



Dean Moor Solar Farm

Environmental Statement: Appendix 2.2 – EIA Scoping Opinion on behalf of **FVS Dean Moor Limited**

March 2025
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PINS Ref: EN010155
Document Ref: 6.3
Revision: 1



Firma Energy

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SCOPING OPINION:

Proposed Dean Moor Solar Farm

Case Reference: EN010155

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

14 September 2023



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1. INTRODUCTION

- 1.0.1 On 07 August 2023, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from FVS Dean Moor Limited (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Dean Moor Solar Farm (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.
- 1.0.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:
- <http://infrastructure.planninginspectorate.gov.uk/document/EN010155-000009>
- <http://infrastructure.planninginspectorate.gov.uk/document/EN010155-000010>
- <http://infrastructure.planninginspectorate.gov.uk/document/EN010155-000011>
- 1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-

application stages and advice to support applicants in the preparation of their ES.

- 1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

- 1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (eg on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 2)

ID	Ref	Description	Inspectorate's comments
2.1.1	Paragraph 2.2.3	Flexibility	<p>The Scoping Report states the application will propose an appropriate degree of flexibility is maintained to ensure best available technology can be utilised at the point of construction to maximise the benefits and implementation of the Proposed Development.</p> <p>The Inspectorate expects that at the point an application is made, the description of the Proposed Development will be sufficiently detailed to include the design, size, capacity, technology, and locations of the different elements of the Proposed Development. This should include the footprint and maximum heights of the structures (relevant to existing ground levels), as well as land-use requirements for all elements and phases of the development. The description should be supported (as necessary) by figures, cross-sections, and drawings which should be clearly and appropriately referenced. Where flexibility is sought, the ES should clearly set out the design parameters that would apply and how these have been used to inform an adequate assessment in the ES.</p>
2.1.2	Paragraph 2.3.8	Battery Energy Storage System (BESS)	The description of the physical characteristics and technical capacity of the BESS should be developed in the ES to include details such as battery technology type / specification and anticipated number of containerised battery units.
2.1.3	Paragraph 2.4.4 and 2.4.9	Construction compounds and access	Scoping Report paragraph 4.4.4 states that there will be up to two temporary primary construction compounds and up to three temporary secondary compounds and paragraph 2.4.9 states that the

ID	Ref	Description	Inspectorate's comments
			<p>ES will describe the location and indicative layout of the temporary construction compounds and access tracks.</p> <p>The ES should explain how the optioneering process to locate both accesses and construction compounds has sought to avoid or minimise impacts on environmental receptors. Consideration should be given to the appropriateness of accesses for Heavy Goods Vehicles (HGVs) and/or abnormal loads eg weight restrictions, width restrictions, turning area etc. Relevant measures to reduce construction traffic routeing and access impacts on the local road network should be agreed relevant highways authority, where possible.</p>
2.14	Paragraph 2.4.8	Construction phasing	<p>Construction is anticipated to commence in 2026 and last 18 months. Construction activities are set out in Scoping Report paragraph 2.4.8, but the phasing of construction is not provided. The ES should determine when each construction activity is anticipated to commence and complete, how and where such activities will overlap and what plant and machinery is required. Details of any demolition works, and the extent and location of such works should also be set out. Where uncertainty remains at the point of application, the assessments should be made on the basis of the worst case scenario.</p>
2.15	Section 2.6	Decommissioning	<p>The ES should provide a description of the activities and works which are likely to be required during decommissioning of the Proposed Development, including the anticipated duration. Where significant effects are likely to occur as a result of decommissioning the Proposed Development, these should be described and assessed in the ES. Any proposals for restoration of the site to agricultural or other use should also be described.</p>

ID	Ref	Description	Inspectorate's comments
2.1.6	Paragraph 2.3.1, 2.3.2 and 2.3.3	Panel type	The Scoping Report does not clarify whether the Proposed Development would utilise tracking or fixed panels. Noting the potential for differing parameters between the panel types, the Inspectorate considers the ES should specify the panel type and ensure the description of the Proposed Development is consistent with that assessed within the aspect chapters and the maximum parameters secured through the Development Consent Order (DCO) to ensure that a worst-case scenario is assessed. If the choice of panel type (fixed or tracking) has not been determined at the point of application, the ES must explain which panel type is considered to represent the worst case scenario for each aspect of the environment assessed.
2.1.7	Paragraph 4.15.1 and 4.15.2	Lighting	The ES should describe the lighting requirements for all elements and phases of the Proposed Development. It should be explained what measures are proposed to minimise light spill on human and ecological receptors.
2.1.8	Paragraph 4.3.45	Watercourse crossings	Paragraph 4.3.45 states that if required, any modifications or crossings to the existing drainage channels and watercourses at the site during the Proposed Development's construction phase have the potential to affect the hydrological conditions of various water resources near the site. The ES should confirm the location, number, and method of construction (eg, trenchless, Horizontal Directional Drilling (HDD) etc.) of watercourse crossings proposed and assess any associated significant effects where they are likely to occur.
2.1.9	Paragraph 1.4.8	Existing infrastructure	The Scoping Report identifies a number of existing infrastructure assets within the site, including pylons, overhead lines and an existing operational wind farm, known as 'Potato Pot Wind Farm'.

ID	Ref	Description	Inspectorate's comments
			The assessment in the ES should take into account the location of existing infrastructure and identify any interactions between it and the Proposed Development. Any significant effects that are likely to occur should be assessed.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 3)

ID	Ref	Description	Inspectorate's comments
2.2.1	Paragraph 11.1.2	Intra-cumulative effects	Paragraph 11.1.2 of the Scoping Report notes the Applicant's intention to assess effect interactions. The Inspectorate is content with the proposed approach; however, the ES should also assess the potential for intra-cumulative effects that may occur as a result of proposed mitigation for a specific environmental aspect or matter eg landscape and visual mitigation planting on buried archaeological assets etc.
2.2.2	n/a	Alternatives	The ES should provide full details of alternative sites, layouts and energy generation technologies considered for the Proposed Development. This should include a comparison of the environmental effects.
2.2.3	n/a	Human health	Limited reference has been made to human health within the Scoping Report. The ES should clearly signpost where impacts relating to human health have been considered in the relevant technical chapters.
2.2.4	n/a	Scoping table	The Inspectorate recommends the use of a table in the ES to set out key changes in parameters / options of the Proposed Development presented in the Scoping Report to those presented in the ES. It is also recommended that a table demonstrating how the matters raised in the Scoping Opinion have been addressed in the ES and/or associated documents is provided.
2.2.5	n/a	Transboundary	The Inspectorate on behalf of the SoS has considered the Proposed Development and concludes that the Proposed Development is unlikely to have a significant effect either alone or cumulatively on

ID	Ref	Description	Inspectorate's comments
			<p>the environment in a European Economic Area State. In reaching this conclusion the Inspectorate has identified and considered the Proposed Development's likely impacts including consideration of potential pathways and the extent, magnitude, probability, duration, frequency and reversibility of the impacts.</p> <p>The Inspectorate considers that the likelihood of transboundary effects resulting from the Proposed Development is so low that it does not warrant the issue of a detailed transboundary screening. However, this position will remain under review and will have regard to any new or materially different information coming to light which may alter that decision.</p> <p>Note: The SoS' duty under Regulation 32 of the 2017 EIA Regulations continues throughout the application process.</p> <p>The Inspectorate's screening of transboundary issues is based on the relevant considerations specified in the Annex to its Advice Note Twelve, available on our website at http://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</p>

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Aspects to be scoped out

(Scoping Report Section 4)

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.1.1	Section 4.2 and Appendix 4.1	Agricultural land and soils	<p>The Applicant proposes to scope out an assessment of likely significant effects on agricultural land and soils. The Scoping Report includes information on the agricultural land quality and Appendix 4.1 provides an Agricultural Land and Soils Scoping Analysis which explains why significant effects on agricultural land and soil are unlikely. The Inspectorate notes the conclusion of Appendix 4.1 recommends the provision of a Soil Management Plan secured by a DCO requirement to ensure that, as far as possible, soils are not damaged during construction.</p> <p>The Inspectorate is content that the site does not contain Best and Most Versatile (BMV) agricultural land on the basis of the Agricultural Land Classification (ALC) data provided for Area C and climate assumptions set out at Scoping Report paragraph 4.2.5 for Areas A and B and agrees that an assessment of agricultural land can be scoped out of the ES.</p> <p>However, given the absence of specific ALC or soil data for the site (other than Area C), and the route of the underground cabling, the Inspectorate does not agree to scope out impacts on soil resources from further assessment. The ES should consider the potential impact to soils from construction and decommissioning as well as setting out how any potential adverse impacts on soils can be avoided or minimised. The Inspectorate recommends that a Soil Management Plan is provided with the application and appropriately secured via the</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			DCO. The Applicants attention is drawn to Natural England's response (Appendix 2 of this Opinion) in this regard.
3.1.2	Table 4.1 and Section 4.3	Water quality impacts on water resources from siltation of runoff and pollution events	<p>The Applicant proposes to scope out these matters from the ES on the basis that through implementation of the mitigation measures listed in section 4.3 of the Scoping Report and controlled by the outline Landscape and Ecological Management Plan (oLEMP), outline Construction Environmental Management Plan (oCEMP), Construction Traffic Management Plan (CTMP) and outline Decommissioning Environmental Management Plan (oDEMP), no significant effects on water quality from siltation of runoff and pollution events are considered likely to occur.</p> <p>HDD may be required, and the Scoping Report states that a fluid breakout plan would be adopted and implemented. The Inspectorate notes that a Water Framework Directive (WFD) Assessment and Outline Surface Water Drainage Strategy would be submitted with the application. The Inspectorate notes that the site falls on public water supply catchment land.</p> <p>The Inspectorate does not consider enough evidence regarding the final design and control measures has been provided to scope impacts to water quality out during construction or decommissioning. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect. Any potentially impacted permitted or private water supplies should be identified and included in the assessment where significant effects are likely to occur.</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.1.3	Table 4.1 and Paragraph 4.3.56	Water quality impacts on designated sites	<p>The Applicant proposes to scope this matter out on the basis that through implementation of the mitigation measures listed at paragraph 4.3.56 of the Scoping Report, no increase in chemical pollutants, siltation events or downstream flooding is expected to occur and therefore, no impacts on designated sites are predicted.</p> <p>The Inspectorate does not consider enough evidence regarding control measures and impact pathways has been provided to justify scoping this matter out. The ES should include an assessment of these matters where there is potential for likely significant effects to occur or demonstrate the absence of likely significant effects with agreement from the relevant consultation bodies. The Applicant's attention is drawn to the comments from NE on this point (see Appendix 2 of this Opinion).</p>
3.1.4	Table 4.1	Flood risk and surface water runoff from soil compaction	<p>The Applicant proposes to scope out increases in pluvial and fluvial flood risk for all phases. However, a Flood Risk Assessment (FRA) would be submitted with the application. 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 Environment Agency and the Lead Local Flood Authority, the Inspectorate is content to scope these matters out of the ES.</p>
3.1.5	Paragraph 4.4.4	Air quality – dust emissions	<p>Scoping Report paragraphs 4.4.4 (i) & (iv) state that the risk of dust generation associated with the construction and decommissioning phases will be managed through the implementation of standard best practice and mitigation measures incorporated into the oCEMP. Dust emissions during the decommissioning phase are anticipated to be similar to, or less than, the construction phase and mitigation measures would be detailed in the oDEMP. Therefore, no significant</p>

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			<p>effects on sensitive receptors from construction and decommissioning activities are anticipated.</p> <p>The Inspectorate does not consider that sufficient information has been provided at this stage regarding dust suppression techniques and the location of potential dust sensitive environmental receptors to support the scoping out of dust emissions during construction and decommissioning from further assessment. A qualitative assessment of dust impacts based on relevant guidance (eg the Institute of Air Quality Management (IAQM)) should be provided to demonstrate that mitigation measures proposed are appropriate for the scale of effects. The Inspectorate agrees that once operational, the Proposed Development is unlikely to result in significant air quality effects as the components of the Proposed Development do not produce dust emissions.</p>
3.1.6	Paragraph 4.4.4	Air quality – vehicle emissions	<p>Air quality in relation to vehicle emissions is proposed to be scoped out of the ES for all phases on the basis that 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). An outline Construction Traffic Management Plan (oCTMP) will be submitted with the application to ensure impacts on receptors are minimised.</p> <p>Provided that the ES description of development includes sufficient detail to demonstrate that construction and operational traffic movements will not exceed the IAQM criteria and given the temporary nature of the movements, vehicle emissions may be scoped out of further assessment.</p>

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3.1.7	Section 4.5 and paragraph 4.5.48	Traffic and access	<p>The Applicant proposes to scope this aspect out of the ES on the basis that significant effects are not anticipated from traffic and access given the baseline conditions, mitigation and design measures described within the Scoping Report.</p> <p>The Inspectorate notes that a Transport Statement and oCTMP including a framework Construction Workers Travel Plan (CWTP) would be submitted with the application. Appendix 4.2 of the Scoping Report provides evidence of an agreement with National Highways and Cumberland Council to scope out a specific aspect chapter for traffic and access on the provision that the above supporting documentation would be submitted with the application.</p> <p>Considering the baseline information, proposed mitigation measures and subject to the provision of a Transport Statement and oCTMP including a framework CWTP, the Inspectorate agrees to scope out a specific aspect chapter for traffic and access. The ES should include a description of the anticipated trip generation, routing and any necessary mitigation measures relevant to impacts from traffic and access and explain how such measures would be secured through the DCO or other legal mechanism. Evidence of any agreements with relevant consultation bodies should be evidenced within the ES.</p>
3.1.8	Paragraph 4.6.12, 4.6.23 and 4.6.36	Traffic noise and vibration	<p>The Inspectorate agrees that on the basis of the information provided, the increase traffic movements associated with the Proposed Development at all phases are unlikely to result in significant effects relating to noise and vibration and therefore this matter can be scoped out.</p>
3.1.9	Paragraph 4.6.20 and 4.6.22	Construction noise and vibration	<p>The Inspectorate agrees that on the basis of the information provided, vibration associated with the construction of the Proposed</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>Development is unlikely to result in significant effects and therefore agrees that this matter can be scoped out from further assessment.</p> <p>However, the Inspectorate is not content that the Scoping Report has provided the information required to justify that noise associated with the construction of the Proposed Development infrastructure in the solar array area is unlikely to give rise to significant effects. Whilst appropriate working methods and construction hours may reduce impacts, the Inspectorate would expect to see further information provided on construction techniques, locations, routes, machinery and duration to rule out the likelihood for significant effects to occur.</p>
3.1.10	Paragraph 4.6.35 and 4.6.38	Operational noise and vibration	<p>The Scoping Report states that operational infrastructure could be appropriately mitigated and located away from receptors at a suitable distance so that significant effects are not anticipated.</p> <p>Based on the nature and characteristics of the Proposed Development and given that the Applicant intends to submit a separate Noise and Vibration Impact Assessment with the DCO as an appendix to the ES, the Inspectorate agrees that operational noise and vibration may be scoped out of further assessment. However, the detailed description of the Proposed Development within the ES should demonstrate that the location of operational plant and equipment is unlikely to result in significant noise and vibration impacts on sensitive receptors.</p>
3.1.11	Paragraph 4.7.65, 4.7.60 and Appendix 4.5 and 4.6	Ground conditions	<p>An assessment of ground conditions is proposed to be scoped out of the ES on the basis that the potential ground condition hazards present on the site identified in the Phase 1 Ground Conditions Assessment (provided as Appendix 4.5) would not lead to significant effects with the implementation of the proposed mitigation measures of the CEMP and DEMP listed at paragraph 4.7.60. The Inspectorate notes that the conclusions of the Phase 1 Ground Conditions Assessment include a moderate risk on construction without</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>mitigation measures in place. It is noted that the Applicant considers that this risk can be adequately mitigated through adoption of standard measures. However, the Phase 1 Ground Conditions Assessment recommends that ground investigation is undertaken to confirm the anticipated low levels of potential contaminants and/or allow for further stages of assessment.</p> <p>Considering the site's coal mining legacy, potential historic unrecorded coal mining activity and any associated potential risks such as ground instability and emissions of mine gases, the Inspectorate considers that coal mining legacy issues should be considered within the ES or a standalone Coal Mining Risk Assessment. The Applicants attention is drawn to comments from the Coal Authority (Appendix 2 of this Opinion) in this regard.</p> <p>The Inspectorate considers that there are a number of unresolved and uncertain matters identified in the scoping material and on this basis a ground conditions chapter prepared in accordance with relevant guidance should be included in the ES. The chapter should explain how relevant mitigation measures would be secured via the DCO.</p>
3.1.12	Paragraph 4.8.4 and 4.8.6	Major accidents and disasters	<p>The Applicant proposes to scope out a standalone chapter for major accidents and disasters on the basis that the risks listed in paragraph 4.8.4 will be reported on in the relevant chapters of the ES or standalone technical assessments submitted in support of the ES where there is potential for likely significant effects to occur. The Inspectorate has considered the characteristics of the Proposed Development and agrees with this approach.</p> <p>The Inspectorate notes however that an outline Battery Safety Management Plan would also be prepared in support of the DCO and appended to the ES. The Inspectorate considers that the risk of</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>battery fire / explosion should be addressed in the ES, including where any measures designed to minimise impacts on the environment in the event of such an occurrence are secured. The ES should describe any battery storage in full where it is proposed.</p> <p>The Applicants attention is drawn to Northern Gas Networks response to consultation (Appendix 2 of this Opinion) which highlights that the site could contain Major Accident Hazard Pipelines (MAHP).</p>
3.1.13	Section 4.9	Electric, Magnetic and Electromagnetic Fields (EMF)	<p>The Scoping Report seeks to scope out electric, magnetic and electromagnetic fields. The Proposed Development proposes to use cable and infrastructure with a maximum voltage up to and including 132kV with the existing overhead line on the site also being 132kV. As such it is considered that this meets guidelines published by the International Commission on Non-Ionizing Radiation Protection (ICNIRP) in 1998. On the basis that the proposed cable and infrastructure does not exceed 132kV, the Inspectorate is content that an assessment of likely significant effects from EMF from cables up to and including 132kV can be scoped out of the ES. However, if the design of the Proposed Development changes and voltages of over 132kV are proposed, this matter must be assessed.</p>
3.1.14	Section 4.10	Telecommunications, television reception, and utilities	<p>The Inspectorate considers that insufficient evidence has been provided to scope this matter out. The ES should identify any receptors through consultation and a desk-based assessment and should any diversions of utility or telecommunications infrastructure be required, these should be located and described in the ES along with any required mitigation measures. Impacts, including those from potential diversions and alterations in design, should be described and assessed where significant effects are likely to occur.</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.1.15	Section 4.11	Wind microclimate	Having considered the nature and characteristics of the Proposed Development the Inspectorate is content that significant effects are unlikely and therefore this matter can be scoped out of further assessment.
3.1.16	Section 4.12	Daylight, sunlight and overshadowing	The Inspectorate has considered the characteristics of the Proposed Development and is content that the scale and massing of the Proposed Development would not cause changes to daylight or sunlight visibility, or cause overshadowing, and this aspect can be scoped out of further assessment.
3.1.17	Paragraph 4.13.1 and 4.13.2	Waste	<p>A description of the potential types of construction waste and estimate volumes are proposed to be covered within the site and project description chapter. Impacts and mitigation measures are proposed to be addressed through a CEMP, LEMP and DEMP. The Scoping Report states that the LEMP will establish waste management practices for the limited volumes of waste over the Proposed Developments lifetime and that the DEMP will make provision for effective waste management to be implemented during the decommissioning phase.</p> <p>The Inspectorate considers that the ES should include an assessment of waste impacts for the decommissioning phase. This should outline what measures, if any, are in place to ensure that components (eg from batteries and/or panels) are able to be diverted from the waste chain and disposed of safely given that some types of solar panels can contain hazardous materials. Waste should be managed in line with the waste hierarchy based on available technology at the time.</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
3.1.18	Paragraph 4.14.1 and 4.14.2	Minerals	<p>The Scoping Report identifies that the adopted Minerals and Waste Local Plan (MWLP) indicates that the site is located within a Minerals Safeguarding Area (MSA) for brick clay and a Minerals Consultation Area. The Applicant proposes to scope this matter out on the basis that the Proposed Development would not sterilise the mineral resource as minerals could be extracted, if required, following decommissioning.</p> <p>The Inspectorate considers that the ES should include an assessment of the potential impact of loss of access to mineral resources (including surface coal resource) during the lifetime of the Proposed Development where there is potential for likely significant effects to occur. The ES should demonstrate that the Minerals Planning Authority has been consulted in respect of the proposals and that the Proposed Development does not impact on future ambitions for minerals extraction within the region.</p>
3.1.19	Paragraph 4.15.1, 4.15.2 and 4.15.3	Lighting	<p>The Inspectorate does not consider that a sufficient amount of detail has been provided to scope an assessment of lighting out of the ES.</p> <p>The ES should include a detailed description of the proposed lighting strategy and assess the potential for likely significant effects to occur on receptors in relation to lighting during the construction, operation, and decommissioning phases. This should include consideration of effects relating to intermittent lighting sources such as motion-activated lighting. The ES should also evidence any measures taken to minimise impacts on sensitive human and ecological receptors.</p> <p>The Applicants attention is drawn to ID 3.3.8 and 3.4.3.</p>
3.1.20	Section 4.16	Glint and glare	<p>The Applicant proposes to scope out an assessment of glint and glare effects on aviation activity on the basis that there are no aerodromes within 10km of the Proposed Development. The Inspectorate agrees</p>

ID	Ref	Applicant's proposed aspects to scope out	Inspectorate's comments
			<p>to scope this matter out from further consideration; however, the description of the Proposed Development should explain how the panel design prevents the likelihood of glint and glare.</p> <p>The Applicant proposes to scope out a specific glint and Glare aspect Chapter from the ES on the basis that a Glint and Glare Assessment will be undertaken and will be provided as an appendix to the ES. The Inspectorate is content that a separate Glint and Glare Chapter can be scoped out on the basis that the proposed Glint and Glare Assessment will be appended to the ES and used to inform the Landscape and Visual Impact Assessment (LVIA) aspect chapter.</p>

3.2 Cultural Heritage

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	Table 6.6	<p>Archaeological receptors (below ground) – scheduled monuments</p> <ul style="list-style-type: none"> • Settlement 25m south-east of Gatra • Calva Hall Bridge • Churchyard Cross South of Church of St Oswald 	<p>The Inspectorate does not agree that, given the distance from the Proposed Development site to the heritage receptors, and because the site has no associative or functional relationship with them, it is unlikely that the Proposed Development will have any direct impact or indirect likely significant effect to the setting of these scheduled monuments, and the assessment of these archaeological receptors can be scoped out, without sufficient evidence to support this in the Scoping Report. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>
3.2.2	Table 6.6	<p>Designated heritage receptors – listed buildings</p> <ul style="list-style-type: none"> • Church of St Oswald - Grade I listed building • Branthwaite Hall - Grade I listed building • Crakeplace Hall - Grade II* listed building • Far Branthwaite Edge, Dairy and Adjoining Barn - Grade II listed building 	<p>The Inspectorate does not agree that, given the distance from the Proposed Development site to the designated heritage receptors, and because the site has no associative or functional relationship with them, it is unlikely that the Proposed Development will have any direct impact or indirect likely significant effect, and the assessment of these receptors can be scoped out, without insufficient evidence to support this in the Scoping Report. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> The Raise - Grade II listed building The Rectory - Grade II listed building Workington Hall - Grade II Registered Park and Garden 	
3.2.3	Paragraph 6.3.3 and Table 6.6	<p>Designated heritage receptors – listed buildings</p> <ul style="list-style-type: none"> High Trees West Farmhouse and adjoining Byre Range - Grade II listed building High Trees East Farmhouse and adjoining Cart Shed and Store - Grade II listed building 	<p>Paragraph 6.3.3 states that there are designated receptors located outside the 3km study area that may experience potential effects and includes these receptors, as they are located at elevated levels to the east and have the potential to have visibility of the Proposed Development in long range views.</p> <p>The Inspectorate does not agree that these listed buildings can be scoped out of the assessment, as there is uncertainty over the impact that the Proposed Development will have on these receptors. The ES should include an assessment of these listed buildings outside the 3km study area to determine whether any adverse impact may be significant.</p>
3.2.4	Table 6.6	<p>Non-designated heritage receptors</p> <ul style="list-style-type: none"> Rigg House Rigg House Earthworks, Dean (within the site) Whitebanks Wood Mines (within the site) Thiefs Gill Quarry (within the site) 	<p>The Inspectorate does not agree that, given the distance from the Proposed Development site to the non-designated heritage receptors, and because the site has no associative or functional relationship with these receptors, it is unlikely that the Proposed Development will have any direct impact to either the receptors or an indirect likely significant effect to their setting, and the assessment of these receptors can be scoped out without sufficient evidence to support this in the Scoping Report. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		<ul style="list-style-type: none"> Dean Moor Mine Workings (within the site) 	
3.2.5	Paragraph 6.3.3, 6.7.28 and Table 6.6	The English Lake District World Heritage Site (WHS) – change in setting	<p>Paragraph 6.7.28 states that there is the potential for parts of the Proposed Development site to be visible from some viewpoints within The English Lake District WHS, resulting in a change in setting. Mitigation measures such as appropriate siting of the Proposed Development's structures and screening would help to reduce this impact. The Scoping Report assumes that the significance of effects is likely to be negligible following mitigation.</p> <p>The Inspectorate does not agree that the setting of the WHS can be scoped out, as mitigation such as appropriate siting of structures and screening has not been set out in sufficient detail at the scoping stage. The ES should include an assessment of the Proposed Development's impact on the setting of the WHS where there is potential for likely significant effects to occur or demonstrate the absence of likely significant effects with agreement from the relevant consultation bodies.</p>

ID	Ref	Description	Inspectorate's comments
3.2.6	Paragraph, 6.3.1, 6.4.7, 6.9.5, Table 6.1, 6.2 and Figure 6.3	Zone of Theoretical Visibility (ZTV)	The preliminary ZTV and its analysis should be justified in the ES, consulted on and agreed with relevant consultation bodies.

ID	Ref	Description	Inspectorate's comments
3.2.7	Paragraph 6.7.2	Baseline conditions - Historic Environment Desk Based Assessment (HEDBA)	The ES should clearly set out what data has informed the HEDBA, to show how this has been used to determine sensitivity of heritage receptors. The HEDBA should be consulted on and agreed where possible with relevant consultation bodies.
3.2.8	Paragraph 6.7.3 and 6.7.11	Construction effects – archaeological remains below ground	<p>Construction effects on archaeological remains below ground will be identified using professional judgement, considering the type, scale and duration of construction activity likely to affect the heritage assets.</p> <p>The ES should justify how the archaeological remains within the site have been assessed and how any mitigation measures that may be required are to be secured before construction work commences. An approach should be consulted on and agreed with relevant consultation bodies.</p> <p>As the Proposed Development will involve ground disturbing activity and the extent of archaeological assets is yet to be established, the Inspectorate considers that in addition to site walkover and geophysical survey the need for selective trial trenching should be established with the relevant local authority archaeologists.</p>
3.2.9	Paragraph 6.9.13, 6.9.14, Table 6.4, 6.5 and Appendix 6.2	Methodology – professional judgement	Where professional judgement has been used to determine the level of significance this should be made clear in the ES.

3.3 Landscape and Views

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	Paragraph 7.9.1 and Table 7.3	<ul style="list-style-type: none"> • Lake District WHS and National Park • Lake District Character Areas • Lake District National Park Special Qualities 	<p>The Inspectorate does not agree that these matters can be scoped out, as mitigation such as appropriate siting of structures and screening have not been set out in sufficient detail at the scoping stage. The ES should include an assessment of the Proposed Development's impact on the setting of the WHS and Lake District National Park (LDNP), its Character Areas and Special Qualities, where there is potential for likely significant effects to occur or demonstrate the absence of likely significant effects with agreement from the relevant consultation bodies.</p>
3.3.2	Paragraph 7.9.1 and Table 7.3	Listed buildings (setting of)	<p>No potentially significant effects are predicted on the setting of listed buildings within the 1km study area, including those at Far Branthwaite Edge, which lies 1km to the east of the site.</p> <p>The Inspectorate does not agree that, given the distance from the Proposed Development site to the designated heritage receptors, and because the site has no associative or functional relationship with them, it is unlikely that the Proposed Development will have any direct impact or indirect likely significant effect, and the assessment of these receptors can be scoped out without sufficient evidence to support this. Accordingly, the ES should include an assessment of these matters or the information referred to, demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p> <p>The Inspectorate does not agree that High Trees West Farmhouse and adjoining Byre Range and High Trees East Farmhouse and adjoining Cart Shed and Store (Grade II listed buildings) can be</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			scoped out of the assessment, as there is uncertainty over the impact that the Proposed Development will have on the setting of the receptors. The ES should include an assessment of these listed buildings outside the study area to determine whether any impacts from the Proposed Development on their setting is likely to have any significant effects.
3.3.3	Paragraph 7.9.1 and Table 7.3	Scheduled monuments (setting of)	<p>No likely significant effects are predicted for the Scheduled Monument located within the southwestern part of the site.</p> <p>The Inspectorate does not agree to scope this matter out as it is unclear what impact the Proposed Development would have on the setting of the Scheduled Monument.</p>
3.3.4	Paragraph 7.9.2 and Table 7.3	National Character Area (NCA)	<p>No significant effects are predicted for NCA 7 (West Cumbria Coastal Plain) because of the limited footprint of the Proposed Development within the wider character area.</p> <p>The Inspectorate agrees that this matter can be scoped out from the assessment on this basis, provided this is justified within the ES and agreed with relevant consultation bodies.</p>
3.3.5	Paragraph 7.9.2 and Table 7.3	Recreational routes / Public Rights of Way (PRoWs) – landscape effects	<p>The Scoping Report states that no significant landscape effects are predicted for the local PRoW network, National Cycle Network or that none lie within the site, and any indirect effects incurred because of the Proposed Development would not be significant. The Scoping Report states that there are no PRoWs within the site (paragraph 4.5.13) but multiple PRoWs are listed in the surrounding area.</p> <p>The Inspectorate does not agree that this matter can be scoped out of the assessment as it is not yet understood at this stage how the Proposed Development will affect the viewpoints of potential users of these PRoWs. In the absence of information such as evidence</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.
3.3.6	Paragraph 7.9.2 and Table 7.3	Open Access Land – landscape effects	<p>High Park Open Access Land is located directly to the south of the Proposed Development site. No significant landscape effects are predicted for areas of Open Access Land given that none lie within the site, and any indirect effects incurred because of the Proposed Development would not be significant.</p> <p>The Inspectorate notes that the Scoping Report lists potential viewpoints in Table 7.2 which includes one (VL12) representative of recreational users of the LDNP, including areas of open access land.</p> <p>The Inspectorate does not agree that this matter may be scoped out as it is unclear what visual impact the Proposed Development would have on the recreational users of this Open Access Land. As such, it is considered that the ES should provide an assessment of this matter where there is potential for likely significant effects to occur, or demonstrate the absence of likely significant effects with agreement from the relevant consultation bodies.</p>
3.3.7	Paragraph 7.9.3 and Table 7.3	Other views and visual amenity beyond the 2.5km study area	<p>The Scoping Report considers that in general the visual change experienced by receptors is not considered to be significant given the limited height of the Proposed Development, intervening features, and overall distance.</p> <p>Based on the information provided, the Inspectorate does not agree to scope out impacts on views and visual amenity of receptors beyond the 2.5km area, as there is insufficient evidence to assume this would</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>not be significant. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>
3.3.8	Paragraph 7.9.4 and Table 7.3	Lighting	<p>Night-time lighting effects from a landscape and visual perspective are proposed to be scoped out of the assessment for the construction, operational and decommissioning phases as the site and 2.5km study area do not lie within a designated 'dark sky area', and given the nature of the Proposed Development, permanent lighting during operation would not be required, being limited to emergency and motion activated security lighting around ancillary structures. Lighting effects during construction and decommissioning are expected to be limited in extent, intensity and duration.</p> <p>The Inspectorate does not consider that sufficient information has been provided to scope out an assessment of night-time lighting and the ES should assess the lighting effects on landscape and visual receptors, as well as ecological receptors such as bats, or demonstrate that no likely significant effects will occur. The ES should include a detailed description of the lighting design and measures taken to avoid or minimise lighting impacts on ecological receptors. This should also include consideration of effects relating to intermittent lighting sources such as motion activated security lighting.</p>

ID	Ref	Description	Inspectorate's comments
3.3.9	Paragraph 7.3.8, 7.8.3, Figure 7.1, Appendix 7.1 and Table 7.2	View locations	<p>The selection of representative view locations for the assessment as currently shown in Figure 7.1 and listed in Table 7.2 should be consulted and agreed on where possible with relevant consultation bodies to ensure these are comprehensive. The ES should explain the process used to determine appropriate viewpoints through the consultation process and should take into account topography, long-distance views and the setting of heritage receptors.</p> <p>The Applicant's attention is drawn to the Lake District National Park Authorities response (Appendix 2 of this Opinion) regarding the need for additional viewpoints at certain points within the National Park where recreational users congregate and elevated locations may provide views of the site.</p>
3.3.10	Paragraph 7.2.1, Appendix 7.1, Figure 7.1 and 7.2	ZTV	<p>The preliminary ZTV and its analysis should be justified in the ES, consulted and agreed on with relevant consultation bodies where possible.</p> <p>The final ZTV, and subsequently the LVIA, should ensure that a worst-case scenario is assessed based on the maximum parameters of the Proposed Development, including any auxiliary infrastructure such as security camera poles, fences, or construction compounds.</p>
3.3.11	Section 7.2	Study area	<p>The ES should justify the extent of the study area/s with reference to recognised professional guidance and the extent of the likely impacts, informed by fieldwork and relevant models or approaches such as the ZTV. The Applicant should agree the study areas with relevant consultation bodies where possible.</p>
3.3.12	Paragraph 7.3.1	Landscape setting	<p>Landscape setting of heritage assets are not considered to be significant beyond 1km from the site. This assumption should be justified in the ES based on evidence and agreement with relevant consultation bodies.</p>

ID	Ref	Description	Inspectorate's comments
3.3.13	Section 7.5	Mitigation	Where the avoidance of a likely significant effect is reliant on mitigation measures, these should be described within the ES along with the proposed methods by which they will be secured through the DCO, assisted by a plan or figures where appropriate.
3.3.14	Section 7.6 and Appendix 7.1	LVIA - assumptions	The Scoping Report states that the solar panel heights are expected to be no higher than 3 metres (para 6.3.1). The height and dimensions of the substation building are not provided. The Proposed Development includes other built infrastructure, including fencing. The ES should clearly set out the heights and dimensions of all infrastructure on which the LVIA assessment is based.
3.3.15	Appendix 7.1	LVIA - assessment of significance	Significance of identified landscape and visual effects on receptors will be assessed and described by combining the previous judgements on sensitivity and magnitude. The levels of significance determined by the combination of sensitivity and magnitude as set out in Table 10.3 of Appendix 7.1. The ES should fully justify how significance of effects has been established. Where professional judgement is used in the assessment of likely significant effects this should be made clear in the ES.
3.3.16	Section 7.5	Embedded mitigation – landscaping and planting	The ES should cover the establishment period of any landscaping scheme and any long-term management needs. Any assumptions made with regards to the height that proposed mitigation planting would have reached by the assessment years should be clearly presented and justified for the purposes of generating photomontages and reaching the assessment conclusions.
3.3.17	Section 7.8 and Figure 7.1	Visual receptors	The ES should demonstrate how relevant consultation bodies have influenced the choice of receptors and the level of sensitivity assigned to those receptors.

ID	Ref	Description	Inspectorate's comments
3.3.18	n/a	Photomontages	<p>Photomontages, based on relevant Landscape Institute guidance, should present the likely visual impact at the selected view locations, particularly with the effects of glint and glare without mitigation.</p> <p>The Applicant should justify the location and number of photomontages, ensuring these capture a worst-case scenario of impacts from the Proposed Development and are representative of visual receptors. The Applicant should seek agreement from relevant consultation bodies regarding the appropriateness of selected photomontages and evidence of this agreement should be provided within the DCO application.</p> <p>The photomontages should show all components of the Proposed Development, including security fencing, any closed circuit television (CCTV) poles, battery storage system, substations etc., and demonstrate the Proposed Development before and after mitigation. This is in order to enable the decision maker to understand the implications of the worst case scenario and the effectiveness of proposed mitigation.</p>

3.4 Biodiversity

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	Paragraph 8.7.2 and Table 4.7	Impacts of operational traffic and access – noise, vibration and visual disturbance	<p>The Scoping Report states that operational vehicle movements related to routine servicing and maintenance would be very limited and unlikely to be associated with any significant effects and so have been scoped out. There would be approximately 1 to 2 maintenance vehicles visiting the site per week, consisting of 2 to 4 vehicular movements. These vehicles are expected to be LGVs or four-wheel drive vehicles with an occasional visit by a HGV for operations, such as equipment replacement.</p> <p>The Inspectorate agrees that on the basis of the information provided, impacts associated with operational traffic and access from noise, vibration are unlikely to result in significant effects relating to noise, vibration and visual disturbance and therefore these matters can be scoped out.</p>
3.4.2	Paragraph 8.7.3	Potential effects on designated sites and notable habitats due to a reduction in air quality from increased traffic exhaust emissions	<p>Provided that the ES description of development includes sufficient detail to demonstrate that construction and operational traffic movements will not exceed the IAQM criteria and given the temporary nature of the movements, the Inspectorate agrees that this matter may be scoped out of further assessment.</p>
3.4.3	Paragraph 8.7.8 and Table 4.7	Lighting	<p>The Inspectorate does not agree that lighting effects on sensitive ecology can be scoped out as there is insufficient evidence that lighting disturbance would not have a significant effect.</p> <p>In the absence of details regarding the duration and type of construction or decommissioning lighting and the potential for bats to be present within the receiving environment, subject to confirmation</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>by surveys, it is considered that construction lighting impacts on biodiversity should be scoped in at this time. The ES should assess impacts on ecological receptors from lighting where significant effects are likely to occur and demonstrate measures taken to avoid disruption of ecological corridors such as hedgerows that provide flight-lines for bats.</p> <p>The ES should include a detailed description of the lighting design and the measures taken to avoid or minimise lighting impacts on biodiversity, including consideration of effects relating to intermittent lighting sources such as motion activated security lighting should this be proposed.</p> <p>The ES should be clear as to how emergency lighting will be assessed and should clearly describe the full extent and characteristics of any proposed lighting. In relation to human disturbance, the ES should be clear as to whether this lighting has been considered separately or as part of the assessment for human disturbance.</p>
3.4.4	Table 8.3	Habitat loss, disturbance and fragmentation - modified sheep grazed grassland	<p>The loss, disturbance and fragmentation of modified sheep grazed grassland habitat may be required to facilitate construction and decommissioning of the Proposed Development. However, this matter has been scoped out as it is considered of negligible importance as a habitat, making any effects on the habitat insignificant.</p> <p>In the absence of information, such as evidence demonstrating clear agreement with relevant consultation bodies and further details of the proposed habitat to be scoped out, the Inspectorate is not in a position to agree to scope this matter out. Accordingly, the ES should include an assessment of this matter, or information demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.5	Table 8.3	Bats (foraging and commuting)	<p>The Scoping Report states that existing habitats of value to foraging and commuting bats will be retained and enhanced ensuring there would be no operational impacts, and that potential construction and decommissioning phase impacts can be avoided.</p> <p>The Inspectorate does not agree that this matter can be scoped out in the absence of sufficient evidence that existing habitats for foraging and commuting bats will be retained and because construction and decommissioning impacts are uncertain at this stage. The ES should provide an assessment of the impacts of the Proposed Development on the existing habitats used by bats for foraging and commuting so that it is clear whether any significant effects are likely during all stages, and if mitigation measures are required how these would be secured.</p>
3.4.6	Paragraph 8.7.6 and Table 8.3	Dormice	<p>The Scoping Report states that the design of the Proposed Development will retain all suitable dormice habitat in the site, and the landscape design is likely to provide additional habitats for this species, and operational management will improve existing habitats. It adds that there would be no negative inputs during construction, operation or decommissioning.</p> <p>The Scoping Report does not explain whether dormice are present or absent within the study area.</p> <p>The Inspectorate does not agree that this matter can be scoped from the assessment in the ES given it is not clear how the Proposed Development would retain and provide additional suitable habitat for this species at this stage. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect.
3.4.7	Paragraph 8.3.8 and Table 8.3	Ancient woodland – construction and decommissioning	<p>Ancient woodland adjacent to the Proposed Development site has been scoped into the assessment for the operational phase but not during construction or decommissioning.</p> <p>The Inspectorate considers that effects during construction and decommissioning should also be scoped into the assessment of likely significant effects.</p>

ID	Ref	Description	Inspectorate's comments
3.4.8	Paragraph 8.2.1	Study area	<p>The Scoping Report states that a 10km radius from the site boundary for internationally designated sites would be applied, to be extended beyond this radius where any hydrological pathways from the site to the designated site are known to occur.</p> <p>The ES should ensure the study area reflects the project's Zone of Influence (ZOI) rather than being based on a fixed distance. The ES should consider the potential for effects to occur beyond 10km, particularly where designated sites are designated for mobile species such as birds and bats. Effort should be made to agree the study area(s) with relevant consultation bodies.</p>
3.4.9	Section 8.3	Baseline environment - veteran and ancient trees	The ES should be supported by appropriate baseline data, including field survey, to identify the presence and condition of existing veteran and ancient trees, including hedgerow trees. Effects on ancient and veteran trees should be addressed in the ES, where there is potential for likely significant effects to occur.

ID	Ref	Description	Inspectorate's comments
3.4.10	Section 8.3, Paragraph 8.8.4, Table 8.1 and 8.2	Baseline environment	<p>The ES should explain how the importance of ecological features has been determined, with reference to baseline data, relevant guidance and professional judgement. The Applicant should make effort to agree the list of 'important' ecological features with the relevant local authorities and Natural England.</p> <p>The ecological baseline should be evidenced by comprehensive surveys in line with relevant guidance, and this should be confirmed in the ES.</p>
3.4.11	Paragraph 8.3.14	Species considered likely to be absent from the Proposed Development site - surveys	<p>No evidence of the presence of badgers, and of great crested newts (GCN) at on-site ponds were found in May 2023 surveys. Most of the habitat within the site is also intensively sheep grazed pasture and considered unlikely to support a notable invertebrate assemblage.</p> <p>Evidence demonstrating that these species are absent at the time that any DCO application is submitted and clear agreement with relevant statutory bodies, where possible, should be submitted with the ES.</p> <p>The Applicant should ensure that the ES is informed by surveys to determine the presence and absence of badger setts and their classification and level of activity.</p> <p>The ES should ensure the ecological baseline is robust and justify the extent and scale of surveys undertaken. The Applicant should seek agreement from relevant consultation bodies on the scale and extent of any surveys undertaken, evidence of which should be provided within the DCO application.</p>
3.4.12	Paragraph 8.3.14	Ponds and hedgerows	<p>It is not clear from the Scoping Report whether the three on-site ponds would be lost to the Proposed Development. No site layout options have been presented and no detail has been provided regarding proposed mitigation measures.</p>

ID	Ref	Description	Inspectorate's comments
			The ES should clearly identify all hedgerows and ponds for retention and ensure that appropriate mitigation measures are set out to avoid likely significant effects during the construction, operation and decommissioning phases.
3.4.13	Section 8.6 and Paragraph 8.8.5-8.8.10	Likely significant effects	The ES should clearly define what effects are deemed significant and explain how those conclusions have been reached.
3.4.14	Paragraph 8.6.3 and 8.8.12	Biodiversity enhancement measures	The ES should distinguish between measures intended to avoid or reduce the potential for likely significant effects, or those which have been identified for enhancement only.
3.4.15	n/a	Invasive Non-Native Species (INNS)	Impacts from INNS have not been included in the impacts set out to be assessed in the ES in the Scoping Report. The ES should assess potential impacts from INNS where significant effects are likely to occur. Where mitigation measures are required, the ES should describe these measures and signpost how they would be secured through the DCO.
3.4.16	Appendix 8.1	Hen harrier	<p>The Inspectorate notes the Preliminary Environmental Assessment recommends that up-to-date information on the location of hen harrier sensitive locations is secured and that consultation for the scope of further bird surveys is undertaken with relevant consultation bodies.</p> <p>Given the findings of the Preliminary Environmental Assessment, the Inspectorate recommends that a desk-study is undertaken with the results determining the need for further survey work. The Applicants attention is drawn to Natural England's response (Appendix 2 of the Opinion) in this regard.</p>

ID	Ref	Description	Inspectorate's comments
3.4.17	n/a	Mitigation and enhancement measures	In the event that measures to mitigate the effects of the Proposed Development or to provide ecological enhancement are proposed, the ES should explain how management of new/enhanced habitats would be undertaken.
3.4.18	Paragraph 4.7.40	Dean Moor County Wildlife Site (CWS)	The Applicants attention is drawn to the Environment Agency's consultation response (Appendix 2 of this Opinion) with regard to impacts on the Dean Moor CWS and the need for the Proposed Development to enhance and/or expand the wet acid moorland habitat present on site. The ES should explain how the CWS has been considered in the design of the Proposed Development and any enhancement if considered necessary.
3.4.19	n/a	Confidential annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3.5 Climate Change

(Scoping Report Section 9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.1	Paragraph 9.7.1 and Table 9.1	Impact of the provision of renewable energy on climate change – construction and decommissioning	<p>The Applicant proposes to scope out the impact of the provision of renewable energy generated by the Proposed Development on climate change for the construction and decommissioning phases on the basis that no energy would be generated or exported to the grid during these phases.</p> <p>The Inspectorate is content to scope this matter given that no energy will be transported to the national grid during construction or decommissioning.</p>
3.5.2	Paragraph 9.7.2 and Table 9.1	Vulnerability to climate change – construction and decommissioning	<p>The Inspectorate is content to scope this matter out during construction on the basis that climatic conditions are unlikely to change over the construction period (18 months). With regard to decommissioning, the Applicants attention is drawn to ID 3.5.4 below.</p>
3.5.3	Paragraph 9.7.3 and Table 9.1	Carbon emissions associated with vehicle movements – operation and decommissioning	<p>The Applicant proposes to scope this matter out on the basis that vehicle emissions associated with the anticipated 1-2 operational vehicle trips per week are expected to be negligible.</p> <p>The Inspectorate is content that carbon emissions associated with the anticipated operational phase vehicle visits are unlikely to result in significant effects and agrees to scope this matter out of further assessment. Limited information has been provided regarding the decommissioning phase; however, the Inspectorate considers that carbon emissions from vehicle movements would be no greater than those assessed within the construction phase. With regard to a decommissioning phase assessment, the Applicants attention is drawn to ID 3.5.4 below.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.5.4	Paragraph 9.7.4	Decommissioning phase assessment	The Scoping Report proposes to scope out an assessment of the decommissioning phase on the basis that there are uncertainties surrounding this phase. The Inspectorate would expect to see a Decommissioning Plan, agreed with the Local Authority, secured through the inclusion of an outline Decommissioning Plan or similar with the Application. The ES should clearly set out if and how impacts to/from climate change are to be assessed for the decommissioning phase.

ID	Ref	Description	Inspectorate's comments
3.5.5	n/a	Greenhouse gas emissions (GHG) and design flexibility	Where flexibility is being sought on the types of panels or batteries within the Proposed Development, the ES should present a worst-case assessment for the options under consideration.

3.6 Socio-Economics

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	Paragraph 10.7.2 and Table 10.3	Direct and indirect employment creation and workforce expenditure - operation	<p>The Applicant proposes to scope this matter out on the basis that operation of the site would be limited to the employment of a maximum of five jobs with the resulting employment and expenditure effects unlikely to be significant.</p> <p>The Inspectorate is content to scope this matter out on this basis, however the ES should confirm the number and type of jobs created during the operational phase.</p>
3.6.2	Table 10.3	Effects on local accommodation - operation	<p>Given that the operational phase is anticipated to result in a maximum of five jobs, the Inspectorate considers that the impact on local accommodation from the operation of the Proposed Development would be limited and agrees to scope this matter out from further assessment.</p>
3.6.3	Paragraph 10.7.1 and Table 10.3	Contribution towards energy generation – construction and decommissioning	<p>The Inspectorate agrees to scope this matter out on the basis that electricity would not be generated during the construction and decommissioning phases.</p>

ID	Ref	Description	Inspectorate's comments
3.6.4	Paragraph 10.8.10	Significance	<p>The Scoping Report states that the evaluation of socio-economic effects will be based on professional judgement, having regard to the existing baseline position and using the criteria detailed in section 3 of the Scoping Report. Where professional judgement has been</p>

ID	Ref	Description	Inspectorate's comments
			applied this should be clearly stated and suitably justified in the ES with reference to supporting evidence.
3.6.5	Paragraph 10.2.3, 10.2.2 and Figure 10.1	Study area	The Scoping Report sets out the wider and local study areas but does not provide a suitable rationale as to how these study areas were selected and why they are considered sufficient. The ES should include a clear justification as to how the study areas were chosen. The study areas and receptors should be depicted on corresponding figures to aid understanding. It should be clear how the selected study areas relate to the extent of the likely effects from the Proposed Development.

3.7 Cumulative Effects

(Scoping Report Section 11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.7.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.7.2	Table 11.1 and 11.2.1	Location of cumulative developments	<p>Table 11.1 sets out the current schemes considered cumulatively with the Proposed Development as taken from the Local Authorities planning portal. This provides a description and distance to the Proposed Development and the Scoping Report states that this may change as the project progresses and the final list of cumulative schemes will be agreed with the council as soon as reasonably practicable.</p> <p>The ES should include a figure depicting the locations and extent of cumulative developments in relation to the Proposed Development.</p>

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES¹

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS North East and North Cumbria Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Cumbria Fire and Rescue Service
The relevant police and crime commissioner	Cumbria Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Distington Parish Council
	Dean Parish Council
	Winscales Parish Council
The Environment Agency	Environment Agency
The Relevant Highways Authority	Cumberland Council
The relevant strategic highways company	National Highways
The Coal Authority	The Coal Authority
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
The Crown Estate Commissioners	The Crown Estate

¹ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Forestry Commission	The Forestry Commission
The Office for Nuclear Regulation (the ONR)	The Office for Nuclear Regulation (the ONR)

TABLE A2: RELEVANT STATUTORY UNDERTAKERS²

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS North East and North Cumbria Integrated Care Board
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	North West Ambulance Service NHS Trust
Railways	National Highways Historical Railways Estate
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	Environment Agency
The relevant water and sewage undertaker	United Utilities
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Energy Assets Pipelines Limited

² 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Mua Gas Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Gas
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited

STATUTORY UNDERTAKER	ORGANISATION
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Electricity North West Limited
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc
	National Grid Electricity System Operation Limited
	TC Robin Rigg OFTO Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))³

LOCAL AUTHORITY ⁴
Cumberland Council (Allerdale)
Lake District National Park Authority
Northumberland County Council
Northumberland National Park Authority
Westmorland & Furness Council (Barrow)

³ Sections 43 and 42(B) of the PA2008

⁴ As defined in Section 43(3) of the PA2008

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Environment Agency
Historic England
Lake District National Park Authority
National Gas Transmission
National Grid Electricity Transmission
NATS Safeguarding
Natural England
Northern Gas Networks
The Coal Authority
UK Health Security Agency
United Utilities

Ms Stephanie Newman
Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our ref: XA/2023/100023/01-L01
Your ref: EN010155
Date: 05 September 2023

Dear Ms Newman

ENVIRONMENTAL SCOPING REPORT (AUGUST 2023)

DEAN MOOR SOLAR FARM

Thank you for referring the above consultation which was received on 08 August 2023.

The Environment Agency has reviewed the Environmental Scoping Report undertaken by FVS Dean Moor Limited for the above scheme, referenced EN010155/APP/4.03 Revision 0.

For the topics within our remit, we broadly agree with the topics that have been scoped in and scoped out of the Environmental Impact Assessment and wish to make the following comments.

Groundwater

The site is underlain by superficial deposits including the Glacial Till, Alluvium, Peat, Landslide Deposits and Alluvial Fan Deposits. The Alluvial and Alluvial Fan deposits are classified as Secondary A aquifers, the Glacial Till is a Secondary Undifferentiated aquifer and the Peat is classified as Unproductive. The bedrock beneath the site comprises the Whitehaven Sandstone Formation and the Coal Measures Group, which are both Secondary A aquifers. The site does not lie within a source protection zone. The site is therefore of moderate to low sensitivity.

We broadly agree with the topics that have been scoped out of requiring further assessment and provide further comments in relation to sections 4.3 (Water Resources and Flood Risk) and 4.7 (Ground Conditions) below with some general information about the scheme.

Section 4.3: Water Resources & Flood Risk

Section 4.3.1. of the scoping report states that, *“Given the nature of the Proposed Development and baseline conditions at the Site, likely significant effects from the Proposed Development on the water environment (including flood risk) are not anticipated. Therefore, it is proposed to scope out chapter on water resources, hydrology, and flood risk from the ES.”* From a controlled waters quality protection point of view, we are satisfied with this approach.

It is important that pollution prevention measures are incorporated into the design of the scheme, including during construction, operation, and decommissioning. Table 4.1 states that pollution prevention will be scoped out of the Environment Statement (ES) but will be considered in the CEMP. We are comfortable with this approach.

The type of cables to be used in the scheme have not been specified. If fluid-filled cables are proposed, pollution prevention from such cables should be included in the CEMP.

We note that private water supplies have not been mentioned in the report. An enquiry should be made to the local authority to see if there are any small unlicensed private water supplies in the vicinity of the proposed development.

Section 4.7: Ground Conditions

Ground conditions has been scoped out of requiring assessment. A Phase I Desk Study accompanies the Scoping Report in Appendix 4.5.

Paragraph 7.63 states that a ground investigation will be undertaken to provide Site-specific information on ground conditions and facilitate the design of foundations and specification of control measures. We welcome this suggestion and note that the report makes reference to the relevant guidance for completing the site investigation.

If contamination is identified, we may request that a foundation works risk assessment is completed for the proposed development.

We are satisfied with the presented approach in relation to land contamination.

Drainage

The scoping report states that an Outline Surface Water Drainage Strategy will be appended to the ES.

The strategy should include measures to prevent pollution. The strategy should ensure that any proposed use of SUDS is in line with our guidance, [Sustainable drainage systems: non-statutory technical standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/sustainable-drainage-systems-non-statutory-technical-standards)

‘The Environment Agency’s approach to groundwater protection’ sets out where SUDS drainage is acceptable in relation to controlled waters.

Information about environmental permits

If dewatering is required, it may require an environmental permit if it doesn’t meet the exemption in The Water Abstraction and Impounding (Exemptions) Regulations 2017.

Section 5: Small scale dewatering in the course of building or engineering works.

[Temporary dewatering from excavations to surface water: RPS 261 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/temporary-dewatering-from-excavations-to-surface-water-rps-261)

If they don't meet the exemption and require a full abstraction licence they should be aware that some aquifer units may be closed for new consumptive abstractions in this area. More information can be found here:

[Abstraction licensing strategies \(CAMS process\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/abstraction-licensing-strategies-cams-process)

Please note that the typical timescale to process a license application is 9-12 months. The applicant may wish to consider whether a scheme-wide dewatering application rather than individual applications would be beneficial. We suggest talking to our National Permitting Service early in the project planning.

The applicant may also need to consider discharge of groundwater, especially if it is contaminated. More information can be found here,

[Discharges to surface water and groundwater: environmental permits - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/discharges-to-surface-water-and-groundwater-environmental-permits)

The use of drilling muds for the directional drilling may require a groundwater activity permit unless the 'de minimis' exemption applies. Early discussion about this is also recommended.

Information about waste

Waste on site:

Excavated materials that are recovered via a treatment operation can be re-used on-site under the CL:AIRE Definition of Waste: Development Industry Code of Practice. This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website at <https://www.gov.uk/government/organisations/environment-agency> for further guidance

Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standards BS EN 14899:2005 'Characterisation of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any

proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12-month period the developer will need to register with us as a hazardous waste producer. Refer to our website at www.gov.uk/government/organisations/environment-agency for more information.

Flood Risk

As discussed in section 4.3 the development site is located within flood zone 1 “Low Probability”. An ordinary watercourse named the Thief Gill, as well as several other unnamed ordinary watercourses flow through the site from the south and west towards the north east of the corner of Area C. Beyond the site boundary these watercourses combine and flow in an designated main river named the Lostrigg Beck which falls under the Environment Agency remit. In Area B there is a pond which discharges to an ordinary watercourse.

We welcome the proposed minimum 8 metre buffer zone around all watercourses which is mentioned in 4.3.48. We would recommend that the greenfield runoff rates are maintained.

We advise that you discuss the proposals with the Lead Local Flood Authority (LLFA) as the construction, operation and decommissioning has the potential to impact the hydrology of Ordinary Watercourses on site, through vibration etc. This in turn could have a detrimental impact on the Lostrigg Beck, a Main River downstream and off-site.

We welcome working in collaboration with the LLFA which will help assist in assessment / methodologies in relation to flood risk and surface water for this development.

We concur that a separate chapter may not be required within the ES due to the development located in flood zone 1. We are satisfied that a combined FRA with a drainage strategy and a Water Framework Directive (WFD) assessment will accompany the ES at this stage.

Water Quality

The report makes no direct comments on the impact on either surface water or groundwater from a water quality perspective.

The WFD Assessment should explore measures to improve the ecology and chemistry of the waterbodies on site, eg creation of riparian buffer zones.

In section 4.3 it mentions that a Water Framework Directive (WFD) assessment would be appended to the Environment Statement. We will then be able to assess whether Environmental Permits will be required.

The Environment Agency will only agree to the use of deep infiltration systems for surface water or sewage effluent disposal if the developer can show that all of the following apply:

- the discharge to groundwater is indirect (with the exception of clean uncontaminated roof water to ground - see Position Statement G12)
- there are no other feasible disposal options such as shallow infiltration systems or drainage fields/mounds that can be operated in accordance with the appropriate current

British Standard 6297:2007 A1:2008

- the system is no deeper than is required to obtain sufficient soakage
- acceptable pollution control measures are in place
- risk assessment demonstrates that no unacceptable discharge to groundwater will take place – in particular inputs of hazardous substances to groundwater will be prevented
- there are sufficient mitigating factors or measures to compensate for the increased risk arising from the use of deep structures

For new effluent discharges that meet the above criteria, secondary treatment is required. The Environment Agency will apply position statement G1 to any deep infiltration systems potentially involving the discharge of non-hazardous pollutants. The Environment Agency will encourage operators of existing deep infiltration systems to alter their facilities so that direct inputs of pollutants are avoided, particularly where there is potential for hazardous substances to enter groundwater.

Installation of the posts to support the PV panels is unlikely to cause concern however the construction of a temporary site compound or haulage roads or any permanent control buildings/structures may pose a risk through the activities mentioned, these are mentioned briefly in sections 4.3.41-45, with mitigation covered in 4.3.46-51.

The implementation of SuDS design will increase on-site attenuation, infiltration and reduce the rates of overland flow therefore reducing the likelihood of significant discharges to any surface waters. We would need to see further details of any point source discharges before we provide any comments.

Biodiversity

The WFD Assessment should explore measures to improve the ecology and chemistry of the waterbodies on site, for example by the creation of riparian buffer zones.

2.6.1. states that following termination of the proposed energy generation and exportation at the Site, the structures on site will be decommissioned and the site and would be fully reinstated and could be returned to solely agricultural use.

If such enhancements to the water corridors have been created and are at risk of being destroyed by agricultural activities post decommissioning, regular (every 5 years minimum) ecological monitoring and data submission to the Cumbria Biodiversity Data Centre should be explored as a commitment to facilitate future nature conservation designation measures, with a view to ensuring biodiversity gains in perpetuity.

4.3.45. states that if required, any modifications or crossings to the existing drainage channels and watercourses at the Site during the Proposed Development's construction phase have the potential to affect the hydrological conditions of various water resources near the Site. This has the potential to modify the local water flow and runoff.

The design of bridges and culverts will need to be carefully designed to avoid ecological, geomorphological and flood risk impacts. Lostrig Beck is a European eel and Brown Trout River and as such there will potentially be restrictions and/or extra mitigation required for FRAP on proposed works affecting this watercourse.

8.4.1. The Proposed Development is being developed to avoid adverse impacts in the first instance through an iterative approach to design. For the purposes of this scoping

assessment the following measures have been assumed to be implemented for the Proposed Development:

ii. Impacts to Dean Moor Country Wildlife Site (CWS) during the construction and decommissioning phases will be avoided or minimised. The potential for the enhancement of the CWS through the implementation of appropriate management will be considered, and subject to agreement with stakeholders including Cumbria Wildlife Trust and the Council.

We recommend that the construction of this development within Dean Moor CWS should not be permitted unless there is an ambitious plan to enhance and/or expand the wet acid moorland habitat on site.

It is mentioned that the design will include appropriate buffers between infrastructure development and sensitive habitats, such as watercourses and woodland. The extent of the buffer will be determined by the sensitivity of the feature. This measure is welcomed however the habitat within the buffers should also be enhanced if the habitat is currently degraded.

8.8.11 identifies that a separate Habitats Regulations Assessment ('HRA') will be undertaken to assess any likely significant effects to internationally designated sites. Natural England will be consulted with respect to the findings of the HRA at the earliest opportunity. The HRA will be undertaken in line with Advice note ten: Habitats Regulations Assessment relevant to nationally significant infrastructure.

Please note that some of the species included as part of the citation for the River Derwent & Tributaries SSSI could potentially be present within the proposed development site or affected by works within the site:

- Atlantic Salmon *Salmo salar* Annex II, V
- River lamprey *Lampetra fluviatilis* Annex II, V
- Brook lamprey *Lampetra planeri* Annex II
- Otter *Lutra lutra* Annex II, IV

We welcome the acknowledgement of potential to secure biodiversity net gain for the scheme as detailed in 8.8.12. The ES will also summarise the results of a biodiversity net gain assessment with a full report appended.

We welcome the acknowledgement of potential adverse impacts during construction and operation and that a detailed WFD assessment would be required where potential significant impacts are identified. This should also look for potential enhancement opportunities. Enhancement opportunities should be pursued when the WFD assessment is undertaken.

Impacts through habitat loss, disturbance and fragmentation are possible to facilitate construction and decommissioning of the Proposed Development. Beneficial impacts during operation are possible through changes in habitat management and this has been scoped out. We would recommend this is scoped in as the beneficial impacts need to be accounted for.

Further Advice

The Environment Agency would welcome the opportunity to further engage and advise further on the matters outlined above, in order to provide you with confidence and clarity

in relation to our position on the DCO proposals prior to formal submission and outside the statutory engagement process. This would fall within the scope of our Cost Recoverable Planning Advice service, and as such would be subject to a fee of £100 per staff hour of time.

We will contact you further in relation to this, but in the meantime should you wish to gain our views on any draft assessments or proposals please contact us at NITeam@environment-agency.gov.uk for a quote.

Yours sincerely

Ms [REDACTED]
Planning Specialist

Direct dial [REDACTED]

Direct fax

Direct e-mail [REDACTED]@environment-agency.gov.uk

From: [REDACTED]@historicengland.org.uk
To: [Dean Moor Solar](#)
Subject: Historic England advice on case PL00793740
Date: 05 September 2023 17:26:27
Attachments: [REDACTED]

Dear Sir/Madam

I am writing in relation to the following:

EIA: Environmental Impact Assessment

Dean Moor Solar Farm

[Case Ref. PL00793740; HE File Ref. ; Your Reference. EN010155-000008-230808]

Historic England have no comments to make regarding the Dean Moor Solar Farm EIA Scoping Report.

Yours Sincerely

[REDACTED]
Inspector of Ancient Monuments
E-mail: Pete.[REDACTED]@historicengland.org.uk
Direct Dial: [REDACTED]

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From: [REDACTED]
To: [Dean Moor Solar](#)
Subject: Dean Moor Solar Farm - Scoping Report
Date: 18 August 2023 11:29:14

Thank you for consulting us on the above project.

The project site is outside the National Park but the applicant has engaged with us on the basis that there may be some impacts on the National Park as a result of the development.

I have the following comments on the scoping report.

- 1) We agree that the impact on the Lake District National Park and the English Lake District World Heritage Site (WHS) should be assessed.
- 2) Impacts, if any, are likely to be visual, rather than as a result of transport or noise.
- 3) As the inspirational landscape forms part of the Outstanding Universal Value of the English Lake District World Heritage Site any adverse landscape and visual impacts would adversely affect the WHS also. Conversely if negligible landscape and visual impact is found then the impacts on the WHS would be negligible.
- 4) We have no reason to dispute the accuracy of the ZTVs provided.
- 5) We agree that recreational visitors to National Parks are highly sensitive receptors as stated at 7.8.3
- 6) We consider that there should be some additional viewpoints in order to assess the likely impact and these viewpoints should be at certain specified tops within the National Park as these are locations where recreational users congregate, and elevated locations may provide views of the site which would not be present at lower elevations. From the maps and ZTVs we believe these should be Blake Fell and Fellbarrow but until we have been on site we cannot be certain.
- 7) Until the impacts are assessed from additional viewpoints we do not think that the landscape and visual impacts on the National Park/WHS can be confidently scoped out as suggested at 7.9.1 of the Scoping Report.
- 8) Impacts will vary depending on the detailed layout of panels within the site and could potentially be mitigated by landscape planting.

Regards

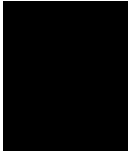
[REDACTED]
Planning Manager – Applications and Advice
Lake District National Park Authority
Direct [REDACTED]

[REDACTED] [@lakedistrict.gov.uk](mailto:[REDACTED]@lakedistrict.gov.uk)

[REDACTED]

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From: [.Box.Assetprotection \(National Gas\)](#)
To: [Dean Moor Solar](#)
Subject: RE: [EXTERNAL] EN010155 - Dean Moor Solar Farm - EIA Scoping Notification and Consultation
Date: 09 August 2023 13:06:29
Attachments: 

Todd,



Thank you for your email.

Regarding your Scoping report for Dean Moor Solar Farm, there are no National Gas Transmission assets affected in this area.

If you would like to view if there are any other affected assets in this area, please raise an enquiry with www.lsbud.co.uk. Additionally, if the location or works type changes, please raise an enquiry.

Kind regards

Asset Protection Team

From: Dean Moor Solar <DeanMoorSolar@planninginspectorate.gov.uk>
Sent: 08 August 2023 15:42
To: .Box.Assetprotection (National Gas) <box.assetprotection@nationalgas.com>
Cc:  National Gas) @nationalgas.com>
Subject: [EXTERNAL] EN010155 - Dean Moor Solar Farm - EIA Scoping Notification and Consultation

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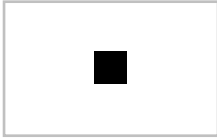
Dear Sir/Madam

Please see attached correspondence on the proposed Dean Moor Solar Farm.

Please note the deadline for consultation responses is **05 September 2023** and is a statutory requirement that cannot be extended.

Kind regards,





Todd Brumwell | EIA Advisor
The Planning Inspectorate
T [REDACTED]



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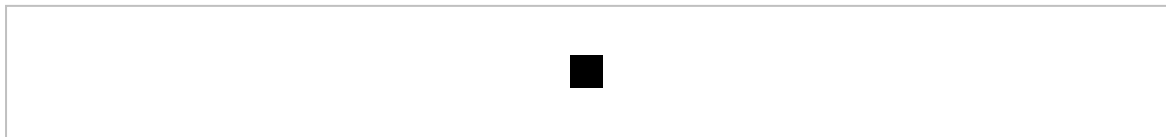
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DPC:76616c646f72



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Complex Land Rights

██████████
Development Liaison Officer
UK Land and Property
██████████ [@nationalgrid.com](mailto:██████████@nationalgrid.com)
Tel: ██████████

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
██████████@planninginspectorate.gov.uk

22 August 2023

Dear Sir / Madam

**RE: Dean Moor Solar Farm (the Proposed Development)
Scoping Consultation**

I refer to your letter dated 8th August 2023 regarding the above Proposed Development.

This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

NGET has no existing apparatus within or in close proximity to the proposed site boundary but would like to be kept informed as the proposal progresses.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

██████████

██████████

Development Liaison Officer, Complex Land Rights

From: [REDACTED]
To: [Dean Moor Solar](#)
Cc: [NATS Safeguarding](#)
Subject: RE: EN010155 - Dean Moor Solar Farm - EIA Scoping Notification and Consultation [SG35911]
Date: 15 August 2023 15:04:04
Attachments: [REDACTED]

Dear Sirs,

NATS operates no infrastructure within 10km of the proposal's site. Accordingly it anticipates no impact from the development and has no comments to make on the Scoping Opinion.

Regards
S. Rossi
NATS Safeguarding Office

[REDACTED]

[REDACTED]
ATC Systems Safeguarding Engineer

D: [REDACTED]

E: [REDACTED] [@nats.co.uk](mailto:[REDACTED]@nats.co.uk)

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL

[REDACTED]

NATS Internal

From: Dean Moor Solar <DeanMoorSolar@planninginspectorate.gov.uk>
Sent: 08 August 2023 15:25
Subject: EN010155 - Dean Moor Solar Farm - EIA Scoping Notification and Consultation

Dear Sir/Madam

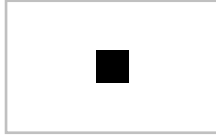
Please see attached correspondence on the proposed Dean Moor Solar Farm.

Please note the deadline for consultation responses is **05 September 2023** and is a statutory

requirement that cannot be extended.

Kind regards,

Todd Brumwell



Todd Brumwell | EIA Advisor
The Planning Inspectorate
T [REDACTED]



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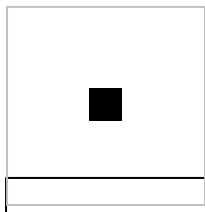
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Date: 05 September 2023
Our ref: 445381
Your ref: EN010155-000008-230808



[REDACTED]
Senior EIA Advisor
on behalf of the Secretary of State

Consultations
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T [REDACTED]

Dear [REDACTED]

Environmental Impact Assessment Scoping consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11

Proposal: Dean Moor Solar Farm

Location: Dean Moor, Cumbria

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 08 August 2023, received on 08 August 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

In summary the Dean Moor Solar Farm proposal has not triggered an Impact Risk Zone and this generally indicates that it is unlikely to adversely impact any international or nationally designated sites. However Natural England advise that this needs to be fully assessed through a Habitats Regulations Assessment due to the hydrological connection from the site to the River Derwent & Bassenthwaite Lake Special Area of Conservation (SAC).

Natural England agree that Best and Most Versatile (BMV) agricultural land can be scoped out of the Environmental Statement but advise that soil impacts do still need to be scoped in for further assessment.

Natural England also advise that hen harrier should be scoped in for further assessment.

Detailed advice on scoping the Environmental Statement is available in the attached Annex.

For any further advice on this consultation please contact the case officer Kate Berry and

copy to consultations@naturalengland.org.uk.

Yours sincerely



Sustainable Development Lead Adviser

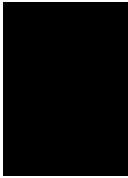
Annex A – Natural England Advice on EIA Scoping

Topic, Section (Page/ Paragraph)	Comment
<p>Biodiversity</p> <p><u>Designated Sites</u></p> <p>River Derwent and Bassenthwaite Lake SAC</p> <p>River Derwent & Tributaries Site of Special Scientific Interest (SSSI)</p> <p>8.3.3, p195</p>	<p>The site is 6km upstream of the River Marron (part of the River Derwent and Bassenthwaite Lake SAC) with a direct hydrological connection via Lostrigg Beck. The potential for polluted run-off entering the beck at both the construction and operational phases of the development needs to be fully assessed within a Habitats Regulations Assessment and appropriate mitigation implemented. Potential disturbance impacts on Otters should also be assessed in the HRA based on further survey work. Impacts on the SAC should be assessed against the European Site Conservation Objectives.</p> <p>The Environmental Statement should include a full assessment of the direct and indirect effects of the development on any additional features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects. More information about this SSSI is available here.</p>
<p>Biodiversity</p> <p><u>Hen Harrier</u></p> <p>Preliminary Environmental Assessment - 4.6.11, p18</p> <p>(Appendix 8.1 of Scoping Report)</p>	<p>As stated in the Preliminary Environmental Assessment: <i>It is recommended that up-to-date information on the location of hen harrier sensitive locations is secured and that consultation with RSPB and the local planning authority, as well as Natural England, is undertaken in respect of the scope of further bird survey.</i></p> <p>Natural England previously published a guidance note in 2009 indicating this area of Cumbria has records of breeding hen harrier. The RSPB also published guidance for wind-farm developers in 2007 which highlighted the area for the Dean Moor Solar Farm as a hen harrier over-wintering area. Natural England are unaware of any more updated information for hen harrier in this area and advise that hen harrier are scoped in for further assessment.</p> <p>A desk based study is required, the results of which will determine the need for further survey work, which could potentially involve undertaking further on-site bird surveys. The desk-based study should be informed by up-to-date information. This should be obtained from the Cumbria Local Record Centre:</p> <p>Cumbria Biodiversity Data Centre Tullie House Museum Castle Street Carlisle CA3 8TP</p> <p>info@cbdc.org.uk www.cbdc.org.uk Data Centre Manager 01228 618732</p>

	<p>Data Officer 01228 618770</p> <p>Natural England also recommend contacting Cumbria bird club and Cumbria Wildlife Trust to see if they have up to date information on hen harrier records in this area.</p> <p>The Local Planning Authority should also be contacted for records of any hen harrier mitigation land they may have secured for previous wind farm planning consents in this area.</p>
<p>Biodiversity</p> <p><u>Ancient Woodland</u></p> <p>8.3.8, p200</p>	<p>The Environmental Statement should assess the impacts of the proposal on the areas of ancient woodland adjacent to the site and any ancient and veteran trees, and the scope to avoid and mitigate for adverse impacts. It should also consider opportunities for enhancement.</p> <p>Ancient woodland is an irreplaceable habitat of great importance for its wildlife, its history, and the contribution it makes to our diverse landscapes. Paragraph 180 of the NPPF sets out the highest level of protection for irreplaceable habitats and development should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.</p> <p>Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. The wood pasture and parkland inventory sets out information on wood pasture and parkland. The ancient tree inventory provides information on the location of ancient and veteran trees.</p> <p>Natural England and the Forestry Commission have prepared standing advice on ancient woodland, ancient and veteran trees.</p>
<p>Biodiversity</p> <p><u>Biodiversity Net Gain</u></p> <p>8.8.12 p210</p>	<p>Natural England recommend that the Environmental Statement include a Biodiversity Net Gain Assessment and Habitat Management Plan (HMP). The HMP should explain how any proposed new habitat on site will continue to be managed and secured for the lifetime of the development. The Habitat Management Plan should also provide details on retention and enhancement of existing habitat features such as hedgerows, woodland and ponds. The HMP should ensure habitat connectivity to surrounding habitats, which would contribute to the wider Nature Recovery Network.</p> <p>Biodiversity Metric 4.0 provides a way of measuring and accounting for biodiversity losses and gains resulting from development or land management change.</p>
<p>Agricultural Land and Soils.</p> <p>4.2 p46</p>	<p>Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed.</p>

	<p>Based on the information provided in the Scoping Report, it appears that the proposed development comprises approximately 279.5 ha of land, of which 238.7 ha is agricultural grassland, all of which is considered to be non- Best and Most Versatile (BMV) (i.e. Grades 3b, 4 and 5 land in the Agricultural Land Classification (ALC) system), based on post-1988 ALC data for Area C and climate assumptions for Areas A and B.</p> <p>The Climate limits the ALC to at least Subgrade 3b on all land within the site based on the elevation provided in Para 1.4.3 (100 – 350 m AOD). The resulting FCD therefore exceeds 225 across the site. As such Natural England agree that it is highly unlikely that there will be any BMV agricultural land within the Site boundary due to climate limitations.</p> <p>Natural England welcome the consideration of the assessment methodology proposed in IEMA's 'A New Perspective on Land and Soil in Environmental Impact Assessment' (2022). However, whilst we broadly agree that the potential impact on BMV can be scoped out, the potential impact on the soil resource should be considered and not scoped out.</p> <p>The potential disturbance of soil as a result of the temporary and permanent infrastructure, and the underground cable installation can result in soil damage if undertaken inappropriately.</p> <p>In order to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible through careful soil management and appropriate soil use. A detailed ALC survey is normally required to assess the land use implications of the development in line with National Policy Statements where a significant amount of agricultural land is likely to be affected.</p> <p>A detailed post-1988 ALC survey is available for Area C. There is no site-specific ALC or soil data for the remainder of the site, nor the route of the underground cabling. A soil survey should be undertaken across the site to inform site layout and master-planning, including restoration or reinstatement criteria, demonstrating the sustainable re-use of the soil resource (e.g., agricultural reinstatement, habitat creation, landscaping, and public open space), in accordance with best practice guidance, as informed from the soil resource survey.</p> <p>The following issues should be considered and, where appropriate, included as part of the Environmental Statement:</p> <ul style="list-style-type: none"> • The degree to which soils could be disturbed or damaged as part of the development due to construction and decommissioning, for example extent of any construction compounds, topsoil and subsoil removal, trenches, concrete pads, concrete footings or other hardstandings, access tracks etc. • The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or
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	<p>biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.</p> <ul style="list-style-type: none"> • The Environmental Statement should include a Soil Management Plan (SMP). The SMP needs to clearly demonstrate how the soil types will inform soil handling and restoration based on site specific soil information, setting out the site specific mitigation measures with reference to the best practice guidance (Defra Construction Code of Practice), i.e. secondary mitigation measures. <p>This information is required for consultees and decision makers to understand the extent (ha) and likely long-term impacts on the soil resource.</p>
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From: [Before You Dig](#)
To: [Dean Moor Solar](#)
Cc: [Before You Dig](#)
Subject: RE: EXT:EN010155 - Dean Moor Solar Farm - EIA Scoping Notification and Consultation
Date: 09 August 2023 11:13:54
Attachments: 

Hi

NGN has a number of gas assets in the vicinity of some of the identified “site development” locations. It is a possibility that some of these sites could be recorded as Major Accident Hazard Pipelines(MAHP), whilst other sites could contain High Pressure gas and as such there are Industry recognised restrictions associated to these installations which would effectively preclude close and certain types of development. The regulations now include “Population Density Restrictions” or limits within certain distances of some of our “HP” assets.

The gas assets mentioned above form part of the Northern Gas Networks “bulk supply” High Pressure Gas Transmission” system and are registered with the HSE as Major Accident Hazard Pipelines.

Any damage or disruption to these assets is likely to give rise to grave safety, environmental and security of supply issues.

NGN would expect you or anyone involved with the site (or any future developer) to take these restrictions into account and apply them as necessary in consultation with ourselves. We would be happy to discuss specific sites further or provide more details at your locations as necessary.

If you give specific site locations, we would be happy to provide gas maps of the area which include the locations of our assets.

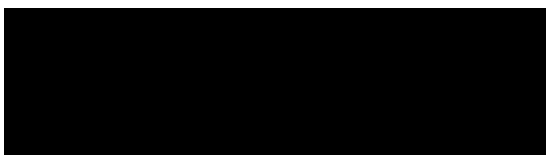
(In terms of High Pressure gas pipelines, the routes of our MAHP’s have already been lodged with members of the local Council’s Planning Department)

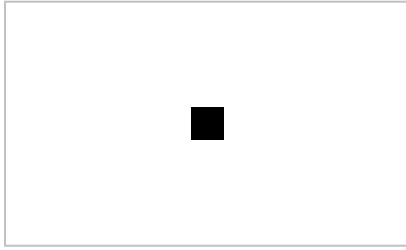
Kind regards,



Admin Assistant – Customer Operation Support
Northern Gas Networks

Direct line: 





Get involved! Have your say in the future of your gas network and win great prizes, by taking part in our BIG customer survey at together.northerngasnetworks.co.uk Keep posted to take part in a range of activities from workshops to roadshows. Together, we are the network.

Northern Gas Networks Limited (05167070) | Northern Gas Networks Operations Limited (03528783) | Northern Gas Networks Holdings Limited (05213525) | Northern Gas Networks Pensions Trustee Limited (05424249) | Northern Gas Networks Finance Plc (05575923). **Registered address:** 1100 Century Way, Thorpe Park Business Park, Colton, Leeds LS15 8TU. Northern Gas Networks Pension Funding Limited Partnership (SL032251). **Registered address:** 1st Floor Citypoint, 65 Haymarket Terrace, Edinburgh, Scotland, EH12 5HD. **For information on how we use your details please read our [Personal Data Privacy Notice](#)**

From: Dean Moor Solar <DeanMoorSolar@planninginspectorate.gov.uk>

Sent: 08 August 2023 15:25

Subject: EXT:EN010155 - Dean Moor Solar Farm - EIA Scoping Notification and Consultation

You don't often get email from deanmoorsolar@planninginspectorate.gov.uk. [Learn why this is important](#)

External email! - Think before you click

Dear Sir/Madam

Please see attached correspondence on the proposed Dean Moor Solar Farm.

Please note the deadline for consultation responses is **05 September 2023** and is a statutory requirement that cannot be extended.

Kind regards,

Todd Brumwell



Todd Brumwell | EIA Advisor
The Planning Inspectorate
T [REDACTED]



@PINSgov



The Planning Inspectorate



planninginspectorate.gov.uk

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DPC:76616c646f72





The Coal
Authority



INVESTOR IN PEOPLE



RTPI

Learning Partner

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Nottinghamshire
NG18 4RG

Tel:

Email: planningconsultation@coal.gov.uk

Web: www.gov.uk/coalauthority

For the Attention of: Case Officer
The Planning Inspectorate

[By Email: deanmoorsolar@planninginspectorate.gov.uk]

5 September 2023

Dear Sir or Madam

RE: EN010155 - EIA Scoping Opinion request in respect of an application for an Order granting Development Consent for the Dean Moor Solar Farm at Land located between the villages of Gilgarran and Branthwaite, West Cumbria

Thank you for your consultation letter of 8 August 2023 seeking the views of the Coal Authority regarding the above matter.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The site of the proposed solar farm development is largely located within the defined Development High Risk Area. The following provides a summary of the Coal Authority's information relating to coal mining legacy affecting the site:

- The site is within the potential zone of influence of former mine workings in 5 coal seams, including workings at shallow depth. There are also parts of the site where further historic unrecorded coal mining activity is likely to have taken place at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.
- There are 25 recorded mine entries (shafts adits) and their associated zones of influence present within or immediately adjacent to the site. We hold limited

treatment details of five of these former coal mining features. Due to potential plotting inaccuracies, the actual positions of the mine entries could deviate from their plotted positions by several metres. An untreated or inadequately treated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety.

- The northern part of the site lies within the boundaries of a wider site from which coal has been extracted by surface (opencast) methods. Where such mining has taken place general settlement of backfill and differential settlement over / in the vicinity of buried opencast highwalls can occur, which in turn can result in damage to buildings and structures.

Consideration of Coal Mining issues in the Environmental Statement

There are a number of coal mining legacy issues that can potentially pose a risk to new development and therefore should be considered as part of an ES or within a supporting standalone Coal Mining Risk Assessment, or equivalent report, for applications for development proposals within coalfield areas:

- The location and stability of abandoned mine entries
- The extent and stability of shallow mine workings
- Outcropping coal seams and unrecorded mine workings
- Hydrogeology, mine water and mine gas

In addition, consideration should be afforded as part of development proposals and the ES to the following:

- If surface coal resources are present, whether prior extraction of the mineral resource is practicable and viable
- Whether Coal Authority permission is required to intersect, enter, or disturb any coal or coal workings during site investigation or development work

We are therefore pleased to note that the Environmental Impact Assessment (EIA) Scoping Report (August 2023, prepared by Stantec UK Limited) indicates that a Desk-Based Coal Mining Hazard Assessment (contained in Appendix 4.6) has been prepared in support of the development proposals.

This report acknowledges the extensive coal mining legacy affecting the site. It advises that intrusive investigations will be required in order fully characterise this legacy, particularly where more sensitive elements of the development are proposed. The results of the investigations will inform any remedial stabilisation works and/or mitigation measures necessary to ensure the safe and stability of the development.

We wish to highlight that any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. The Coal Authority has adopted a policy where, as a general precautionary principle, the building over or within the influencing distance of a mine entry should wherever possible be avoided, even once treated. Our adopted policy on the matter can be found at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries

In light of the aforementioned policy, the Coal Authority would expect the detailed development layout proposal to be designed to avoid the mine entries and their associated potential zones of influence. Should insufficient documentary information be available, this may necessitate an initial phase of ground investigations to locate the mine entries prior to the formulation of the proposed layout plan.

Prior to the undertaking of any such investigations, the Coal Authority considers that it would be prudent for the applicant to carry out a positional review of the mine entries from source data, to ensure that investigations are based upon the most accurate best plot positions for the shafts.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered as part of the decision making process. The Planning & Development Team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, the decision maker should seek its own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Surface Coal Resource

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. Those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance to be present in this area and related policy considerations. As part of the decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

SuDS

Where SuDS are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.


Coal Authority Permit

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

I trust that the above comments are useful, however, please do not hesitate to contact me if you wish to discuss these matters further.

Yours faithfully



 BSc. (Hons), Dip.URP, MRTPI

Planning and Development Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority for consultation purposes in relation to this specific matter. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information is provided for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.



UK Health
Security
Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: EN010155
-000008-230808
Our Ref: 64148

Ms [REDACTED]
Senior EIA Advisor
The Planning Inspectorate
Environmental Services
Operations Group 3
Temple Quay House
2 The Square
Bristol BS1 6PN

1st September 2023

Dear Ms [REDACTED]

**Nationally Significant Infrastructure Project
Dean Moor Solar Farm
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

Environmental Public Health

We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions, and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an Environmental Statement (ES), we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*¹, setting out aspects to be addressed within the Environmental Statement¹. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Recommendation

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold, i.e., an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

Electric and Magnetic Fields

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF).

Recommendation

We request that the ES clarifies this and if necessary, the proposer should confirm either that the proposed development does not impact any receptors from potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES.

1

<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>

Please refer to the advice document for further information.

Yours sincerely

On behalf of UK Health Security Agency
nsipconsultations@ukhsa.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

By email only: deanmoorsolar@planninginspectorate.gov.uk

Your ref: EN010155-
000008-230808
Our ref: DC/23/2953
Date: 05-SEPT-2023

Dear Sir / Madam

Location: LAND AT DEAN MOOR, BRANTHWAITE
Proposal: Scoping opinion for Dean Moor Solar Farm

Thank you for allowing United Utilities Water Limited (UU) the opportunity to comment on the EIA Scoping Opinion Request for the proposal to build Dean Moor Solar Farm.

UU wishes to make the following comments at this early stage regarding the scope of any EIA. We request continued engagement to ensure our concerns are adequately addressed and to ensure appropriate protective provisions are agreed. In the interim, we wish to provide the following initial comments for your consideration.

Please note that as the statutory undertaker for water and wastewater services, we did not receive a direct consultation regarding this matter. As a result, we became aware of this consultation on 4 September 2023 following our review of the weekly register of applications for planning permission at Cumberland Council. Therefore the time we have had to review the lengthy scoping report has been very limited. Notwithstanding this position, we have sought to provide our initial thoughts on the proposal. We request that you take account of the issues we have raised in your Environmental Statement (ES) so that they are appropriately assessed and mitigated. At the current time, we are concerned that you have chosen to scope out certain matters from your ES. Based on the information, we currently have available and the limited time we have had to review the Scoping Report, we are unable to conclude whether this is appropriate. As such, we request that you engage with UU to further discuss your proposal and the potential impact on our assets and operations.

For future consultations please can you consult UU direct via email at planning.liaison@uuplc.co.uk.

1. Our Assets and Property

UU will not allow building over or in close proximity to a water main.

UU will not allow a new building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. This will only be reviewed in exceptional circumstances.

We would expect to see plans showing the proposals in relation to any existing UU assets and infrastructure as part of the planning application. We would be grateful if you can provide the latest information of Dean Moor Solar Farm in a shp file format.

Water and Wastewater Assets

We would like to draw the applicant's attention to the various water and wastewater assets that lie near to the proposed scoping boundary. For any proposals these would need to be given careful consideration, including during the construction process.

We require access as detailed in our '*Standard Conditions for Works Adjacent to Pipelines*' (a copy of this document can be found on our website). You must comply with this document and it should be taken into account in the final proposals, or a diversion may be necessary.

When working in the vicinity of our assets, developers must contact our Developer Services team prior to commencing any works on site, including (inter alia) site investigations, trial holes, site preparatory works, groundworks, remediation or demolition. Please see '*Contacts*' section below.

It is the applicant's responsibility to investigate and demonstrate the exact relationship between UU's assets and the proposed development.

A number of providers offer a paid for mapping service, including UU (see '*Contacts*' section below). The position of the underground apparatus shown on water and wastewater asset maps is approximate only and is given in accordance with the best information currently available. Therefore, we strongly recommend the applicant, or any future developer, does not rely solely on the asset maps to inform decisions relating to the detail of their site and instead investigates the precise location of any underground pipelines and apparatus. Where additional information is requested to enable an assessment of the proximity of proposed development features to UU's assets, the proven location of pipelines should be confirmed by site survey; an extract of asset maps will not suffice. The applicant should seek advice from our Developer Services team on this matter. See '*Contacts*' Section below. UU will not accept liability for any loss or damage caused by the actual position of our assets and infrastructure being different from those shown on asset maps.

Developer's should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover the cost of diversion is prohibitive in the context of their development scheme.

Any agreement to divert our underground assets will be subject to a diversion application, made directly to UU. This is a separate matter to the determination of a Development Consent Order (DCO). We will not guarantee, or infer acceptance of, a proposed diversion through the planning process (where diversion is indicated on submitted plans). In the event that an application to divert or abandon underground assets is submitted to UU and subsequently rejected (either before or after the determination of a DCO), applicants should be aware that they may need to amend their proposed layout to accommodate UU's assets.

Where UU's assets exist, the level of cover to UU's pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines

without prior agreement from UU. This would include sustainable drainage features, ecological proposals, earth movement and the transport and position of construction equipment and vehicles.

Any construction activities in the vicinity of UU's assets, including any assets or infrastructure that may be located outside the applicant's Order Limits, must comply with national building and construction standards and where applicable, our '*Standard Conditions for Works Adjacent to Pipelines*'. The applicant, and/or any subsequent developer should note that our '*Standard Conditions*' guidance applies to any design and construction activities in close proximity to pipelines and apparatus that are no longer in service, as well as pipelines and apparatus that are currently operational.

It is the applicant's responsibility to ensure that UU's required access is provided within any proposed layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to UU's assets resulting from their activity.

Vibration, Loading and Settlement

UU requests that the impact of the proposed development includes an assessment of any potential settlement and vibration on UU's assets. Similarly, any loading on UU's assets during operation or during construction requires further consideration with UU.

Storage of Equipment and Materials within Easements / Offset Areas for Access and Maintenance

UU has not undertaken a detailed assessment of where equipment and/or materials are proposed to be stored within a UU easement / area required for access and maintenance. As a general requirement, UU does not usually allow the easement area, easement width or the necessary offset distance from our assets to be obstructed or impeded in any way. This is due to, but not limited to:

- loading implications of the asset and probability of asset failure;
- implications on access and maintenance of the asset, especially for critical assets;
- security of supply; and
- health and safety implications.

UU reserves the right to instruct the removal of equipment and materials located within any easement / access and maintenance offset area. UU requires further consultation and supplementary information to discuss any affected assets.

Construction Compounds / Construction Traffic

We wish to emphasise that construction compounds should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties. Similarly, detailed consideration will need to be given to any proposed construction traffic routes to assess the impact on our assets. It will be necessary to ensure that any approach to construction is the subject of a construction management plan to address a range of issues including the protection of our assets as well as any wider impact on our operations.

Ecological Mitigation and Biodiversity Net Gain

UU wishes to emphasise that ecological mitigation and the delivery of areas for biodiversity net gain should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties.

Property Interests

Within the scoping area boundary, a number of easements (references N1299a, N911, N1299b) cross the site which are in addition to our statutory rights for inspection, maintenance and repair. It is the applicant's responsibility to obtain a copy of the easement documents, available from UU Legal Services or Land Registry. The applicant must comply with the provisions stated within the document.

Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipes or the legal right of UU to 24 hour access. The applicant should contact our Property team to discuss how the proposals affect our land interests and to ensure no detrimental impact. UU Property Services can be contacted at PropertyGeneralEnquiries@uuplc.co.uk.

Please note that within our wider asset base there are a number of assets, which although owned and operated by UU, are not always in our land ownership. For example, assets transferred under private sewers legislation.

2. Water Quality – Public Water Supply Catchment Land

UU wishes to highlight that the proposal falls on public water supply catchment land. Development proposals on water catchment land can have an impact on water supply resources and therefore we request that the applicant engages with UU to determine what assessments and mitigation measures may be required to ensure that any impact on land used for public water supply catchment purposes is fully assessed and mitigated. In this context, we are concerned that the Scoping Report suggests that Water Resources and Flood Risk are to be scoped out of the assessment. Please contact us to discuss further.

3. Flood Risk

Existing drainage systems are often dominated by combined sewers. This method of sewer infrastructure is a result of the time it was constructed, with combined sewers taking both foul and surface water. If there is a consistent approach to surface water management, it will help to manage and reduce surface water entering the sewer network, decreasing the likelihood of flooding from sewers, the impact on residents and businesses, and the impact on the environment.

Whilst UU does all that it can to reduce the risk of flooding, there remains a residual risk, which is a source of flooding that should be considered in your Environmental Statement (ES). National policy is clear that flood risk from all sources, including sewers and reservoirs, must be considered in the delivery of new development. As such, it is important to ensure that the assessment of flood risk includes sewer and reservoir flood risk. It should be ensured that your proposed development does not result in an increase in flood risk from the public sewer or from reservoirs as a result of:

- i) any proposed new drainage connections to the public sewer. This is considered in further detail below;
- ii) as a result of any changes in land or property which could materially change existing flood risk, for example, by altering any existing exceedance flood paths or losses from the public sewer or a reservoir exceedance path;
- iii) by locating any above ground elements of your proposal in areas where there is an existing risk of sewer or reservoir flooding; or

- iv) as a result of any diversions / works to watercourses or existing sewers which could materially affect hydraulic performance and therefore change / increase any risk of flooding,

Impact on Watercourses

UU wishes to liaise with you to confirm the impact on any watercourses that interact with our assets to ensure that there are no detrimental consequences of these works in terms of asset operation, flood risk and changes to fluvial geomorphological processes.

4. Drainage - Foul and Surface Water

We would be grateful if you can provide details of any drainage proposals in respect of both foul and surface water. This should include rates of discharge, volumes of discharge, points of connection, the nature and extent of any contaminants, and details of any necessary pre-treatment prior to connection to the public sewer. We request that you provide details of drainage during operation of the solar farm and during the construction period. We request further details of any approach for the storage and disposal of any hazardous fluids. We wish to understand whether there is any intention to connect such flows to our public sewerage network and to ensure any potential impact on water supply assets, including the groundwater environment, is fully considered and mitigated.

Surface Water Management Hierarchy

We wish to emphasise that consistent with the principles of the hierarchy for the management of surface water in national planning policy and the obligations of the Environment Act 2021, no surface water will be allowed to discharge to the existing public sewerage system. Surface water should instead discharge to more sustainable alternatives as outlined in the surface water management hierarchy. This will ensure the impact of development on public wastewater infrastructure, both in terms of the wastewater network and wastewater treatment works, is minimised. We adopt this position as surface water flows are very large when compared with foul flows. By ensuring that no surface water enters the public sewerage system, the impact on customers, watercourses and the environment will be minimised.

Please note, UU is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

There should be no land drainage, including dewatering proposals, discharged to the public sewer.

Rights to Discharge to Watercourse or Other Receiving Water Body

Given the importance of surface water discharging to an alternative to the public sewer, we request that all land that is necessary to facilitate a discharge to a watercourse is fully identified within the limits of the DCO. This will ensure the site benefits from the requisite rights to discharge to more sustainable alternatives than the public sewer for the management of clean surface water, e.g., a right to discharge to a watercourse or other water body. For clarity, the extent of land should be sufficient to facilitate a surface water discharge to a watercourse / water body for all elements of your proposal. Ensuring that the extent of land within the Order Limits is sufficient for the purposes of the discharge of surface water is important as a sewerage company has limited powers to acquire the right to discharge surface water to a water body under the Water Industry Act. Therefore you will need to ensure that this right is acquired via your proposed DCO.

Multi-functional Sustainable Drainage Systems (SuDS)

We request that surface water is only managed via SuDS which are multi-functional and at the surface level in preference to conventional underground piped and tanked storage systems.

Wherever practicable, SuDS should be implemented in accordance with the CIRIA SuDS manual. Managing surface water through the use of SuDS can provide benefits in water quantity, water quality, amenity and biodiversity.

If the applicant intends to offer wastewater assets forward for adoption by UU, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in '*Sewerage Sector Guidance Appendix C – Design and Construction Guidance v2-2*' dated 29 June 2022 or any subsequent iteration. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by UU. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of SuDS

Without effective management and maintenance, SuDS can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the determining authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend that you include details of a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Please note that UU cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the approval of the management and maintenance arrangements in these circumstances.

5. Water Supply Requirements

We request that you provide details of any water supply requirements for both construction and during operation as soon as possible. If you require a water supply, the information should include details on rates of water supply required in litres per second and anticipated points of connection to the public water supply network. The details of water supply required should include details for any fire response purposes that may be necessary. For temporary related activities, such as construction compounds and workers accommodation, early consideration of any water supply requirements will also be required. If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for. You will need to ensure that your ES fully considers any environmental impact of any water supply requirements.

6. Ground conditions

UU requests that the assessment of potential environmental impact from ground conditions including any contamination, hazardous materials or dewatering fully considers the impact on our assets, water

resources, water catchment land and water quality as a result of construction of the proposed development.

7. General Advice

If the applicant intends to receive water and/or wastewater services from UU they should visit our website or contact the Developer Services team for advice at the earliest opportunity. This includes seeking confirmation of the required metering arrangements for the proposed development. See 'Contacts' Section below.

If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the connection(s) will be suitable for the new proposal or that any existing metering arrangements will suffice. In addition, if reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit [REDACTED] and go to section 7.7 for compulsory metering.

To promote sustainable development UU offers a reduction in infrastructure charges for applicant's delivering water efficient homes and draining surface water sustainably (criteria applies). For further information, we strongly recommend the applicant visits our website when considering any water or wastewater design [REDACTED]

Business customers can find additional information on our sustainable drainage incentive scheme [REDACTED]

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' Section below.

Contacts

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the 'Live Chat' function, please visit:

[REDACTED]

Email

For advice on water and wastewater services or to discuss proposals near to pipelines, email the Developer Services team as follows:

Water mains and water supply, including metering - DeveloperServicesWater@uuplc.co.uk

Public sewers and drainage - SewerAdoptions@uuplc.co.uk

Telephone - [REDACTED]

Property Searches (for asset maps):

A number of providers offer a paid for mapping service including UU. For more information, or to purchase a sewer and water plan from UU, please visit [REDACTED]
[REDACTED]

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority.

Please contact me at planning.liaison@uuplc.co.uk so that the detail of this letter can be discussed further.

Yours faithfully

[REDACTED]
Planning, Landscape and Ecology Team
United Utilities Water Limited