

11 July 2025

The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN



FVS Dean Moor Limited
127 Cheapside, London
United Kingdom
EC2V 6BT

Dear Sir or Madam,

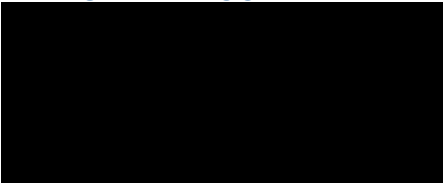
Dean Moor Solar Farm – Applicant response to S51 Advice

Application Ref: EN010155

- 1.1 On behalf of FVS Dean Moor Limited (the 'Applicant'), I am pleased to enclose a response to the Section 51 Advice [\[PD-003\]](#) provided by the Planning Inspectorate on the 15 April 2025 in relation to the Development Consent Order ('DCO') application (the 'Application') for the Dean Moor Solar Farm (the 'Proposed Development').
- 1.2 The response is set out in the following table, addresses issues identified in the Section 55 Checklist [\[PD-002\]](#). The Applicant has provided various revised and additional documents to respond to the S51 advice and S55 Checklist. These are described in detail within the table below.
- 1.3 Please do not hesitate to contact me if you have any questions regarding this matter.

Yours faithfully,

FVS DEAN MOOR LIMITED



Associate Planner, Stantec
info@deanmoorsolarfarm.com

Issue No.	Issue summary	Description of issue as provided in the Planning Inspectorate's Section 51 Advice	Description of issue as provided in the Section 55 Checklist	Applicant's response
1	Consultees identified on a precautionary basis	Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the examination of the application. On this basis, the Applicant may wish to serve notice on the bodies listed in Box 6 of the section 55 checklist when it serves notice of the accepted application under s56(2)(a) of the PA2008; unless there is a specific justification why this is not necessary.	<p>The Applicant has provided a list of persons consulted under s42(1)(a) on 9 March 2024 at Appendix 5.1 of the Consultation Report (Doc 5.1). The Planning Inspectorate has identified the following parties based on a precautionary interpretation of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) that were not consulted by the Applicant under s42:</p> <ul style="list-style-type: none"> - Network Rail Infrastructure Limited - Homes England - Stark Infra-Gas Limited - Aurora Utilities Limited - Green Generation Energy Networks Cymru Ltd (Green Park Energy Transportation Ltd noted in Applicant List) <p>The Applicant's Consultation Report (Doc 5.1) does not appear to show if these bodies identified above have been consulted. However, it is noted that the licences held by these bodies cover Great Britain or various smaller areas and the operational areas of each are not clear from information in the public domain. None of the bodies listed above have been identified by the Applicant as having an interest in the Order lands and are not listed in the Book of Reference (Doc 4.3).</p>	<p>The Applicant has informed all the additional persons who the Planning Inspectorate has identified at the same time as issuing the Section 56 Letters informing consultees of the Relevant Representation period.</p> <p>The Applicant has also informed the additional companies identified by Ofgem, described in further detail below.</p> <p>Network Rail Infrastructure Limited was not consulted under S42(1)(a). There are no active railways within the Site, with the closest 4.5km away, with no direct view of the Site (so no possible visual or glint and glare effects).</p> <p>There is a historic railway within the Order limits which has been dismantled. National Highways Historical Railways Estate who are responsible for historic railway estate (which includes a historic bridge within the Site) were consulted. Network Rail do not have any property interests within the Site.</p> <p>Homes England was not consulted under S42(1)(a). All potential land interests within the Site have been identified and consulted. Homes England has not been identified as having an interest in the land within the Site. In addition, the Applicant has considered cumulative effects from development, which could include proposed Homes England development.</p> <p>Stark Infra-Gas Limited, Aurora Utilities Limited, Green Generation Energy Networks Cymru were not on Ofgem's list which informed the list of S42(1)(a) stakeholders who were consulted.</p> <p>While Stark Infra-Gas Limited was not consulted, Stark Infra-Electricity Ltd was consulted for S42(1)(a), and the company has the same address.</p> <p>Ofgem indicated that Stark Infra-Gas Ltd had their gas transporter's licence transferred from Squire Energy in</p>

				<p>August 2024, after the S42 consultation took place (in March 2024). Squire Energy was consulted.</p> <p>Aurora Utilities Limited was not consulted. However, Ofgem's website indicates that it was granted an electricity distribution licence in April 2024, after the S42 consultation took place (in March 2024).</p> <p>Green Generation Energy Networks Cymru was not consulted. However, Ofgem's website indicates that it was granted an electricity distribution licence in July 2024, after the S42 consultation took place (in March 2024). It is a company based and operating entirely in Wales, so is unlikely to have any assets or interests in the vicinity of the Proposed Development.</p> <p>In addition, the Applicant has reviewed Ofgem's list of gas and electricity distributors, transmitters and interconnectors, and has identified the following further consultees:</p> <ul style="list-style-type: none"> ▪ Vital Energi Power Networks Ltd (electricity distributor); ▪ London Power Networks PLC (electricity distributor); ▪ Triton Knoll OFTO Ltd (electricity transmission); ▪ NorthConnect Ltd (electricity interconnector). <p>These parties have been added to the section 56 notification list. Like the additional companies identified by the Planning Inspectorate, these are all companies which have been granted licences to operate by Ofgem since the S42 consultation was undertaken.</p>
2	Land Plans (Doc 2.2)	It is difficult to identify the location of the plots as per the description stated in the Book of Reference, for example public highway is not stated on the Land Plans. The Book of Reference description states "Permanent acquisition of new rights / Key on Land Plan description". It appears that the word 'new' is missing on the Land Plan. In addition, more inserts may possibly be required for smaller plots.	<ul style="list-style-type: none"> • As a general point, more inserts possibly required for smaller plots to make them more legible. 	The Land Plans [APP-006] have been updated accordingly and are included with this response. The Applicant has included highway names on the plans, and updated the key. The Applicant has reviewed the existing inserts and does not believe that further inserts are necessary. The Applicant is open to reviewing this position again if concerns are raised on the visibility of specific plots.

3	Streets and Access Plans (Doc 2.4)	The plans do not have any road names as identified in the dDCO.		The Street Works and Access Plans [APP-006] have been updated accordingly and are included with this response.
4	Traffic Regulation Measures Plan (Doc 2.5)	The plan does not have any road names as identified in the dDCO. Schedule 6 of the dDCO states points TSC/1 and TSC/2 hatched yellow on the plan, but the colour on the plan is orange.		The Traffic Regulation Measures Plan has been updated accordingly. The changes include: <ul style="list-style-type: none"> ▪ Adding the road names identified in the dDCO; and ▪ Changing the colour on the plan to yellow so that it reflects the wording in Schedule 6 of the dDCO. The updated plan is included with this response, this would supersede the originally submitted version of the Plan [APP-009] .
5	Consultation report (Doc 5.1)	The Applicant has provided a list of persons consulted under s42(1)(a) on 9 March 2024 at Appendix 5.1, however elsewhere in Appendix 4.7 the Applicant refers to a definitive list of consultees who were actively consulted in Appendix 3.9. We were unable to locate Appendix 3.9 within the submitted application documents. If this appendix is missing, we request this to be submitted before the Relevant Representation period opens.		Please note that reference to Appendix 3.9 is incorrect and that all stakeholders consulted under s42(1)(a) are captured in Appendix 5.1. The Consultation Report has been updated to reflect this. This was issued to the Planning Inspectorate on 07/05/2025 [AS-001] .
6	Planning Statement (Doc 5.5)	On page 17, footnote 10, the National Planning Policy Framework latest version was published December 2024, not 2025 as implied.		This has been corrected as described. An updated version of the Planning Statement is included with this response, this would supersede the originally submitted version of the Statement [APP-026] .
7	Environmental Statement (Doc 6.1)	Chapter 2 – Table 2.6 The statement indicates that the cumulative schemes set out in table 2.6 have not been agreed. A complete table which can be used to inform the assessment of likely significant cumulative effects should be provided prior to the start of the Examination.		The Applicant secured agreement from the LPA on the list of cumulative schemes included in the PEIR. However, although the LPA has been approached to confirm the additional schemes which were added to the EIA, confirmation was not provided prior to submission. The Applicant is seeking to agree this with the LPA prior to Examination, and subject to agreement will make the necessary updates to Chapter 2.

		Appendix 11.1 Commitments Register lacks sufficient detail. Please refer to Nationally Significant Infrastructure Projects: Commitments Register advice and the associated template.		<p>The Commitments Register has been updated to respond to the Planning Inspectorate's advice, and this consists of the addition of two new columns.</p> <p>The column headed 'ES Source Document' has been added to align with advice from the Planning Inspectorate. This sets out where the need for each commitment arises from.</p> <p>The column headed 'Mitigation Type' has been added to align with best practice examples. This sets out the mitigation type (i.e. embedded, additional or enhancement) for each commitment.</p> <p>The updated version of the Commitments Register is provided with this response, and would supersede the originally submitted version of the Statement [APP-174].</p>
		N/A	Whilst a residual effects table is provided in Chapter 11, it would assist if a single table was provided which amalgamates each 'Table of Significance' which concludes each ES chapter. This would provide a single point of reference in relation to significance, effects, mitigation and residual effects by topic and phase.	The Applicant has provided a single table that amalgamates the 'Table of Significance' from each technical chapter. This would form a new Appendix to the Environmental Statement, '6.3 ES Appendix 11.2 Consolidated Tables of Significance'.
8	ES Figure 8.1 – Statutory Designated Sites (Doc 6.1)	The applicant should ensure figures are clear as possible for the end user. Colour choices for the legend in ES Figure 8.1 are not easily identified and a substantial bleed has been included for the Lake District National Park making the exact border location unclear.		The Applicant has made the necessary updates to this Figure which is provided with this s51 response. This supersedes the originally submitted version of the Statement [APP-089] .
9	Non-Technical Summary (Doc 6.4)	Several of the Figures within the NTS do not match the corresponding ES Chapter Figures (Doc 6.2). This is confusing and potentially misleading when cross-referencing material.		<p>The NTS is an independent document, and the Figures are labelled independently in a way that is logical and consistent with when they appear in the NTS.</p> <p>The Applicant is keen to avoid changes, as renumbering would be confusing within the NTS.</p>

10	Flood Risk	Following the release of further flood and coastal erosion risk data by the Environment Agency in March 2025, the applicant should be prepared to demonstrate that they have given due consideration to these updates, and where there are implications to the assessment, revise them accordingly.		<p>In January 2025 the Environment Agency (EA) released the first batch of mapping from the new National Flood Risk Assessment (NaFRA) update.</p> <p>This included improved national scale mapping datasets for the 'Risk of Flooding from Surface Water' (RFfSW) mapping and 'Long Term Flood Risk from Rivers and Sea' mapping.</p> <p>The new mapping is of significantly greater resolution than previous iterations and uses more up-to-date methodologies to assess flood risk. The mapping also included both present day and a future scenario (a 'medium term '2036 to 2069' projection).</p> <p>The FRA and ODS submitted with the application [APP-099, APP-100, APP-101] incorporated this new mapping. At that time, no changes were made to the Flood Zone mapping.</p> <p>In March 2025, after submission of the FRA and ODS, the EA released a comprehensive update to the 'Flood Map for Planning'. These updates have been considered and updated documents are provided with this s51 response. The updates are summarised as follows:</p> <ul style="list-style-type: none"> ▪ Flood Zone – the Flood Zone mapping in the area was updated as part of the March 2025 release. The previous Flood Zones were based on the previous iteration of the national scale dataset (i.e. no 'detailed' hydraulic modelling is available for the Lostrigg Beck main river watercourse near to the site), so these were updated with the latest extents taken from the 'Flood Risk from Rivers and Sea' mapping (present day scenario). ▪ As noted above, this mapping was included within the FRA for consideration and the assessment in FRA Section 5.3 confirms that the extents are broadly consistent with the previous Flood Zones and, critically, the site is located outside the area of fluvial flood risk. ▪ Surface Water – the Flood Map for Planning update in March 2025 consolidated the updated RFfSW mapping onto a single GIS interface. The data used is consistent
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				<p>with the updated information released in January 2025 (present day scenario) and which is detailed in the FRA Section 5.4.</p> <p>In summary, while the March 2025 update occurred after release of the FRA, the base mapping released is consistent with the information released in January 2025 – which has been included within the submitted FRA – and which has been allowed for in the development proposals.</p> <p>The EA has been advised of the Applicant's approach to addressing this issue.</p>
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