*The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.*	The design of the Proposed Development incorporates a Watercourse and Waterbody Exclusion Area (as per Table 3.3 of ES Chapter 3) such that no Solar PV Infrastructure or buildings within Work Nos. 1, 2 or 5 are permitted within 8m from the top of the bank of an Ordinary Watercourse or a Waterbody (see the Works Plans) This aligns with the LLFA and EA requirements (see the FRA). The OCEMP outlines that suitable stand-off distances will be incorporated during compound set-up to protect hedgerows and water courses, as well as ensure surface run-off is contained within SuDS or swales and is not able to flow directly into surface water channels. Delivery of materials to construction compounds will feature appropriate measures to protect surrounding habitats, including watercourses. A Materials Management Plan and Pollution Prevention and Control Plan will be implemented to manage sediment processes and prevent fine sediment from entering WFD watercourses. SuDS measures, including grass buffers and filter strips, will help reduce sediment transport. Further, the Proposed Development will seek to retain and reuse ordinary watercourse existing crossings. Where necessary, any new crossing would be suitably designed so they do not impede the ordinary watercourses across the Site. i.e., no lesser cross-sectional area than the existing channel. The OCEMP sets out measures to store, manage and dispose of waste.
5.16.10	*The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling. If a development needs new water infrastructure, significant supplies or impacts other water supplies, the applicant should consult with the local water company and the EA or NRW.*	The Proposed Development does not require new water infrastructure, significant supplies or impact on other water supplies.

Para	EN-1 Policy Detail	Policy Compliance
5.16.11	*Activities that discharge to the water environment are subject to pollution control. The considerations set out in Section 4.12 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under controlled waters.*	As set out in the Consents and Agreements Position Statement, the Applicant has engaged with the EA during the pre-application process on the topic of Environmental Permits. The Applicant's current position is that a Water Discharge Permit is not envisaged to be required and the need for a Flood Risk Activity Permit is anticipated to be avoided as there is no Main River within the Site. Through discussion with the LLFA, the Applicant has established the need for consents under Section 23 and Section 30 of the Land Drainage Act (1991) as certain proposed activities may obstruct watercourses or require authorisation for drainage works in connection with a ditch. The detail and methods for the construction of these works would be agreed with the LLFA post consent (should consent be granted) and prior to commencing construction of these works.
5.16.12 - 5.16.13	*The Secretary of State will need to give impacts on the water environment more weight where a project would have an adverse effect on the achievement of the environmental objectives established under the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. The Secretary of State must also consider duties under other legislation including duties under the Environment Act 2021 in relation to environmental targets and have regard to the policies set out in the Government's Environmental Improvement Plan 2023.*	The WFD Assessment demonstrates that the Proposed Development is not anticipated to cause significant impacts to WFD water bodies and that waterbodies may be positively impacted by the Proposed Development through reducing the intensity of sheep grazing.
5.16.14	*The Secretary of State should be satisfied that a proposal has regard to current River Basin Management Plans and meets the requirements of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (including regulation 19). The specific objectives for particular river basins are set out in River Basin Management Plans. The Secretary of State must refuse development consent where a project is likely to cause deterioration of a water body or its failure to achieve good status or good potential, unless the requirements set out in Regulation 19 are met. A project may be approved in the absence of a qualifying Overriding Public Interest test only if there is sufficient certainty that it will not cause deterioration or compromise the achievement of good status or good potential.*	The WFD Assessment has had regard to the North West River Basin Management Plan (the applicable RBMP for the Site) and finds that the Proposed Development would not affect the ability for the key actions for the North West RBMP to be implemented.

Para	EN-1 Policy Detail	Policy Compliance
5.16.15	*The Secretary of State should also consider the interactions of the proposed project with other plans such as Water Resources Management Plans and Shoreline Management Plans.*	The Site does not fall within a SMP area. The application is supported by a WFD Assessment, FRA and ODS. It is considered that the Proposed Development is compliant with the United Utilities WRMP.
5.16.16	*The Secretary of State should consider proposals to mitigate adverse effects on the water environment and any enhancement measures put forward by the applicant and whether appropriate requirements should be attached to any development consent and/or planning obligations are necessary.*	The WFD Assessment demonstrates that the Proposed Development is not anticipated to cause significant impacts to WFD waterbodies and that waterbodies may be positively impacted by the Proposed Development through reducing the intensity of sheep grazing. The inclusion of riparian planting and buffer strips adjacent to water courses will attenuate surface water flows and improve water quality both within the Site and downstream. The OCEMP and FDMP set out the control measures to mitigate the impact on water quality during the construction and decommissioning phases. An updated WFD Assessment, FRA and ODS have been provided. Detailed design and control measures to mitigate the impact on water quality during the construction or decommissioning phase from the relevant statutory bodies including the LLFA will occur post-consent (should consent be granted) and secured through DCO Requirement. During operation, measures within the final LEMP and OMP will help govern water quality effects.

2.3 EN-3 Compliance

Table 2.2: EN-3 compliance table

Para	EN-3 Policy Detail	Policy Compliance
Consideration of good design for energy infrastructure		
2.5.2	*Proposals for renewable energy infrastructure should demonstrate good design, particularly in respect of landscape and visual amenity, opportunities for co-existence/co-location with other marine and terrestrial uses, and in the design of the project to mitigate impacts such as noise and effects on ecology and heritage.*	The DAD demonstrates how the Proposed Development has considered 'good design' set out in local and national policy and the National Infrastructure Commission's Design Principles. Section 5 of the DAD sets out how consideration of landscape and visual amenity has informed the initial site selection and iterative design evolution of the Proposed Development. Section 6.4 describes the landscape-led approach to design and siting of equipment, aiming to ensure that the Proposed Development responds to the character of the Site and is sensitive to the surrounding landscape, and visual receptors such as nearby dwellings. The design has aimed to ensure visual impacts are mitigated in a way that complements the existing landscape structure, while also contributing positively to the vision for the Proposed Development as multifunctional GI. The Proposed Development presents an opportunity for rural diversification as the design would support continued sheep grazing which would maintain agricultural activity and provide an economic contribution to the rural economy. As part of the maintenance regime of the Site, sheep grazing would continue at a reduced intensity. The OGMP outlines the co-located grazing and associated pastoral activities. The cessation of intensive grazing and the chemical-free management of land under solar arrays as species rich grassland will provide further environmental improvement including to: soil health, future agricultural land quality and contributing towards improving the water quality of watercourses within the Site, and downstream. The ways in which the design has been informed by consideration of the opportunities, constraints, and minimising environmental impacts with respect to ecology and heritage are set out in sections 6.5 and 6.6 of the DAD respectively. The ways in which the design has considered noise impacts to mitigate impacts to noise sensitive receptors is discussed within Section 5.4 and 6.10 of the DAD.
Flexibility in the project details		
2.6.2	*Where flexibility is sought in the consent as a result, applicants should, to the best of their knowledge, assess the likely worst-case environmental, social and*	The Environmental Statement has assessed the 'worst-case' environmental impacts of the Proposed Development, using the 'Rochdale Envelope' approach of assessing the maximum parameters. These maximum parameters are spatially represented within the Works Plans and Parameter Plan (ES Figure

Para	EN-3 Policy Detail	Policy Compliance
	economic effects of the proposed development to ensure that the impacts of the project as it may be constructed have been properly assessed.	3.4) The parameters, such as maximum heights of infrastructure, that have been assessed are set out in ES Chapter 3 - Site and Proposed Development Description.
Solar Photovoltaic Generation		
2.10.9	*The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector.*	The Proposed Development is a PV energy generating station with a total capacity exceeding 50 Megawatts ('MW'). The Proposed Development would therefore contribute to the government's ambitions for sustained growth in solar capacity and meeting net zero carbon emissions by 2050.
2.10.10	*Solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy79 states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW). It sets out that government is supportive of solar that is "co-located80 with other functions (for example, agriculture, onshore wind generation, or storage) to maximise the efficiency of land use.*	The Proposed Development will incorporate ongoing agricultural activities, particularly in the form of sheep grazing, but also is adjacent to, and allows for the continued operation of a wind farm. On this basis, the Proposed Development maximises the efficient use of land.
Factors influencing site selection and design		
Irradiance and site topography		
2.10.19	*Irradiance will be a key consideration for the applicant in identifying a potential site as the amount of electricity generated on site is directly affected by irradiance levels. Irradiance of a site will in turn be affected by surrounding topography, with an uncovered or exposed site of good elevation and favourable south-facing aspect more likely to increase year-round irradiance levels. This in turn affects the carbon emission savings and the commercial viability of the site.*	The Site area was selected as having the potential to accommodate a solar farm exceeding 50 MW based on the irradiance levels in the Cumbria region. The Site is a large undeveloped area which is not overshadowed by surrounding topography, or buildings, and therefore these factors will not impact irradiance levels.
2.10.20	*In order to maximise irradiance, applicants may choose a site and design its layout with variable and diverse panel types and aspects, and panel arrays may also follow the movement of the sun in order further to maximise the solar resource.*	As detailed in section 5.2 of the DAD, the local irradiance levels were a factor in Site selection, and the layout of the Proposed Development has responded to the north-facing slopes within the Site. These slopes are avoided and are proposed for ecological enhancements.

Para	EN-3 Policy Detail	Policy Compliance
Network connection		
2.10.22-2.10.24	Many solar farms are connected into the local distribution network. The capacity of the local grid network to accept the likely output from a proposed solar farm is critical to the technical and commercial feasibility of a development proposal. Larger developments may seek connection to the transmission network if there is available network capacity and/or supportive infrastructure. In either case the connection voltage, availability of network capacity, and the distance from the solar farm to the existing network84 can have a significant effect on the commercial feasibility of a development proposal.	The Proposed Development would export electricity via an on-Site connection to the local ENW DNO grid network. The POC to the grid network is the on-Site pylon which connects to the 132kV OHL that run across the Site. No new pylons or off-Site cabling routes are required.
2.10.25-2.10.26	*To maximise existing grid infrastructure, minimise disruption to existing local community infrastructure or biodiversity and reduce overall costs, applicants may choose a site based on nearby available grid export capacity. Where this is the case, applicants should consider the cumulative impacts of situating a solar farm in proximity to other energy generating stations and infrastructure.*	The Site area was initially selected based on the grid connection agreement with ENW as the DNO and identification of an available landholding. The on-Site POC means that no off-Site cabling is required, which limits the disruption to community infrastructure. The Site was initially selected when there were no existing solar farms in close proximity. Since the statutory consultation period, Lostrigg Solar DCO has submitted a Scoping Report to the Planning Inspectorate for the land immediately adjacent to the north of the Site. The potential cumulative impacts of this project are considered in ES Chapter 2 - EIA Methodology, and within each technical chapter (6-11) of the ES.
Proximity of a site to dwellings		
2.10.27	*Utility-scale solar farms are large sites that may have a significant zone of visual influence. The two main impact issues that determine distances to sensitive receptors are therefore likely to be visual amenity and glint and glare. These are considered in Landscape, Visual and Residential Amenity (paragraphs 2.10.93-2.10.101) and Glint and Glare (paragraphs 2.10.102 – 2.10.106) impact sections below.*	The effects on visual receptors have been assessed within Chapter 7 - Landscape and Views. Glint and Glare is assessed within the Glint and Glare Assessment (ES Appendix 7.9 **[REF: 6.3]**). The zone of visual influence of the Proposed Development and its visibility from local sensitive receptors, such as heritage assets and residential receptors, have informed the development of embedded mitigation and landscape screening. This is discussed in further detail within the DAD.
Agriculture land classification and land type		
2.10.29	*While land type should not be a predominating factor in determining the suitability of the site location applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be*	ES Chapter 4 outlines the reasonable alternatives studied by the Applicant, in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, including the 'Do Nothing'

Para	EN-3 Policy Detail	Policy Compliance
	necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. 'Best and Most Versatile agricultural land is defined as land in grades 1, 2 and 3a of the Agricultural Land Classification	alternative, site selection, alternative locations or uses, site evolution and refinement and alternative designs. As described in ES Chapter 3 and ES Chapter 10, parts of the Site have been historically mined and quarried. The Applicant has prepared an ALC Report which determines that the Site is predominantly classed as Grade 4 agricultural land (64%), with 17.5% being subgrade 3b and 12.6% being Grade 5. The remaining 5.9% of land within the Order Limits is not classified as agricultural land. As such, the Proposed Development does not impact on any best and most versatile agricultural land.
2.10.30	*Whilst the development of ground mounted solar arrays is not prohibited on Best and Most Versatile agricultural land, or sites designated for their natural beauty, or recognised for ecological or archaeological importance, the impacts of such are expected to be considered and are discussed under paragraphs 2.10.73 – 92 and 2.10.107 – 2.10.126.*	
2.10.31	*It is recognised that at this scale, it is likely that applicants' developments will use some agricultural land. Applicants should explain their choice of site, noting the preference for development to be on suitable brownfield, industrial and low and medium grade agricultural land*	
2.10.32	*Where sited on agricultural land, consideration may be given as to whether the proposal allows for continued agricultural use and/or can be co-located with other functions (for example, onshore wind generation, storage, hydrogen electrolysers) to maximise the efficiency of land use*	The Proposed Development would accommodate the continued use of Potato Pot Wind Farm (located in Area D of the Site) and the existing agricultural use of the Site through continued sheep grazing for landscape maintenance purposes.
2.10.33	*The Agricultural Land Classification (ALC) is the only approved system for grading agricultural quality in England and Wales and, if necessary, field surveys should be used to establish the ALC grades in accordance with the current, or any successor to it, grading criteria86 and identify the soil types to inform soil management at the construction, operation, and decommissioning phases in line with the Defra Construction Code.*	The ALC report follows the ALC system for England and Wales and the author's competency and methodology is stipulated. To confirm the ALC grade for the Site, a detailed ALC survey of Areas A and B was undertaken in July 2024 to complement the detailed soil survey and ALC of Area C carried out by the Ministry of Agriculture, Fisheries and Food (MAFF) in 1990. The OSMP has been informed by the information on climate, topography, geology and soil reported in the ALC report. There is no best and most versatile agricultural land on Site. The Site is predominantly classed as Grade 4 agricultural land (64%), with 17.5% being subgrade 3b and 12.6% being Grade 5. The remaining 5.9% is non-agricultural/other land.
2.10.34	*Applicants are encouraged to develop and implement a Soil Resources and Management Plan which could help to use and manage soils sustainably and minimise adverse impacts on soil health and potential land contamination. This should be in line with the ambition set out in the Environmental Improvement*	An OSMP has been prepared to maintain and where possible improve soil quality and quantity at the Site. Should consent be granted, a Construction Soil Management Plan will be produced following the guidance in the OSMP. The SMP will be secured by DCO Requirement. The OSMP sets out how soils are to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on

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	Plan to bring at least 40% of England's agricultural soils into sustainable management by 2028 and increase this up to 60% by 2030	Construction Sites. Before decommissioning, a final Decommissioning Soil Management Plan will be submitted to the Council for approval, secured by DCO Requirement. As stated in the OMP, measures from the CEMP and SMP will be implemented if required during the operational phase to help with soil resource conservation.
Accessibility		
2.10.35	*Applicants will need to consider the suitability of the access routes to the proposed site for both the construction and operation of the solar farm with the former likely to raise more issues*	The accesses which may be utilised throughout the construction and operation periods are included in the Parameter Plan (ES Figure 3.4) and in Work No. 6 - Highways and Access. The suitability of these accesses for construction is considered within the OCTMP. The TS provides further detail on the operational access points.
2.10.36	*Given that potential solar farm sites are largely in rural areas, access for the delivery of solar arrays and associated infrastructure during construction can be a significant consideration for solar farm siting.*	An OCTMP has been produced and considers construction access and routing for HGVs. A detailed CTMP will be produced as secured by DCO Requirement.
2.10.39	*Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.*	The TS demonstrates that there would be no significant residual effects on the local travel network during the operational phase of the Proposed Development; during its operation, 1-2 visits a week for maintenance (consisting of 2-4 vehicular movements) and occasional ad-hoc HGV visits are expected.
2.10.37-2.10.39	*Developers will usually need to construct on-site access routes for operation and maintenance activities, such as footpaths, earthworks, or landscaping.In addition, sometimes access routes will need to be constructed to connect solar farms to the public road network.Applications should include the full extent of the access routes necessary for operation and maintenance and an assessment of their effects.*	Nine indicative access points from the Local Road Network into the Site have been identified (see the Parameter Plan and the Works Plans**)**. It is not intended that all nine points would be used during the construction phases however they have been identified to ensure flexibility. Further information on construction access points is provided in Chapter 5 and the OCTMP. As per ES Chapter 3 and the Works Plans, existing internal access tracks may be used and maintained (where necessary) as part of Work No. 3 Associated Infrastructure and Work No. 6 Green Infrastructure. Additional temporary and permanent access tracks may be created (also was part of Works No. 3 and 6), however the extent and need for additional internal access tracks both during construction and operation will be informed by the detailed design, which would occur at the post-consent stage.
Public rights of ways		
2.10.41-2.10.44	*Public rights of way may need to be temporarily closed or diverted to enable construction, however, applicants should keep, as far as is practicable and*	The Site is not crossed by any Public Rights of Way (PRoW), and it is not proposed to temporarily close or divert any nearby PRoW to enable construction.

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	safe, all public rights of way that cross the proposed development site open during construction and protect users where a public right of way borders or crosses the site. Applicants are encouraged to design the layout and appearance of the site to ensure continued recreational use of public rights of way where possible during construction, and in particular during operation of the site. Applicants are encouraged where possible to minimise the visual impacts of the development for those using existing public rights of way, considering the impacts this may have on any other visual amenities in the surrounding landscape. Applicants should consider and maximise opportunities to facilitate enhancements to the public rights of way and the inclusion, through site layout and design of access, of new opportunities for the public to access and cross proposed solar development sites (whether via the adoption of new public rights of way or the creation of permissive paths), taking into account, where appropriate, the views of landowners.	Feedback received from the public during the non statutory and statutory consultations (see the Consultation Report) informed the Applicant that there are existing informal paths on Site used by local residents. The Applicant is aware of the potential for these paths to be formally adopted (as PRoW) and added to the Council's Definitive Map during the Proposed Development's operational phase. As such, the Applicant is proposing two new permissive paths within the Site as identified and described in the OLEMP and Figure 7.7b. Please refer to the PS for more information.
2.10.45	*Applicants should set out detail on how public rights of way would be managed to ensure they are safe to use in an outline Public Rights of Way Management Plan.*	No public rights of way are proposed as part of the Proposed Development. However, two Permissive Paths are proposed. The management and safety arrangements for these proposed permissive paths would be described in the LEMP which is secured by DCO Requirement. The outline arrangements for these proposed Permissive Paths is described within the OLEMP.
Security and lighting		
2.10.46-2.10.48	*Security of the site is a key consideration for developers. Applicants may wish to consider not only the availability of natural defences such as steep gradients, hedging and rivers but also perimeter security measures such as fencing, electronic security, CCTV and lighting, with the measures proposed on a site-specific basis. Applicants should assess the visual impact of these security measures, as well as the impacts on local residents, including for example issues relating to intrusion from CCTV and light pollution in the vicinity of the site. Applicants should consider the need to minimise the impact on the landscape and the visual impact of security measures.*	During the construction, operational and decommissioning phases, security measures are proposed as described in ES Chapter 3 to ensure health and safety and prevention of theft and criminal damage. Details of fencing (perimeter and security), CCTV and the use of lighting are described in ES Chapter 3. As described in the DPD, where external fencing is proposed this would be deer fencing, which is of an unobtrusive nature, and typical in the rural setting of the Site. Similarly, as described within the DPD, the Site would not be lit at night except for safety reasons, if there was a need to access the site, or undertake maintenance at night. Where lighting is required this would be downward facing, motion activated and cowled, and limited to the locations where buildings are proposed. Under normal circumstances lighting would not be switched on at night. CCTV would be used to monitor the Site as described in the DPD.

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Technical Considerations		
Capacity of a site		
2.10.53-2.10.56	*From the date of designation of this NPS, for the purposes of Section 15 of the Planning Act 2008, the maximum combined capacity of the installed inverters (measured in alternating current (AC)) should be used for the purposes of determining solar site capacity. The capacity threshold is 50MW (AC) in England and 350MW (AC) in Wales. The installed generating capacity of a solar farm will decline over time in correlation with the reduction in panel array efficiency. There is a range of sources of degradation that developers need to consider when deciding on a solar panel technology to be used. Applicants may account for this by overplanting solar panel arrays. AC installed export capacity should not be seen as an appropriate tool to constrain the impacts of a solar farm. Applicants should use other measurements, such as panel size, total area and percentage of ground cover to set the maximum extent of development when determining the planning impacts of an application.*	The Proposed Development will have a total capacity exceeding 50 MW and is anticipated to have the potential to export up to 150MW at any one time, based on the available export capacity identified by the DNO (ES Chapter 3). The 150MW is Alternating Current. The OOMP sets out how the Site will be monitored for performance (and security) purposes. Individual solar panels identified as damaged will be replaced as needed, with the works carried out in accordance with the OMP and LEMP. In addition, to help ensure optimal output of the PV panels, the solar arrays will be cleaned approximately every 6 months. The ES has assessed the parameters set out in ES Chapter 3 and the Design Parameters.
Site layout deign, and appearance		
2.10.59	*Applicants should consider the criteria for good design set out in EN-1 Section 4.7 at an early stage when developing projects.*	The Proposed Development has been designed with consideration of the criteria for good design set out in EN-1 Section 4.7. How the Proposed Development meets this criteria is set out within the DAD.
2.10.60	*As set out above applicants will consider several factors when considering the design and layout of sites, including proximity to available grid capacity to accommodate the scale of generation, orientation, topography, previous land–use, and ability to mitigate environmental impacts and flood risk.*	The design and layout of the Proposed Development has been informed by multiple factors, including responding to environmental constraints, guidance from consultees, and feedback from local residents. While grid connection was a key factor in selecting the Site, the Order Limits have been adjusted and refined in order to ensure the Proposed Development can accommodate a generation capacity of over 50MW, while allowing sufficient flexibility to respond to environmental constraints, and embedded mitigation to reduce environmental impacts. The approach to adapting the design to minimise environmental impacts is set out in ES Chapter 4 - Alternatives and Design Evolution while further information on design evolution and approach is set out within the DAD.
2.10.61	*For a solar farm to generate electricity efficiently the panel array spacing should seek to maximise the potential power output of the site. The type,*	The site selection process included a consideration of topographical factors, including elevation, and potential layout of panels. The DPD describes the parameters that the Applicant is committed to, in terms of spacing and orientation, and type of panels which are proposed. The Applicant has undertaken

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	spacing and aspect of panel arrays will depend on the physical characteristics of the site such as site elevation.	modelling to consider the areas of land which are suitable within the Site and has avoided placing panels in areas of the Site which are unsuitable due to the physical characteristics reasons (for example, not placing panels in the steep gullies which run through the Site), these areas are excluded from Work No. 1. The parameters support the inclusion of arrays on north-facing slopes and array continuity in parts of the Site with a short topographic change (a dip in ground levels). Further information on the design evolution of the layout and parameters of the solar PV arrays is included in Section 5.4 of the DAD.
2.10.62	*In terms of design and layout, applicants may favour a south-facing arrangement of panels to maximise output although other orientations may be chosen. For example, an east-west layout, whilst likely to result in reduced output compared to south-facing panels on a panel-by-panel basis, may allow for a greater density of panels to compensate and therefore for generation to be spread more evenly throughout the day.*	As set out in ES Chapter 3 - Site and Proposed Development Description, arrays will be fixed and oriented east-west across the Site, with the panel facades facing south, maximising the amount of solar radiation absorbed as the sun moves across the sky.
2.10.63	*It is likely that underground and overhead cabling will be required to connect the electrical assets of the site, such as from the substation to the panel arrays or storage facilities.*	Underground cabling is proposed within Work No. 1, Work No. 2 and Work No. 3. Some overhead cabling may be needed to facilitate the POC to the DNO and would be determined post consent (should consent be granted) at the detailed design stage. Further information is provided in Section 3.4 of ES Chapter 3.
2.10.64	*In the case of underground cabling, applicants are expected to provide a method statement describing cable trench design, installation methodology, as well as details of the operation and maintenance regime.*	The parameters for underground cabling including guiding cable trench design and installation are included within the Parameters and DPD. Information of how these cables would be maintained is set out within the OOMP.
Project lifetime		
2.10.65-2.10.67	*Applicants should consider the design life of solar panel efficiency over time when determining the period for which consent is required. An upper limit of 40 years is typical, although applicants may seek consent without a time-period or for differing time-periods of operation. Time limited consent, where granted, is described as temporary because there is a finite period for which it exists, after which the project would cease to have consent and therefore must seek to extend the period of consent or be decommissioned and removed. Solar panel efficiency deteriorates over time and applicants may elect to replace panels during the lifetime of the site.*	The Applicant is seeking development consent for a solar farm with a lifetime of 40 years. The potential for solar panels to be replaced during this operational lifetime is covered within the OOMP.

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Decommissioning		
2.10.68-2.10.69	*Solar panels can be decommissioned relatively easily and cheaply. The nature and extent of decommissioning of a site can vary. Generally, it is expected that the panel arrays and mounting structures will be decommissioned, and underground cabling dug out to ensure that prior use of the site can continue. Applicants should set out what would be decommissioned and removed from the site at the end of the operational life of the generating station, considering instances where it may be less harmful for the ecology of the site to keep or retain certain types of infrastructure, for example underground cabling, and where there may be socio-economic benefits in retaining site infrastructure after the operational life, such as retaining pathways through the site or a site substation.*	Details of the decommissioning of the Proposed Development are included within Chapter 5 of the ES. It is anticipated that at the end of the 40 year operational lifespan, the Site would be decommissioned and returned to its current use. The decommissioning process would be managed according to measures set out within the FDMP. A detailed Decommissioning Management Plan ('DMP') would be secured as a DCO Requirement and produced prior to decommissioning. Section 2.3 of the FDMP sets out that the DMP will reinstate the Site to its current use. The landscape and biodiversity measures implemented via the LEMP will not be removed and the DMP will establish protections for these enhancements. As explained in the FDMP, other elements such as the permanent access track network, perimeter fencing and Grid Connection Infrastructure (Work No. 2) may also be appropriate to retain to align with the principles of sustainable development.
Flexibility on the project details		
2.10.70-2.10.72	In many cases, not all *aspects of the proposal may have been settled in precise detail at the point of application. Such aspects may include:* • *The type, number and dimensions of the panels;* • *Layout and spacing;* • *The type of inverter or transformer; and* • *Whether storage will be installed (with the option to install further panels as a substitute).* *Applicants should set out a range of options based on different panel numbers, types and layout, with and without storage.* *Guidance on how applicants should manage flexibility is set out at Section 2.6 of this NPS.*	The detailed design of the Proposed Development would be secured through DCO Requirements. This approach has been taken because solar PV technology is rapidly evolving, and so flexibility is required to ensure that the appropriate technology can be utilised at the point of design. To ensure that the 'worst case' effects of the Proposed Development has been assessed within the ES, parameters have been defined which set out the maximum and minimum dimensions of infrastructure and are listed within the DPD. The Works Plans set out the maximum spatial extent of where infrastructure could be located. The parameters that have been assessed within the ES are listed in Chapter 3 - Site and Proposed Development Description.

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Impacts		
Biodiversity, ecological, geological conservation and water management		
2.10.76-2.10.79	*The applicant's ecological assessments should identify any ecological risk from developing on the proposed site.Issues that need assessment may include habitats, ground nesting birds, wintering and migratory birds, bats, dormice, reptiles, great crested newts, water voles and badgers. The applicant should use an advising ecologist during the design process to ensure that adverse impacts are avoided, minimised or mitigated in line with the mitigation hierarchy, and biodiversity enhancements are maximised. The assessment may be informed by a 'desk study' of existing ecological records, an evaluation of the likely impacts of the solar farm upon ecological features and should specify mitigation to avoid or minimise these impacts, and any further surveys required.*	The likely effects of the Proposed Development on ecological receptors are assessed within ES Chapter 8 – Biodiversity. Table 8.5 outlines the nature conservation importance of ecological receptors identified within the Zone of Influence. The receptors that have been assessed are as follows: Statutory Designated Areas; Non-Statutory Designated Areas; Habitats; Bats; Otters; Breeding Birds; and Wintering Birds. Section 8.3 of ES Chapter 8 sets out the assessment methodology followed, which included a desk study, Preliminary Ecological Appraisal and various protected species surveys and assessments (ES Appendices 8.1 to 8.7) ES Chapter 8 sets out the embedded and additional mitigation measures to avoid and reduce ecological effects. Biodiversity enhancements have been included in the BNG Report.
2.10.81	*Applicants should consider earthworks associated with construction compounds, access roads and cable trenching. Where soil stripping occurs, topsoil and subsoil should be stripped, stored, and replaced separately to minimise soil damage and to provide optimal conditions for site restoration. Further details on minimising impacts on soil and soil handling are above at paragraphs 2.10.33 and 2.10.34.*	An OSMP has been prepared to maintain and where possible improve soil quality and quantity at the Site. The OSMP outlines practices for earthworks, soil stripping, soil storage and restoration. Should consent be granted, a Construction Soil Management Plan will be produced following the guidance in the OSMP. The SMP will be secured by DCO Requirement. The OSMP sets out how soils are to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Before decommissioning, a final Decommissioning Soil Management Plan will be submitted to the Council for approval, as secured by DCO Requirement.
2.10.82	*Applicants should consider how security and lighting installations may impact on the local ecology. Where pole mounted CCTV facilities are proposed the location of these facilities should be carefully considered to minimise impact. If lighting is necessary, it should be minimised and directed away from areas of likely habitat.*	The proposals for lighting at the Proposed Development are described in section 3.4 of ES Chapter 3. Measures to control lighting are included in the OCEMP in section 4.7, and the management of working hours, set out in Section 4.1. This includes no permanent lighting being installed on Site. Where lighting is needed, for example above doors of ancillary buildings, it will be shielded, point downwards and be switch or motion activated. Section 5 of the OCEMP outlines measures to protect species, stating that pre-commencement surveys for the presence of protected species will inform the CEMP to minimise species disturbance. Further, the OOMP outlines the sensitive lighting strategy, which is set out in relation to ecological interests on-Site within the OLEMP.
2.10.83	*Applicants should consider how site boundaries are managed. If any hedges/scrub are to be removed, further surveys may be necessary to account*	ES Chapter 8 outlines the following relevant embedded mitigation measures:

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	for impacts. Buffer strips between perimeter fencing and hedges may be proposed, and the construction and design of any fencing should account for enabling mammal, reptile and other fauna access into the site if required to do so in the ecological report.	• The LSP, as well as Work No. 6 – Green Infrastructure allows all sensitive habitats to be retained such as ponds, watercourses, woodland, hedgerows and small areas of scrub, swamp, and mire. Removal of woodland, trees, hedges will be avoided, other than limited clearance to enable access and for construction compounds, where required. Buffers will be included between sensitive features (e.g. hedgerows and water courses) and the Proposed Development; • The Proposed Development will enhance all retained habitats, including hedgerows, watercourses and ponds with additional planting and/or improved management. Additional woodland creation, standard tree planting and the creation of species rich buffer strips within the grassland areas will be undertaken. This is presented in the LSP. • To avoid direct impacts, the design will incorporate appropriate buffers between infrastructure and sensitive habitats, such as watercourses, hedgerows and woodland, and areas of peat. Buffer strips of existing poor value habitat incorporated within the layout will be under-sown with a species rich grass mix; and - Incorporation of gaps around perimeter fencing, to facilitate dispersal of some small terrestrial species (not including deer) across the Site. The AIAhas informed the OCEMP. Section 6 of the latter outlines the mitigation measures and proposed controls to follow when undertaking any vegetation (hedgerow and tree) removals and installing fencing. An ECoW will be appointed for the duration of construction to ensure compliance with the OCEMP. The ECoW will advise the contractor on any requirements to safeguard habitats and species on Site during woks.
2.10.84-2.10.88	*Where a Flood Risk Assessment has been carried out this must be submitted alongside the applicant's ES. This will need to consider the impact of drainage. As solar PV panels will drain to the existing ground, the impact will not, in general, be significant. Where access tracks need to be provided, permeable tracks should be used, and localised Sustainable Drainage Systems (SuDS), such as swales and infiltration trenches, should be used to control any run-off where recommended. Given the temporary nature of solar PV farms, sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses. Culverting existing watercourses/drainage ditches should be avoided. Where culverting for access is unavoidable, applicants should demonstrate that no reasonable alternatives*	An FRA (including the ODS) is submitted with the DCO application, and a detailed drainage strategy would be produced post consent (should consent be granted) as secured by DCO Requirement. All access tracks will be constructed of permeable materials (see the DPD for Work No. 3). The ODS for the Proposed Development prioritises nature-based solutions for flood risk mitigation and demonstrates that there will be no increased runoff from the Site. Existing natural drainage patterns to be maintained across the site. This approach will aid in managing surface water flows, whilst ensuring that vegetated ground cover, end existing and new boundary vegetation, receive suitable hydration. The Proposed Development would utilise existing watercourse crossings and culverts wherever possible. Table 1.1 of the FRA references the OCEMP, which outlines that should any new crossings (including

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	exist and where necessary it will only be in place temporarily for the construction period.	culverts) be necessary, they would be subject to an Ordinary Watercourse Consent (OWC) process through the LLFA or a Flood Risk Activity Permit (FRAP), if within the proximity of a main river.
2.10.89-2.10.90	*Solar farms have the potential to increase the biodiversity value of a site, especially if the land was previously intensively managed. In some instances, this can result in significant benefits and enhancements beyond Biodiversity Net Gain, which result in wider environmental gains which is encouraged. For projects in England, applicants should consider enhancement, management, and monitoring of biodiversity in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere.*	BNG is set out in the BNG Report as 114.69% for habitats, 44.84% for hedgerows, and 12.56% for watercourses based on the LSP. Until the final layout is established, the OLEMP seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target. The ecological and landscape enhancements set out within the LSP proposes a holistic, multifunctional nature-based solutions approach that would contribute to the GI of the Site, providing BNG and enhancements to public accessibility through the creation of two new permissive paths. The OLEMP includes management prescriptions for the landscape establishment period (first 5 years) of the operational phase to support meeting the target condition of each habitat to deliver BNG. A LEMP will be prepared which must be substantially in accordance with the OLEMP and will be secured by DCO Requirement. The LEMP must include the habitat management objectives, targets and prescriptions set out for the full 40-year operational period of the Proposed Development. In doing so it will also set out how the Proposed Development will be maintained and monitored to deliver the BNG commitments.
2.10.92	*Applicants should consider whether they need to provide geotechnical and hydrological information (such as identifying the presence of peat at each site) including the risk of landslide connected to any development work.*	ES Chapter 10 reports on the likely significant effects of the Proposed Development on the environment with respect to ground conditions (stability and existing ground contamination). No significant adverse residual effects are reported across the construction, operation and decommissioning phases of the Proposed Development. The potential for pre-existing land contamination is considered in the baseline assessment of ES Chapter 10. Section 10.5 states that 'the ground conditions in the northern part of the Site are identified as having a Medium impact magnitude for contamination and instability due to the unconfirmed nature of the backfill used to restore the open cast mine. The ground conditions in the southern part of the Site are identified as having Low and Medium impact magnitudes for contamination and instability respectively, with the latter being associated with potential mine entry features.' Additional mitigation measures are stipulated, including an intrusive ground investigation to be undertaken post-consent (should consent be granted), as recommended by the GCA Appendix 10.1 and described in the OCEMP. The ground investigation would

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		investigate and characterise near-surface soils and ascertain the location of historical mine entries to inform the final, detailed design of the Proposed Development and any further mitigation. Geological Survey mapping indicates the potential presence of peat on Site. The Peat Survey Report (ES Appendix 10.3) sets out the results of the peat survey. In order to minimise the impact on peat at the Site, the Applicant has committed to avoidance (as required by the guidance). Table 3.3 ES Chapter 3 provides details on the horizontal buffer distance of 10m from identified areas of peat. This will ensure minimal disruption to the ecology, or release of CO2, and that the carbon balance savings of the scheme are maximised. Should any construction activity related to Work No. 3 need to take place within identified areas of peat during the construction phase of the Proposed Development, then mitigation measures outlined in the OCEMP will be implemented and secured by DCO Requirement.
Landscape, visual and residential amenity		
2.10.94-2.10.95	*The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing other onshore energy infrastructure. Solar farms are likely to be in low lying areas of good exposure and as such may have a wider zone of visual influence than other types of onshore energy infrastructure. However, whilst it may be the case that the development covers a significant surface area, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography, the area of a zone of visual influence could be appropriately minimised.*	The methodology for assessing cumulative landscape and visual effects is outlined in section 7.3 of ES Chapter 7, with the findings of the cumulative effects assessment presented in section 7.8 of ES Chapter 7. Zone of Theoretical Visibility (ZTV) plans have been produced to help provide a thorough understanding of the theoretical visibility of the various elements of the Proposed Development considering the maximum parameters. ES Chapter 7 Figure 7.4 **[REF: 6.2]** is a computer-generated ZTV which was prepared to establish the worst-case scenario theoretical extent to which the Proposed Development is likely to be most visible from within the surrounding area (section 7.3). Due to the use of Digital Terrain Model which informed ES Chapter 7 Figure 7.4, the nature of the landform, intervening vegetation, and the built form, actual views of the Proposed Development are likely to be less than indicated in ES Chapter 7 Figure 7.4. ZTV Figures 7.5 a-c **[REF: 6.2]** illustrate the visibility of various elements within the Proposed Development and have been prepared using Digital Surface Modelling data which includes features that may influence visibility through screening (for example, vegetation) (section 7.4).
2.10.96	*Landscape and visual impacts should be considered carefully pre-application. Potential impacts on the statutory purposes of nationally designated landscapes should form a part of the pre application process.*	ES Chapter 7 reports on the assessment of the likely significant effects of the Proposed Development on the environment with respect to landscape and visual matters, including both beneficial and adverse effects. Table 7.3 Chapter 7 sets out the relevant landscape designations considered in the ES including international, national, regional and local designations.

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		Detailed annotations to define locations of the Proposed Development elements which accord with Figure 3.4: Parameter Plan have been shown on the Photosheets in Appendix 7.5: View Location Photosheets.
2.10.97	*Applicants should carry out a landscape and visual assessment and report it in the ES. Visualisations may be required to demonstrate the effects of a proposed solar farm on the setting of heritage assets and any nearby residential areas or viewpoints.*	Detailed annotations to define locations of the Proposed Development elements which accord with Figure 3.4: Parameter Plan have been shown on the Photosheets in Appendix 7.5: View Location Photosheets. Visualisations have also been prepared to support the ES (Appendix 7.6: Visualisations), which have been based on the parameters provided by the Figure 3.4: Parameter Plan The type of visualisation and locations were discussed and agreed with the Council and the LDNP prior to being prepared.
2.10.98-2.10.99	*Applicants should follow the criteria for good design set out in Section 4.7 of EN-1 when developing projects and will be expected to direct considerable effort towards minimising the landscape and visual impact of solar PV arrays especially within nationally designated landscapes. Whilst there is an acknowledged need to ensure solar PV installations are adequately secured, required security measures such as fencing should consider the need to minimise the impact on the landscape and visual impact (see paragraphs 2.10.46 – 2.10.48 above).*	Section 5 of the DAD sets out how consideration of landscape and visual amenity has informed the initial site selection and iterative design evolution of the Proposed Development. Section 6.4 describes the landscape-led approach to design and siting of equipment, aiming to ensure that the Proposed Development responds to the character of the Site and is sensitive to the surrounding landscape, and visual receptors such as nearby dwellings. The design has aimed to ensure visual impacts are mitigated in a way that complements the existing landscape structure, while also contributing positively to the vision for the Proposed Development as multifunctional green infrastructure. During the construction, operational and decommissioning phases, security measures are proposed as described in ES Chapter 3 to ensure health and safety and prevention of theft and criminal damage. Details of fencing (perimeter and security), CCTV and the use of lighting are described in ES Chapter 3. As described in the DPD, where external fencing is proposed this would be deer fencing, which is of an unobtrusive nature, and typical in the rural setting of the Site. Similarly, as described within section 3.5 of the OOMP, the Site would not be lit at night except for safety reasons, if there was a need to access the site, or undertake maintenance at night. Where lighting is required, this would be downward facing, motion activated and cowled, and limited to the locations where buildings are proposed. Under normal circumstances lighting would not be switched on at night. CCTV would be used to monitor the Site as described in the OOMP.
2.10.100-2.10.101	*The applicant should consider as part of the design, layout, construction, and future maintenance plans how to protect and retain, wherever possible, the growth of vegetation on site boundaries, as well as the growth of existing hedges, established vegetation, including mature trees within boundaries. Applicants should also consider opportunities for individual trees within the boundaries to grow on to maturity. The impact of the proposed development on*	Measures that have been integrated into the design of the Proposed Development (embedded mitigation) to avoid and reduce impacts are set out in Section 7.5 of ES Chapter 7. Embedded mitigation measures were developed through the iterative design process and are now integrated / embedded into the design of the Proposed Development (section 7.5).

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	established trees and hedges should be informed by a tree survey and arboricultural/hedge assessment as appropriate.	A range of embedded and enhancement measures which are relevant to construction, operational, and decommissioning phases, and which have been considered for Chapter 7 are shown on the LSP. These indicative planting proposals and measures will be secured by DCO Requirement. Section 7.6 of ES Chapter 7 includes further information on relevant additional mitigation measures contained within the management plans which accompany the DCO application such as the CEMP, LEMP and DMP. Section 6 of the OCEMP sets out the protective measures for retained hedgerows, woodland and trees during construction and Section 3.2 of the OLEMP sets out how retained vegetation and features will be managed and maintained. The AIA has been produced and assesses the impact of the Proposed Development on trees and hedgerows and suggests appropriate mitigation methods; the AIA has informed the OCEMP.
Glint and glare		
2.10.103	*Applicants should map receptors to qualitatively identify potential glint and glare issues and determine if a glint and glare assessment is necessary as part of the application.*	The EIA Scoping Opinion sets out that a standalone glint and glare chapter could be scoped out provided that the description of the Proposed Development explains how panel design prevents the likelihood of glint and glare and that a Glint and Glare Assessment is appended to the ES and informs the Landscape and Visual Impact Assessment chapter. A Glint and Glare Assessment has been prepared, with glint and glare receptors mapped.
2.10.104	*When a quantitative glint and glare assessment is necessary, applicants are expected to consider the geometric possibility of glint and glare affecting nearby receptors and provide an assessment of potential impact and impairment based on the angle and duration of incidence and the intensity of the reflection.*	The Glint and Glare Assessment considers the geometric possibility of glint and glare affecting nearby receptors and assesses impact and impairment having regard to duration and intensity. The report concludes that no significant impacts are predicted upon road safety, residential amenity and aviation activity is predicted.
2.10.105	*The extent of reflectivity analysis required to assess potential impacts will depend on the specific project site and design. This may need to account for 'tracking' panels if they are proposed as these may cause differential diurnal and/or seasonal impacts.*	Tracking panels are not proposed and therefore they have not been considered within the Glint and Glare Assessment. The reflector areas of the Proposed Development, and relevant parameters such as azimuth angle, elevation angle, and assessed centre height, are set out within Section 3 of the Glint and Glare Assessment. The assessment methodology is set out within Section 4.
2.10.106	*When a glint and glare assessment is undertaken, the potential for solar PV panels, frames and supports to have a combined reflective quality may need to*	As set out in Appendix F of the Glint and Glare Assessment, only a reflection from the face of the panel has been considered.

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	be assessed, although the glint and glare of the frames and supports is likely to be significantly less than the panels.	
Cultural Heritage		
2.10.107-2.10.110	*The impacts of solar PV developments on the historic environment will require expert assessment in most cases and may have effect both above and below ground. Above ground impacts may include the effects on the setting of Listed Buildings and other designated heritage assets as well as on Historic Landscape Character. Below ground impacts, although generally limited, may include direct impacts on archaeological deposits through ground disturbance associated with trenching, cabling, foundations, fencing, temporary haul routes etc. Equally, solar PV developments may have a positive effect, for example archaeological assets may be protected by a solar PV farm as the site is removed from regular ploughing and shoes or low-level piling is stipulated.*	ES Chapter 6 – Cultural Heritage assesses the impact of the Proposed Development on known or potential below ground heritage receptors (archaeological remains) and above ground heritage receptors (buildings, structures, and landscapes of heritage value). Cumulative effects are also considered. Embedded and additional mitigation measures are set out to avoid, minimise and mitigate effects. Table 6.8 of Chapter 6 summarises the likely significant residual effects associated with the construction, operation and decommissioning of the Proposed Development. No direct significant adverse effects are reported in the Table. Moderate Adverse effects to designated receptors, namely the 'Large Irregular Stone Circle and a Round Cairn' (scheduled monument) and 'Wythemoor Sough and Adjoining Barn and Stable' (Grade II listed) are anticipated during the operational phase as the Proposed Development has potential to affect their value through development within their setting. Further, Table 6.8 of Chapter 6 outlines a moderate beneficial (significant) effect for Potential Below Ground Heritage Receptors (Archaeological Remains - where surviving) during construction, with 'no change' effects during operation and decommissioning. A moderate beneficial effect is reported during construction as further evaluation (in accordance with the AMS) would uncover new information, contributing towards the HER.
2.10.112-2.10.113	*Applicant assessments should be informed by information from Historic Environment Records (HERs) or the local authority. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, the applicant should submit an appropriate desk-based assessment and, where necessary, a field evaluation. These should be carried out using expertise where necessary and in consultation with the local planning authority and should identify archaeological study areas and propose appropriate schemes of investigation, and design measures, to ensure the protection of relevant heritage assets.*	Section 6.3 of ES Chapter 6 – Cultural Heritage sets out the bespoke methodology. The sources of information considered to inform the Chapter are provided in the methodology; information sources include the HEDBA for the Site, the Geophysical Survey reports/plots produced as of November 2023, and Local Historic Environment Record ('HER') for example.The HEDBA provides a full baseline of known or potential heritage receptors. A geophysical survey of the Site was undertaken to study below ground heritage assets with archaeological interest (Geophysical Survey Report). Further information on potential below ground heritage receptors is provided in section 6.4 of Chapter 6. The AMS sets out a staged approach which is secured by DCO Requirement. It details archaeological works to be undertaken at the

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2.10.114-2.10.115	*In some instances, field studies may include investigative work (and may include trial trenching beyond the boundary of the proposed site) to assess the impacts of any ground disturbance, such as proposed cabling, substation foundations or mounting supports for solar panels on archaeological assets. The extent of investigative work should be proportionate to the sensitivity of, and extent of, proposed ground disturbance in the associated study area.*	Site, with any intrusive evaluation to be undertaken when the detailed design of the Proposed Development is established
2.10.116-2.10.119	*Applicants should take account of the results of historic environment assessments in their design proposal. Applicants should consider what steps can be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence but also from its setting, careful consideration should be given to the impact of large-scale solar farms which depending on their scale, design, and prominence, may cause substantial harm to the significance of the asset. Applicants may need to include visualisations to demonstrate the effects of a proposed solar farm on the setting of heritage assets.*	Chapter 6 – Cultural Heritage outlines the various embedded mitigation measures which have informed the design of the Proposed Development to assist mitigating adverse impacts and effects, primarily regarding setting. These measures include a mitigation and enhancement area across much of the southern part of the Site (adjacent to the Scheduled Monument), careful consideration of the positioning of solar panels and associated infrastructure in relation to topography and the existing built form, and the use of appropriate landscape screening (new woodland and scrubland planting and hedgerow enhancement).
Construction including traffic and transport noise and vibration		
2.10.120-2.10.121	*Modern solar farms are large sites that are mainly comprised of small structures that can be transported separately and constructed on-site, with developers designating a compound on-site for the delivery and assemblage of the necessary components. Many solar farms will be sited in areas served by a minor road network. Public perception of the construction phase of solar farms will derive mainly from the effects of traffic movements, which is likely to involve smaller vehicles than typical onshore energy infrastructure but may be more voluminous.*	The OCTMP sets out a range of proposed mitigation measures to control construction traffic for the safety and amenity of the local road network around the Site. Measures such as delivery scheduling, re-use of materials on-Site, smart procurement, and the implementation of a framework Construction Worker Travel Plan ('CWTP') will help to reduce the number of construction vehicle trips (and emissions). A final CTMP will be developed post-consent (should consent be granted) as secured by DCO Requirement. Up to two Primary Compounds and up to three Secondary Compounds (Work No. 4) will be used to store materials and provide welfare facilities during construction. They are expected to be located immediately adjacent to key construction Site access points. Worker parking and HGV deliveries will largely take place to the Primary Compounds.
2.10.123-2.10.124	*Applicants should assess the various potential routes to the site for delivery of materials and components where the source of the materials is known at the time of the application and select the route that is the most appropriate.*	In the EIA Scoping Opinion, the Planning Inspectorate agreed that a standalone traffic and access chapter could be scoped out (see ES Chapter 2, Table 2.7). To fulfil the Planning Inspectorate's requirements set out in their Scoping Opinion, the Applicant has produced a TS, OCTMP (including a FCWTP) and included

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		a description of the anticipated trip generation, routeing, and any necessary mitigation measures and how such measures would be secured through the DCO, or other legal mechanism is set out in ES Chapter 5. As demonstrated in the TS, the routeing and estimated vehicle movements have been carefully analysed to ensure vehicles can safely travel to and from the Site during the construction, operational and decommissioning phases. Vehicle routeing and the surrounding road network has been discussed through consultation with NH and the Local Highway Authority. An OCTMP has been prepared to outline the management of construction vehicles associated with the Proposed Development. Measures include using designated vehicle routeing to the Site for example. A detailed CTMP will be developed post-consent (should consent be granted) as secured by DCO Requirement.
2.10.124	*Where the exact location of the source of construction materials, such as crushed stone or concrete is not be known at the time of the application, applicants should assess the worst-case impact of additional vehicles on the likely potential routes.*	The TS sets out that the daily peak of around 20 HGV trips (40 movements) has been identified during the 18 month construction period. Vehicle trips would be spread across the day, managed through delivery scheduling and avoiding network peak hours wherever possible.
2.10.125	*Applicants should ensure all sections of roads and bridges on the proposed delivery route can accommodate the weight and volume of the loads and width of vehicles. Although unlikely, where modifications to roads and/or bridges are required, these should be identified, and potential effects addressed in the ES.*	Through consultation with the LHA and as stated in section 7.1 of the TS, it is proposed to introduce a section of 'Road Narrows' signage and additional 'Slow' road markings on the Branthwaite Edge Road at the site of the former railway overbridge structure. This measure is to reduce the risk of construction vehicles coming into conflict with other traffic. Whilst this location was not identified to be a safety concern, the increase in the number of HGVs along that route would raise the likelihood of the risk and as such it is considered that introducing such measures for the construction would reduce the chance of conflict and raise awareness of the narrower section of the route. No other specific height, weight or width restrictions were identified on the study area road network. This has been confirmed through informal consultation with the LHA and NH who stated the baseline conditions were as expected and the road network in the study area did not present any specific operational challenges.
2.10.126	*Where a cumulative impact is likely because multiple energy infrastructure developments are proposing to use a common port and/or access route and pass through the same towns and villages, applicants should include a cumulative transport assessment as part of the ES. This should consider the impacts of abnormal traffic movements relating to the project in question in*	The TS assesses cumulative effects with local developments and sets out the engagement undertaken with local developers, the Local Highway Authority and NH. No significant adverse cumulative effects are reported. Further information is provided in the appraisal of Transport and Access within section 6 of the PS.

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	combination with those from any other relevant development. Consultation with the relevant local highways authorities is likely to be necessary.	Abnormal Indivisible Load ('AIL') movements are not anticipated to be required during the construction or decommissioning of the Proposed Development.
Mitigations		
Agriculture Land classification and land type		
2.10.127	*The Defra Construction code of practice for the sustainable use of soils on construction sites provides guidance on ensuring that damage to soil during construction is mitigated and minimised. Mitigation measures focus on minimising damage to soil that remains in place, and minimising damage to soil being excavated and stockpiled. The measures aim to preserve soil health and soil structure to minimise soil carbon loss and maintain water infiltration and soil biodiversity. Mitigation measures for agricultural soils include use of green cover, multispecies cover crops - especially during the winter- minimising compaction and adding soil organic matter.*	An OSMP has been prepared to maintain and where possible improve soil quality and quantity at the Site. Should consent be granted, an SMP will be produced following the guidance in the OSMP. The SMP will be secured by DCO Requirement. The OSMP sets out how soils are to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. The reuse of excavated soils can be undertaken subject to complying with one of the following: • Soils that are excavated and temporarily stored prior to being returned to the original excavation would not be considered a waste. This activity does not meet the definition of a waste as the holder does not intend to discard it, nor is required to discard it. • Article 2.1 (c) of the Waste Framework Directive - "naturally occurring material excavated in the course of construction activities where it is certain that the material will be used for the purposes of construction in its natural state on the site from which it was excavated." • A Waste Exemption that is registered. • Environment Permit - Standard rules to use waste in a deposit for recovery operations (construction, reclamation, restoration or improvement of land other than by mobile plant) or Bespoke permit. • CL: AIRE Definition of Waste (DoW) Code of Practice (CoP). • A Regulatory Position Statement
Biodiversity and ecological conservation		
2.10.128-2.10.129	*In England, proposed enhancements should take account of the above factors and as set out in Sections 4.6 and 5.4 of EN-1 aim to achieve environmental and biodiversity net gain in line with the ambition set out in the Environmental Improvement Plan and any relevant measures and targets, including statutory targets set under the Environment Act or elsewhere. This might include*	The Proposed Development will feature extensive ecological and landscape (green/blue infrastructure) enhancements which will bring about a substantial BNG, a net environmental gain, and water quality betterment. The new permissive paths which will be integrated into the GI proposals will also provide a health and wellbeing benefit to local residents.

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	maintaining or extending existing habitats and potentially creating new important habitats, for example by installing cultivated strips/plots for rare arable plants, rough grassland margins, bumble bee plant mixes, and wild bird seed mixes.	BNG is set out in the BNG Report as 114.69% for habitats, 44.84% for hedgerows, and 12.56% for watercourses based on the LSP. Until the final layout is established, the OLEMP seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target. The ecological and landscape enhancements set out within the LSP which proposes a holistic, multifunctional, nature-based solutions approach that would contribute to the green infrastructure ('GI') of the Site, providing BNG and enhancements to public accessibility through the creation of two new permissive paths.
2.10.130	*Applicants are advised to develop an ecological monitoring programme to monitor impacts upon the flora of the site and upon any particular ecological receptors (such as bats and wintering birds). Results of the monitoring will then inform any changes needed to the land management of the site, including, if appropriate, any livestock grazing regime.*	As set out in the OCEMP, OLEMP, and Chapter 8, an Ecological Clerk of Works (ECoW) will be appointed to undertake tasks during construction and operation including but not limited to pre-construction surveys for protected species, application for and compliance with protected species licence conditions if required; monitoring visits to assess habitat condition and botanical diversity; report on success or otherwise of planting within buffer strips; monitor the accessibility of mammal gaps around internal and external fences; delivery of toolbox talks to Site personnel; updating Species Protection Plans, and; provide advice and Site presence for any ancillary work needed for Site operation. To ensure the delivery of species-rich grasslands across the Site with variable sward heights a suitable grazing regime will be implemented. The OLEMP includes an OGMP at Appendix A. A detailed Grazing Management Plan ('GMP') will be produced as part of the LEMP post consent (should consent be granted) as secured by DCO Requirement.
Landscape, visual and residential amenity		
2.10.131-2.10.133	*Applicants should consider the potential to mitigate landscape and visual impacts through, for example, screening with native hedges, trees and woodlands. Applicants should aim to minimise the use and height of security fencing. Where possible applicants should utilise existing features, such as hedges or landscaping, to assist in site security, or screen security fencing. Applicants should minimise the use of security lighting. Any lighting should utilise a passive infra-red (PIR) technology and should be designed and installed in a manner which minimises impact.*	The embedded landscape and visual mitigation measures (set out within section 7.5 of ES Chapter 7 and shown on the LSP) consider the siting of infrastructure and the planting of new native species to reduce visual effects. ES Chapter 3, the OCEMP, and OOMP outline the security measures which will be implemented during construction and operation. Illustrations of perimeter fencing, security fencing and security camera designs are provided in ES Figures 3.15, 3.16, and 3.24 and the parameters set out in ES Chapter 3 describe the maximum dimensions of the security measures, for example, security fencing would be limited to Work No.

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		2 Grid Connection Infrastructure, with the height restricted to up to 2.4m (see ES Chapter 3 section 3.4 and Table 3.2). As per section 3.5 of the OOMP, the Proposed Development will not be permanently lit during the operational phase, with lighting limited to motion-activated, cowled, down lighting, affixed above or aside doors of buildings within the Site. Operational lighting will be installed for emergency purposes only. Temporary emergency lighting during the operational phase may be put in place for specific operational works which take place at night. This lighting would be isolated to the maintenance works being undertaken and would be directional to limit any impact on local residents and wildlife on-Site. CCTV cameras would use night-vision technology, which would avoid the need for night-time lighting.
Glint and Glare		
2.10.134	*Applicants should consider using, and in some cases the Secretary of State may require, solar panels to comprise of (or be covered with) anti-glare/anti-reflective coating with a specified angle of maximum reflection attenuation for the lifetime of the permission.*	The Glint and Glare Assessment has modelled a smooth glass with an antireflective coating which is the most common surface for solar panels.
2.10.135	*Applicants may consider using screening between potentially affected receptors and the reflecting panels to mitigate the effects*	The Glint and Glare Assessment concludes that no significant impacts are predicted upon road safety, residential amenity and aviation activity is predicted. The report stipulates that solar reflections are geometrically possible towards 33 of the 35 assessed dwelling receptors. Screening in the form of existing vegetation to be retained and enhanced, proposed vegetation, and intervening terrain that significantly obstructs views of the reflecting panels has been identified for 30 dwellings, such that no solar reflections will be experienced in practice. No impact is predicted, and mitigation is not required. No additional mitigation beyond this has been identified to be required.
2.10.136	*Applicants may consider adjusting the azimuth alignment of, or changing the elevation tilt angle of, a solar panel within the economically viable range, to alter the angle of incidence. In practice this is unlikely to remove the potential impact altogether but in marginal cases may contribute to a mitigation strategy.*	
Cultural Heritage		
2.10.137-2.10.138	*The ability of the applicants to microsite specific elements of the proposed development during the construction phase should be an important consideration by the Secretary of State when assessing the risk of damage to archaeology. Where requested by the applicant, the Secretary of State should consider granting consents which allow for the micro siting within a specified*	As per 5.9.11 of EN-1 response: The HEDBA provides a full baseline of known or potential heritage receptors. A geophysical survey of the Site was undertaken to study below ground heritage assets with archaeological interest (Geophysical Survey Report). Further information on potential below ground heritage receptors is provided in section 6.4 of ES Chapter 6. The AMS sets out a staged approach which is secured by DCO Requirement. It details archaeological works to be undertaken at the Site, with any

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	tolerance of elements of the permitted infrastructure, so that precise locations can be amended during the construction phase if unforeseen circumstances, such as the discovery of previously unknown archaeology, arise.	intrusive evaluation to be undertaken when the detailed design of the Proposed Development is established.
Construction including traffic and transport noise and vibration		
2.10.139-2.10.140	*In some cases, the local highway authority may request that the Secretary of State impose controls on the number of vehicle movements to and from the solar farm site in a specified period during its construction and, possibly, on the routeing of such movements particularly by heavy vehicles.* *Where the Secretary of State agrees that this is necessary, requirements could be imposed on development consent.*	The TS sets out the details of the likely traffic generated during the construction phase of the Proposed Development, including LGVs, HGVs and provides information on the traffic associated with construction workers. Abnormal Indivisible Load ('AIL') movements are not anticipated to be required during the construction or decommissioning of the Proposed Development. Vehicle trips generated during peak construction phases are anticipated to be a daily average of approximately 20 HGV trips (40 movements) and 8 LGV trips (16 movements). It is estimated that construction staff numbers may peak at up to 150 people per day. However, the average number of workers on-site is expected to be between 50-80 per day. This includes both labourers and technical / office staff. The majority of staff are expected to be staying in locally based accommodation (rather than travelling long distances daily) and it is anticipated that minibuses will be used to transport workers to Site to minimise vehicle trips. A framework CWTP has been developed as part of the OCTMP.
2.10.141-2.10.142	*Where cumulative effects on the local road network or residential amenity are predicted from multiple solar farm developments, it may be appropriate for applicants for various projects to work together to ensure that the number of abnormal loads and deliveries are minimised, and the timings of deliveries are managed and coordinated to ensure that disruption to residents and other highway users is reasonably minimised. It may also be appropriate for the highway authority to set limits for, and coordinate these deliveries through, active management of the delivery schedules through the abnormal load approval process.*	As above, AIL movements are not anticipated to be required during the construction or decommissioning phases. The TS considers cumulative effects and identifies that Lostrigg Solar, a solar and BESS DCO application (early stages) is proposed to be submitted for a site located north of the Proposed Development. The cumulative assessment considers the worst-case cumulative impact during construction and finds that the impact is not anticipated to be significant. The OCTMP confirms that the Principal Contractor would liaise with Lostrigg Solar, sharing programming information so that deliveries can be coordinated to minimise impacts.
2.10.143-2.10.144	*Once consent for a scheme has been granted, applicants should liaise with the relevant local highway authority (or other coordinating body) regarding the start of construction and the broad timing of deliveries. Applicants may need to agree a planning obligation to secure appropriate measures, including restoration of roads and verges. Further, it may be appropriate for any non-permanent highway improvements carried out for the development (such as*	The OCTMP has been prepared in consultation with NH and the Council (the Local Highway Authority). Details around how the Principal Contractor would communicate with the LHA and the local community are set out in the OCTMP. The detailed CTMP will confirm the programme and timing of deliveries. ES Chapter 5 sets out that existing private accesses to the Site will be widened to provide safe access and egress which is appropriate to the vehicles which are needed during construction and / or operation. There will be different widening requirements depending on the vehicles and phase when access is needed.

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	temporary road widening) to be made available for use by other subsequent solar farm developments.	Vegetation will be removed where necessary to enhance visibility and maintain safety, and visibility splays in accordance with highways specifications will be established for safe access.
Factors influencing site selection and design		
Agriculture land classification and land type		
2.10.145	*The Secretary of State should take into account the economic and other benefits of the best and most versatile agricultural land. The Secretary of State should ensure that the applicant has put forward appropriate mitigation measures to minimise impacts on soils or soil resources.*	The ALC Report determines that there is no best and most versatile agricultural land on Site. The Site is predominantly classed as Grade 4 agricultural land (64%), with 17.5% being subgrade 3b and 12.6% being Grade 5. The remaining 5.9% is non-agricultural/other land.
Project lifetime and decommissioning		
2.10.147-2.10.151	*Where the consent for a solar farm is to be time-limited, the DCO should impose a requirement setting that time-limit from the date the solar farm starts to generate electricity. Such a requirement should also secure the decommissioning of the generating station after the expiration of its permitted operation to ensure that inoperative plant is removed after its operational life. An upper limit of 40 years is typical, although applicants may seek consent without a time period or for differing time-periods for operation. The time limited nature of the solar farm, where a time limit is sought as a condition of consent, is likely to be an important consideration for the Secretary of State. The Secretary of State should consider the period of time the applicant is seeking to operate the generating station, as well as the extent to which the site will return to its original state, when assessing impacts such as landscape and visual effects and potential effects on the settings of heritage assets and nationally designated landscapes.*	As secured by a Requirement in the draft DCO the date of decommissioning must be no later than 40 years following the Commercial Operation Date ('COD'). The COD is effective following all relevant testing and commissioning required for the generating station to begin operating on a commercial basis. The COD is referred to as the 'date of final commissioning' in the draft DCO. The Applicant has prepared an FDMP at this stage as it is considered appropriate to provide a framework document, which provides a degree of flexibility to adapt the requirements to suit planning, consenting requirements, and likely technological advancements. The FDMP sets out the environmental controls (or mitigation measures) to eliminate, reduce, or offset likely significant adverse effects on the environment during the decommissioning phase. A detailed DMP will be submitted to the Council for approval prior to any decommissioning; this is secured through DCO Requirement.

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Impacts		
Biodiversity, ecological, geological conservation and water management		
2.10.154-2.10.155	*Water management is a critical component of site design for ground mount solar plants. Where previous management of the site has involved intensive agricultural practice, solar sites can deliver significant ecosystem services value in the form of drainage, flood attenuation, natural wetland habitat, and water quality management. The Secretary of State must consider the worst-case effects in its consideration of the application and consent.*	The worst-case effects of the Proposed Development on water quality have been considered within the WFD Assessment. The inclusion of riparian planting and buffer strips adjacent to watercourses will attenuate surface water flows and improve water quality both within the Site and downstream. The worst-case effects of the Proposed Development on flood risk have been considered within the FRA. The final Drainage Strategy will demonstrate that there will be no increased runoff from the Site. This approach will aid in managing surface water flows, whilst ensuring that vegetated ground cover, end existing and new boundary vegetation, receive suitable hydration. The Drainage Strategy will prioritise nature-based solutions for flood risk mitigation.
2.10.156	*Where developments are proposed on peat, to ensure the development will result in minimal disruption to the ecology, or release of CO2, and that the carbon balance savings of the scheme are maximised, the Secretary of State should be satisfied that the solar farm layout and construction methods have been designed to minimise soil disturbance during construction and maintenance of roads, tracks, and other infrastructure and in England should take into account the policies set out in the England Peat Action Plan 2021. Where developments are located in Wales, the Secretary of State may take into account the policies set out in the National Peatlands Action Programme, 2020-2025 (cyfoethnaturiol.cymru) and Future Wales the National Plan 2040 - Policy 18.*	The presence of peat has been identified within the Site. A Peat Survey Report (ES Appendix 10.3 **[REF 6.3]**) sets out the results of the peat survey. In order to minimise the impact on peat at the Site, the Applicant has committed to a buffer distance of 10m from identified areas of peat and solar PV arrays and associated infrastructure. Should any construction activity related to Work No. 3 need to take place within identified areas of peat during the construction phase of the Proposed Development, then mitigation measures outlined in the OCEMP will be implemented and secured by a DCO Requirement. An OSMP has been prepared to maintain and where possible improve soil quality and quantity at the Site. The OSMP outlines practices for earthworks, soil stripping, soil storage and restoration. Should consent be granted, a Construction Soil Management Plan will be produced following the guidance in the OSMP. The SMP will be secured by DCO Requirement. The OSMP sets out how soils are to be managed in accordance with the Construction Code of Practice for the Sustainable Use of Soils on Construction Sites. Before decommissioning, a final Decommissioning Soil Management Plan will be submitted to the Council for approval, secured by DCO Requirement.
Landscape, visual and residential amenity		
2.10.157	*The Secretary of State will consider the landscape and visual impact of any proposed solar PV farm, taking account of any sensitive visual receptors, and the effect of the development on landscape character, together with the possible cumulative effect with any existing or proposed development.*	ES Chapter 7 – Landscape and Visual reports on the assessment of the likely significant effects of the Proposed Development on the environment with respect to landscape and visual matters, reporting on beneficial and adverse effects and any cumulative effects. The full assessment of cumulative effects is within ES Appendix 7.4: Landscape and Visual Cumulative Assessment.

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	Nationally designated landscapes (National Parks, The Broads and Areas of Outstanding Beauty) are afforded extra protection due their statutory purpose. Development in these areas needs to satisfy policy as set out in EN-1 Section 5.10.	The Proposed Development is approximately 3.2km away from the LDNP / WHS which lies to the east of the Site. Given the sensitivity of the LDNP / WHS, its landscape and visual amenity has been considered within ES Chapter 7. Due regard has been given to the relevant policies in EN-1 Section 5.10.
Glint and glare		
2.10.158-2.10.159	*Solar PV panels are designed to absorb, not reflect, irradiation. However, the Secretary of State should assess the potential impact of glint and glare on nearby homes, motorists, public rights of way, and aviation infrastructure (including aircraft departure and arrival flight paths). Whilst there is some evidence that glint and glare from solar farms can be experienced by pilots and air traffic controllers in certain conditions, there is no evidence that glint and glare from solar farms results in significant impairment on aircraft safety. Therefore, unless a significant impairment can be demonstrated, the Secretary of State is unlikely to give any more than limited weight to claims of aviation interference because of glint and glare from solar farms.*	The Glint and Glare Assessment has assessed the potential impact of glint and glare on nearby sensitive receptors, including dwellings, road receptors, Public Rights of Way (PRoW). The assessment further considers impacts on aviation receptors utilising 'Gilgarran Airfield', an unlicensed general aviation aerodrome which is considered to be active for a maximum of 28 days of the year, approximately 345m west of the Site. The assessment was conducted in line with the Sandia National Laboratories Methodology, which is routinely required for solar developments on or near aerodromes. No significant impacts are predicted upon road safety, residential amenity, and aviation activity, and mitigation is not required.
Cultural Heritage		
2.10.160	*Solar farms are generally consented on the basis that they will be time-limited in operation. The Secretary of State should therefore consider the length of time for which consent is sought when considering the impacts of any indirect effect on the historic environment, such as effects on the setting of designated heritage assets.*	ES Chapter 6 identifies temporary (long term) indirect significant adverse residual effects to the Stone Circle and a Round Cairn and the Grade II listed Wythemoor Sough and Adjoining Barn and Stable through effects on setting. As such, these effects should be considered in accordance with 2.10.160 which acknowledges that the SoS should consider the length of time that a solar scheme may cause indirect effects on the historic environment during operation. The Proposed Development is proposed to have an operational lifespan of up to 40 years. This is further considered within Section 6.5 of the PS.
Construction including traffic and transport noise and vibration		
2.10.161-2.10.162	*Once solar farms are in operation, traffic movements to and from the site are generally very light, in some instances as little as a few visits each month by a light commercial vehicle or car. Should there be a need to replace machine components, this may generate heavier commercial vehicle movements, but*	As stated in the TS, vehicle movements during the Proposed Development's operational phase are anticipated to comprise 1-2 visits per week from LGVs or four-wheel drive vehicles to perform checks and maintenance of plant and equipment.

Para	EN-3 Policy Detail	Policy Compliance
	these are likely to be infrequent. The Secretary of State is unlikely to give any more than limited weight to traffic and transport noise and vibration impacts from the operational phase of a project.	The potential need to replace machine components is considered within the OOMP.

2.4 EN-5 Compliance

Table 2.3: EN-5 compliance table

Para	EN-5 Policy Detail	Policy Compliance
Infrastructure covered by this NPS		
1.6.1	*Infrastructure for electricity networks generally can be divided into two main elements:* • *Transmission systems (the long-distance transfer of electricity through 400kV and 275kV lines), and distribution systems (lower voltage lines from 132kV to 230V from transmission substations to the end-user) which can either be carried on towers/monopoles, or undergrounded; and associated infrastructure, e.g. substations (the essential link between generation, transmission, and* • *the distribution systems that also allows circuits to be switched or voltage transformed to a useable level for the consumer) and converter stations to convert DC power to AC power and vice versa. These are particularly relevant to the conversion of long-distance offshore DC transmission to AC, when it arrives onshore for distribution.*	The Proposed Development includes components considered relevant to EN-5. Work No. 2 Grid Infrastructure and Work No. 2A POC Masts are considered associated development to the solar generating station and support its connection to the relevant DNO, ENW. The Proposed Development will also require underground cables (within Work. No. 3 – Associated Infrastructure). Further information is included in the GCS and ES Chapter 3 – Site and Proposed Development Description. The PS also considers the policy significance of EN-5.
1.6.4	*In addition, this NPS will apply to other kinds of electricity networks infrastructure including offshore transmission of any type (defined at section 2.12.4)3, underground cables at any voltage, associated infrastructure as referred to above and lower voltage overhead lines, where that infrastructure becomes subject to the 2008 Act in the following circumstances:* *i. if it constitutes associated development for which consent is sought along with an NSIP such as an offshore wind generating station or relevant overhead line4; or* *ii. if the Secretary of State gives a direction under Section 35 of the 2008 Act (for developments which, when completed, will be wholly in one or more of the areas specified in subsection 35(3)) that it should be treated as an NSIP and requires a development consent order (DCO)5.*	

Para	EN-5 Policy Detail	Policy Compliance
Factors influencing site selection and design		
2.2.8	*There will usually be a degree of flexibility in the location of the development's associated substations, and applicants should consider carefully their location, as well as their design.*	ES Chapter 4 – Alternatives and Design Evolution provides an account of the alternatives that have been studied by the Applicant in developing the siting and design of the Proposed Development. The site selection process involved four stages, including identifying a viable POC to the Grid Network. A grid connection point with sufficient capacity was identified at the existing 132kV overhead lines which cross Area C of the Site. The design evolution of Work No. 2 is set out in section 5.4 of the DAD. Detailed design work between the DNO and Independent Connections Provider ('ICP') will only take place post-consent (should consent be granted). As such, for the purposes of the ES, the Applicant specified the largest possible size (area) and elements (heights/mass) for Work No. 2 based on DNO guidance and the ICP advisor's experience. It is considered likely that the DNO will prefer to locate the substation to the south of the watercourse in Work No. 2, where the land is more low lying and flat. However, the ES (particularly Chapter 7 – Landscape and Visual) has assessed the worst case of the substation being located at the highest, most visible point of Work No. 2. The extent of Work No. 2 ensures sufficient land is allocated to deliver its function and provides the DNO with maximum flexibility for siting the substation. Further, Work No. 2A allows for the provision of two POC Masts should the detailed design stage determine they are required. As the POC Masts would be within the vicinity of the connecting pylon which sits at a relative low point of the Site, assessment by the Applicant's landscape architect concluded that the POC masts would not lead to new significant effects.
2.2.9	*In particular, the applicant should consider such characteristics as the local topography, the possibilities for screening of the infrastructure and/or other options to mitigate any impacts. (See Section 2.10 below and Section 5.10 in EN-1.)*	
Landscape and visual impact		
2.9.9	*New substations, sealing end compounds (including terminal towers), and other above-ground installations that serve as connection, switching, and voltage transformation points on the electricity network may also give rise to adverse landscape and visual impacts.*	ES Chapter 7 – Landscape and Visual reports on the assessment of the likely significant effects of the Proposed Development on the environment with respect to landscape and visual matters, including both beneficial and adverse effects. The assessment assumes the maximum parameters for the Proposed Development as defined by the Parameter Plan (ES Figure 3.4) and ES Chapter 3 – Site and Proposed Development Description, which includes the maximum proposed height for associated buildings in Work No. 2 of 6.5m (DNO Building), and maximum height of the POC masts (30m) in Work No. 2A.
Noise and vibration		
2.9.37	*Audible noise effects can also arise from substation equipment such as transformers, quadrature boosters and mechanically switched capacitors.*	

Para	EN-5 Policy Detail	Policy Compliance
2.9.38	*Transformers are installed at many substations and generate low frequency hum. Whether the noise can be heard outside a substation depends on a number of factors, including transformer type and the level of noise attenuation present (either engineered intentionally or provided by other structures).*	The Planning Inspectorate agreed that operational noise and vibration could be scoped out subject to the Applicant appending an NIA to the ES and demonstrating that through carefully siting equipment and plant, significant effects would be unlikely. An NIA is provided at ES Appendix 2.6. The Proposed Development has been designed to ensure that its components and equipment such as the substation are located in such a way that prevents significant noise and vibration impacts on sensitive receptors. The DAD sets out how the topic of noise and vibration has influenced the design of the Proposed Development. Based on the equipment within Work No. 2 being appropriately mitigated as set out in section 5.3 of the NIA and located in compliance with the minimum distances in the NIA (as reflected in the Parameter Plan (ES Figure 3.4)), significant effects (noise levels above the SOAEL at receptors) from operational noise are not anticipated to occur. The detail of the approach to mitigation of noise effects from the PCS units (within Work No. 1) is secured through additional noise modelling of the detailed design in respect of their locations. This will ensure that the SOAEL is not exceeded, including through careful siting of equipment and other attenuation if required.
2.9.39	*For the assessment of noise from substations, standard methods of assessment and interpretation using the principles of the relevant British Standards25 are satisfactory.*	The NIA (ES Appendix 2.6) incorporates British Standards BS 4142:2014 + A1 2019 Methods for Rating and Assessing Industrial and Commercial Sound and BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings in the assessment criteria for assessing operational noise and vibration.
Electric and Magnetic Fields (EMFs)		
2.9.44	*Power frequency EMFs arise from generation, transmission, distribution and use of electricity and will occur around power lines and electric cables and around domestic, office or industrial equipment that uses electricity.*	As per Table 2.7 of ES Chapter 2 – EIA Methodology, the Planning Inspectorate agreed in their Scoping Opinion that electric magnetic and electromagnetic fields could be scoped out from the ES as the proposed cabling and infrastructure associated with the Proposed Development does not exceed 132kV.
2.9.45	*EMFs comprise electric and magnetic fields. Electric fields are the result of voltages applied to electrical conductors and equipment. Fences, shrubs and buildings easily block electric fields. Magnetic fields are produced by the flow of electric current; however, unlike electric fields, most materials do not readily block magnetic fields. The intensity of both electric fields and magnetic fields diminishes with increasing distance from the source.*	
2.9.46	*All overhead power lines produce EMFs. These tend to be highest directly under a line and decrease to the sides at increasing distance. Although putting cables*	

Para	EN-5 Policy Detail	Policy Compliance
	underground eliminates the electric field, they still produce magnetic fields, which are highest directly above the cable. EMFs can have both direct and indirect effects on human health, aquatic and terrestrial organisms.	

3 Compliance with Local Policy

3.1 Local Policy background

3.1.1 The Proposed Development is situated within the administrative area of Cumberland Council which was established in April 2023. Prior to the establishment of Cumberland Council, the Site was within the administrative boundary of Allerdale Borough Council. Cumberland Council are preparing a new Local Plan. However, it is at the early evidence gathering stage. Therefore, until the new Cumberland Local Plan is adopted, the policies within the Allerdale Local Plan 2014-2029 (Part 1) which was adopted in 2014, are applicable to the Proposed development.

3.1.2 In addition to the Allerdale Local Plan (Part 1), the Council has several Supplementary Planning Documents ('SPDs') which form part of the development plan. These documents add more detail to the policies in the Local Plan. There are no SPDs which are applicable to the Proposed Development therefore they have not been considered further. There are also no neighbourhood plans which relate to the Site and so they are not considered further.

3.1.3 There is a Planning Policy Climate Change Checklist Guidance Document (October 2022) which has been prepared to aid understanding of aspects of the Allerdale Local Plan, although this guidance does not have the same status as the SPDs. The Guidance Document seeks to ensure that climate change is properly accounted for as a material planning consideration in the determination of applications. ES Chapter 9 – Climate Change reports on the likely significant effects, mitigation measures, residual effects and cumulative effects of the Proposed Development in relation to climate change. Therefore, to avoid duplication, the Guidance Document has not been considered any further.

3.1.4 Table 3.1 outlines the compliance of the Proposed Development in relation to the Allerdale Local Plan.

3.1.5 The western boundary of Area C is parallel with the former Copeland Borough Council area. A new Local Plan for Copeland (2021-2039) was adopted in November 2024. Gilgarran, one of the settlements closest to the Proposed Development is within the former CBC area, and so the policies of the Copeland Borough Council Local Plan which are most relevant are considered in Table 3.2 below.

3.1.6 The Cumbria Minerals and Waste Local Plan 2015 to 2030 which was adopted in 2017 also forms part of the development plan. Table 3.3 outlines the relevant policies and the compliance of the Proposed Development.

3.1.7 The policies included in Tables 3.1-3.3 are considered relevant to the Proposed Development; it should be noted that the relevant policies have been summarised and are not copied verbatim. Where a policy is absent from the tables, it is deemed to not relate to the Proposed Development or has expired or been superseded by another policy.

3.2 Local Policy Compliance

Table 3.1: Allerdale Local Plan Part 1 (2014) ('LPP1') compliance table

Policy	Summary of Relevant Policy Text	Policy Compliance
Allerdale Local Plan Part 1 (2014) ('LPP1')		
Spatial Strategy and Principles of Development		
S1: Presumption in Favour of Sustainable Development	*When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.*	As demonstrated throughout the PS, the Proposed Development is sustainable and contributes towards the government's 2050 net zero objective and will provide a secure, reliable and affordable energy supply. The Proposed Development accords with Local Plan Policy S1: Presumption in Favour of Sustainable Development.
S2: Sustainable Development Principles	*The Local Plan promotes sustainable development as a core principle running through the entire plan. In terms of economic proposals, the Council confirm that they will encourage the development of renewable or low carbon energy resources in appropriate locations given the potential wider environmental, community and economic benefits.* *From a social principal perspective, the Council sets out that it will ensure that development (either cumulatively or in isolation) will not harm highway safety and does not exceed the capacity of the local transport network.* *In terms of environmental principles, the Council will seek to reduce Allerdale's carbon footprint and support a low carbon future.*	The Proposed Development is a sustainable development which is clean and contributes towards a reduction in greenhouse emissions. Further, the Proposed Development will contribute towards reducing Allerdale's carbon footprint and supporting a low carbon future. The ES covers the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the project and where required, measures are proposed to mitigate adverse effects. The OGMP details how the co-located grazing and associated pastoral activities will occur on the Site during the operational phase in order to maintain agricultural activity and economic contribution to the rural economy. The TS demonstrates that sufficient measures (as per the OCTMP and FCWTP can be put in place to minimise and manage the environmental and traffic impacts from the construction phase of the Proposed Development. Vehicle trip generation associated with the Proposed Development would be limited, and as such it is considered that the Proposed Development can be accommodated without detriment to the highway network at the construction, operational, and decommissioning phases. This accords with the social principles of Local Plan Policy S2: Sustainable Development Principles.

Policy	Summary of Relevant Policy Text	Policy Compliance
		It is considered that the Proposed Development as a whole meets the Council's economic, social and environmental principes of Local Plan Policy S2: Sustainable Development Principles.
S4: Design Principles	*The Council will seek to achieve high quality design for all development. Good design relates not only to the appearance of a development but to how it functions within its location. Developments will be required to demonstrate high standards of design and must:* • *Be visually attractive, of appropriate scale and appearance;* • *Respond positively to the character, history and distinctiveness of its location and integrate well with existing development;* • *Enhance, protect and integrate effectively with the historic and natural environment;* • *Function well by ensuring suitable standards of access and amenity are achieved and maintained in relation to the development itself and the local area;* • *Safeguard environmental quality and the amenities of occupiers of both proposed and existing property.*	The design of the Proposed Development has been informed by Design Principles which have evolved throughout the preparation of the DCO application (see the DAD). Whilst acknowledging that there are some design elements, for example the solar array panel design, which are fixed by the type of development being proposed. The design and layout of the Proposed Development has been informed by multiple factors, including responding to environmental constraints, guidance from consultees, and feedback from local residents. While grid connection was a key factor in selecting the Site, the Order Limits have been adjusted and refined in order to ensure the Proposed Development can accommodate a generation capacity of over 50MW, while allowing sufficient flexibility to respond to environmental constraints, and embedded mitigation to reduce environmental impacts. The approach to adapting the design to minimise environmental impacts is set out in Chapter 4 - Alternatives and Design Evolution of the ES, while further information on design evolution and approach is set out within the DAD. It is considered that the Proposed development Design accords with Local Plan Policy S4: Design Principles.
Strategic Policies – Economy		
S19: Renewable Energy and Low Carbon Technologies	*The Council will seek to promote and encourage the development of renewable and low carbon energy resources given the significant wider environmental, community and economic benefits. Proposals where impacts (either in isolation or cumulatively) are or can be made acceptable will be permitted. The Council will take a positive view where:* *a. Proposals (either in isolation or cumulatively);* *i. Do not have an unacceptably adverse impact on the amenity of local residents (such as air quality/emissions, noise, odour, water pollution, shadow flicker);*	The Proposed Development will contribute towards the Council reducing its carbon footprint and supporting a low carbon future. Additionally, it would facilitate the Council meeting its commitment to tackle climate change in the Allerdale Climate Change Action Plan (adopted 4 March 2020). The ES covers the environmental, social and economic effects arising from pre-construction, construction, operation and decommissioning of the Proposed Development and where required, measures are proposed to mitigate adverse effects. This accords with criteria a), c), d) and e) of Local Plan Policy S19.

Policy	Summary of Relevant Policy Text	Policy Compliance
	ii. *Do not have significant adverse impact on the location, in relation to visual impact and impact on the character and sensitivity of the surrounding landscape;* iii. *Do not have an adverse effect on any European/International protected nature conservation site (including SACs, SPAs and Ramsar sites, candidate SACs, potential SPAs and proposed Ramsar sites) including its qualifying habitats and species, either alone or in-combination with other plans or projects.* iv. *Do not have a significant adverse effect on any National nature conservation site (Site of Special Scientific Interest; National Nature Reserve), except where the benefits of the development clearly outweigh both the impact on the site and any broader impacts on the wider network of National sites.* v. *Do not result in loss or harm to a Local nature conservation site, including habitats or species supported by Local Sites, unless it can be demonstrated that there is a need for the development in that location and that the benefit of development outweighs the harm or loss.* b. *Do not have unacceptably adverse impact on heritage assets and their settings;* c. *Appropriate operational requirements are addressed (including accessibility and suitability of road network, ability to connect to the grid, proximity of any relevant feedstock);* d. *Appropriate measures are included for the removal of structures and the restoration of sites, should sites become non-operational;* e. *Potential benefits to the local economy and the local community, including agriculture and other land based industries are considered.* *Renewable energy proposals are expected to provide supporting evidence including landscape, visual and environmental assessments and to demonstrate that any negative impacts have been made acceptable. Where mitigation is required to make impacts acceptable these will, where necessary be secured through Planning*	The application comprises a range of technical studies, reports, illustrative design drawings and plans which demonstrates the consideration that has gone into the design of the Proposed Development to ensure that the proposal is acceptable and does not result in any significant adverse impacts with mitigation which significantly outweigh the benefits. As set out above, the OGMP details how the co-located grazing and associated pastoral activities will occur on the Site in order to maintain agricultural activity and economic contribution to the rural economy. This accords with criterion e). The decommissioning and restoration of the Site to its current use will be secured through a DCO Requirement, this accords with criterion d). It is considered that the Proposed Development accords with Local Plan Policy S19: Renewable Energy and Low Carbon Technologies.

Policy	Summary of Relevant Policy Text	Policy Compliance
	Obligations. Developers will be expected to work with local communities from an early stage and deliver benefits to the local area where the proposal is located.	
S20: Nationally Significant Infrastructure Projects	*The Council will actively engage from the pre-application stage with the developer of a Nationally Significant Infrastructure Project to ensure:* a. *A robust programme of community consultation with the local community and stakeholders is achieved;* b. *That appropriate mitigation measures are considered to reduce the potential impact on the day-to-day activities of the local community and businesses as a result of the proposed development. This would include the impact on local infrastructure and services;* c. *That, where appropriate, the developer locates any temporary workers in the Principal or Key Service Centres close to services and public transport routes, reflecting the Local Plan Policies and Site Allocations;* d. *Sustainable forms of transport will be encouraged to move construction materials and workers during construction, operation and decommissioning;* e. *The maximisation of the local socio-economic opportunities for the West Cumbrian economy in terms of increased training and employment opportunities, improvements to local infrastructure and the development of local business opportunities.*	The Proposed Development has been subject to extensive and meaningful engagement with Cumberland Council, statutory consultees and the local community since the start of the pre-application process. This engagement has been on-going and has resulted in amendments to the design of the Proposed Development which provides benefits to the local community. The Applicant is keen to provide greater access to members of the public, particularly to key features in which the community expressed an interest during the consultation, the pond in Area D and the Stone Circle and Cairn in Area C, as well as wildlife in the ancient woodland adjoining Area C. The Proposed Development includes two new permissive paths, one of which is a shorter recreational loop. The other runs the length of the western boundary of Area C which has wider recreational value as it links well with existing public open access land and PRoW in the vicinity. The indicative routes of these paths are identified in Figure 7.7b Permissive Paths in the OLEMP. The Applicant also proposes to fund a Community Benefit Package and has engaged with local community organisations (including parish councils) on their proposals. The details of the Community Benefit Package would be established post consent (should consent be granted) and the funding would be provided to sources which align with the Applicant's values, as described in the DAD. This accords with criteria a), b) and e) of Local Plan Policy S20: Nationally Significant Infrastructure Projects. The temporary workers travel will be set out within the CEMP. The Applicant will look to situate temporary workers in locations which are situated close to services and public transport routes where possible. Public transport is unlikely to be suitable for transport to the Site, and it is expected that a minibus service would operate between the accommodation and the Site. This accords with criterion c). The OCTMP includes a FCWTP which has been developed to promote sustainable transport for workers during the construction and decommissioning phases. This accords with criterion d). It is considered that the Proposed Development meets the relevant criteria of Local Plan Policy S20: Nationally Significant Infrastructure Projects.

Policy	Summary of Relevant Policy Text	Policy Compliance
Sustainable Communities and Infrastructure		
S22: Transport Principles	*New development should be located in areas which help to reduce journey times and have safe and convenient access to public transport. Where possible, new development should actively seek to improve travel choice and reduce the need to travel using private motor vehicles.* *All new development in the Plan Area will:* *a. Be required to improve accessibility and movement in the local area reflecting the Local Transport Plan;* *b. Ensure they can be accessed safely and that they do not compromise the safety of any transport route, including railway lines and level crossings;* *c. Not applicable;* *d. Not applicable;* *e. Make provision for pedestrians and cyclists to be given the highest priority within town centres and new development, and facilitate links with public transport nodes and hubs;* *f. Where necessary be accompanied by Transport Assessments/Travel Plans in accordance with local and national guidance;* *g. Protect and, where appropriate, enhance or create new designated public rights of way.*	A TS OCTMP (including a FCWTP), a description of the anticipated trip generation, routeing, and any necessary mitigation measures and how such measures would be secured through the DCO have been submitted as part of the application. The OCTMP includes a FCWTP which has been developed to promote sustainable transport for workers during the construction and decommissioning phases. This would be developed further post-consent (should consent be granted), once a Principal Contractor has been appointed and the final construction programme and worker numbers are confirmed. A final CWTP will be provided as part of a final CTMP, secured by DCO Requirement. It is considered that the Proposed Submission accords with relevant criteria a), b), e), f) and g) of Local Plan Policy S22: Transport Principles.
S24: Green Infrastructure	*The Council will promote the creation, enhancement, maintenance and protection of a range of green infrastructure assets that contribute to a diverse network of natural and man-made green and blue spaces, links, habitats and landscapes, which is accessible to all. The Council will work with partners and developers to:* *a. Promote high quality, attractive places which allow everyone to enjoy direct and regular contact with the natural environment;*	The ecological and landscape enhancements set out within the LSP proposes a holistic, multifunctional nature-based solutions approach that would contribute to the GI of the Site, providing BNG and enhancements to public accessibility through the creation of two new permissive paths.

Policy	Summary of Relevant Policy Text	Policy Compliance
	b. Seek to ensure green infrastructure is woven into new development wherever possible; *c. Protect, manage, enhance and create key natural and semi-natural habitats and wildlife corridors, including watercourses, wetlands, woodlands (including ancient woodland and trees) and parklands;* *d. Seek to alleviate open space deficiencies in existing communities whilst ensuring all new open space provision is high quality, attractive and safe;* *e. Promote design and management of parks and natural green spaces to increase biodiversity and maximise their function as nature reserves;* *f. Promote health and fitness through provision of open space and opportunities for community involvement in outdoor exercise, sport and active recreations;* *g. Encourage use of street trees, where appropriate, to define streets, improve the urban environment and provide linkages in habitat networks;* *h. Promote creation of multi functional habitat networks, such as communal / private courtyards, pocket green spaces and green buildings, which are responsive to a range of microclimatic conditions and provide an experience of nature on people's doorstep;* *i. Seek the creation of new and enhanced links and corridors between towns and settlements such as cycle ways and footpaths;* *j. Promote improvements in air, water and soil quality and more sustainable drainage and flood mitigation solutions;* *k. Seek the protection and rehabilitation of landscapes and habitats damaged or lost by development or land management practices*	

Policy	Summary of Relevant Policy Text	Policy Compliance
Strategic Policies – Built and Historic Environment		
S27: Heritage Assets	*The historic environment including all heritage assets and their settings will be conserved and enhanced in a manner appropriate to their intrinsic historic value and significance, their importance to local character, distinctiveness and sense of place, and to other social, cultural economic or environmental benefits/values.*	ES Chapter 6 Cultural Heritage assesses the impact of the Proposed Development on known or potential below ground heritage receptors (archaeological remains) and above ground heritage receptors (buildings, structures, and landscapes of heritage value). Cumulative effects are also considered. Additional mitigation measures are set out to avoid, minimise and mitigate effects. It is considered that the historic environment above and below ground has been carefully considered in accordance with Local Plan Policy S27: Heritage Assets.
S29: Flood Risk and Surface Water Drainage	*Developments should avoid locations that would be at risk of flooding or where it would increase the level of flooding elsewhere. Development within areas at the greatest risk of flooding, as identified within the Allerdale Strategic Flood Risk Assessment (SRFA) and/or Lead Local Flood Authority (LLFA) Local Flood Risk Management Strategy, will be strongly resisted.* *The Council will expect all new developments to defer to the drainage hierarchy, seeking to incorporate Sustainable Drainage Systems (SuDS) in preference to discharge to local watercourses or the main sewer.*	The Site is located within flood zone 1 with 'low probability' of fluvial flooding and has mostly a 'very low' risk of surface water flooding, thereby meeting the requirements of the Sequential Test, and not requiring an Exception Test. The Site is located outside the fluvial floodplain and is not considered to be at risk when peak river flows incorporating climate change impacts are considered. The remaining sources of flood risk are considered to be low. An FRA and ODS have been prepared to accompany the application. To manage surface water during construction, primary and secondary construction compounds will be established on a permeable aggregate over a geotextile membrane and stand-off distances will be implemented to protect watercourses and to ensure surface run-off is contained within SuDS or swales and not discharged directly into surface water channels. SuDS measures will ensure that surface water runoff is controlled, with no increase in runoff rates post-construction. This accords with Local Plan Policy S29: Flood Risk and Surface Water Drainage.
S30: Reuse of Land	*Previously Developed Land (Brownfield)* *In line with local regeneration and sustainability objectives, the Council will encourage and where appropriate prioritise the effective reuse of previously developed and vacant sites within the Plan Area. Proposals for windfall development on greenfield sites may be required to carry out a sequential test to demonstrate that there are no available previously developed sites, which are not of high environmental value, within the settlement that could suitably accommodate the scheme.*	Previously Developed Land (Brownfield) The use of agricultural land is necessary for the Proposed Development which benefits from a grid connection within Area C (which is entirely agricultural land). No non-agricultural land is available in any viable proximity to the grid connection to provide for a renewable energy generating station equal to the scale of the Proposed Development. There are no sites on Allerdale Council's or Copeland Council's Brownfield Registers which are larger than 3ha. More significantly, the Proposed Development does not involve the irreversible loss of any land

Policy	Summary of Relevant Policy Text	Policy Compliance
	Contaminated and Unstable Land *For proposals for development of land where there is risk of potential onsite contamination or ground instability, an investigation into the quality of the land will be required. In circumstances where the proposal involves a site that is known to be contaminated or unstable, the Council will require an assessment to be submitted with the application. This must be carried out by a suitably qualified person to the current British Standards and in accordance with local guidance*	available for agriculture. The generating station is temporary, with decommissioning and restoration to its current use secured through a DCO Requirement. This is unlike other forms of development for housing and employment uses (or traditional power plant facilities) which are more permanent and where the use of previously developed land ('PDL') would be less sustainable than the use of PDL for a temporary solar farm. Contaminated and Unstable Land Much of the northern part of the Site (Area A) is situated within a former open cast coal mine, which has been restored. In addition, there are records of historic mine entries located across other areas of the Site (Area B and C). There are ground stability and potentially land contamination risks associated with these activities. Additional mitigation measures are proposed and would include an intrusive ground investigation to be undertaken post-consent, as recommended within the Phase 1 Ground Condition Assessment (GCA) (Appendix 10.1) and described in the OCEMP. ES Chapter 10 reports on the likely significant effects of the Proposed Development on the environment with respect to ground conditions (stability and existing ground contamination). With the proposed suitable mitigation, no significant adverse residual effects are expected across the construction, operation and decommissioning phases of the Proposed Development. On this basis, the Site is considered suitable for its proposed use.
S32: Safeguarding Amenity	*Support will be given for proposals which make a positive contribution to the area by maintaining or improving the quality of the environment and amenity.* *The development of new housing or other environmentally sensitive development will normally be resisted in locations where there is potential to incur statutory nuisance or poor standards of residential amenity by virtue of impacts such as air pollution, noise, smell, dust, vibration, light or other pollution.* *Proposals will not be supported where they would:* *a. Result in pollution or hazards which prejudice the health and safety of communities and their environments, including nature conservation interests and the water environment which cannot be overcome by appropriate mitigation measures;*	The CEMP will provide construction phase pollution prevention and controls, and all appropriate legislative requirements will be followed during the construction phase. The final design of the Proposed Development will be informed by ground investigations and interpretative assessments. Where necessary, remediation and/or mitigation measures will be included as part of the design to limit construction phase pollutant linkages. The CEMP which will be secured as a DCO Requirement will define what materials can or cannot be re-used and require that materials brought to Site are suitable for use from the perspective of human health during the operational phase. This accords with criterion a).

Policy	Summary of Relevant Policy Text	Policy Compliance
	b. Result in a detrimental effect on the local area in terms of visual amenity, distinctive character or environmental quality; *c. Generate severe highway infrastructure or network problems in relation to access, road safety, traffic flow or car parking;* *d. Have an unacceptable effect on residential amenity and surrounding land uses in terms of loss of privacy as a result of overlooking, or increased sense of enclosure as a result of overbearing development or a loss of sunlight/daylight received by the property as a result of overshadowing;* *e. Cause significant adverse environmental impact in relation to landscape, biodiversity or geodiversity, cause pollution to the water environment or cause deterioration of the Water Framework Directive Classification Status;* f. *Unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole.*	ES Chapter 7 reports on the assessment of the likely significant effects of the Proposed Development on the environment with respect to landscape and visual effects (including beneficial and adverse) and proposed enhancement measures (including additional mitigation). As set out in the preceding table entries, a TS including a OCTMP and FCWTP has been submitted as part of this Proposed Development submission. A thorough assessment of the cumulative effects has been undertaken, and these have been set out in detail within the ES and in the PS. Topics covered within the ES includes air quality and emissions, light pollution, noise and vibration, resource and waste management and human health. The BNG Report demonstrates the application of the Biodiversity Gain Hierarchy, outlining the embedded mitigation measures to avoid and reduce impacts on the existing biodiversity of the Site and the on-Site biodiversity enhancement and creation proposals. The Proposed Development is limited to the land within the Order Limits and will not unduly prejudice the satisfactory development or operation of adjoining land and/or the development of the surrounding area as a whole. This accords with all relevant criteria of Policy S32: Safeguarding Amenity.
Strategic Policies – Natural Environment		
S33: Landscape	*The landscape character and local distinctiveness of the Plan Area shall be protected, conserved and, wherever possible, enhanced. An assessment of the impact on the landscape character will be required for all major residential, commercial and industrial developments and may also be required for any other development which the Council considers may impact upon the landscape, particularly within sensitive or protected areas.*	ES Chapter 7 reports on the assessment of the likely significant effects of the Proposed Development on the environment with respect to landscape and visual matters, including both beneficial and adverse effects. Measures that have been integrated into the design of the Proposed Development (embedded mitigation) to avoid and reduce impacts are set out in ES Chapter 7, section 7.5. ES Chapter 7, Section 7.6 includes further information on relevant additional mitigation measures contained within the management plans which accompany the DCO application such as the OCEMP, OLEMP and FDMP.
S35: Protecting and Enhancing Biodiversity and Geodiversity	*Conditions for biodiversity will be maintained and improved and important geodiversity assets will be protected. Nationally and internationally protected sites and species will be afforded the highest level of protection. A high priority is also given to the protection of locally identified biodiversity or ecologically valuable assets. The Council will seek*	As set out in preceding table entries, the Applicant has applied the EIA mitigation hierarchy to avoid, reduce and mitigate potential effects associated with the Proposed Development (see ES Chapter 2). The BNG Report demonstrates the application of the Biodiversity Gain Hierarchy, outlining the embedded mitigation measures to avoid and reduce impacts on the existing

Policy	Summary of Relevant Policy Text	Policy Compliance
	positive improvements to the quality of the natural environmental through sustainable development resulting in net gains for biodiversity across the Plan Area. *Developments, projects and activities will be expected to:* *a. Protect and enhance key ecological habitats and wildlife corridors and stepping stones including watercourses and wetlands;* *b. Maintain, and where appropriate enhance, conditions for priority habitats and species identified in the Cumbria and UK Biodiversity Action Plan Priority Species and habitats or the Cumbria Biodiversity Data Centre at Tullie House;* *c. Maintain and where appropriate enhance recognised geodiversity assets identified in the Local Geodiversity Action Plan for Cumbria;* *d. Protect soil and water resources in line with Policy S36;* *e. Contribute to Allerdale's green infrastructure network in line with Policy S24;* *f. Protect existing trees, hedgerows and woodland (including ancient trees and hedgerows) that are considered important to the local community, contribute positively to the character of the area and/or are of a nature conservation value.*	biodiversity of the Site and the on-Site biodiversity enhancement and creation proposals. All net gains are capable of being delivered on-Site. BNG is not a legal requirement for the Proposed Development as the relevant provisions of the Environment Act 2021 are not yet in force for NSIPs. The approach to improving biodiversity across the Site has accounted for features such as woodland, hedgerows, ponds, and watercourses which will be retained and protected during construction as per the OCEMP and subject to management/enhancement measures as per the OLEMP. Utilising Defra's Statutory Biodiversity Metric Tool ('the Statutory Metric')[21], the BNG for the Proposed Development has been calculated as 114.69% for habitats, 44.84% for hedgerows and 12.56% for watercourses based on the LSP. Until the final layout is established, the OLEMP seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target. It is considered that the Proposed Development accords with Local Plan Policy S35: Protecting and Enhancing Biodiversity and Geodiversity.
S36: Air, Water and Soil Quality	*The quality of air and water resources within the Plan Area will be protected and opportunities for enhancement will be pursued.* *Unless adequate mitigation measures can be secured, development proposals will be resisted that would have a demonstrable direct and/or indirect adverse impact on:* *a. Air quality and/or atmospheric conditions;* *b. The characteristics of surrounding soils and substrata - through either physical (compaction, erosion) or chemical (pollution, contamination);* *c. The chemical composition and quality of waterbodies in the Plan Area;*	As set out in Table 2.7 of ES Chapter 2, the Planning Inspectorate agreed in their Scoping Opinion to scope out air quality as a standalone chapter provided that sufficient information on dust sensitive receptors and dust suppression techniques was provided and that the ES demonstrates that construction and operational traffic movements will not exceed the IAQM criteria. Due to there being limited sensitive receptors in close proximity to the Site, such as residential dwellings, a Construction Dust Risk Assessment has not been undertaken. Mitigation measures to reduce the effect of construction dust are included in the OCEMP. It is therefore considered that construction dust is adequately considered in the ES.

Policy	Summary of Relevant Policy Text	Policy Compliance
	d. The Water Framework Directive and the status of the watercourse. *Whilst having regard for the economic and other benefits of the best and most versatile land, where development is considered necessary, the Council will seek to ensure the use of poorer quality land in preference to that of a higher quality.*	During construction, best practices set out in the OSMP and OCEMP would be followed to manage soil and help improve soil health, such as increasing soil organic matter and soil organic carbon and improving soil biodiversity and soil structure. The OCEMP sets out control measures to mitigate the impact on water quality during construction and decommissioning phases. Detailed design and control measures to mitigate the impact on water quality during the construction or decommissioning phase from the relevant statutory bodies including the LLFA will occur post-consent (should consent be granted) and secured through DCO Requirement. The FDMP is expected to implement measures similar to those outlined in the OCEMP for decommissioning. Further, the WFD Assessment demonstrates that the Proposed Development is not anticipated to cause significant impacts to WFD water bodies and that waterbodies may be positively impacted by the Proposed Development through reducing the intensity of sheep grazing. This accords with the relevant criteria of Local Plan Policy S36: Air, Water and Soil Quality.
Development Management Policies – Built and Historic Environment		
DM12: Sustainable Construction	*The Council will require all new development to mitigate against the impacts of climate change by seeking to achieve the highest levels of sustainability. Development proposals will be expected to:* *a. Minimise the amount of surface water run off by incorporating measures such as Sustainable Urban Drainage systems (SuDS), permeable surfacing, water storage systems and green infrastructure;* *b. Minimise the level of environmental pollution and the impact on local ecological habitats and networks.*	As set out previously, SuDS will be utilised across the Site. The CEMP which will be secured as a DCO Requirement will set out, as a minimum, site specific measures to control and monitor impact arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, ecology and ground water. It is considered that this proposal accords with Local Plan Policy DM12: Sustainable Construction.
DM14: Standards of Good Design	*Design and Layout of New Development* *The Council will seek to ensure that the design and layout of all new development creates neighbourhoods and areas with a sense of place, that are well integrated and compatible with existing development. New development will be required to:*	The design and layout of the Proposed Development has been informed by multiple factors, including responding to environmental constraints, guidance from consultees, and feedback from local residents. While grid connection was a key factor in selecting the Site, the Order Limits have been adjusted and refined in order to ensure the Proposed Development can accommodate a generation capacity of over 50MW, while allowing sufficient flexibility to respond to environmental constraints, and embedded mitigation to reduce environmental impacts. The

Policy	Summary of Relevant Policy Text	Policy Compliance
	b. Respect and respond positively to the distinctive qualities of the location and integrate with the characteristics of the site, ensuring that all external materials and boundary treatments are appropriate to the design and distinctiveness of the development, site and location. *c. Development should take advantage of green infrastructure assets, topography, landscape and waterscape features, historic or biodiversity assets. Developers will be encouraged to retain existing features of interest within the site including trees, hedgerows, becks and streams.* *Landscaping within Development* *Development proposals will be required, where appropriate, to be accompanied by landscaping schemes in order to mitigate any visual impact and integrate the development into its wider surroundings. Where required landscaping schemes should form an integral part of the layout of development proposal, contributing positively to the provision of green infrastructure in the local area and, where possible, enhancing local biodiversity. Landscaping schemes will be expected to:* *g. Retain existing trees, hedgerows, walls, fences, paving, and other site features which contribute to the character and amenity of the area;* *h. Include appropriate soft landscaping (including tree and plant species, location, sizes and numbers) which respect the landscape characteristics of the site, its setting, and its potential effect on adjacent land uses;* *j. Maximise the nature conservation and biodiversity value of the development through the incorporation of hard and soft landscaping features that facilitate the creation of wildlife habitats.*	approach to adapting the design to minimise environmental impacts is set out in ES Chapter 4 while further information on design evolution and approach is set out within the DAD. Landscape, as set out above has been carefully considered as part of the ES process and appropriate mitigation and enhancement has been incorporated within the Proposed Development. The application comprises a range of technical studies, reports, illustrative design drawings and plans which demonstrates the consideration that has gone into the design of the Proposed Development to ensure that the proposal is acceptable which accords with Local Plan Policy DM14: Standards of Good Design.
Development Management Policies – Natural Environment		
DM17: Trees, Hedgerows and Woodland	*Wherever possible, existing trees, hedgerows and woodland that are considered important to the local community, contribute positively to the character of the area and/or are of nature conservation value will be protected.*	There are no ancient woodlands within the Site, although seven parcels of ancient woodland lie within 2km of the Site, the closest being adjacent to the western boundary of Area C.

Policy	Summary of Relevant Policy Text	Policy Compliance
	Proposals that involve felling, removal or are considered likely to cause demonstrable harm to existing trees, hedgerows and woodland will normally be resisted, unless acceptable mitigation or compensation measures can be secured. *Felling and/or removal may be permitted in exceptional circumstances where it can be demonstrated that the economic viability of the development is prejudiced and there are proposed wider benefits that outweigh the loss incurred. However, where a development poses significant harm to an irreplaceable habitat which cannot be mitigated or compensated for, permission will be refused. Replacement planting that maintains local amenity, the character of the area and nature conservation interest will be required.*	ES Chapter 8 confirms that ancient woodland will not be impacted during the construction, operation or decommissioning of the Proposed Development. As described in ES Chapter 3, Table 3.3, there is an Ancient Woodland Exclusion Area, such that Works Nos. 1, 2, 3 and 5 are not permitted within 15m of ancient woodland. As stated in the AIA, according to the Woodland Trust Ancient Tree Inventory, there are no designated ancient or veteran trees on-Site. However, one Category A tree (T70) was identified as veteran during the survey. As per the Tree Protection Plan (AIA Appendix C), T70 is shown on Sheet 20 as to be retained (Sheet 20) and the suitable root protection area will be employed. It is considered that the proposal is in accordance with Local Plan Policy DM17: Trees, Hedgerows and Woodland.

Table 3.2: Copeland Local Plan 2021-2039 (adopted 2024) compliance table

Policy	Summary of Relevant Policy Text	Policy Compliance
Copeland Borough Local Plan (2024)		
Low Carbon and Renewable Energy		
Policy CC1: Large Scale Energy Developments (excluding nuclear and wind energy developments)	*The Council will support proposals for large scale renewable and carbon neutral energy schemes and other large scale energy developments, including (but not limited to) solar farms. Careful consideration should be given to siting, scale and design of the development and associated infrastructure to avoid individual and/or cumulative impacts on the following:* • *Landscape character, including historic landscape character;* • *Residential amenity;* • *Visual amenity;* • *Biodiversity;* • *Geodiversity;* • *Flood risk;* • *Heritage assets and their setting;* • *Highway safety;* • *The amenity of sensitive neighbouring uses (including by virtue of noise, dust, odour, air quality, traffic, glare or visual impact);* • *The Outstanding Universal Value of the English Lake District;* • *Water resources and water quality.* *Where proposals would result in significant adverse effects on the above, proposals will only be accepted where this harm is outweighed by the wider environmental, economic, social and community benefits. Where harm is unavoidable, the planning application must include details of mitigation measures proposed in order to overcome*	The design of the Proposed Development has been an iterative process involving the Applicant, the design team and the environmental consultant team. The design has also been informed by considering feedback from consultation and engagement with stakeholders and statutory consultees, host authorities, local communities, local residents and through the EIA scoping process. The approach to adapting the design to minimise environmental impacts is set out in ES Chapter 4 while further information on design evolution and approach is set out within the DAD. The ES has assessed the likely significant effects during construction, operation (and maintenance) and decommissioning of the Proposed Development and where there is a potential effect, details of mitigation measures proposed in order to overcome or reduce such harm have been provided. The Commitments Register sets out all of the embedded and additional mitigation. Section 7 of the PS states that *'the limited residual effects of the Proposed Development do not outweigh the substantial benefits, and do not represent an unacceptable risk that would negate the presumption in favour of consent for this CNP infrastructure*.' The decommissioning and restoration of the Site to its current use will be secured through a DCO Requirement. Overall, it is considered that the Proposed Development accords with Policy CC1: Large Scale Energy Developments (excluding nuclear and wind energy developments.

Policy	Summary of Relevant Policy Text	Policy Compliance
Copeland Borough Local Plan (2024)		
	or reduce such harm. Proposals will only be considered suitable where it can be demonstrated that the planning impacts identified by local communities during consultation have been taken into account. Where renewable energy installations become non-operational for a period in excess of six months, the facility must be removed and the site fully restored to its original condition within one year. Additionally, a detailed plan that sets out how any impacts will be managed during construction and restoration must be submitted to the satisfaction of the Council.	
Natural Environment		
Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity	*Potential harmful impacts of any development upon biodiversity and geodiversity must be identified and considered at the earliest stage. Proposals must demonstrate, to the satisfaction of the Council, that the following mitigation hierarchy must have been undertaken:* • *Avoidance – Biodiversity and geodiversity must be considered when drafting up proposals and any potential harmful effects on biodiversity and geodiversity must be identified along with appropriate measures that will be taken to avoid these effects.* • *Mitigation – Where harmful effects cannot be avoided, they must be appropriately mitigated in order to overcome or reduce negative impacts.* • *Compensation – Where mitigation is not possible or viable or in cases where residual harm would remain following mitigation, harmful effects should be compensated for. Where this is in the form of compensatory habitat an area of equivalent or greater biodiversity value should be provided. Compensation is a last resort and will only be accepted in exceptional circumstances.* *Where harm remains to a National Site Network, Ramsar site, or functionally linked land, or Site of Special Scientific Interest, development will only be approved where it can be demonstrated that there are imperative reasons of overriding public interest. In*	As set out in preceding table entries, the Applicant has applied the EIA mitigation hierarchy to avoid, reduce and mitigate potential effects associated with the Proposed Development (see ES Chapter 2). The BNG Report demonstrates the application of the Biodiversity Gain Hierarchy, outlining the embedded mitigation measures to avoid and reduce impacts on the existing biodiversity of the Site and the on-Site biodiversity enhancement and creation proposals. All net gains are capable of being delivered on-Site. The sHRA concludes that, subject to the implementation of mitigation measures set out by ES Chapter 8, there will be no impact to the integrity of the River Derwent and Bassenthwaite Lake SACor its Conservation Objectives. This is in accordance with Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity.

Policy	Summary of Relevant Policy Text	Policy Compliance
Copeland Borough Local Plan (2024)		
	such cases, compensatory measures must ensure the overall coherence of the network of European or National Sites as a whole is protected. *Planning permission will be refused for any development if significant harm cannot be avoided, mitigated or compensated for. A Construction Environmental Management Plan should be submitted where appropriate and sustainable construction methods must be used where possible.*	
Strategic Policy N3: Biodiversity Net Gain	*All development, with the exception of that listed in the Environment Act 2021 and any documents which may supersede it must provide at least 10% biodiversity net gain over and above existing site levels. Net gain should be delivered on site where possible. Where on-site provision cannot be* *achieved in full, the remaining provision must be made elsewhere. This should be* *provided in order of the following preference:* *1. Off site in an area identified as a Local Nature Recovery Network in the Plan area;* *2. Off site on an alternative suitable site within Cumberland ;* *3. Off-site on an alternative suitable site;* *4. Through the purchase of off-site biodiversity units on the market;* *5. Through the purchase of an appropriate amount of national biodiversity credits.* *Sites where net gain is provided (on or off site) must be managed and monitored by the landowner for a minimum period of 30 years. Where appropriate applicants should supply a Habitat Creation Plan and a Habitat Management and Monitoring Plan (HMMP). Monitoring reports detailing the site's condition post-enhancement must be submitted to the Council each year over this period.*	BNG is not a legal requirement for the Proposed Development as the relevant provisions of the Environment Act 2021 are not yet in force for NSIPs. The approach to improving biodiversity across the Site has accounted for features such as woodland, hedgerows, ponds, and watercourses which will be retained and protected during construction as per the OCEMP and subject to management/enhancement measures as per the OLEMP. Utilising Defra's Statutory Biodiversity Metric Tool ('the Statutory Metric'), the BNG for the Proposed Development has been calculated as 114.69% for habitats, 44.84% for hedgerows and 12.56% for watercourses based on the LSP. Until the final layout is established, the OLEMP seeks to commit to a minimum target of BNG of 60% for habitats, 20% for hedgerows and 5% for watercourses. Whilst this is less than that reported in the BNG Report, this is intended to support flexibility for the detailed design and to reflect up to date assessment of the baseline conditions. It is expected that BNG outcomes will be closer to the aspirational metric figures, with these lower commitments representing a worst case. Despite this conservative approach the BNG secured through the OLEMP is significantly in excess of the 10% target. The OLEMP includes management prescriptions for the landscape establishment period (first 5 years) of the operational phase to support meeting the target condition of each habitat to deliver BNG. A LEMP will be prepared which must be substantially in accordance with the OLEMP and will be secured by DCO Requirement. The LEMP must include the habitat management objectives, targets and prescriptions set out for the full 40-year operational period of the Proposed Development. In doing so it will also set out how the Proposed Development will be maintained and monitored to deliver the BNG commitments.

Policy	Summary of Relevant Policy Text	Policy Compliance
Copeland Borough Local Plan (2024)		
		It is considered that the Proposed Development accords with Strategic Policy N3: BNG.
Policy N5: Protection of Water Resources	*New development must seek to protect or improve the quality of surface and groundwater water resources. Proposals should follow the hierarchy for wastewater treatment.* *Proposals will be required to support the objectives of the Water Framework Directive, including the objectives for Protected Areas as set out in the North West River Basin Management Plan. New development should ensure there is sufficient water resource available to meet current and future needs, without putting the environment at risk.*	The proposed Development will provide improvements to water quality within existing ponds and watercourses in the Site through reduced intensity of sheep grazing, land use change, and increased marginal and riparian planting within the Site. The Proposed Development will also feature extensive ecological and landscape (green/blue infrastructure) enhancements which will bring about a substantial BNG, a net environmental gain, and water quality betterment. This accords with Policy N5: Protection of Water Resources.
Strategic Policy N6: Landscape Protection	*Copeland's landscapes will be protected and enhanced by:* *a) Supporting proposals which enhance the value of Copeland's landscapes;* *b) Protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value;* *c) Ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage Coast where proposals could impact on their setting and views into and from the National Park or Heritage Coast;* *d) Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape.* *Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. Proposals will be assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact,*	Although the Proposed Development is not located within the Copeland Borough Local Plan area, the western boundary of Area C is parallel with the former CBC area and the Plan identifies an area of Ancient Woodland which abuts Area C. Therefore, Strategic Policy N6: Landscape Protection is relevant. The Proposed Development has been designed carefully, to avoid, reduce or mitigate the potential environmental effects on the landscape while also delivering beneficial multifunctional enhancements in relation to the landscape and biodiversity. It is acknowledged that within the LVIA some significant adverse landscape and visual impacts are envisaged, particularly in the temporary construction period and in the early years of the operational period before the new and improved mitigation and enhancement planting is established. However, beneficial landscape effects will also be delivered by the embedded and additional mitigation proposals to ensure that the duration of any significant effect is minimised such that Proposed Development's visual effects on the landscape and sensitive receptors should be considered acceptable in light of the significant benefits associated with renewable energy infrastructure. This is in accordance with Strategic Policy N6: Landscape Protection.

Policy	Summary of Relevant Policy Text	Policy Compliance
Copeland Borough Local Plan (2024)		
	scale, character, amenity value and local distinctiveness and the cumulative impact of developments will be taken into account as part of this assessment. *Development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment from the earliest stage.*	
Strategic Policy N9 – Green Infrastructure	*A comprehensive, high quality network of green infrastructure will be identified through a Green Infrastructure Strategy for the Copeland Local Plan Area. This network will connect our towns and villages to the more rural parts of Copeland and the coastline and will be formed of a variety of GI types including open countryside, green wedges, protected open spaces, local green spaces, playing fields, rivers, ponds, grass verges, woodlands and trees, private gardens, green walls and green roofs. The amount of green infrastructure on the development site should be maximised and developers should take opportunities to create new connections, expand networks and enhance existing green infrastructure to support the movement of plants and animals. Green infrastructure should be multi-functional where possible and should be considered at the start of the design process.*	The Proposed Development includes the provision of new native structural landscape planting including native hedgerows, hedgerow trees, scrub / shrub planting and linking existing habitats / landscape features where possible to provide enhanced GI and biodiversity opportunities. Further, there is a reinforcement of existing field boundaries (hedgerows and dry-stone walls) where beneficial. It is considered that the Proposed Development is in accordance with Strategic Policy N9 – Green Infrastructure.
Built and Historic Environment		
Strategic Policy BE1: Heritage Assets	*Heritage assets and their setting will be preserved and enhanced by:* • *Requiring a Heritage Impact Assessment or Heritage Statement where the proposal would affect a heritage asset.* • *Ensuring that new development is sympathetic to local character and history.* • *Supporting proposals that increase the enhancement, promotion and interpretation of Copeland's architectural and archaeological resources.* • *Preserving and enhancing the Outstanding the Universal Value of the Frontiers of the Roman Empire (Hadrian's Wall) and English Lake District World Heritage Site*	ES Chapter 6 concludes that during operation, no significant effects are reported on the Lake District WHS or on potential below ground heritage receptors. The ES identifies temporary (long term) indirect significant adverse residual effects to the Stone Circle and Cairn and Wythemoor Sough through effects on setting. Overall, the assessments undertaken have not identified anything in respect of archaeology or above-ground heritage interests that would contravene policy. Furthermore, while effects are determined to be significant with respect to the ES methodology, all effects, in-isolation and cumulatively, are considered to represent less than substantial harm to cultural heritage interests. The environmental and social benefits of the Proposed Development are a

Policy	Summary of Relevant Policy Text	Policy Compliance
Copeland Borough Local Plan (2024)		
	including their integrity and authenticity. Proposals that may have an impact on the World Heritage Sites or their setting should accord with the World Heritage Site Management Plan. • *Producing a local list of non-statutory but locally important heritage assets which are of architectural or historic interest or make a significant contribution to the character and/or appearance of the area.*	substantial weight in the planning balance and significantly outweigh the residual heritage impacts as assessed by the ES. As set out above, the Proposed Development is approximately 3.2km away from the LDNP and Lake District WHS which lies to the east of the Site. Section 7.3 of ES Chapter 7 explains that professional experience of other assessments and site appraisals for this type of development has shown that effects on landscape and visual receptors would typically not be significant beyond 2.5km from a site. However, given the sensitivity of the LDNP and WHS, potential effects on landscape and visual amenity within it have also been considered. Further, the Proposed Development has sought to minimise effects on the designation through careful siting, with the exclusions of development from the elevated plateaus within the southern part of Area C. The Applicant has also collaborated with the LDNP and agreed to help break up long distance views by implementing screening which is committed to in the LSP and Works Plans. It is considered that the Proposed Development accords with Strategic Policy BE1: Heritage Assets.
Connectivity		
Strategic Policy CO4: Sustainable Travel	*Proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. The Council will also support, in principle, developments which encourages the use of sustainable modes of transport, in particular:* *a) Proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services;* *b) Proposals that enable the sustainable movement of freight;* *c) Proposals that make provision for electric vehicles;*	The Proposed Development is considered to have a negligible impact on the road network, would not unacceptably impact on highway safety, and would not cause severe cumulative effects. Nor would it undermine the availability or amenity of surrounding recreational routes but can make a positive contribution to the local network as the Applicant has proposed new permissive paths which enhance public access to nature. This is in accordance with Strategic Policy CO4: Sustainable Travel.

Policy	Summary of Relevant Policy Text	Policy Compliance
Copeland Borough Local Plan (2024)		
	d) Proposals for the integration of electric vehicle charging infrastructure into new developments. This will have different requirements dependent on the scale of development; *e) Proposals that take opportunities available to use disused rail track beds to widen sustainable transport choices, encourage active travel within Copeland and provide spaces for biodiversity.* *Developments that are likely to generate a large amount of movement will be required to secure an appropriate Travel Plan and be supported by a Transport Assessment in line with the Cumbria Design Guide (or any document that replaces it).*	
Strategic Policy CO6: Countryside Access	*The Council will support improved access to the countryside for residents and visitors, where biodiversity conservation interest would not be harmed as a result, by:* *a) Identifying opportunities to provide or improve access on routes and gateways from settlements and to secure the implementation of improvement measures with key partners and developer.* *Where appropriate, access should make provision for those with limited mobility.*	The TS confirms the Site is not crossed by any PRoW, that it is not proposed to close or divert nearby PRoW to enable construction, and that the Proposed Development will not prevent the ongoing use of routes in the vicinity. The Applicant is keen to provide greater access to members of the public, particularly to key features in which the community expressed an interest during the consultation, the pond in Area D and the Stone Circle and Cairn in Area C, as well as wildlife in the ancient woodland adjoining Area C. The Proposed Development includes two new permissive paths, one of which is a shorter recreational loop. The other runs the length of the western boundary of Area C which has wider recreational value as it links well with existing public open access land and PRoW in the vicinity. The indicative routes of these paths are identified in Figure 7.7b Permissive Paths in the OLEMP. It is considered that this accords with the relevant criteria within Strategic Policy CO6: Countryside Access.

Table 3.3: Cumbria Minerals and Waste Local Plan 2015-2030 (adopted 2017) compliance table

Policy	Summary of Relevant Policy Text	Policy Compliance
Policy SP8 Minerals safeguarding	*Mineral resources, existing, planned and potential infrastructure and plant will be safeguarded from being unnecessarily sterilised by other developments.*	The Site is within a MSA for brick clay and within a MCA, as specified in the adopted Minerals and Waste Local Plan. A small section of the Site (along the eastern boundary) also falls into a MSA for sand and gravel. A meeting was held in November 2023 with the Planning Officer (Minerals and Waste Planning Policy) at Westmoreland and Furness Council (the relevant Minerals Planning Authority). During this meeting, it was agreed that prior extraction of any sand and gravel does not need to be considered due to the limited extent within the Site. Regarding brick clay, the Council Officer suggested that a pragmatic approach would be for the ES to acknowledge the MSA and demonstrate adequate consideration of information in the Minerals and Waste Local Plan. It has been determined that prior extraction of brick clay is not required as there is sufficient capacity in the area. Therefore, this Proposed development accords with the Cumbria Minerals and Waste Local Plan Policies SP8: Minerals safeguarding and DC15: Minerals safeguarding.
Policy DC15 Minerals safeguarding	*The Mineral Planning Authority will safeguard those mineral resources that are shown on the Policies Map. Within those areas, the Mineral Planning Authority should be consulted by the Local Planning Authorities on any planning applications they receive for non-minerals development that would be likely to affect the winning and working of minerals. All non-minerals development proposals within the Mineral Safeguarding Area should extract any viable mineral resources present, in advance of construction. Proposals for non-mineral development within the Mineral Safeguarding Areas that do not allow for the prior extraction of minerals will only be permitted where:* *1. The need for the development outweighs the need to extract the mineral; or* *2. It can be clearly demonstrated that it is not environmentally acceptable or economically viable to extract the mineral prior to non-mineral development taking place; or* *3. It can be clearly demonstrated that the mineral is either not present or of no economic value or would lead to land stability problems or is too deep to extract in relation to the proposed development; or* *4. The development would not prevent minerals extraction taking place in the future; or* *5. The development within the mineral safeguarding area is exempt, as set out in the exemption list in table 15.1. All of the mineral safeguarding areas together, are contiguous with the mineral consultation area.*	

[1] DESNZ. (2023) *Overarching National Policy Statement for Energy (EN-1).* DESNZ. London, UK.

[2] DESNZ. (2023) *National Policy Statement for Renewable Energy Infrastructure (EN-3).* DESNZ. London, UK

[3] DESNZ (2023) National Policy Statement for Electricity Networks (EN-5). DESNZ. London, UK.

[4] BEIS (2020). *Energy White Paper: Powering our Net Zero Future.* ISBN 978-1-5286-2219-6. London: Crown Copyright.

[5] DESNZ (2024). *Clean Power 2030 Action Plan.*

[6] Planning Act 2008 c 29

[7] Allerdale Borough Council (ABC) (2014). *Allerdale Local Plan (Part 1) Strategic and Development Management Policies*. ABC

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