

**DEAN MOOR SOLAR FARM
POTENTIAL MAIN ISSUES FOR THE EXAMINATION
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)**

Project Ref:	EN010155/PMIE
Status	Final
Issue/ Rev:	1
Date:	March 2025

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1 Introduction

1.1 Introduction

- 1.1.1 This Potential Main Issues for the Examination ('PMIE') has been produced by FVS Dean Moor Limited (the 'Applicant') to support the Development Consent Order (DCO) application ('DCO Application') for Dean Moor Solar Farm (the 'Proposed Development') on approximately 276.5ha of land located between the villages of Gilgarran and Branthwaite in West Cumbria (the 'Site'), which is situated within the administrative area of Cumberland Council ('the Council').
- 1.1.2 The DCO application is submitted to the Planning Inspectorate who will provide a recommendation to the Secretary of State for Energy Security and Net Zero. The Secretary of State will decide on whether to grant consent for the Proposed Development pursuant to the Planning Act 2008.

1.2 Purpose of this Document

- 1.2.1 The purpose of this document is to provide the Examining Authority (ExA) a summary of the main remaining issues at the time of the DCO Application. These issues relate to matters which cannot be fully resolved with key stakeholders.
- 1.2.2 This PMIE document has been prepared in accordance with the Planning Inspectorate Guidance 'Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus' (May 2024, updated December 2024¹), which advises that '*The PMIE should be a short document which, where possible, is agreed by relevant statutory bodies and local authorities*'. This PMIE has been shared where relevant ahead of submission
- 1.2.3 Reg 5(2)(q) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009² states that: '*the application must be accompanied by . . . any other documents considered necessary to support the application.*'

¹ Planning Inspectorate. 2024. Nationally Significant Infrastructure Projects: 2024 Pre-application Prospectus.

² Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009. (SI 2009/2264)

- 1.2.4 These issues have been identified through responses to the Applicant's statutory consultation, meetings, and correspondence with parties. Where necessary, evidence of consultation and the Applicant's full response is documented within the relevant chapters of the Environmental Statement (ES) [REF: 6.1] and its appendices [REF: 6.3].
- 1.2.5 It is hoped that the issues outlined in this document will be resolved between the submission of the DCO Application and Examination, including once stakeholders have had an opportunity to review the DCO Application and through the evolution of application documents.
- 1.2.6 The Applicant continues to engage with stakeholders and will work with stakeholders during the Acceptance and Pre-Examination stages to develop Statements of Common Ground (where required) and will continue this engagement throughout the DCO Examination to resolve issues wherever possible.

2 Potential Main Issues for the Examination

- 2.1.1 Table 2.1 below is a list of what the Applicant considers to be the potential main issues for the examination. This table accounts for matters which have been raised by statutory bodies and local authorities through statutory consultation and subsequent engagement which have not been completely resolved prior to submission.
- 2.1.2 The Applicant envisages that these issues can be resolved during the Examination, including through the process of producing Statements of Common Ground. The information provided within the application will inform this process and progress the discussion with the stakeholders beyond what is possible at the time of submission.
- 2.1.3 The Applicant considers that relevant parties have a clear understanding of these issues and has clearly set out how they are addressed within the application.
- 2.1.4 The statutory consultation for Lostrigg Solar DCO began on 19 March 2025. The Applicant has not had sufficient time to undertake a full review of the information before submission of its application, and envisages that the information that has been published may inform further discussions with stakeholders.
- 2.1.5 The table provided is in line with the template provided by the Planning Inspectorate in their Pre-application Prospectus guidance.
- 2.1.6 The RAG status for each potential main issue has been determined as follows:
- Red – the Applicant is not prepared to change their position on this potential main issue; therefore, it is likely to be unresolved.
 - Amber – this may not be resolved during the Examination. However, the Applicant believes that some amber issues are likely to be resolved at the detailed design stage.
 - Green – the Applicant is working with the stakeholder and / or has identified a way to resolve this potential main issue, and this is likely to be resolved during the Examination.

Table 2.1: Potential Main Issues for the Examination

Ref	Description of Issue	Affected Stakeholder(s)	Signposting (to application evidence)	R A G	Likelihood of the issue being resolved during the Examination
1	<p>National Highways (NH) has raised concern regarding the cumulative effects of construction traffic on the A595 Lillyhall Roundabout. NH considers the evidence base presented by the Applicant within the Transport Statement (TS) (ES Ch.2, Appendix 2.5) [REF: 6.3] for the A595 Lillyhall Roundabout is out of date and needs to be updated to reflect the current position and to understand the effects of the cumulative construction traffic associated with the Proposed Development and Lostrigg Solar DCO on the future operation of the roundabout. NH requests that a further assessment of Lillyhall Roundabout is undertaken in the form of further traffic data collection and junction modelling.</p> <p>The Applicant's position is that the effects on the Lillyhall Roundabout as demonstrated by the evidence provided in the TS will not be significant and therefore no further assessment is required. The Applicant has undertaken a reasonable worst case cumulative assessment of the construction traffic from the Proposed Development and Lostrigg Solar DCO on the A595 and Lillyhall Roundabout based on available data. The assessment is considered appropriate and proportionate and has demonstrated to NH that cumulative effects would not be significant and the necessary mitigation is proposed in accordance with NPS EN-1 paragraphs 4.2.10 to 4.2.12 and the mitigation strategy as indicated with section 5.14 of NPS EN-1.</p> <p>Any impacts resulting from the construction and decommissioning of the Proposed Development, including any cumulative effects from local developments, will be mitigated where possible through measures which are detailed in the Outline Construction Traffic Management Plan (OCTMP) (ES Appendix 5.2) [REF: 6.3].</p>	<p>National Highways</p> <p>Cumberland Council – Local Highways Authority</p>	<p>The baseline and forecast evidence which has been considered by the Applicant regarding the available capacity on the Strategic Road Network is described within the TS (ES Appendix 2.5). That evidence uses data prepared in association with the Transport Assessment of forecast effects on the Lillyhall Roundabout under robust local development assumptions.</p> <p>The Applicant's position regarding the extent to which this baseline and forecast data is robust, and the rationale for that is provided in TS Section 4.</p> <p>Minutes of the meetings and correspondence with National Highways and Lostrigg Solar DCO</p>		<p>Further engagement with Lostrigg Solar regarding construction traffic and the Access Strategy will provide further certainty about the cumulative impacts of both projects and opportunities to co-ordinate across projects.</p> <p>The Applicant is content to discuss the matter further with NH.</p>

Ref	Description of Issue	Affected Stakeholder(s)	Signposting (to application evidence)	R A G	Likelihood of the issue being resolved during the Examination
			are provided in Appendices C-E of the TS. Construction routing and mitigation proposed to minimise the impacts of construction traffic are proposed within the Outline Construction Traffic Management Plan (OCTMP) (ES Appendix 5.2).		
2	<p>The Environment Agency (EA) require confirmation that the Ordinary watercourses flowing through the Site do not pose a significant flood risk in relation to climate change.</p> <p>The Applicant has discussed the available baseline flood risk data with the Lead Local Flood Authority (LLFA), who were in agreement that the Site is generally at low risk of flooding and that the EA Risk of Flooding from Surface Water (RoFSW) maps (which utilize outputs from the National Flood Risk Assessment (NaFRA) which provides updated and enhanced versions of the surface water mapping with a climate change (2036 to 2069) scenario) are suitable to consider flood risk over the Site.</p> <p>However, the EA's position is that catchments within an area less than 3km² have not been modelled with the RoFSW maps and therefore request these additional modelling datasets are considered to ensure that all infrastructure is placed outside of the RoFSW climate change low risk band area where there is connectivity to the ordinary watercourses.</p>	Environment Agency Lead Local Flood Authority	<p>Section 5 of the FRA [REF: 6.3] provides an overview of flood risk from all sources, including fluvial, pluvial, groundwater, reservoirs, and artificial sources, confirming that the majority of the Site is at low flood risk, with isolated areas subject to low to high risk due to local surface water flow routes and natural depressions.</p> <p>Section 5 considers the EA's RoFSW mapping, as updated in January 2025 following the</p>		<p>The Applicant continues to engage with the EA on this matter and it is considered likely that this topic will be resolved during Examination.</p>

Ref	Description of Issue	Affected Stakeholder(s)	Signposting (to application evidence)	R A G	Likelihood of the issue being resolved during the Examination
	The Applicant considers that the parameters for the Proposed Development have been defined with appropriate consideration of flow routes. The proposed solar arrays are designed to be elevated at least 700mm above ground and have a negligible ground level footprint.		release of the NaFRA2 information.		
3	<p>The Applicant has shared a draft of the shadow Habitat Regulations Assessment (sHRA) with Natural England (NE) which assesses the potential for in-combination effects on herring gull with Lostrigg Solar DCO. The Appropriate Assessment of the sHRA concludes that there will be no likely significant effect on the integrity of the Solway Firth SPA in-combination with Lostrigg Solar given that the birds will be able to access extensive areas of alternative habitats in the wider area for foraging and loafing.</p> <p>NE advise assessing any in-combination impacts with the neighbouring Lostrigg Solar DCO, if they also find a significant number of gulls on site to ascertain whether in combination they may have a cumulative effect on the population.</p> <p>This issue has been addressed as far as possible within the sHRA based on available information from Lostrigg Solar DCO.</p>	Natural England	<p>The sHRA is provided at ES Appendix 8.8 [REF: 6.3]. The screening assessment and counts of herring gull recorded on Site are set out in Section 4.</p> <p>The potential for functionally linked land with the Solway Firth SPA is taken forward to the Appropriate Assessment Stage and discussed at section 5.3.</p>		The Applicant continues to liaise with NE on this topic, and it is likely that this matter will be resolved during Examination and once further information becomes available from Lostrigg Solar DCO.
4	<p>The Cumbria Wildlife Trust (CWT) raised in their statutory consultation response that their preference is for no solar arrays to be located within the Dean Moor County Wildlife Site (CWS) within Area C of the Site. The Works Plans [REF: 2.3] allow for solar panels to cross into the north of the CWS, although the majority is reserved for biodiversity enhancements.</p> <p>The Applicant has since met with the CWT to discuss these proposals and there seems to be agreement that the Proposed Development represents an opportunity to improve the quality of</p>	Cumbria Wildlife Trust Natural England	<p>The Works Plans show that Work No. 1 crosses into the CWS within Area C.</p> <p>A Biodiversity Net Gain Report is included within the application at ES Appendix 8.8 which sets out the biodiversity</p>		The Applicant considers this matter to be resolved in principle with the CWT and will not be an issue during Examination.

Ref	Description of Issue	Affected Stakeholder(s)	Signposting (to application evidence)	R A G	Likelihood of the issue being resolved during the Examination
	the CWS, which has deteriorated in quality, through biodiversity enhancement and aiming to restore the purple moor grass features the CWS is designated for. The CWT have adopted a pragmatic approach, given the decline in quality of habitats in the CWS and support the Applicant's intentions to manage the CWS for ecological benefit.		enhancement, including the aim to restore acid grassland within the CWS. These enhancements would be managed through the measures outlined within the OLEMP (ES Appendix 7.7) [REF: 6.3] . The Applicant's response to the matters raised by the CWT are included within Table 8.3 of ES Chapter 8 – Biodiversity [REF: 6.1] and Appendix 6 of the Consultation Report [REF: 5.2] .		