Dean Moor
Solar Farm

Applicant Response to Relevant Representations

on behalf of **FVS Dean Moor Limited**

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12 August 2025
Prepared by: Stantec UK Ltd
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DEAN MOOR SOLAR FARM

APPLICANT RESPONSE TO RELEVANT REPRESENTATIONS

DEADLINE 1

PLANNING INSPECTORATE REFERENCE EN010155

PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

Project Ref:	**EN010155/Applicant's Response to Relevant Representations**
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1 Introduction

1.1 Overview

1.1.1 This 'Applicant Responses to Relevant Representations' document ('ARRR') (D1.1) has been produced for FVS Dean Moor Limited (the 'Applicant') to support the DCO application for the Dean Moor Solar Farm ('the Proposed Development') which is located between the villages of Gilgarran and Branthwaite in West Cumbria (the 'Site'), and situated within the administrative area of Cumberland Council ('the Council').

1.1.2 The DCO application (EN010155) was submitted to the Planning Inspectorate on 26 March 2025 and was accepted for Examination on the 15 April 2025. The period for registering as an interested party, through the submission of a Relevant Representation ('RR') ran from the 30 April 2025 to 19 June 2025.

1.1.3 A total of 17 RRs were received from Interested Parties.

1.1.4 Three additional submissions were received late and accepted at the discretion of the Examining Authority (ExA). This comprised a submission from the Council's Historic Environment Officer (HEO) with a covering note from the Council's planning department; a joint submission from the Council as the Local Highways Authority (LHA) and Lead Local Flood Authority (LLFA); and a submission comprising a landscape report commissioned by the Council from Galpin Landscape Architecture. Though accepted by the ExA as 'additional submissions' ('AS') the Applicant has treated these documents as if they are RRs, and a response to each additional submission is also provided in this document at Deadline 1 (D1), rather than Deadline 2 (D2) as requested in the timetable in the Rule 8 letter.

1.1.5 Cumbria Wildlife Trust (CWT) have been accepted as an 'Other Party' by the ExA but did not provide a RR. The Applicant is working with CWT to provide a Draft Statement of Common Ground (dSoCG) for submission at D2.

1.2 Updated Submission Documents

1.2.1 Submission documents that will be updated to reflect the RRs, are set out as follows:

- ES Appendix 2.4 – Flood Risk Assessment and Outline Drainage Strategy (including new Appendix D Hydraulic Analysis) [**AS-013**] [**APP-101**];
- ES Appendix 5.1 – Outline Construction Environmental Management Plan [**APP-108**];
- ES Appendix 5.2 – Outline Construction Traffic Management Plan [**APP-109**]
- ES Chapter 7 – Landscape and Visual Impact [**APP-039**];
- ES Appendix 7.1 – Landscape and Visual Methodology [**APP-119**];
- ES Appendix 7.3 Schedule of Visual Effects [**APP-121**]
- ES Appendix 7.4 Cumulative Assessment [**APP-122**, **APP-123**, **APP-124**, **APP-125**]
- ES Appendix 7.5 – View Location Photosheets [**APP-126**, **APP-127**, **APP-128**, **APP-129**, **APP-130**, **APP-132**, **APP-133**];
- ES Appendix 7.6 – Visualisations (**APP-134**, **APP-135**, **APP-136**, **APP-137**, **APP-138**, **APP-139**, **APP-140**, **APP-141**, **APP-142**, **APP-143**, **APP-144**);
- ES Appendix 7.7 – Outline Landscape Ecological Management Plan [**APP-145**];
- ES Chapter 8 – Biodiversity [**APP-038**];
- ES Appendix 8.8 – Biodiversity Net Gain Report [**APP-157**]; and
- ES Contents Page [**APP-031**].

1.2.2 These documents are intended to be submitted at D2 in case of any further amendments arising out of the ExA's First Written Questions.

1.3 Structure of this document

1.3.1 This ARRR is divided into the following sections:

- Section 2 - The Applicant Response to the Host Local Authority, Neighbouring Local Authorities, and Parish Councils;
- Section 3 – The Applicant Response to Other Statutory Consultees, National Agencies, Undertakers, and Elected Representatives; and
- Section 4 – The Applicant Responses to Members of the Public and All Remaining Organisations and Businesses.

1.3.2 References to the application documents are provided in accordance with the referencing system set out in the Planning Inspectorate's 'Dean Moor Solar Project Examination Library'.

Table 1.1: List of host local authorities, neighbouring local authorities, and parish councils who provided an RR or additional submission

Examination Library Reference	AS/RR Received From
AS-003	Cumberland Council (historic environment)
AS-004	Cumberland Council (LHA and LLFA)
AS-005	Cumberland Council (landscape and visual)
RR-013	Lake District National Park (LDNP) Authority (LDNPA)
RR-015	Distington Parish Council
RR-007	Dean Parish Council

Table 1.2 List of other statutory consultees, national agencies, undertakers, and elected representatives who provided an RR

PINS Reference	RR Received From
RR-017	Environment Agency
RR-016	Historic England
RR-010	National Highways
RR-009	Natural England
RR-006	The Mining Remediation Authority (Formerly the Coal Authority))
RR-005	Forestry Commission
RR-012	UK Health Security Agency
RR-011	Health and Safety Executive

Table 1.3 List of members of the public and all remaining organisations and businesses who provided an RR

PINS Reference	RR Received From
RR-004	Susan Carling
RR-003	Malcom Fulton
RR-008	Lucy Fulton
RR-014	Keystone Law on behalf of 12 Property FE Limited
RR-001	Claire Welford
RR-002	James Christoper Howell

1.3.3 Due to the low number of RRs received, this ARRR has addressed points made within each RR rather than through thematic analysis. Where the same RR has been submitted by different parties, this ARRR has cross referred to the response where the point has been addressed.

1.3.4 Within the 'Reference' column of each of the response tables, the Applicant has referred to the paragraph / section numbering used within the RR. Where this is not provided, the Applicant has referred to page number or paragraph number.

1.3.5 Generally, RR's are quoted directly within the 'Matter Raised' column **in italics**. In some cases, long RR's are summarised, with quote extracts provided in italics. The Applicant has sought to respond to all material points raised by Interested Parties by copying them directly or summarising them in the tables below. However, the Applicant has not reproduced all representations in full, nor responded to every individual item to reduce the length of this document.

1.3.6 A lack of response should not be treated as the Applicant accepting or agreeing with the point raised. If the ExA or any party considers that a material point has not been addressed, they may raise this in their response to this document and the Applicant will consider the merits in making a direct response.

2 The Applicant Responses to the Host Local Authority, Neighbouring Local Authorities, and Parish Councils

2.1 The Applicant Responses to the Host Local Authority, Neighbouring Local Authorities, and Parish Councils

Table 2.1: Cumberland Council – Historic Environment (Archaeology) AS-003

Ref	Matter Raised	Applicant Response
Pg1, Section 3, Para 1	*The submitted Environmental Statement (ES) concludes that the construction and operation of the proposed solar farm will have a significant moderate adverse effect on the setting of the designated heritage assets of the Large Irregular Stone Circle and Round Cairn at Dean Moor scheduled monument and Wythemoor Sough listed building. I suggest you consult Historic England and your conservation adviser regarding the impact of the scheme on these assets and I defer to any forthcoming comments that they may make.*	It is noted that the Historic Environment Officer (HEO) response on behalf of the Council is primarily in respect of archaeological receptors and recommends the Council to their conservation officer and Historic England (HE) for a view on designated heritage assets and the potential for moderate adverse effects on the settings of these assets (which are therefore significant in ES terms) in ES Chapter 6. The Applicant continues to engage with the Council on this matter, and it is hoped that the dSoCG with the Council will reflect the latest position on this which is intended to be submitted at D2. In accordance with the HEO's expectation of HE interest in the effect on the Stone Circle and Cairn Scheduled Monument (NHLE: 1014588) and the Grade II Listed Wythemoor Sough and Adjoining Barn and Stable (NHLE: 1327185) ('Wythemoor Sough') a draft dSoCG is also in progress with HE on this topic, intended to be submitted at D2. This indicates that HE agrees with the assessment and conclusions within ES Chapter 6 – Cultural Heritage [**APP-037**], and that the overall impacts on the setting of these assets would amount to less than substantial harm in NPPF terms.
Pg 1, Section 3, Para 1	*In terms of the proposal's impact on non-designated archaeological assets, the application site has been the subject of an archaeological desk-based assessment, an archaeological geophysical survey and*	The Applicant notes the HEO's affirmation of the inputs that form the basis of ES Chapter 6 – Cultural Heritage's [**APP-037**] conclusions in

Ref	Matter Raised	Applicant Response
	a walkover survey and these have identified a number of archaeological assets and areas where potential archaeological assets may be present on the site. These include late-19th century mining remains and geophysical anomalies detected by the survey as being of potential interest. *I agree with the ES that these assets are likely to be of low/moderate significance and that the construction of the proposed development would disturb them causing, in a worst-case scenario, a major adverse effect.*	relation to the potential for undesignated archaeological assets and their significance. The Applicant anticipates that the forthcoming dSoCG on this topic will provide assurances to the ExA that, although the Proposed Development has the potential to have significant adverse effects on any presently unknown archaeological receptors, this is without the proposed mitigation which has been developed through engagement with the HEO and is agreed as a suitable way forward for the protection of archaeological cultural heritage interests.
Pg 1-2, Section 3, Para 2	*I have no objection to the proposed scheme with regards to its impact on non-designated archaeological assets. I consider that, in the event consent is granted for the development, a suitable archaeological mitigation scheme should be implemented to either protect, or to investigate and record the remains, where appropriate.* *The Archaeological Mitigation Strategy (AMS) in appendix 6.3 of the ES provides an adequate framework for the mitigation. It states that the mitigation should comprise a staged approach starting with an archaeological trial trenching evaluation. In the unlikely event that archaeological remains of highest significance are identified in the evaluation, they would need to be protected from harm during the construction and decommissioning of the scheme.* *Adequate methodology for achieving this protection would need to be agreed in writing prior to the commencement of the construction of the scheme.*	The Applicant notes confirmation of agreement on the proposed framework of archaeological investigation and mitigation set out in ES Appendix 6.3 Archaeological Mitigation Strategy (AMS) [**APP-117**]. The AMS includes details of trial trenching to be undertaken and the procedures to be followed in associated with this fieldwork and its outcomes The locations and number of trial trenches, as set out within the AMS [**APP-117**], are agreed with the HEO. Compliance with the AMS, including the provision of a Written Scheme of Investigation (WSI) is secured by DCO Requirement 9. The forthcoming dSoCG with the HEO will reflect the Applicant's agreement with the Council on the Proposed Development's approach to archaeology
Pg 2, Section 3, Para 2	*Any archaeological remains of lower significance revealed in the evaluation would need to be subject to a programme of archaeological investigation and recording in line with the procedures outlined in the AMS. A written scheme of investigation for this programme of archaeological work would need to be submitted, and agreed upon, prior to the commencement of the construction of the scheme.*	The Applicant notes confirmation of the staged programme of archaeological investigation, as set out within the AMS [**APP-117**] which has been agreed with the HEO. The AMS includes a commitment to agree the final WSI with the Council, which will be substantially in accordance with that outlined by the AMS, that reflects the final design.

Table 2.2: Cumberland Council – LHA and LLFA AS-004

Ref	Matter Raised	Applicant Response
Pg1-2, Paras 1-4	***Local Highway Authority Response:*** *The LHA has had extensive pre-submission pre-app discussions with the applicant regarding traffic and access matters. Certain parameters, constraints and measures to protect the highway and its users have been agreed in principle.* *I have reviewed the:* • *Outline Construction Traffic Management Plan (OCTMP)* • *Traffic Regulation Measures Plan* • *Transport Statement* • *Outline Operational Management Plan (OOMP)* • *Framework Decommissioning Management Plan (FDMP)* *These are comprehensive documents and I note the inclusion of all the measures and proposals as previously discussed, including (not a definitive list), temporary speed limits, details of accesses, delivery management proposals, swept paths, operational hours and routing.* *The proposals are acceptable at this stage to manage and offset any material impact on the highway network, including outline proposals for the operational phase and decommissioning operation. However, further details to be approved by the LHA are required at the relevant stages. It is noted that final CTMP, OMP and DMP are proposed to be submitted as a DCO requirement and we will recommend that this is conditioned.*	The Applicant agrees that there has been productive engagement between the parties and appreciates the affirmation of the application's provision on traffic and transport matters as suitably comprehensive. This has enabled agreement to be reached for measures to mitigate the Proposed Development's potential effects on the local road network (LRN) during construction via the OCTMP [APP-109], It is noted and that the LHA also agrees that effects during the operational phase would be negligible, and with the approach to management via the OOMP. The forthcoming dSoCG with the LHA will cover these matters in further detail.
Pg2, Paras 5-6	***Countryside Access*** *There are several Public Rights of Way affected by the proposals, namely: Public Footpaths 260001, 260003, 260010 and 241005 would all be affected to various degrees. The rights of way are acknowledged in the documents and plans seem to suggest the Public Footpaths*	The Applicant has confirmed that there are no PRoWs directly affected by the Proposed Development during construction and operation. Figure 4.8 of the Transport Statement (TS) [APP-102] identifies the PRoW within the vicinity of the Site.

Ref	Matter Raised	Applicant Response
	would be left unobstructed however we would require more detailed plans on what is proposed to keep the Public Footpaths open and unobstructed if Planning Permission was to be granted.	• 260001 terminates on the northern boundary of Branthwaite Road. This part of the LRN is outside the Order Limits but forms part of the routing to/from Site. • 26003 terminates on the northern boundary of Branthwaite Road. This part of the LRN is outside the Order Limits and does not form part of the routing to/from Site. • 225002 terminates on the eastern side of the Branthwaite Edge Road. This part of the LRN does form part of the Order Limits and the routing to/from Site. • FP 260010 and 241005 referenced by the Council are not known to be in proximity to the Site or any part of the LRN that forms part of the routing to/from Site. Through the final CEMP, induction procedures, and instructions to delivery drivers, workers and vehicle drivers will be made aware of the presence of PRoW on these routes and the higher potential for pedestrians at these locations. However, no additional mitigation is required, and all existing routes will remain open and unobstructed. Currently there are no PRoWs that would be affected during decommissioning. This will be revisited at the time of preparing the final DMP document suite.
Pg2, Paras 7-9	***Lead Local Flood Authority Response*** *I have reviewed the Environmental Statement: Appendix 2.4 – Flood Risk Assessment and Outline Drainage Strategy (ODS) (in 3 parts) and previously had extensive discussions and meetings with the applicant to establish the requirements and provisions to include in the submission.* *The FRA & ODS is a very comprehensive document and includes all the necessary measures and procedures as previously discussed and agreed. I am satisfied that with the measures considered and proposed at this stage for surface water management the development will not increase flood risk to the site nor downstream. The pollution and sediment / silt management aspects are also covered off to*	The Applicant agrees that there has been productive engagement between the parties and appreciates the affirmation of the application's provision on flood risk and drainage matters as suitably comprehensive This has enabled agreement to be reached for measures to manage flood risk to/from the Proposed Development and mitigate the Proposed Development's potential effects on ordinary watercourses on Site, as well as downstream effects. These interests are secured through DCO Requirements and the approach provided by design (works plans and parameters) and control documents for each phase have been informed by LLFA

Ref	Matter Raised	Applicant Response
	provide the necessary treatment which is especially important during the construction phase. It is noted that a final Drainage Strategy is proposed to be submitted as a DCO requirement and we will recommend that this is conditioned.	engagement and are agreed. The forthcoming dSoCG with the LLFA will cover these matters in further detail.
Pg2, Paras 10-11	***Construction Surface Water and Flood Risk Management*** *I have reviewed the relevant section in the Outline Construction Environmental Management Plan (OCEMP) and I note the inclusion of all the measures and procedures discussed and agreed in pre-app discussions with the applicant. The OCEMP includes the necessary measures for protecting the Site from flooding, controlling the risk of pollution, and the ingress of material such as soil, silt, oil, and chemicals. Preparation of the final Construction Environmental Management Plan (CEMP) shall be secured by a DCO Requirement and shall be submitted for approval by the Council. The construction of any part of the Proposed Development must be carried out in accordance with the approved CEMP for that part.*	Noted. The Applicant appreciates the affirmation of the Proposed Development's approach to managing construction effects in relation to surface water and flood risk as well as pollution prevention measures. The forthcoming dSoCG with the LLFA will cover these matters in further detail.
Pg3, Paras 12-14	***Conclusion*** *The LHA and LLFA have no objection to the proposals but recommends the following conditions are included in any consent granted:*	The Applicant is pleased to note that there is no objection to the proposals from the Council. The Applicant notes the Council's RR goes on to set out recommended conditions to ensure the LHA and LLFA interests are secured. The Applicant considers that along with the design parameters as secured by the Work Plans [**APP-007**] and Design Parameter Document (DPD) [**APP-028**], the detail of each recommended condition is captured by the detailed contained within the relevant control documents which are secured by DCO Requirements. The remainder of Table 2.2 will respond to each condition with detail on where/how these matters are addressed in the outline management plans which will form the basis of the final versions that must be substantially in accordance with the outlines as per Schedule 2 of the dDCO.

Ref	Matter Raised	Applicant Response
Pg3, Paras 12-14	**Recommended Condition 1 of X** *The site accesses and any other works to the public highway shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.* *Reason: To ensure a minimum standard of construction in the interests of highway safety. highway network and in the interests of highway and pedestrian safety.*	The Applicant considers the requirements of the recommended condition are met primarily by Requirement 3 of the DCO. This states that no part of the authorised development may commence until design details are provided which include details of vehicular access, parking, and circulation areas. The recommended condition would also be supported by the provision for the Requirement 5 CTMP which must be substantially in accordance with his application's OCTMP [**APP-109**], the latter of which includes draft plans for each access, including swept path analysis and visibility splays. These are complemented by Requirement 8 which mandates pre-commencement details of the final drainage strategy which is to be in accordance with this application's FRA and ODS [**AS-013**]. Please also note the Applicant's response to Table 2.2, Pg5, 2.
Pg3, Paras 15-16	*Details of any works to Public Rights of Way on the Site to protect them and keep them open shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.* *Reason: To assert and protect the rights of the public to the use and enjoyment of any highway for which they are the Highway Authority and prevent as far as possible the stopping up or obstruction of those highways.*	As per the response in Table 2.2, Row 2, there are no PRoWs directly affected by the Proposed Development during construction and operation. Currently there are no PRoWs that would be affected during decommissioning. There are no proposals to close any PRoW and no powers sought that would override a requirement to seek the Council's secondary consent for any works affecting a PRoW (although note the street work powers in the draft DCO which include the power to temporarily stop up streets – see Schedule 6 to the draft DCO [**APP-012**]). It is considered that a specific condition is not needed to protect PRoW interests which are proportionally addressed in the relevant control documents.
Pg3-4, Paras 17-19	*Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP must be substantially in accordance with the OCTMP and will:*	The Applicant considers the requirements of the recommended condition are adequately addressed by the DCO Requirement 5 CTMP.

Ref	Matter Raised	Applicant Response
	· Demonstrate that construction materials can be delivered, and waste removed, in a safe, efficient and environmentally friendly way; *· Identify construction deliveries that could be reduced, re-timed or consolidated, particularly during peak periods on the highway network;* *· Encourage use of modern, low emission vehicles;* *· Enable all contractors, suppliers, and hauliers to be familiar and compliant with the requirements of the CTMP; and* *· Encourage construction workers to travel by non-car modes and low emission transport to the Site.* *The CTMP shall also include details of* *· Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;* *· Details of proposed crossings of the highway verge;* *· Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;* *· Cleaning of site entrances and the adjacent public highway;* *· Details of proposed wheel washing facilities;* *· The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;* *· Construction vehicle routing;* *· The management of junctions to and crossings of the public highway and other public rights of way/footway;* *· Details of any proposed temporary access points (vehicular / pedestrian)* *· Surface water management proposals during the construction phase.* *Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.*	This will be substantially in accordance with this application's OCTMP [**APP-109**] which reflects engagement with the LHA and provides for all of these matters, and which has been affirmed by the Council as appropriately comprehensive,

Ref	Matter Raised	Applicant Response
Pg4, Paras 20-21	*Prior to the development of any phase the applicant must produce and submit a Construction Environmental Management Plan (CEMP) for that part of the Proposed Development, for approval in writing by the local planning authority. The CEMP will adhere to the principles established by the OCEMP.* *Reason: To protect the Site from flooding and control the risk of pollution, and protecting the aquatic environment from waterborne pollutants such as soil, silt, oil, and chemicals. [Note: The OCEMP and CEMP cover a wide range of construction based risks to the environment. The assessment and recommendations contained in this response relate solely to the water environment as part of the LLFA's duties. A broader, all-encompassing condition relating to the CEMP will be required]*	The Applicant considers the requirements of the recommended condition are adequately addressed by the Requirement 4 Construction Environmental Management Plan (CEMP). This will be substantially in accordance with the relevant parts of the OCEMP [**APP 108**] which reflect engagement with the LFFA and provides for all of these matters, and which has been affirmed by the Council as appropriately comprehensive. The recommended condition will also be supported by measures in the DCO Requirement 10 Soil Management Plan (SMP) which will be substantially in accordance with this application's OSMP [**APP-110**].
Pg4, Paras 22-23	*Prior to the operation of any part of the Proposed Development, the Applicant must produce and submit an Operational Management Plan ('OMP') for that part of the Proposed Development, for approval in writing by the local planning authority. The OMP must be substantially in accordance with the Outline Operational Management Plan (OOMP) covering traffic management matters as appropriate.* *Reason: To ensure the operation of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.*	The Applicant considers this recommended condition is in alignment with the Requirement 11 of the DCO which mandates an Operational Management Plan (OMP) The OMP will be substantially in accordance with this application's OOMP [**APP-107**] which has been affirmed by the Council as appropriate for traffic and transport matters during the operational phase.
Pg5, Paras 24-25	*Prior to the decommissioning of the site or any part of the site a Decommissioning Traffic Management Plan (DTMP) shall be submitted for approval by the Local Planning Authority. The DTMP shall be substantially in accordance with the Framework Decommissioning Management Plan (FDMP).* *Reason: To manage and minimise the impacts of traffic associated with decommissioning on the local road network.*	The Applicant considers this recommended condition is adequately addressed DCO Requirement 13 which mandates a Decommissioning Management Plan (DMP) be approved in advance of decommissioning and restoration. As per the Requirement, the DMP must be substantially in accordance with this application's Framework Decommissioning Management Plan (FDMP) [**APP-111**].

Ref	Matter Raised	Applicant Response
		The FDMP provides a framework for a future DMP document suite which will be the equivalent to that which is required for the construction phase. This includes a Decommissioning Traffic Management Plan (DTMP). Paragraph 3.1.6 of the FDMP states that the impacts of traffic associated with decommissioning will be managed with a DTMP, which will include a strategy equivalent to that which is outlined in the OCTMP [**APP-109**]. Table 3.1, Section 'M' of the FDMP further specifies that the DTMP will be based on consultation with the relevant highways authorities undertaken in advance of submission to discharge the Requirement.
Pg5, Paras 26-30	*Prior to the commencement of any development, a surface water drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. (Refer to the CDDG Appendix 7 for list of documents and evidence to be submitted)* *The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.* *The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk Assessment & Outline Drainage Strategy dated March 2025.* *The works shall be constructed, maintained and managed in accordance with the approved details.* *Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG*	The Applicant considers the requirements which are outlined within the proposed wording are adequately secured through Requirement 8 of the DCO (see Schedule 2 to the draft DCO [**APP-012**]), which requires written details of the surface water drainage strategy to be approved by the Council, before any part of the Proposed Development can commence. And, ahead of the submission to the LPA the strategy must be informed by engagement with the LLFA. Requirement 8 further stipulates that the final drainage strategy will be substantially in accordance with this application's FRA and ODS [**AS-013**] which has been informed by LLFA engagement and affirmed as appropriate by the Council.

Ref	Matter Raised	Applicant Response
Pg5, 1.	***Advisory Statements*** *Prior to any work commencing on the watercourses the applicant should contact the Lead Local Flood Authority by email: LFRM.consent@cumbria.gov.uk to confirm if an Ordinary Watercourse Flood Defence Consent is required. If it is confirmed that consent is required it should be noted that a fee of £50 will be required and that it can take up to two months to determine.*	The Applicant can confirm effective engagement has occurred with the LLFA on the topic of Ordinary Watercourse Consent (OWC) and the agreed position on the approach to OWC is reflected in the forthcoming dSoCG. What is agreed is in alignment with OCEMP [**APP 108**] section 12.3 which sets out the commitment that no works with the potential to affect an ordinary watercourse will be undertaken before the LLFA either issues OWC or confirms that no OWC is required for the proposed works/use.
Pg5, 2.	*Any works within or near the Highway must be authorised by the Council and no works shall be permitted or carried out on any part of the Highway including Verges, until you are in receipt of an appropriate permit from the LHA Streetworks team. This applies to temporary speed limit orders and the like which will be required for the duration of the construction phase…* *Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and acwhich is intended to be at cessible at all times.*	The Applicant notes these comments. Street works are governed by Part 3 of the draft DCO [**APP-012**]. In accordance with Article 12 of the draft DCO, the New Roads and Street Works Act 1991 continues to apply subject to the precedented provisions set out in the draft DCO. The Council should consider Part 3 of the draft DCO and the following schedules which set out the powers and process for highway works: - Schedule 4 – Streets subject to street works - Schedule 5 – Alteration of streets - Schedule 6 – Streets to be temporarily closed or restricted - Schedule 7 – Access to works - Schedule 8 – Traffic Regulation Measures The Applicant will discuss this further with the Council and ensure this matter is addressed through the dSoCG.

Table 2.3: Cumberland Council – Landscape and Visual AS-005

Ref	Matter Raised	Applicant Response
Para 2.7 & 2.37	*Para 4.2.3 of the Appendix 7.1 – Landscape and Visual Methodology, there is a misleading description of photography'*	This is erroneous text and the Applicant is grateful for this being brought to its attention. The Applicant will revise and aim to submit at D2 an updated version of ES Appendix 7.1 – Landscape and Visual Methodology [APP-119].
Para 2.12	*Although the assessment is generally descriptive in its judgements, some processes and references are lost within the scale of submitted documents which can be confusing. For example, the schedules of landscape and visual effects in Appendices 7.2 and 7.3 are very useful in identifying effects. Similar tables would have been useful throughout the assessment process within the report.*	The Applicant considers that ES Appendix 7.2 – Schedule of Landscape Effects [APP-120], and ES Appendix 7.3 – Schedule of Visual Effects [APP-121] provide a suitable summary of the assessment process. Furthermore, written summaries are provided in sections 7.5 and 7.7 of the ES Chapter 7 – Landscape and Visual Impact [APP-039].
Table from *'Step 2'* pg 8-16	*Information about the height of mitigation planting included in the visualisations at Year 15 is not obvious within the report. There does not appear to be an explanation.*	The Applicant will provide further information on the heights proposed for mitigation planting shown within the visualisations (ES Appendix 7.6), and in a revised version of ES Appendix 7.1 – Landscape and Visual Methodology] intended to be submitted at D2.
Para 2.15, 4.1, & 4.17	*The submitted LVIA identifies the landscape and visual baseline conditions and is supported by good graphical information. This includes numerous ZTV's which show the theoretical visibility of the different elements of the proposed development (i.e. Solar PV Infrastructure, Grid Connection, and POC Mast Siting Area) which helps to identify the likely visual receptors. It would be useful to see multiple ZTVs showing the visibility of the different Areas (Area A, B & C) which were identified. This would be particularly useful due to the size and topography of the site and the surrounding landforms. These ZTVs would quickly show which Areas of the site are visible from the surrounding landscape.*	The Applicant considers that the information illustrated on the following figures provides appropriate definition of the theoretical visibility for the Proposed Development. (1) ES Figure 7.5a Zone of Theoretical Visibility of Work No. 1 Solar PV Infrastructure with View Locations [APP-085]; (2) ES Figure 7.5b Zone of Theoretical Visibility of Work No. 2 Grid Connection Infrastructure with View Locations [APP-086]; and (3) ES Figure 7.5c Zone of Theoretical Visibility of Work No. 2a POC Mast Siting Area with View Locations [APP-087]. Consideration of the total visibility for different Work No. is considered appropriate as this shows the worst-case extent of the visibility for each infrastructure element, with definition of the percentage visibility identified. As set out within para 4.1.2 of the ES Appendix 7.1 – Landscape and Visual Methodology [APP-119], the *"ZTV remains only as a tool in the landscape and visual*

Ref	Matter Raised	Applicant Response
		impact assessment of the Proposed Development" and therefore the provision of additional ZTVs would not further inform the judgements already made which the RR concludes in para 4.25 that *"the submitted LVA was prepared in accordance with guidance and is generally acceptable".*
Paras 2.16, 4.1, & 4.17	Paras 2.16 and 4.1 bullet 2 and bullet 4, and para 4.17 bullets 2 and 4: *Views from local roads and footpaths are, in some cases, covered by representative viewpoints, however, the sequential views do not seem to be assessed. For example, VL2b is representative of views from the unclassified road east of Gilgarran, but it is not representative of the worst-case scenario views from this route which would be further east when driving through the Site. Similarly, VL3c on Dean Cross Road does not consider the worst-case views which are to the east of the viewpoint. VL6a and VL7 give a good representation of views from Branthwaite Edge Road which runs along the eastern edge of the Site.*	The Council and the LDNPA were previously consulted to agree the selection of View Locations. The Applicant considers that the request for additional or alternative View Locations would not change the overall conclusions or effects reported within Chapter 7, and therefore the additional viewpoints are not required, for the reasons set out below. VL2b is considered representative of the view from the residential property (high sensitivity) at this location as opposed to users of the road (medium sensitivity). Further information on this is set out below in response to VP Table - VP2b VL3c is a representative view from Dean Cross Road, which as identified by the ZTV analysis (ES Figure 7.5a [**APP-085**], ES Figure 7.5b [**APP-086**], and ES Figure 7.5c [**APP-087**]), shows variations on theoretical visibility. The Applicant considers the worst-case position of road users using Dean Cross Road is represented by VL3c. It is considered that the representative VLs within ES Chapter 7 - Landscape and Visual Impact [**APP-039**] provide a reasonable overview of visibility from nearby routes and roads with similar proximity the Site. Furthermore, the RR concludes in Para 2.17 that *'Overall, the scope of the assessment is proportionate to the scale of the proposed development'.*
Para 2.18	Para 2.18*: The submitted LVIA provides judgements of value and susceptibility for both landscape and visual receptors. There is minimal description of how the judgements of value were reached, although some baseline description of the views and receptors is provided in Appendix 7.2 and 7.3.*	ES Appendix 7.2 - Schedule of Landscape Effects [**APP-120**], and ES Appendix 7.3 - Schedule of Visual Effects [**APP-121**] provide information on the value for receptors and this should be read in conjunction with ES Appendix 7.1 – Landscape and Visual Methodology [**APP-119**], which provides a description of each criteria and level.

Ref	Matter Raised	Applicant Response
VP Table - VP2a	VP Table – VP2a: *Generally, viewpoints 2a, 2b and 2c cover the typical nature of views in the area around Gilgarran. There are very limited views from within the village itself, so these viewpoints are deemed adequate in judging the impact on residents and recreational users in the vicinity of the village.* *It is worth noting that the worst-case scenario views from the road east of Gilgarran towards the Site would be from the section of road which passes through the Site itself.*	The Applicant notes this comment, however a view from the road passing though the Site would not be representative of views from Gilgarran due to its remote nature from the settlement. Overall it is considered the representative VLs within ES Chapter 7 - Landscape and Visual Impact [**APP-039**] provide a reasonable overview of visibility from nearby routes and roads with similar proximity the Site. Furthermore, the RR concludes in Para 2.17 that *'Overall, the scope of the assessment is proportionate to the scale of the proposed development'.*
VP Table - VP2b	VP Table – VP2b: *Although there is an opening in the hedge opposite the dwelling of Colingate, the proposed development is likely screened from views by trees. The viewpoint provided does offer views to the Proposed solar array.* *This viewpoint (VL2b) is not representative of the worst-case scenario views along this road which would be found a few hundred metres further east where there would be solar panels located on both sides of the road.*	VL2b is representative of views from the residential property (high sensitivity) at this location, as opposed to users of the road (medium sensitivity). The Applicant agrees that a view from the road located further east with the Site may represent a worst case scenario for medium sensitivity users of the road. However, the road is bounded by a mixture of hedgerow and woodland vegetation and therefore views (which are oblique to the direction of travel) would be filtered (to varying degrees) by this vegetation. Overall, it is considered the representative VLs within ES Chapter 7 - Landscape and Visual Impact [**APP-039**] provide a reasonable overview of visibility from nearby routes and roads with similar proximity the Site. Furthermore, the Council's submission concludes in Para 2.17 that *'Overall, the scope of the assessment is proportionate to the scale of the proposed development'.*
VP Table - VP2c	*Not the worst-case scenario viewpoint along this road route (VL3c). There would be a direct view across the Proposed Development from near the entrance of the Motocross Track which would be worst-case scenario views.* *The view chosen is representative of typical views from the road near the edge of the CRoW open access land. The submitted report suggests this viewpoint is on an elevated plateau with 360-degree*	The Applicant acknowledges the statement and that there could be a worsening of effects for users of the road as they travel further east. However, the Applicant considers that VL6b is broadly representative of available views further east along this road which is recognised by the Council *('VL6b - It is also representative of the views of road users along this stretch of Dean Cross Road').* The Applicant does not consider VL3c to be misleading as it is representative of views experienced by road users travelling along Dean Cross Road, who experience differing level of visibility due to the variations in topography and vegetation, as represented by the ZTV analysis (ES Figure 7.5a [**APP-085**], ES Figure 7.5b [**APP-086**], and ES Figure 7.5c [**APP-087**]). Road users are generally medium sensitivity, however, this

Ref	Matter Raised	Applicant Response
	views, with views to the LDNP fells, which is true. Views to the Site, however, are mostly screen *d by intervening landform.* *This viewpoint is therefore potentially misleading as there would certainly be a higher magnitude of effect further east along the same road.*	view location has been assessed as receptors of high sensitivity as a result of the proximity of the Open Access Land and panoramic views. Therefore, the worst-case has been considered. Overall, it is considered the representative VLs within ES Chapter 7 - Landscape and Visual Impact [**APP-039**] provide a reasonable overview of visibility from nearby routes and roads with similar proximity the Site. Furthermore, the RR concludes in Para 2.17 that *"Overall, the scope of the assessment is proportionate to the scale of the proposed development".*
VP Table – VP15, paras 4.1, 4.17 and 4.16	*The viewpoint selected is confirmed as representative of views on the footpath on Darling Fell.* *The view is incorrectly described as from Fellbarrow in the submitted LVIA and Appendix 7.3 Schedule of Visual Effects. Fellbarrow is over 1.5km to the north of Darling Fell. While the view would be at a different angle from the peak of Fellbarrow, the view provided is at a similar elevation and is considered to be representative of views from the range of fells north of Loweswater (including Fellbarrow and Loweswater Fell).* *Additionally, the quality of the photographs is unclear due to visibility on the day of taking the photos.*	The Applicant acknowledges this mistake and will update ES Chapter 7 - Landscape and Visual Impact [**APP-039**], and associated appendices to make it clear that this view is taken from Darling Fell. The Applicant agrees with the position that Darling Fell is "*representative of views from the range of fells north of Loweswater"* and therefore further survey / photography is not required from Fellbarrow. In accordance with guidance (LI TGN 06/19) reasonable steps were taken to collect baseline photography, however given the location (elevated landform within the north west of England) weather conditions on Site were variable. Locations (including those within the LDNP, which is located around 3.2km east of the Site) were visited on multiple occasions to capture the best available photography. The Applicant acknowledges that due to distance, photography is not always representative of a clear day with excellent visibility, however the Aplicant considers the photography submitted is robust and suitable to inform the assessment and application. Furthermore, baseline photography was made available at both statutory consultation and reshared with stakeholders on the 06/09/2024 to allow for review. At no previous stage was the image quality questioned. The Applicant considers that no further baseline photography is required to support the examination.

Ref	Matter Raised	Applicant Response
VP Table and Paras 4.2 and 4.18	*A general note that the grid references provided on the Photosheets and Visualisations are not always accurate. This makes verification of the viewpoints on site more difficult. Further to this, the 'Photograph taken' dates show inconsistencies (e.g. VL14 Winter View & Summer View both shown as taken on 4.10.2023 in some instances).*	The Applicant acknowledges this comment and these administrative corrections will be made to ES Appendix 7.5 – View Location Photosheets [**APP-126**] to [**APP-133**] and ES Appendix 7.6 – Visualisations [**APP-134**] which is intended to be at D2. The Applicant does not consider that this impacts the conclusions or judgments reached within the assessment and that no further action is required to ES Chapter 7 - Landscape and Visual Impact [**APP-039**].
Paras 2.25, 4.3 and 4.19	*Further planting of extra woodland and/or hedgerow trees would be suitable along the west of Branthwaite Edge Road.*	Branthwaite Road is located to the west of the Site and immediately adjacent to the western boundary of Area C. Currently Branthwaite Edge Road is bounded by a combination of dry-stone walls and gappy hedgerows / individual trees to its western boundary, and a mixture of drystone walls, dense hedgerows, and linear tree belts to tits eastern boundary. Its primary visual receptors are highway users (medium sensitivity) with a few residential properties (high sensitivity) also present. ES Figure 7.6 1-5 – Landscape Strategy Plan (LSP) [**APP-088**] illustrates a range of landscape measures along the western edge of Branthwaite Edge Road, including 750m of new tree planting within an areas of acid grassland, 105m of new native hedgerow planting proposed to be 3 to 3.5m in height (when established), and a further 450m of existing hedgerow which is proposed to be enhanced to a 3-3.5m height to provide additional screening. In addition, a range of measures are included within the Site away from this boundary (but in close proximity) including new Broadleaved Woodland, native hedgerows (3-3.5m in height), trees, and scrub planting. In combination, the Applicant considers that these will provide suitable visual screening from the visual receptors (both from static residents and from transient views of road users) and aid integration of the Proposed Development into the landscape. The visual screening which is identified within the LSP [**APP-088**] reflects the minimum that the Applicant would be required to provide, to be secured by DCO requirement 6. There would be a further opportunity for the Council to consider and comment on the suitability of the screening post consent when consulted on the final Landscape Ecology Plan (LEP) and LEMP, which will be targeted to the final design and will provide an opportunity for the Council to input on detailed LEP specifications such as

Ref	Matter Raised	Applicant Response
		tree planting, as opposed to the LSP which is a worst-case scenario based on the Works Plans.
Para 2.26	point 1: *Visual Assessment: VL2b & VL2c are close to one another, and both seem to represent views of road users and residential receptors, yet VL2b is assessed a High sensitivity and VL2c a Medium sensitivity. Further to this, the assessment of the magnitude of effect is found to be Negligible for VL2b and Slight for VL2c. Although the judgement for the overall level of significance remains the same, the difference in sensitivity is questionable. This inconsistency may lead to inaccurate assessment or become confusing when presenting a transparent process of assessment.*	VL2b is directly adjacent to a residential property with primary views towards the Site, therefore sensitivity is set as High in accordance with the methodology set out in ES Appendix 7.1 – Landscape and Visual Methodology [**APP-119**]. VL2c is located on the highway and away from residential properties (which are located to the west and typically beyond intervening vegetation which bounds the settlement (as identified by ES Figure 7.5a Zone of Theoretical Visibility of Work No. 1 Solar PV Infrastructure with View Locations [**APP-085**] and therefore sensitivity is defined as Medium. Views from VL2c towards the Proposed Development are more extensive than those from VL2b and therefore the magnitude is slightly higher. This explanation on the rationale behind the sensitivity is set out within ES Appendix 7.3 - Schedule of Visual Effects [**APP-121**], pages 6-8.
Para 2.26	Point 2: *The magnitude of effect assessment for some viewpoints and landscape character areas is higher for 'during construction' and is reduced for 'operation (year 1)'. While there may be a greater level of movement on site during construction which would be reduced during operation, the short-term, temporary nature of construction activities can mitigate the effects. By raising the magnitude of effect for construction activities, and reducing for operation, it is potentially misleading the reader as to the actual potential effects of the Proposed Development during operation. (VP7 is an example).*	Although the Applicant agrees construction effects are generally short-term, the change in view during construction is generally of a higher magnitude than without, given the increased activity levels and other elements associated with construction such as temporary fencing and/or hoarding, plant and the presence of compounds and materials, vehicles, and people. The assessment considers the peak construction activity in combination with the Proposed Development being built out. This approach is considered a worst-case approach, and to confirm, does not lead to the reduction in the judgement of effects during operation, and is consequently not "potentially misleading". Conversely, the level of activity described above increases the magnitude of change during construction. For example, at VL7 a major adverse magnitude is identified to occur during construction (dominant or complete change), and a moderate magnitude (representing a clearly noticeable change) during operation. In both instances, the addition of new elements in the view will substantially degrade the appreciation of the view, with the change being central to the view. During construction the additional activity would create further visual contrast with the baseline conditions (these being low levels of activity associated with the farmland) resulting in this dominant change. When

Ref	Matter Raised	Applicant Response
		construction ceases whilst the degradation remains the visual contrast is somewhat reduced. This explanation on the rationale is set out within ES Appendix 7.3 - Schedule of Visual Effects [**APP-121**].
Para 2.26	Point 3: *'Indistinct' has been used in the assessment of LDNP Distinctive Character Area 8: Loweswater. This wording is not provided in methodology.*	ES Appendix 7.1 – Landscape and Visual Methodology [**APP-119**] Table 3.10 provides a definition of the term indistinct. This reads "*As a result of the proposals, there would be a change to the landscape features / characteristics, but the change would be entirely in keeping with the existing landscape character or landscape features such that the existing character and/or features are maintained, and that change does not cause deterioration or enhancement of the character."*
Para 2.27	*A description of the potential visual and landscape effects of the Proposed Development at various development stages has not been found.*	ES Appendix 7.2 - Schedule of Landscape Effects [**APP-120**], and ES Appendix 7.3 - Schedule of Visual Effects [**APP-121**] describe the effects and this should be read in conjunction with ES Appendix 7.1 – Landscape and Visual Methodology [**APP-119**].
Para 2.36	*While 'Table 7.7: Table of Significance – Landscape and Visual' of the submitted LVIA provides a summary of significant effects, it is not easy to determine which landscape and visual receptors are significantly affected. A summary table showing the sensitivities, magnitude of effect and level of significance for each landscape and visual receptor would be a clearer way to present the information.*	ES Chapter 7 – Landscape and Visual Impact [**APP-039**] provides a summary of effects across all phases of the works (construction, operation Yr. 1, operation Yr. 15, and decommission) transposed from ES Appendix 7.2 – Schedule of Landscape Effects [**APP-120**] and ES Appendix 7.3 – Schedule of Visual Effects [**APP-121**] in addition to Table 7.7: Table of Significance – Landscape and Visual. This complies with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the additional tables would be a presentational change only. The Applicant therefore considers further tables unnecessary.
Para 2.38	Para 2.38 4.1 bullet point 5, para 4.4, para 4.17 bullet 5, and para 4.20: *There is not clear inter relationship between chapters of different topics. For example, Cultural Heritage contains landscape related assessments for the settings of historic assets.*	ES Chapter 7 – Landscape and Visual Impact [**APP-039**] aimed to simplify and avoid double counting through the assessment of effects on the same receptors, by leaving the assessment of the setting of heritage assets to ES Chapter 6 – Cultural Heritage [**APP-037**].
Para 3.16	*There are some minor differences between the judgements in the GLA independent assessment and the submitted LVIA, however, the level of significance would remain the same for all viewpoints except VL14*	The Applicant notes this comment, and this results from the methodological variation. The independent LVIA assessment criteria do not include 'Very High' which the Applicant's assessment reserves for World Heritage Sites, i.e. international

Ref	Matter Raised	Applicant Response
	for which the GLA independent assessment assessed the degree of significance to be Minor and therefore Not Significant. The difference for VL14 is owing to the difference in methodology and wording.	designations. ES Appendix 7.1 – Landscape and Visual Methodology [**APP-119**] identifies this.
Para 3.2.2	*The independent LVIA concurs that the main cumulative consideration would be Lost Rigg where the cumulative effect would be Moderate adverse (significant)*	The Applicant welcomes this comment, in agreeing with the conclusions reached in ES Appendix 7.4 - Cumulative Assessment [**APP-122**], [**APP-123**], [**APP-124**], and [**APP-125**].
Para 4.13	*A summary of findings of the review of the assessment of effects shows that judgements of effects are correct.*	The Applicant notes the independent LVA position which is welcomed.
Para 4.25	*The submitted LVA was prepared in accordance with guidance and is generally acceptable.*	The Applicant notes the independent LVA position which is welcomed.

Table 2.4: Lake District National Park Authority RR-013

Ref	Matter Raised	Applicant Response
Para 1	*The Lake District National Park Authority (LDNPA) is the Local Planning Authority responsible for the area within the boundaries of the Lake District National Park that lies a minimum of 3.2km from the application site. The LDNPA is a S43(2) Authority – the land is in the area of another LPA (Cumberland) with whom we share a boundary.*	The Applicant notes this response.
Paras 2-5	*We are going to comment on:* *• The landscape and visual amenity of the Lake District National Park* *• Setting of the English Lake District World Heritage Site*	ES Chapter 7 - Landscape and Visual Impact Assessment [**APP-039**] agrees with the very high sensitivity applied to the recreational receptors. The assessment of visual effects from the representative view locations identifies a negligible magnitude (representative of a barely perceptible change, which would barely alter the appreciation of the view due to distance).

Ref	Matter Raised	Applicant Response
	The sensitivity of recreational users of the areas where views are available will be very high. The magnitude of the effect would be minor, because although the size of the development is large, it is sited some considerable distance from the National Park boundary, and further still from viewpoints where the application site might be apparent. *We would suggest that a high sensitivity combined with a minor magnitude would give a slight or minor harm, especially as the development would have a limited lifespan and should be reversible.* *This effect amounts to 'less than substantial harm' to the World Heritage Site.*	ES Chapter 7 [**APP-039**] agrees with high sensitivity applied to the LDNP as a landscape receptor. A very high sensitivity was applied to the English Lake District World Heritage Site (WHS). No assessment was undertaken on the LDNP or WHS as receptors for LVIA purposes, as set out in table 7.6, *'pre-application advice from the LDNPA in August 2023 advised that "…the impact, if any, is likely to be visual…" however it was agreed that "…the impact on the Lake District National Park both as a National Park and a World Heritage Site should be addressed". The PEIR therefore assessed the LDNP and WHS and found there to be no change from a landscape perspective'*. ES Chapter 6 Cultural Heritage [**APP-037**] acknowledges the high sensitivity, and concludes in para 6.5.30 that '*Overall, the significance of effect is likely to be a long-term (temporary), minor adverse and non-significant effect following embedded mitigation (due to the 'high' sensitivity of the receptor and 'negligible' magnitude of impact).*' The assessment also concludes that the Proposed Development would not result in substantial harm to designated assets (in NPPF terms). The overall conclusion reached by the LDNP Authority, that effects amount to 'less than substantial harm' is therefore agreeable.
Paras 6-7	*We are aware that the proposed development would bring benefits to be considered and weighed against impacts identified. The importance of the appropriate generation of renewable energy is recognised in national and local plan policy (Lake District National Park Local Plan (2020-2035) Policy 20).* *We would not wish to object to the submission that has been made. Rather we offer our opinion on the nature and extent of the effect on the National Park and World Heritage Site as advice for the decision maker to weigh when coming to their decision.*	The Applicant notes the LDNPA's position, which is welcomed.

Table 2.5: Distington Parish Council RR-015

Ref	Matter Raised	Applicant Response
Pg1, Paras 1-2	*I am writing to you on behalf of Dean & Distington Parish Councils in my capacity as Parish Clerk. We have been discussing Dean Moor Solar Farm with its developer, FVS Dean Moor Ltd (the Developer), at length for many months and feel it is essential to share our perspectives and concerns regarding this development with the Planning Inspectorate.* *In general, both parish councils recognise the role of solar energy described in the National Policy Statement for Renewable Energy Infrastructure (EN-3) and broadly welcome the opportunity to provide a host community for the Dean Moor Solar Farm.*	The Applicant notes this response.
Pg1, Para 3	*… the proposed development at Dean Moor will be visually dramatic and have a transformational impact on the landscape between the closest villages of Branthwaite and Gilgarran.*	The Applicant has assessed the landscape and visual impact of the Proposed Development in ES Chapter 7 - Landscape and Visual [**APP-039**].
Pg 1, Para 5	***Key Points and Concerns*** • *The Developer's engagement and timely feedback during the whole consultation process have been inconsistent and often nearly impossible to obtain.*	The Applicant has complied with the consultation requirements of the Planning Act 2008. Chapter 6 of the Consultation Report (**APP-018**) sets out how the Applicant had regard to the consultation responses received, including whether or not responses led to changes to the DCO application. The Applicant has undertaken both non statutory and statutory consultations, has engaged with the Parishes during and outside of these formal consultation periods, and has attended Parish meetings. In addition, the Applicant has responded in a timely fashion to requests for further information and questions from the Dean and Distington Parish Council's Joint Working Group. The Applicant has further ensured a separation in communications between matters relating to planning concerns of the Proposed Development, and matters relating to the proposed voluntary community benefit offered by the Applicant.

Ref	Matter Raised	Applicant Response
		The Applicant considers that it is highly likely that this matter is raised in relation to community benefit topics which remain a topic of ongoing engagement.
Pg 1, Para 5	• *The Developer in our view, has singularly failed to address and answer our concerns specifically relating to:* o *public access to the site and permissive footpaths* o *increasing biodiversity across the site, and* o *management of construction activities*	The Applicant considers these matters have been addressed and that Parish Council feedback has been a valued influence on the design of the Proposed Development. However, the Applicant accepts that the Parish Council may have been expecting a direct response beyond that provided by the incorporation of feedback and the application's Consultation Report [APP-018] and hopes that the referral to this document will provide additional insight. There is currently no public access to the Site, or PRoW within the Site. Following the statutory consultation, the Applicant has included information relating to its proposals for two permissive footpaths across the Site to facilitate public access. This was detailed in the Consultation Report Appendix 6 [**APP-022**], and is shown in ES Chapter 7Figure 7.6 1-5 Landscape Strategy Plan (LSP) [**APP-088**]. ES Chapter 8 – Biodiversity [**APP-038**] details the Applicant's approach to increasing biodiversity across the site, alongside supporting appendices including the ES Figure 7.6 LSP [**APP-088**] and ES Appendix 8.8 Biodiversity Net Gain (BNG) Report [**APP-157**]. The Proposed Development's approach to delivering BNG is secured by the Outline Landscape and Ecology Management Plan (LEMP) [**APP-145**], while protection of ecological interests is provided by the OCEMP [**APP 108**]. ES Chapter 5 – Construction and Decommissioning Methodology and Phasing [**APP-036**] outlines the Applicant's approach to managing construction and decommissioning activities. Parish Council feedback has been taken on board for the relevant construction phase control documents, particularly the OCEMP [**APP 108**] and OCTMP [**APP-109**].
Pg 1, Para 5	*Our discussions with the Developer regarding Community Benefit have been protracted and what's being proposed by them, in our view, falls well short of what we consider industry 'best practice' in this area.*	The Applicant increased the proposed Community Benefit package following the statutory consultation to £300 per megawatt. The Applicant has ongoing engagement with the Parish Councils regarding community benefits, to develop a package which the Applicant considers appropriate to the scale and size of the Proposed Development.

Ref	Matter Raised	Applicant Response
		The ExA will note the Government's May 2025 working paper on 'Community benefits and shared ownership for low carbon energy infrastructure'[1]. Part 1 of this working paper clarified the status of community benefits as part of the planning process: '*It is critical the planning process remains a robust system through which communities can continue to have a say on any proposals in their area. That is why community benefits are legally immaterial to planning decisions and cannot be considered when deciding whether to grant planning consent.* *Community benefits are also not compensation for any perceived negative impacts. Where developers consider it appropriate to provide individual compensation for a development, this arrangement should be agreed between the relevant parties and would be separate from any potential community benefit proposals*.' The Applicant has engaged further with Dean and Distington Parish Councils on its proposals, as evidenced in the supporting documents provided by the Dean and Distington Parish Councils in their RR. This is further detailed in the Consultation Report - Appendix 7: Further/ongoing engagement [**APP-023**]. This engagement will continue outside of the DCO process.
Pg 2, Para 7-8	***Additional Documentation*** *I have attached the latest correspondence with Director of FVS Dean Moor Ltd, to which we received a partial response on Monday 16th June 2025 after urging him to respond before the Planning Inspectorate's 19th June deadline for registration to comment.* *The 16th June response from referred only to the Community Benefit Fund, and whilst it contains additional details about how the fund might be administered, we remain of the view that the amount being offered - £300*	The Applicant has ongoing engagement with the Parish Council regarding the Community Benefit package.

[1] HM Government (2025) Community benefits and shared ownership for low carbon energy infrastructure: working paper

Ref	Matter Raised	Applicant Response
	per MW of installed capacity – falls well short of what the communities have a right to expect given the scale of the development. In comparison, RWE are offering £400 per MW for their 100MW Lostrigg Solar Farm, for which they are seeking consent on the other side of the road in Branthwaite. The two solar farms literally face each other across the road and the Parish Councils believe that the least Dean Moor Solar Farm should do is to match this £400 per MW figure.	
Pg 2, Paras 9-10	*I've also attached a copy of our last response to FVS Dean Moor's statutory consultation for your information. We have yet to receive satisfactory responses to the majority of issues raised.* *Thank you for your attention to this matter. We trust that you will give due consideration to the perspectives shared in this letter. Should you wish to discuss this further or require additional information, please do not hesitate to contact me.*	The Applicant has considered the statutory consultation response received from Distington and Dean Parish Councils. Responses to each matter raised are set out within Appendix 6 of the Consultation Report Appendix 6 [**APP-022**]. The Applicant has sought to incorporate the feedback received from the statutory consultation in relation to the Preliminary Environmental Information Report (PEIR) within the Proposed Development and application submission documents. The Design Approach Document [**APP-029**] and ES Chapter 4 – Alternatives and Design Evolution [**APP-035**] provide a summary of some of the ways in which the design of the Proposed Development has been refined since the PEIR and informed by engagement with consultees, especially in relation to landscape and visual effects which the Parish Council statutory consultation response raises. Notably, the Parish Council recommended the addition of a path through Area C, which is now included within the LSP Plan along the western boundary. The statutory consultation response was further concerned about the environmental effects of the Battery Energy Storage System (BESS). The BESS has now been removed from the Proposed Development.

Table 2.6: Dean Parish Council RR-007

Ref	Matter Raised	Applicant Response
Pg 1, Paras 1-2	*I am writing to you on behalf of Dean & Distington Parish Councils in my capacity as Parish Clerk. We have been discussing Dean Moor Solar Farm with its developer, FVS Dean Moor Ltd (the Developer), at length for many months and feel it is essential to share our perspectives and concerns regarding this development with the Planning Inspectorate.* *In general, both parish councils recognise the role of solar energy described in the National Policy Statement for Renewable Energy Infrastructure (EN-3) and broadly welcome the opportunity to provide a host community for the Dean Moor Solar Farm.*	The Applicant notes this response.
Pg 1, Para 3	*However, the proposed development at Dean Moor will be visually dramatic and have a transformational impact on the landscape between the closest villages of Branthwaite and Gilgarran.*	Please refer to the Applicant's response to similar concerns raised by Distington Parish Council above at Table 2.3 [**RR-015**].

Pg 1, Para 5	***Key Points and Concerns***
	• *The Developer's engagement and timely feedback during the whole consultation process have been inconsistent and often nearly impossible to obtain.*
	• *The Developer in our view, has singularly failed to address and answer our concerns specifically relating to:*
	  ○ *public access to the site and permissive footpaths*
	  ○ *increasing biodiversity across the site, and*
	  ○ *management of construction activities*
	• *Our discussions with the Developer regarding Community Benefit have been protracted and what's being proposed by them, in our view, falls well short of what we consider industry 'best practice' in this area.*
		Please refer to the Applicant's response to similar concerns raised by Distington Parish Council above at Table 2.5 [**RR-015**].

Pg 2, Paras 7-8	***Additional Documentation*** *I have attached the latest correspondence with Director of FVS Dean Moor Ltd, to which we received a partial response on Monday 16th June 2025 after urging him to respond before the Planning Inspectorate's 19th June deadline for registration to comment.* *The 16th June response from referred only to the Community Benefit Fund, and whilst it contains additional details about how the fund might be administered, we remain of the view that the amount being offered - £300 per MW of installed capacity – falls well short of what the communities have a right to expect given the scale of the development. In comparison, RWE are*	Please refer to the Applicant's response to similar concerns raised by Distington parish Council above at Table 2.5 [**RR-015**].

Ref	Matter Raised	Applicant Response
	offering £400 per MW for their 100MW Lostrigg Solar Farm, for which they are seeking consent on the other side of the road in Branthwaite. The two solar farms literally face each other across the road and the Parish Councils believe that the least Dean Moor Solar Farm should do is to match this £400 per MW figure.	
Pg 2, Paras 9-10	*I've also attached a copy of our last response to FVS Dean Moor's statutory consultation for your information. We have yet to receive satisfactory responses to the majority of issues raised.*	Please refer to the Applicant's response to similar concerns raised by Distington parish Council above at Table 2.5 [**RR-015**].

3 The Applicant's Responses to Other Statutory Consultees, National Agencies, Undertakers, and Elected Representatives

Table 3.1: Environment Agency RR-017

Ref	Matter Raised	Applicant Response
Section 5 (Pg 3-4)	***Evidence Gap in Flood Zone 1 and NaFRA2 data*** *The current Risk of Flooding from Surface Water modelling in this area offers a high-level overview only. There could likely be fluvial flood risk at the confluence between the ordinary watercourses and the Lostrigg Beck where sensitive infrastructure is placed and we would like confidence that the risk has been investigated.* ***Issue:** The Applicant relies on Flood Zone 1 classification from the Flood Map for Planning (FMfP) and Risk of Flooding from Rivers and Sea (RoFRS) mapping without site-specific hydraulic modelling. This is problematic because both FMfP and RoFRS contain evidence gaps, particularly for catchments under 3km².* ***Impact:** The absence of site-specific hydraulic modelling undermines the conclusion that the site is not at risk from fluvial flooding or climate change scenarios. Assertions that the site lies outside of the floodplain cannot be substantiated, and a sequential approach to the placement of components and mitigation cannot be applied accurately.* ***Solution:** The Applicant should carry out an assessment of fluvial flood risk to address the evidence gap. This will inform the design, ensure that a sequential approach is properly applied, and allow appropriate mitigation such as siting sensitive equipment or providing freeboard relative to the design flood level. Clarify the intended use and limitations of*	Following the receipt of this RR the Applicant met with the EA planning and modelling teams on 17th July 2025 to agree a suitable way forward. The agreed approach will be set out in the forthcoming dSoCG. A number of ordinary watercourses flow across the Site and provide a potential source of fluvial flooding within the Site alongside these channels. The FRA [AS-013] relies upon the EA Risk of Flooding from Surface Water (RoFSW) mapping. It includes an update to reference the outputs of the EA NaFRA Study, which was updated in January 2025. This was used within as a proxy to determine the fluvial flood risk. In response to the EA's request for further Site-specific fluvial modelling, the Applicant has agreed with the EA to undertake a hydraulic analysis. Analysis will be based on the extraction of Site cross sections through the area of concern, and the production of rating curves (i.e. a graph of the flow-water level relationship), utilising the EA-advised precautionary flows. The Applicant and the EA have agreed this will be a proportionate response to address the concern raised in this RR. This analysis applies a number of precautionary assumptions, in addition to the very conservative flows provided by the EA. This includes assessing the most onerous 2080s epoch (i.e. a potential design life as far as 2125) and considers both the 'Higher Central' and the 'Upper End' climate change allowances. The results indicate that the extent of flooding in the assessed scenarios are comparable to the EA RoFSW map extents and therefore provides the level of assurance requested by the EA. The results will be appended to the updated FRA intended to be submitted at D2. A draft dSoCG is also in progress with EA, and will detail the EA's agreement to the methodology for this analysis, and regarding the EA's response to the conclusions.

Ref	Matter Raised	Applicant Response
	the NaFRA2 and FMfP datasets. Reassess fluvial flood risk for all relevant watercourses using appropriate methodologies for small catchments. To help ensure a proportionate approach we have outlined an example methodology below (see additional narrative).	
Section 5 (Pg 6)	**[Watercourse] *Crossings*** ***Issue**: The Applicant states that crossings will not impede watercourses but has not identified the specific location, type, or design of these structures.* ***Impact**: Unassessed crossings could restrict flow or create upstream flooding, particularly if cross-sectional areas are reduced or debris blockage is possible.* ***Solution**: The Applicant should provide a Crossing Register detailing each proposed or existing crossing, along with an assessment to ensure that they do not adversely impact flood risk*	Potential crossing locations are identified by the Works Plans, which include all existing crossings in Work No. 3 along with a buffer either side of existing crossings which could be relied on in association with any works to any of these crossings. The Proposed Development will aim to utilise the existing crossing points, although upgrade works may still be required even if utilising a crossing that already exists. This is reinforced in section 8.13 of the FRA [**AS-013**] which confirms that the Proposed Development will aim to retain and reuse existing watercourse crossings. Where necessary, any new or improved crossings will be designed so they do not impede the ordinary watercourses across the Site. i.e., no lesser cross-sectional area than the existing channel. The OCEMP [**APP 108**] (section 12.3)) outlines the approach to watercourse crossings (including culverts/bridges or other structures) should any works be required that interfere with the channel. Such works would be subject to an Ordinary Watercourse Consent ('OWC') process through the LLFA. The CEMP will further detail how this will be managed and sets out a commitment that no works with the potential to affect an ordinary watercourse will be undertaken before the LLFA either issues OWC or confirms that no OWC is required for the proposed works/use. Note that LLFA agreed with the approach and raised no concerns over the point. It is the LLFA who will be responsible for approving the OWC applications and the DCO has not sought to disapply this process in light of the relatively limited information that is available at this stage. The location of the crossings requiring works will be established during the detailed design process by the contractor. The location and design of crossings will be informed by further ground investigation and ecological surveys to be undertaken post consent. It is for this reason that all existing crossing points have been identified by Work No. 3 to provide design flexibility. It is not proposed to remove existing crossing infrastructure for the existing crossings not utilised in the final design, but the buffers

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		either side will be managed as green infrastructure in accordance with the management provided by the OLEMP [**APP-145**] for these corridors.
Section 5 (Pg 6-7)	***Climate Change*** ***Issue*** *- There is a lack of clarity regarding the epoch used for climate change allowances, and the specific uplift values applied. The RoFRS maps used also have known limitations and should not replace site-specific assessment* ***Impact*** *- Inappropriate or unclear climate change assumptions may underestimate future flood risk, leading to under-designed mitigation and potentially placing infrastructure at risk.* ***Solution*** *- Applicant must confirm the design epoch and uplift values used. If the development is assumed to last until 2069, this should be a Requirement within the DCO (i.e., that the site has been decommissioned by 2069).* *A drawing overlaying the proposal on the climate change-affected design event should be provided to inform siting and freeboard.* ***Additional Information*** *Considering FRA Figure 5.2, please note that the fluvial mapping for the RoFRS also contains an evidence gap similarly to the FMfP. Please refer to our comments regarding the evidence gap in the Flood Map for Planning and Risk of Flooding from Rivers and Sea datasets. In FRA Table 4.1, the Applicant has stated the 2050s epoch and suggested it is the 2000s epoch, please clarify the discrepancy.*	FRA Section 4 sets out the relevant climate change guidance. The assumed design life of the development is stated as 40 years and the relevant allowances based on the relevant epoch (i.e. 2040 – 2069) It is noted that Table 4.1 includes a typo, stating '**2000s** – 2040 to 2069' when the correct wording is '**2050s** – 2040 to 2069'. Nevertheless, the values are correct and the typo will be corrected. Whilst unlikely, the Proposed Development may still be in operation beyond 2069 depending on the date of final commissioning. As such the climate change allowances through the 2080s epoch have been considered as a precautionary approach: • The Applicant has concluded that no increase in the risk of fluvial (river) flooding is anticipated – this is based on the EA's 'Risk of Flooding from Rivers and the Sea' dataset, which provides the reference floodplain extents, allowing for a climate change in the '2080s' epoch (i.2. covering the time period from 2070 to 2125). • The EA surface water modelling showed only very minor changes between the present day scenario and 2050s epoch (2040 to 2069) scenario (some localised area of increased low risk in low lying areas) and therefore it is unreasonable to assume the further projection to the 2080s epoch would not change the situation significantly further. In addition to this, it should be reiterated that the Proposed Development is both resilient to flooding, and has been designed to have no detrimental impact on flood risk. Furthermore, as detailed under the first row of this table (3.1), a hydraulic analysis has been undertaken, following liaison with EA modellers. This analysis uses highly precautionary climate change allowances (i.e. the 'Upper End' allowance, projected to 2125 2080s epoch). This analysis demonstrates the fluvial flood risk is consistent with the surface water flood mapping utilised in the FRA. It can therefore be concluded that - in the unlikely event of an extended lifespan due to unforeseen circumstances – the assessment remains valid even allowing for potential climate change impacts to 2125 and the overall conclusions would remain valid.

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	The Applicant has also provided the climate change uplifts for South West Lakes and Derwent North West catchments but have not clarified which will be used. Considering fDMP 2.2.2., timelines should align with the 2050s epoch (2040–2069) climate uplift scenario. The proposal needs to be fully decommissioned by 2069, this should account for potential delays (e.g., waterlogging as stated in fDMP 2.2.2).	Appendix A of the FRA [**AS-015**] includes a set of drawings showing the present day surface water flood maps overlaid onto proposals (002A to 002D), and the climate change equivalents (002Acc to 002Dcc). In accordance with the dDCO, the Proposed Development must be commenced within 5 years of the development consent. Following the date of final commissioning the Proposed Development will have an operating life of up to 40 years. The assessments consider the earliest possible construction start could be 2026 and the most intensive construction programme would be 18 months, but with potential to go beyond this. Similarly, the decommissioning works are expected to be similar to construction (18 months) but could also be longer. On this basis the Applicant considers that circumstances may mean Proposed Development could extend into the 2080s (2070-2115) epoch. As such, the FRA considers the 2080s epoch as a precautionary approach. The Site's environmental baseline conditions will be continually monitored in accordance with the LEMP and updated every 5 years while the OMP which will be updated every 10 years. The final DMP suite will be supported by updated assessments to account for the evolving conditions with respect to flood risk. Therefore, the ongoing management of the Proposed Development is set up to evolve with the environment which will ensure that changes to on-Site flood risk are appropriately captured in relevant control documents and mitigated accordingly. A DCO Requirement for decommissioning by 2069 is therefore not appropriate or necessary. The Applicant notes that Requirement 13 of the dDCO does require decommissioning of the Proposed Development following 40 years of operating.
Section 5 (Pg 7)	***Decommissioning*** ***Issue*** *- Lack of clarity for agreeing retention of infrastructure (e.g. ducts, access tracks, fencing) post-decommissioning.* ***Impact*** *- Retained features may obstruct floodplain function or pose long-term flood risks if not properly assessed.*	Section 2.3 of the FDMP [**APP-111**] commits to the removal of all above ground generating station infrastructure such as solar PV modules and PCS Units. For the below ground elements such as ducting the FDMP recognises that removal could result in soil disturbance, and that environmental outcomes may be better if they are left in-situ. Therefore, it is possible that while cables would be pulled (removed) the ducting could be allowed to remain. It is unlikely this would apply to watercourse crossing locations as these would be accessible without excavation.

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	Solution** - An updated flood risk assessment must accompany any proposal to retain infrastructure beyond 2069. Agreement from key stakeholders (Environment Agency, LLFA, LPA) must be obtained before confirming any components will remain in-situ.* ***Additional Information *Requirement 13 should be reworded such that the LPA must consult the Environment Agency.* *The DMP allows for flexibility to leave ducts or cables in place, depending on environmental considerations. If left in-situ near watercourses, these assets could become exposed through erosion. Where cables or ducts intersect watercourses, their removal should be the default. Retention must be justified and agreed sought from stakeholders.*	The FDMP commitment is that a decision on what may or may not be allowed to remain will be informed by the prevailing best practice and regulations in force at the time, and will be dependent on the environmental assessment which would inform the final DMP suite. With respect to fencing and access tracks section 2.3 advises that it may be appropriate to retain some of these, in line with the principles of sustainable development, given that the Site currently has these features for agricultural use and would likely require them for a return to that use. Retention of these features would be determined through consultation with the landowner and with relevant consultees in advance of the DMP submission. Therefore, the FDMP provides the flexibility to retain infrastructure where there may be some environmental or economic benefit. The FDMP stipulates that the Applicant will consult with relevant stakeholders prior to the preparation of the final DMP (see section 5.1) including the EA, or any successor). As this commitment is embedded within the FDMP, and the future DMP suite must be in substantial accordance with the framework, the Applicant does not propose to amend the wording of Requirement 13.
Section 6 (Pg 7)	**[ES] *Chapter 8 - Biodiversity*** ***Issue**: Environmental legislation does not list some recent (2024) legislation pertaining to Biodiversity Net Gain (BNG).* ***Impact**: Risk of not considering new environmental definitions in legislation in respect of BNG, such as 'irreplaceable habitat', along with related offences to said habitats.* ***Solution**: Please include the following legislation, policy and guidance: Biodiversity Gain*	It is the Applicant's understanding that BNG will only be mandatory for NSIPs from May 2026. While the Applicant has sought to maximise biodiversity outcomes, the 'BNG Requirements (Irreplaceable Habitat) Regulations 2024[2]', (BNG Regs 2024) will not apply to the Proposed Development. The Applicant notes that aside from mandatory BNG not being applicable to the Proposed Development, there are no irreplaceable habitats on the Site as defined by Schedule to of BNG Regs 2024. This legislation will not apply, due to the lack of irreplaceable habitat, however it has been referenced for context. However, this is

[2] HM Government (2024) The Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024

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	Requirements (Irreplaceable Habitat) Regulations 2024, for completeness.	likely to be reconsidered as part of the work undertaken to discharge the DCO LEMP Requirement should it be applicable at that time.
Section 6 (Pg 8)	***Biodiversity Appendix 8.8 -…*[BNG] *Report*** ***Issue**: Proposal to enhance watercourse banks via planting, however no in-stream enhancements are planned.* ***Impact**: Lack of ambition regarding watercourse enhancements. Baseline habitat assessment determined that the condition of streams and ditches were, respectively, moderate and poor. The applicant hasn't addressed some ongoing negative impacts to the watercourses. For example, some were reported to be overgrown/shaded out with vegetation (Table 2, Appendix 8.4), which can negatively impact species such as fish.* ***Solution**: We encourage the applicant to further improve their enhancement proposals, by planning in-stream enhancements.*	As set out within Section 1.1 of the Appendix 8.8 BNG [**APP-157**], a conservative approach has been taken to the BNG assessment, especially in relation to watercourses. For example, the BNG figures do not consider the buffer provided either side of existing watercourse crossings which would be managed as green infrastructure despite being included in Work No. 3. Section 3.2 of the OLEMP [**APP-145**] sets out the approach to the mitigation and management of watercourses to deliver a minimum of 5% BNG, though the Applicant expects much higher gains are reasonably likely.. The final Landscape Ecology Plan (LEP) and LEMP will be supported by an updated BNG assessment which is expected to report outcomes that are higher than the OLEMP's minimum commitments. These outcomes would be delivered through the final LEMP. Watercourses will be protected in all phases by a minimum 8m buffer to generating station infrastructure and Site activities other than green infrastructure implementation and maintenance. Enhancements to watercourses will be achieved by riparian planting and the exclusion of sheep from the riparian corridor. OLEMP commitments also include positive measures to address existing sub-optimal conditions as noted by this EA comment. The Proposed Development will not have a significant impact on in-stream habitats and no in-stream enhancements are proposed As per the Otter and Water Vole survey (ES Appendix 8.4 [**APP-153**] the Site's ditches/steams are noted as being shallow and narrow. They are also at the top end of the catchment and likely prone to extreme, short-duration water level rises such that any instream enhancements would likely be impractical ,leading to them forming an obstruction, becoming dislodged, or obstructing the passage of fish or other riparian species. Notwithstanding the above, the Applicant will continue to review watercourse enhancement opportunities as the Proposed Development moves towards detail design and to ensure maximum benefits are delivered where possible.

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Section 6 (Pg 8)	**[ES]*: Appendix 5.1 - Outline* [CEMP]** ***Issue**: Proposal to incorporate a riparian buffer, measuring 8m from the top of the bank of all watercourses.* ***Impact**: The applicant should ensure there is a sufficient buffer between the development, any fences and any watercourse or ditch. This will allow for the natural river corridor to be maintained and free movement of riparian mammals up and down the system.* ***Solution**: Maintain a riparian buffer around all watercourses. As a minimum we would expect this to be 10m from the bank top. During the construction phase, temporary construction compounds within 15m of watercourses could be screened with fencing on sides adjacent to the watercourse, and working lighting could be positioned to avoid light-spill onto sections of the watercourse. Both measures would lower the risk of disturbance to riparian mammals occupying the watercourse.*	An 8m buffer is considered appropriate and is more than is typically required for ordinary watercourses akin to those found on the Site. This 8m buffer has been agreed by the LLFA. Furthermore, as part of the ongoing engagement with the EA on the dSoCG, the EA have also agreed that 8m is acceptable. While the Applicant does not propose to make any amendments to the minimum 8m buffer commitment, it is noted that some buffers may be larger for practical reasons (e.g. topography, accessibility). Maintaining habitat connectivity for mammals along riparian corridors is addressed within Section 5 of the ES Chapter 8 – Biodiversity [**APP-038**] and is secure via the OCEMP [**APP-108**] (section 5) and the OLEMP [**APP-145**]. Maintaining the free movement of wildlife has also factored into development of the LSP [**APP-088**]) which includes buffer planting along watercourses. The protection of watercourses during construction, including where compounds are located, is highlighted in sections 3.4, 9.2, 10, and 12 of the OCEMP [**APP-108**]). The appropriate use of lighting to avoid illumination of habitats is presented in OCEMP section 4.7. The sensitive lighting strategy in the OCEMP confirms that during construction no permanent nighttime lighting will be used except motion-sensor security lighting or for emergencies, The potential illumination of habitats is further reduced by compliance with the OCEMP working hours which are generally confined to daylight hours, with the exception of winter when daylength is reduced. The use of any lighting on Site during construction will only occur in accordance with the sensitive lighting strategy of the final CEMP.
Section 6 (Pg 8-9)	**[ES]*: Appendix 5.1 - Outline* [CEMP]** ***Issue**: Proposal to culvert watercourses to facilitate access, construct perimeter fencing or as cable-crossings.* ***Impact**: Culverts on predominantly dry field ditches are unlikely to impact otters and water voles, but all have the potential to fragment habitats and reduces connectivity, making dispersal and commuting for some species difficult. Culverts also put an added*	The Proposed Development will aim to retain and reuse existing watercourse crossings with the approach to the use of culverts set out in Section 8.13 of the FRA [**APP-013**] and section 12.3 of the OCEMP [**APP-108**]. Options for crossings are fixed by Work No. 3, although the detail of which of these will be utilised will not be determined until the detailed design phase. Where culverts are implemented, they will be replacements of existing culverts and no new culverts are envisaged. If works will be undertaken to existing culverts the works would be would be constructed in accordance with OWC from the LLFA as per section 12.3 of the OCEMP. Any OWC application would need to be supported by an

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	pressure on otters during periods of high water-levels, as culverts offer little room for conveyance and put otters at risk of being killed when crossing roads. They also reduce habitat availability for water voles. ***Solution**: Clear-span bridges should be considered if watercourse crossings are required, as these maintain habitat connectivity and allow species to commute freely. Strongly encourage removal of any existing culverts to further enhance watercourses.*	appropriate ecological assessment and require design details and method statements, including environmental protections relevant to species such as otter and water vole. To confirm, no water voles were recorded during surveys (ES Appendix 8.4 [**APP-153**]**.** The EA recommendation to remove existing culverts is noted but not proposed at this time. The reason is that all existing culverts are small crossings for use by the existing farm operations. Even if not all existing crossings are required for the Proposed Development they are likely to be needed after the Site is decommissioned. The Applicant considers the quantum of habitat destruction would be higher if the existing crossings are removed and later reinstated than if they are left in situ and maintained.
Section 7 (Pg 9)	**[ES] *Chapter 8 – Biodiversity*** ***Issue**: The Salmon and Freshwater Fisheries Act 1975 and The Eels (England and Wales) Regulations 2009 have not been included in the list of legislation that is relevant to biodiversity. The legal responsibility on the developer pertaining to this fish specific legislation has not been considered.* ***Impact**: This infers that the impacts on fish from the construction, operation and decommissioning have not been fully considered.* ***Solution**: Both pieces of legislation should be listed as relevant in the biodiversity chapter of the Environmental Statement and submitted as part of the DCO.*	The Applicant will consider this legislation and include as a reference within ES Chapter 8 – Biodiversity [**APP-038**]. However, the Proposed Development will avoid impacts to watercourses during construction and operation and impacts to watercourses were assessed in the ES Chapter 8 – Biodiversity [**APP-038**]. Further, Appendix C of the sHRA (ES Appendix 8.7 [**APP-156**]) assessed impacts to salmon and lamprey species in the River Derwent and Bassenthwaite Lake SAC, and the underpinning River Derwent Tributaries SSSI, which is hydrologically connected to the Site. This assessment took account of the response from the EA regarding the presence of fish species. The conclusions of the sHRA which identified no adverse effect on the Sites integrity alone and in-combination were agreed with by Natural England.
Section 7 (Pg 9)	**[ES] *Chapter 8 – Biodiversity*** ***Issue**: Not all fish species present in the Lostrigg Beck have been listed.*	Impacts to watercourses are assessed in ES Chapter 8 – Biodiversity [**APP-038**]. The size, flow regime, and substrate of watercourses on-Site suggest that they are not suitable for several fish species. The bed substrates on Site have very little areas of silt, sands and gravel which would be useful for species such as lamprey and as a potential spawning area for salmon and trout.

Ref	Matter Raised	Applicant Response
	***Impact**: Without the correct baseline, there may be impact-pathways on sensitive species that have not been sufficiently assessed in the EIA.* ***Solution**: The Lostrigg Beck contains populations of Atlantic salmon (Salmo salar) and there are records of lampetra species near the confluence of the River Marron. These species should be listed in the baseline of the EIA and impacts assessed accordingly. Given that they are present in the Lostrigg Beck, there is a high chance that some species will be present in the Thief Gill.*	Furthermore, as the Site is located at the upper end of the catchment, especially Thief Gill which arises less than 1km furth south of the Site, the watercourse is likely exposed to dramatic fluctuations in height for short duration and very low flows in dry weather which may impact fish movement up and down stream. The channel of both watercourses is very narrow in places which may similarly reduce its suitability for fish, even if known to be present in reaches further downstream. The confluence of the Lostrigg Beck and River Marron is approximately 6km downstream. Appendix C of the Shadow Habitats Regulations Assessment (sHRA) [**APP-156**] assesses impacts to salmon and lamprey species in the River Derwent and Bassenthwaite Lake SAC, and the underpinning River Derwent and Tributaries SSSI, which is hydrologically connected to the Site. This took account of the response from the EA regarding the presence of fish species. The conclusions of the sHRA ,which identified no adverse effect on these Sites' integrity alone, and in-combination, have been agreed with by Natural England (NE) as per the forthcoming dSoCG with NE.. A full list of surveys were provided to consultees as part of the Scoping Report [**APP-096**]. No request for detailed fish surveys was included in the Scoping Opinion, [**APP-097**] nor was such a request raised in response to the PEIR. Based on discussions with the EA following this RR it is the Applicant's understanding that some aspects of this matter (and others in Table 3.1 relating to the presence of fish on the Site) were raised due to concern for in-combination effects with the withdrawn Lostrigg Solar DCO. Agreement on what may or may not remain relevant will be set out in the forthcoming dSoCG with the EA. Nevertheless the Applicant can confirm that there will be no impacts to watercourses which will be safeguarded through construction and operation with enhanced buffers of at least 8m width. Bankside enhancements through riparian planting, and the exclusion of livestock will be of benefit for fish and other aquatic species by minimising bankside and stream bed disturbance, promoting invertebrate food resources, and improving water quality. Regardless of whether these fish are present, mitigation to protect watercourses is secure by the OCEMP, can be revisited in more detail in the final CEMP for which the EA will be a consultee, and compliance during construction will be implemented by the Principal Contractor and overseen by the Ecological Clerk of Works (ECoW).

Ref	Matter Raised	Applicant Response
Section 7 (Pg 10)	**[ES]: *Chapter 8 – Biodiversity*** ***Issue**: Notable fish species listed in Table 8.5 (including Atlantic salmon and Lampetra species) are not included in the list of receptors taken forward for further assessment. There is no reason stated for this.* ***Impact**: Without a clear explanation as to why these fish species are essentially scoped out, there remains a risk of impact pathways not being assessed in the EIA.* ***Solution**: If there are no impact-pathways present that would affect fish receptor species, then a reason for scoping out needs to be identified here.*	The fish mentioned are qualifying features of the River Derwent and Bassenthwaite Lake SAC, and underpinning River Derwent and Tributaries SSSI and have been considered in Section 8.4 of ES Chapter 8 – Biodiversity [**APP-038**]. Additionally they have also been assessed as part of the sHRA [**APP-156**] and are not scoped out. Mitigation for fish, and other aquatic species, has been considered as part of embedded design and will be achieved through riparian planting; the establishment of a buffer between watercourses and infrastructure; the exclusion of sheep to minimise poaching and improve water quality. Further, controls will be put in place during construction and operation as per the OCEMP [**APP-108**], OSMP [**APP-110**], OLEMP [**APP-145**], OOMP [**APP-107**], and FRA and ODS [**AS-013**],
Section 7 (Pg 10)	**[ES]: *Chapter 8 – Biodiversity*** ***Issue**: Sedimentation and pollution of watercourses may occur during construction.* ***Impact**: Given that buffer strips are unlikely to be fully functional there remains an impact-pathway that could be damaging to aquatic ecology including fish. The report states that this will be temporary but does not quantify this time. Salmonid spawning habitat and eggs will be highly sensitive to changes in water quality and increased suspended sediment. Furthermore, increased sedimentation can damage fish gills lamellae.* ***Solution**: Impacts on fish should be assessed in the EIA. Note that suitable mitigation is stated in outline CEMP 12.3.9 c. This additional mitigation should be referred to in 8.5.20.*	Impacts to watercourses which will support fish have been assessed in the ES Chapter 8 – Biodiversity [**APP-038**] with fish species occupying watercourses hydrologically linked to the River Derwent and Bassenthwaite Lake SAC, and underpinning River Derwent and Tributaries SSSI, assessed as part of the sHRA [**APP-156**]. A minimum 8m buffer from watercourses within the Site is secured by the Work Plans [**APP-007**]. As set out in Section 5.2 of the OCEMP [**APP-108**]), ECoW will oversee the erection of effective barriers against incursion into these buffers and the erection of silt fencing, as well as ensuring compliance with other ecological matters as per the OCEMP. Additional mitigation is also provided by set out within Section 3.6 and 3.7 of the OSMP [**APP-110**]. In Sections 10 and 12 of the OCEMP, Pollution Prevention Principles are established, as is detail on how vegetation will be retained, managed and supported by seeding to minimise surface run off and sedimentation of watercourses. The OCEMP and OSMP also operate alongside environmental and health and safety legislation / standards that are in effect for pollution prevention. While the new landscaping of the LSP will not be implemented in advance of construction, the buffers themselves will be in effect from the start as these are

Ref	Matter Raised	Applicant Response
		defined by the Work Plans [APP-007] The cessation of grazing and exclusion of construction activity in the buffers is likely to reduce pressures on the watercourses from the current intensive agriculture. The removal of sheep and an immediate cessation of fertiliser addition to promote grass growth can also support water quality improvements provided other CEMP measures are followed for protective barriers and best practice working .
Section 7 (Pg 10-11)	***ES Appendix 5.1 - Outline* [CEMP]** ***Issue**: Construction activities associated with watercourses including temporarily damming and over pumping of watercourses.* ***Impact**: Given the potential notable fish species present in the Lostrigg Brook and therefore in the watercourses within the red line boundary, these construction activities pose a risk to fish. Damming and over-pumping could damage habitat, leave fish stranded and entrain fish into pumps.* ***Solution**: The EIA should include an impact assessment on fish which should include an understanding of the baseline. Mitigation should be proposed which may include alternate designs to avoid construction on watercourses particularly where there is notable habitat. Fish rescues should be conducted before any damming or over-pumping takes place and fish screens should be fitted to pumps to avoid entrainment. Given that eel and Lampetra species are likely present, the screen size should be 2mm aperture.*	Impacts to watercourses which will support fish have been assessed in the ES Chapter 8 – Biodiversity [APP-038] with fish species occupying watercourses hydrologically linked to the River Derwent and Bassenthwaite Lake SAC, and underpinning River Derwent and Tributaries SSSI, assessed as part of the sHRA (ES Appendix 8.7 [APP-156]. Impacts to watercourses will be avoided by the adoption of the measures outlined in Sections 5 and 10 of the OCEMP ([APP- 108]) alongside the requirements of any OWC which would be necessary for any works (including temporary works such as temporarily damming or pumping) Any OWC granted will be based on detailed designs and method statements alongside appropriate environmental assessment. See also the Applicant's response to the previous four rows of this table.
Section 7 (Pg 11)	***ES Appendix 8.1 – Preliminary Ecological Appraisal and* [GCN] *Report*** ***Issue**: Fish have not been included in the PEA.*	The PEA and follow-on species surveys have never scoped-in fish. A requirement for fish surveys was not raised at Scoping, nor by NE or EA at PEIR, and not raised by NE or considered an issue by LPA for this application.

Ref	Matter Raised	Applicant Response
	***Impact**: Given the construction activities document in the oCEMP, there are clear impact-pathways on fish. Without understanding baseline, the extent of impacts are unknown.* ***Solution**: The PEA should include an assessment of fish habitat and fish surveys.*	The inclusion of fish in the PEA is not necessary because regardless of whether there are fish or not, and what sort of fish there are, there will be buffers and other protections as per the OCEMP, making such surveys redundant. Notwithstanding this, the watercourses on Site do not generally have suitable substrate or flow regimes which would benefit many species of fish. The channels are narrow, likely exposed to dramatic changes in height of short duration due to their location in the upper catchment, and may also suffer from low flows in very dry weather. The extent of sheep grazing in the upper catchment, application of fertiliser, and absence of shade and extensive bankside vegetation would also limit the channels' suitability for fish. Nonetheless, the PEA included details of the watercourses on Site and those which were identified as being European and Nationally designated Sites as part of the desk study. The qualifying features included fish species and are presented in Table 4.1. (ES Appendix 8.1 [**APP-150**]. Impacts to watercourses have been assessed in the ES (ES Chapter 8 [**APP-038**]); with the sHRA [ES Appendix 8.7 [**APP-156**]) also considering European Sites for which fish were a qualifying feature. Safeguards to protect the aquatic environment, and therefore fish, have informed the OCEMP [**APP-108**]. Section 12 of the OCEMP outlines protections for surface water and flood risk management. As part of the Proposed Development, bankside habitats will be improved by riparian planting; the establishment of buffers between watercourses and infrastructure; the exclusion of sheep from the riparian corridor to prevent poaching and browsing as well as improve water quality Such protections will also be carried through during operation as set out in the OLEMP (ES Appendix 7.7 [**APP-145**]) which includes protection of watercourses by riparian planting and a reduction in grazing pressure via a GMP. .
Section 8 (Pg 11)	***Chapter 10 – Ground Conditions*** ***Issue**: It is not clear from the reports whether the below ground cables will be left in situ at the end of the project's life.*	The FDMP [**APP-111**] states that '*the removal of underground cabling should be generally assumed, but with a degree of flexibility depending on any likely disturbance from their removal. It is possible that cables within ducts may be pulled and removed/recycled, but that ducts could be left in-situ to avoid soil disturbances if leaving them would be better for environmental outcomes than full excavation. These*

Ref	Matter Raised	Applicant Response
	***Impact**: Potential for cables left in-situ to act as a source of groundwater contamination.* ***Solution**: The Applicant should demonstrate that cables left in-situ indefinitely would not pose a potentially significant source of contamination to controlled waters.*	*matters will be informed by the prevailing best practice and regulations in force at the time and set out in the DMP where applicable'*. On this basis, it is assumed that cables will be removed during the decommissioning of the Proposed Development. At the decommissioning phase, assessments will be undertaken in accordance with the regulations and good practice at the time, to determine whether the remnant PVC ducting would present a potential environmental hazard to controlled waters.
Section 8 (Pg 11)	***ES Appendix 5.1 - Outline* [CEMP]** ***Issue**: A foundation works risk assessment (FWRA) has been mentioned within the outline CEMP. We would like to see this reflected as a commitment in the Commitments Register.* ***Impact**: If the ground investigation identifies contamination at the site in the vicinity of where piled foundations will be used it is possible that they could create pathways for the vertical migration of contamination.* ***Solution**: Include a commitment to complete a FWRA if contamination is identified in areas where piled foundations are proposed.*	As a general principle, the Commitments Register [**AS-016**] seeks to summarise the Proposed Development's mitigation but is not a secured or securing document. The suite of control documents provide the majority of the secured commitments, including the commitment to a FWRA. The OCEMP ([**APP 108**]), provides the mechanism by which the need to undertake FWRA is secured, stating '*following ground investigation and subsequent assessment, if/where contamination is identified a Foundation Works Risk Assessment ('FWRA') will be prepared… to ensure that the proposed foundation method will not have an adverse impact by creating new pathways for the migration of contamination*". DCO Requirement 4 provides the mechanism by which the OCEMP, and all the requirements within it, including the need to undertake FWRA, is secured. The OCEMP states '*the CEMP will set out construction risks **and mitigation measures relating to ground conditions following the pre-construction ground investigations** as mandated by the OCEMP*'.
Section 8 (Pg 12)	***Recommendations for further work for land contamination*** ***Issue**: The superficial Secondary A aquifers at the site have been assigned a low sensitivity. We do not agree with this rating. The Ground Conditions Assessment notes an abstraction located 80m to the SW of the site. This is a potential receptor for contamination that could be present at the site. Additional investigation has been*	As part of the additional investigation and subsequent Generic Quantitative Risk Assessment (GQRA) to be undertaken post-consent, the sensitivity of the Secondary A Aquifers will be reviewed, and additional information will be sought as to whether the groundwater abstraction at Home Farm (originally licenced in 1965 for *"general use relating to secondary category")* is still in use and where this is found to still be actively abstracted, it will be considered as a receptor within the assessment.

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	recommended post consent to obtain geoenvironmental data. This will be used to inform a remediation strategy, if required. ***Impact**: Risks to groundwater receptors from contamination may not be managed.* ***Solution**: Include all controlled water receptors in future geoenvironmental assessments*	
Section 8 (Pg 12)	***Unsuspected contamination*** ***Issue**: The commitment relating to how unexpected contamination will be managed (commitment 37) is not sufficiently robust.* ***Impact**: Potential impacts to groundwater may not be adequately investigated or remediated and risks to groundwater from contamination may not be managed.* ***Solution**: Include our suggested wording as set out in our standard requirement.*	As a general principle, the Commitments Register [**AS-016**] seeks to summarise the Proposed Development's mitigation but is not a securing document. Detail on the approach to managing unexpected contamination is set out in section 11.3 of the OCEMP [**APP 108**]. This section has been updated to provide additional clarity as to the following: • How and to whom the discovery of unexpected contamination will be reported; • How the risks resulting from unexpected contamination assessed, and to whom this will be reported; • How any unacceptable risks resulting from unexpected contamination will be managed, and with whom this management will be agreed, noting that it has not been considered necessary to define who the Council should consult in these circumstances (i.e., the EA, SoS, or otherwise) as the legislation specifies this, and is likely to evolve; • How this management will be implemented and verified. Compliance with the CEMP is secured by DCO Requirement 4. On this basis, it is considered that a separate Requirement relating to contaminated land is not required.

Table 3.2: Historic England RR-016

Ref	Matter Raised	Applicant's Response
Para 1	[The Historic Environment Desk-Based Assessment (HEDBA)] *Para 2.2.8 Reference to the Guidance and Toolkit for Impact Assessment in a World Heritage Context should attribute the document to UNESCO and the correct publication date of 2022 should be used in footnote 15. I think that this error has occurred due to confusion with the previous guidance that 2022 UNESCO document supersedes: Guidance on Heritage Impact Assessments for Cultural World Heritage properties (2011 ICOMOS).*	This point is accepted. The Applicant notes there is no specific guidance from Historic England on EIA. While the 2022 UNESCO[3] guidance is accepted as relevant, it is proposed that the 2011 guidance (from ICOMOS)[4] provides useful framework in identifying the criteria for a professional judgement to determine the importance of the resource (i.e. the receptor). It is noted that the 2022 guidance does not include such a framework. This is detailed within the submission documentation. Revised referencing and clarity in the use of guidance will be updated in the HEDBA and ES Chapter 6 - Cultural Heritage.
Para 2	[HEDBA] *Para 2.4.18 - It is not correct to state that 'DMRB' – para 2.3.13 makes clear that this refers to Design Manual for Roads and Bridges LA106 – provides different criteria for establishing the value of a cultural heritage receptor. Criteria for assigning the value of a receptor are contained within Design Manual for Roads and Bridges LA104, although in a generic manner that is applicable to all environmental receptors.*	This point is accepted. LA 106[5] refers to LA 104[6] regarding assigning value of receptors, so it is considered that these two guidance documents are effectively identical. The guidance for assigning value of receptors in LA 104 is given in Table 3.2N of that document. Revised referencing and clarity in the use of guidance will be updated in the HEDBA and ES Chapter 6.
Para 3	*[HEDBA] Para 2.4.20- Reference is made to the 2011 ICOMOS document, although the wrong*	While the 2022 UNESCO[7] guidance is accepted as relevant, it is proposed that the 2011 guidance (from ICOMOS)[8] provides a useful framework in identifying the criteria for a

[3] ICOMOS (2022) Guidance and toolkit for impact assessments in a World Heritage context
[4] Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (2011)
[5] Department for Transport (2020) Design Manual for Roads and Bridges [DMRB] LA 106
[6] Department for Transport (2019) Design Manual for Roads and Bridges [DMRB] LA 104
[7] ICOMOS (2022) Guidance and toolkit for impact assessments in a World Heritage context
[8] Guidance on Heritage Impact Assessments for Cultural World Heritage Properties (2011)

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	publication date of 2022 is used. Again, there seems to be confusion with the 2022 UNESCO document. In any case, neither document refers to grade I, II or II listed buildings, or scheduled monuments*.	professional judgement to determine the importance of the resource (i.e. the receptor). The 2011 guidance document[4] refers to '*Designated buildings*' which is taken to mean Listed Buildings (as these are designated assets).
Para 4	[HEDBA] *Table 2.1 Grade II listed buildings and Grade II Registered Parks and Gardens should be placed in the 'High' category and not the 'Medium' category. Para 2.2.8 makes reference to the use of Design Manual for Roads and Bridges LA 106 as it 'provides a useful framework for cultural heritage assessment'. As such, the criteria contained within Design Manual for Roads and Bridges LA104 would have been more appropriate – which assigns a 'High' value to receptors of 'national scale'. Grade II listed buildings are designated to their architectural or historic interest on a national scale (as are Grade II Registered Parks and Gardens).*	The Applicant has assigned sensitivity on a basis which is consistent with the methodology as presented within ES Chapter 6 - Cultural Heritage [**APP-037**]. This methodology adapts Table 3.2N in LA104 in ensure a proportionate assignment of 'value' categories in response to each class of historic environment asset. It is judged that the assets which will be subject to a 'significant effect' or 'less than substantial harm' have been identified and detailed within the HEDBA [**APP-112**] and ES Chapter 6 [**APP-037**]. The useful 2011 guidance from ICOMOS also lists 'Designated buildings' within its 'Medium' grade/category for Assessing Value of Heritage Assets The Applicant will discuss this matter in further detail within the SoCG being prepared with Historic England intended to be submitted at D2.
Para 5	*[HEDBA] Para 4.7.1 'However, views from the receptor are constrained by the mature hedgerows and visual separation.' If the hedgerows are out of the control of the applicant, it is unclear how these constrained views will be maintained.* *[HEDBA] Para 4.7.20 'Wider views from the farmhouse are constrained by the mature hedgerows which line the adjacent field boundaries.' As above.*	This section of text is within section 4.7 of the HEDBA [**APP-112**], which describes the baseline situation. The Impact Assessment in Table 5.1 within Section 5 describes the impact with proposed mitigation. '*Landscape mitigations have also been included within the Proposed Development proposal with including a buffer surrounding the perimeter. It is considered that this landscape mitigation will further reduce views towards the Proposed Development. It is therefore considered that the magnitude of change to the setting of the receptor is negligible.*' Further commentary on this is addressed for each point to follow
Para 5	[HEDBA] *Para 4.7.1 'However, views from the receptor are constrained by the mature hedgerows and visual separation.' If the hedgerows are out of*	The Applicant assumes Para 4.7.1 should read 4.7.16 in relation to Far Branthwaite Edge, Dairy and Barn Grade II Listed Building (NHLE: 1138216). Far Branthwaite Edge is located ~1km from the Site Boundary (800m at its closest), and due to the intervening rural land use and field pattern there are intervening layers of

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	the control of the applicant, it is unclear how these constrained views will be maintained.	vegetation including hedgerows, tree groups and woodland (including designated Ancient Woodland Jackie Plantation) between the Site and the receptor. These features provide a degree of screening in the local landscape, and it is an assumption that these layers will remain intact. This is a limitation of the assessment but one which is considered reasonable due to the layering of these features. However importantly when considering ES Figure 7.4a Zone of Theoretical Visibility DTM [**APP-083**], the theoretical visibility accounting for the terrain only identifies that even without this vegetation being present views will not be possible from this receptor due to the intervening landform. When considering the benefits of vegetation as a screening feature as shown on ES Figure 7.5a Zone of Theoretical Visibility of Work No.1 Solar PV Infrastructure with View Locations [**APP-085**], that visibility reduces further.
Para 5	*Para 4.7.20 'Wider views from the farmhouse are constrained by the mature hedgerows which line the adjacent field boundaries.' As above.*	Crakeplace Hall is located ~1.7km east from the Site, and as a result of the intervening landform views are not possible from this receptor. This is identified on ES Figure 7.4a Zone of Theoretical Visibility DTM [**APP-083**]. When considering the effect of other intervening vegetation between the Site and receptors, (these including tree groups and woodland, including designated Ancient Woodland Jackie Plantation) ES Figure 7.5a Zone of Theoretical Visibility of Work No.1 Solar PV Infrastructure with View Locations [**APP-085**], shows that visibility is further reduced and no views are possible from this receptor.
Para 6	***(ES) Chapter 6: Cultural Heritage*** *Para 6.2.8 The document Guidance and Toolkit for Impact Assessment in a World Heritage Context should be attributed to UNESCO, not ICOMOS and the publication date in footnote 15 should be 2022, not 2011.*	This point is accepted. Revised referencing and clarity in the use of guidance will be updated within the HEDBA and ES Chapter.
Para 7	*…Reference is made to the 2011 ICOMOS document, although the wrong publication date of 2022 is used. Again, there seems to be confusion with the 2022 UNESCO document. In any case, neither document refers to grade I, II or II* listed*	This point is accepted. Revised referencing and clarity in the use of guidance will be updated within the forthcoming HEDBA and ES Chapter.

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	buildings or scheduled monuments. This and the comment above appear to be 'cut and paste' errors.	
Para 8	*Table 6.1 Grade II listed buildings and Grade II Registered Parks and Gardens should be placed within the 'High' category as they are both examples of national significance heritage assets. See comment above for HEDBA Table 2.1*	The Applicant has assigned sensitivity on a basis which is consistent with the methodology as presented within ES Chapter 6 - Cultural Heritage [**APP-037**]. The useful 2011 guidance from ICOMOS also lists 'Designated buildings' within its 'Medium' grade/category for Assessing Value of Heritage Assets This will be included within the SoCG with Historic England, to be submitted at D2.

Table 3.3: National Highways RR-010

Ref	Matter Raised	Applicant's Response
Pg 1	*National Highways is responsible for managing and operating a safe and efficient Strategic Road Network (SRN) under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). It is our role to maintain the safe and efficient operation of the SRN whilst acting as a delivery partner to national economic growth in accordance with the requirements of our statutory licence and in general conformity with the requirements of the Highways Act 1980. The Department for Transport (DfT) Circular 01/2022 (Strategic Road network and the delivery of sustainable development) sets out how National Highways will work with developers to ensure that specific tests are met when promoting a scheme. This includes ensuring the transport impact is understood, any mitigation (or other infrastructure) is designed in accordance with the relevant standards and that environmental impacts are appraised and mitigated accordingly.*	The statements are noted. This has guided, and will continue to guide, the on-going engagement between the Applicant and National Highways (NH). This has been applied in the Applicant's approach to appraising the effects of the Proposed Development – including judgement of conforming to the guidance within Circular 01/2022 and of the Highways Act 1980. Those principles are reflected in the DCO; associated evidence base; and inform a SoCG between the parties.

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Pg. 1	*Application History - National Highways have engaged in scoping discussions on the evidence requirements relating to the traffic and transport related impacts of the proposed development on the SRN. Additionally, National Highways have also reviewed the suite of documents now available on the PINS website.* *National Highways have no objection in principle to the proposed development, subject to a satisfactory resolution to outstanding queries and receipt of additional information and clarification, as set out in the remainder of this letter.*	The Applicant concurs and welcomes that NH has been party to scoping and engagement discussions and correspondence relating to the Proposed Development; forecast effects and anticipated cumulative scenario appraisals. The Applicant is pleased to note that NH has '*no objection in principle to the proposed development*' subject to resolution of specified matters and effects. The mutually agreeable resolution of those effects will be captured through a SoCG between the two parties.
Pg. 1-2	*Scoping Discussions - During scoping discussions, National Highways liaised with the Applicant's transport consultants on the scope of transport related elements of the Environment Statement (APP-031 to APP-175) (ES) and agreed that transport would be scoped out of the ES but further work was required to understand the impact of construction traffic, particularly at the Lilyhall roundabout on the A595.* *National Highways reviewed available information on the project website and provided by the Applicant's consultant in April and August 2024, which resulted in requests for additional information. This information was required in order to be able to form a view on whether the traffic impacts of the proposed development during construction, operation and decommission could be safely accommodated on the SRN. National Highways will continue to proactively collaborate with the Applicant and Local Planning and Highway Authorities to discuss and resolve the issues raised, the majority of which are points of clarification or requests for further information.* *National Highways suggests that the development of a Statement of Common Ground may aid this process.*	The Applicant notes that NH agreed to scope out the effects of Traffic and Transport in the EIA Scoping Opinion subject to evidence being provided of the impacts on the transport network through a Transport Statement (TS) [**APP-102**] and associated Outline Construction Traffic Management Plan (OCTMP) [**APP-109**]. In its evidence for the DCO submission, the TS has provided compelling data and analysis of the forecast effects of the construction and operational period for the Proposed Development on the Lillyhall Roundabout and adjoining A595. That evidence has demonstrated the de minimis impacts on those aspects of the SRN. The Applicant continues to assert that this demonstrates that effects are not significant and therefore require no further analysis or mitigation. In response to the NH request, the Applicant has committed to collecting network user data, including link flow trend information and turning movement and queue length data at the Lillyhall Roundabout. In order to ensure that the data is robust, the data will not be collected until after the education summer 2025 holidays, i.e. until September 2025. Once collected, the data will be used further to appraise the forecast effects and will be provided to NH in due course and provided to the Examination. The outcome from the appraisal will be recorded in the OCTMP and if necessary, the final CTMP will take the outcome into account in the design of

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		the management measures that will be consulted on with NH and the LHA ahead of submission to discharge DCO Requirement 5. The analysis will also be used to substantiate a dSoCG between the parties.
Pg 2	*Lilyhall Roundabout - The Lilyhall roundabout on the A595 is shown in ES Appendix 2.5 - Transport Statement (APP-102) to be the access point from the SRN for traffic related to the construction, as well as that related to the future operation and eventual decommissioning of the proposed development. ES Appendix 2.5 - Transport Statement (APP-102) includes traffic flows that have been derived from WebTRIS data of nearby links to the east of Lilyhall Roundabout on the A595 and A66. This information presents the total, two-way vehicle movements on these links for each direction of travel, for an average weekday as well as the proportion of HGV movements.* *Throughout the engagement process, further information has been requested by National Highways relating to up-to-date baseline traffic flows and the operation of the Lilyhall roundabout itself in order to fully understand the potential traffic impact of the proposed development.* *This information is required to understand the extent of any current congestion and/or queuing that may be exacerbated by the traffic flows associated with the proposed development. To date, this information has not been provided.*	Following NH's response to the Preliminary Environmental Information Report, a more detailed assessment of the A595 and Lillyhall Roundabout was undertaken and presented in a follow-up meeting on 20 September 2024. The assessment utilised traffic survey data collected on the unclassified road east of Lillyhall Roundabout (part of LRN) and referred to as 'Branthwaite Road') and supplements that with NH's data from WebTRIS, collected on A595 north of Lillyhall Roundabout which is part of the SRN. The WebTRIS data was extracted for the same week from which the ATC data was collected (17 April 2023 to 23 April 2023) and is therefore considered complementary and up-to-date and reflective of the road conditions during the same period as the ATC data. The results of the assessment evidenced that there would be a negligible impact on the A595, and this was confirmed through comparative engagement with the preliminary assessment being undertaken by the transport team for the Lostrigg Solar development. The TS has provided compelling data and analysis of the forecast effects of the construction and operational period for the Proposed Development on the Lillyhall Roundabout and adjoining A595. That evidence has demonstrated the de minimis impacts on those aspects of the SRN. The Applicant does not consider that NH has fully substantiated the rationale for its concerns with regards to congestion and/or queueing at Lillyhall Roundabout beyond an assessment of Google Maps traffic data, which is not considered to be a robust or accurate form of traffic surveying or network effect appraisal. The Applicant continues to assert that the data and appraisal in the TS demonstrates that effects are not significant and therefore require no further analysis.

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		The Applicant has, however, committed to collecting network user data, including link flow trend information and turning movement and queue length data at the Lillyhall Roundabout. As set out above, that data is not to be collected until after the education summer 2025 holidays, i.e. until September 2025. Once collected, it will be used further to appraise the forecast effects and will be provided to NH in due course. The outcome from the appraisal will be recorded in the OCTMP [**APP-109**] and if necessary, the final CTMP will take the outcome into account in the design of the management measures that will be consulted on with NH and the LHA ahead of DOR submission. The analysis will be used to substantiate a dSoCG between the parties.
Pg 2	*Collision Data - The collision data analysis in 6.3 ES Appendix 2.5 - Transport Statement (APP-102) includes analysis on the time and conditions of recorded incidents at Lilyhall Roundabout which occurred between 2018 and 2022. A conclusion is presented that no notable safety concern has been identified.* *The collision data should be updated in any forthcoming submissions to cover the most recent available data.*	Personal Injury Collision (PIC) data for the LRN and SRN has been assimilated and analysed within the TS [**APP-102**]. That data was current at the time of submission, with the latest PIC recorded as having occurred in September 2022. The Applicant has reviewed the PIC public database as published by CrashMap, which is currently reporting data to 2023. There is no further or more recent PICs are recorded at the Lillyhall Roundabout or on the adjoining SRN/LRN. This information was shared with NH at a meeting on 24/07/25 and it was agreed this matter is now resolved. The Principal Contractor (PC) will be responsible for monitoring any safety changes/concerns on the network and to communicate this with the relevant highway authorities. This will be set out in the CTMP as secured by dDCO [**APP-012**] Requirement 5. It is therefore not considered necessary for revised assessments of collision data to be undertaken as part of supplementary evidence to the Examination.
Pg 2-3	*Construction Vehicle Impacts - The SRN will be utilised to enable deliveries during the construction period of the proposed development. This will comprise both* [HGV and LGV] *and it is stated in the …Outline Construction Traffic Management Plan (APP-109) there will be a daily average of 18 two-way HGV movements and six two-way LGV*	The Applicant has acknowledged that public parking laybys are provided on the SRN approaching the Proposed Development. Following an NH request in September 2024 information regarding the location, and capacity of lay-bys and suitable service stations and truck-stops is detailed in Figure 5.3, Table 5.3 and Table 5.4 of the OCTMP [**APP-109**].

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	movements and peaks of 40 and 16 two-way movements for HGVs and LGVs respectively. It is stated in …[the] Transport Statement (APP-102) that the Contractor overseeing the construction period will avoid deliveries being made during the peak hours where possible. It is agreed that this would assist in mitigating the impacts of construction traffic at this location and should be included within the Construction Traffic Management Plan, which is acknowledged by the Applicant in [CTMP section 6.3] *It was noted in* [6.3 of the CTMP] *that the proposed development site would not include a vehicle holding area and that the Principal Contractor would, therefore, provide information of services and laybys that are available on the SRN that vehicles could wait in if arriving outside of their scheduled delivery window. It is noted that the…* [Transport Statement…*] does not provide further information on these locations.* *As previously requested, National Highways require further clarification on this point, including the location, capacity and usage of the lay-bys and the proposed management system for deliveries. This information should also be captured within the OCTMP.*	The strategy for the management of vehicle arrivals during construction at the Site does not, however, rely on the provision of off-Site vehicle holding. It is not proposed to incorporate off-Site holding or mustering points, either privately operated or public, into management plans of the Proposed Development. Vehicle arrivals will be programmed to allow for efficient on-Site management which will prevent vehicles stopping within the public highway and avoid HGVs travelling in opposite directions on the adjoining LRN. If HGV drivers consider that they are not meeting the assigned time window, it will be their duty to establish an appropriate location to adjust their arrival time, which could include notifying the Principal Contractor (PC) of a potential early or late arrival, and rescheduling. To assist drivers in safe communication with the PC the OCTMP confirms that drivers will be provided with details of locations of laybys and services (preferred) along the route from the primary motorway network to the Site (A66 and A595). These would not be used as holding points, only as potential ad hoc safe stopping locations for a call to the Site Manager in the event the assigned delivery window cannot be met due to circumstances that arise during this part of the journey. While this relates to the booking system and non-reliance on off-Site holding, the Applicant can confirm that the Site will include sufficient space within the temporary construction compounds to ensure the safe release of vehicles.
Pg 3	*Construction Worker Movements - ….[the OCTMP] provides detail on the expected movement of workers travelling to and from the site during the construction period, based on previous experience of similar projects. ….During the peak of construction there is expected to be 150 people working at the site each day and an average of 50 – 80 workers across the full construction period.* *It is expected that most of the workforce will be from outside of the local area and will, therefore, stay in local accommodation during the working week and commute to and from this accommodation on a daily basis. However,*	The estimations of workforce travel patterns within the framework Construction Workforce Travel Plan [**APP-109**] contained within the Applicant's submission, are provided as illustrations of a reasonable worst-case scenario. Following a meeting with NH on 24/07/25, further clarification on staff modal splits, provision of minibus services and occupancy rates and on-Site parking provision during construction was provided. NH subsequently agreed that the additional information provided gives enough detail that issue can be considered resolved. Refined forecasts of workforce modal split and commuting patterns will be provided in the CTMP following the appointment of a Principal Contractor.

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	there is no detailed estimation for the number or proportion of the workforce that this will be. *Minibuses are expected to be used for these workers which would reduce the number of vehicles that travel to and from the site for commuting purposes. For the workforce who permanently reside in the surrounding area, it is stated that minibuses will also be encouraged for commuting as well as car sharing.* *It is noted that all the primary compounds will have worker parking but there is limited information at present to determine whether this is aligned with the narrative surrounding journeys to be undertaken by minibuses. As previously requested, National Highways require further information relating to derivation of maximum and average staff numbers, staff minibus services, including capacity, frequency and pick up points and Internal parking arrangements, including the proposed number of spaces.* *The timing of these journeys is stated to occur outside of the working day period of 08:00-18:00. The hour before and after this period are categorised as 'start-up' and 'close-down' and it is stated in the 6.3 ES Appendix 5.2 - Outline Construction Traffic Management Plan (APP-109) that it will enable staff movements to avoid the road network peak periods. This assumes all staff would be working for a minimum of 10 hours each day. National Highways would question whether this is a realistic assumption and request the Applicant to consider the impact on the SRN of a proportion of the construction worker trips arriving at other times of day including weekday peak hours.*	Furthermore, details of staff accommodation locations will be confirmed when the Principal Contractor is appointed.
Pg 3-4	*Cumulative Assessment - As previously discussed it is critical that other relevant developments are included in a cumulative assessment in order to understand the combined impacts on the SRN. It has been agreed that this should include the*	The results of the traffic analysis within the TS **[APP-102]**, includes a consideration of a cumulative impacts scenario with the prospective Lostrigg Solar development and the Lillyhall North development. That scenario did not

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	nearby Lostrigg Solar Farm application. As previously requested, further clarification is also sought regarding other relevant local developments, including the status of the Winscales Industrial Estate/Lilyhall North development. It is recommended the Applicant engages with the Local Planning Authority to gather this information and agree the scope of any cumulative assessment. *A cumulative assessment of the Dean Moor and Lostrigg Solar Farm developments has been included in the 6.3 ES Appendix 2.5 - Transport Statement (APP-102), which acknowledges a potential overlap of the construction periods for the two developments. This is stated to result in the daily peak periods of construction traffic occurring in the mobilisation and demobilisation periods. It is concluded that the worst-case scenario of both developments being constructed in parallel would not result in a severe impact on the Lilyhall Roundabout or the A595, which the Applicant's transport consultants have also confirmed and agreed with the project team for the Lostrigg Solar Farm.* *Reference is also made in ES Appendix 2.5 - Transport Statement (APP-102) to cooperation between the two site teams to ensure the impact is not significant during the construction phase. This is reiterated in the 6.3 ES Appendix 5.2 - Outline Construction Traffic Management Plan (APP-109), stating that the Principal Contractor would liaise with the Lostrigg Solar Farm team and share programming information to minimise traffic impacts.* *National Highways agree that collaboration between the two developments during the construction phase will be beneficial to manage the impacts. However, National Highways are not yet able to confirm that the cumulative impact is acceptable.*	evidence that there would be significant effects on A595, or Branthwaite Road to the east of Lillyhall Roundabout. That scenario analysis showed that the impacts on Lillyhall Roundabout will also be of a similar nature to the baseline plus peak construction forecast and therefore not significant. Management measures will also be in place, to be controlled via a final CTMP to minimise impacts on the highway network, such as, but not limited to, the avoidance of routeing construction vehicles to/from site during peak network periods. The Applicant notes that the applicant for Lostrigg Solar has withdrawn the project as a NSIP and confirmed its intention to the Planning Inspectorate for an application to be submitted under the Town and Country Planning Act 1990. Notwithstanding this, the assessment of cumulative effects should be based on the 'best available' information, which at the time of writing is the information provided in the Lostrigg Solar PEIR. The ES for the Proposed Development assessed a reasonable 'worst case' scenario and the Applicant considers that the conclusions of the ES would be unchanged by the environmental information set out in the Lostrigg PEIR'

Ref	Matter Raised	Applicant's Response
Pg 4	*In line with the review of the 6.3 ES Appendix 2.5 - Transport Statement (APP-102) and the 6.3 ES Appendix 5.2 - Outline Construction Traffic Management Plan (APP-109) prepared in support of the Dean Moor Solar Farm DCO, National Highways would recommend that Requirements are attached to any permission granted for the site. As set out in Schedule 2 Part 1 Point 5 of the Draft Development Consent Order (APP-012) there is a Requirement for the Applicant to seek approval of the CTMP from the Local Planning Authority following consultation with the Local Highways Authority. It would be requested that consultation is also undertaken with National Highways prior to commencement of construction activities. National Highways will require any detailed CTMP to take the following into account:*	The Applicant agrees to NH's request to be consulted on relevant matters of the final CTMP and will update the dDCO Requirement accordingly. The specification for such a Requirement should indicate that NH could not seek to impose unreasonably or disproportionate controls on the final CTMP. No further assessments of effects and impacts are planned to be carried out when preparing or implementing the CTMP and discharging the Requirement.
Pg 4	[Point 1 of 6] *Any commitments regarding the routing and arrival / departure times of construction vehicles should be secured through a final CTMP. As noted above, further information is requested relating to potential lay-by areas which could be used to accommodate construction vehicles arriving outside of their scheduled timeslot, including exact location, capacity, usage and facilities.*	The Applicant agrees to the definition of a routeing strategy and working hours for the construction period of the development. The routeing strategy and working hours of the final CTMP would be in accordance with the OCTMP [**APP-109**], as submitted to the Examination. The Applicant does not propose to specify off-Site vehicle holding or layover locations and as such does not propose to include such specification within the OCTMP or final CTMP beyond the information to be provided as per the response within the 'Construction Vehicle Impacts' row above.
Pg 5	[Point 2 of 6] *National Highways acknowledge that a level of car sharing would be expected to be achieved for construction staff given the level of staff on site at any one time. However, further confirmation should be provided on assumed car sharing assumption occupancy value and how steps will be taken to ensure such value is achieved and that the forecast car trips can be adequately accommodated within the proposed parking areas.*	The Applicant agrees that the details of workforce modal splits can be encapsulated within a final CTMP, which is secured through a Requirement of the draft DCO [**APP-012**]. Information on the parking provision within worksite compounds will be provided as part of the CTMP.
Pg 5	[Point 3 of 6] *Further information and clarification is requested relating to derivation of maximum and average staff numbers,*	The Applicant agrees that the details of workforce modal splits can be encapsulated within the CTMP, which would be secured through a Requirement

Ref	Matter Raised	Applicant's Response
	staff minibus services, including capacity, frequency and pick up points and Internal parking arrangements, including the proposed number of spaces. This information should also be included in the OCTMP.	of the DCO [**APP-012**]. Information on the parking provision within Primary Compounds will be provided as part of the CTMP.
Pg 5	[Point 4 of 6] *National Highways would strongly recommend that the final CTMP contain a detailed construction staff trip monitoring methodology which will provide detail on how the adherence to any secured staff shift periods / movements will be monitored, in addition to detail as to what adjustive / remedial measures will be implemented should construction movements be considered to materially breach any imposed shift period movement restriction.*	The Applicant agrees that the details of workforce modal splits can be encapsulated within the CTMP, which would be secured through a Requirement of the DCO [**APP-012**]. Potential mitigation measures will be captured alongside a monitoring regime that is considered proportionate and reasonable to the level of workforce travel movement anticipated.
Pg 5	[Point 5 of 6] *At the point at which development highway impact can be agreed with National Highways, the composition of any junction specific modelling, if necessary (inclusive of future year growth rates, inter alia), can be agreed at this stage. If the Applicant can provide clarification and additional information relating to the baseline operation of Lilyhall roundabout and forecast construction trips, the need to undertake any detailed junction impact modelling at the SRN may not necessarily be required.*	The Applicant has committed to assimilate traffic flow data on A595 and the network within the vicinity of the Lillyhall Roundabout – including peak period traffic queue data. That data will be analysed and the forecast effects reported to NH in due course.
Pg 5	[Point 6 of 6] *National Highways request that the final CTMP includes a firm commitment relating to collaboration with the developers of the nearby Lostrigg Solar site in order to minimise impacts. In addition to the above, National Highways note that any traffic flows / development impacts arising from future site decommissioning would need to be confirmed with National Highways before this matter can be scoped out of any future assessments. Accordingly, a suitable Requirement securing the production of a Decommissioning Traffic Management Plan, as and when necessary, would be considered appropriate.*	The Applicant has noted within the OCTMP [**APP-109**] that it will seek to collaborate with other developers (including the prospective Lostrigg Solar developer) where it is known that there will be overlapping programmes such that construction traffic movements could cumulatively interact on the network. In doing so the Applicant would seek to co-ordinate to minimise the effects of the cumulative traffic such that sensitivity thresholds are not exceeded. The Applicant can confirm that the provision of a traffic management plan for decommissioning is already secured in FDMP as part of the future DMP suite and so an additional requirement is not appropriate.

Table 3.4: Natural England RR-009

Ref	Matter Raised	Applicant's Response
NE1	***Internationally Designated Sites River Derwent & Bassenthwaite Lake Special Area of Conservation (SAC)*** *Water Pollution and Siltation* *There is a hydrological connection from the site to the SAC 6km downstream via undesignated tributaries. The potential for water pollution and siltation has been assessed in the Habitats Regulations Assessment (HRA) and mitigation measures outlined in the Outline Construction Environmental Management Plan…* *We note that any CEMP that is produced and subsequently approved will be a 'live' document and will be updated as required and secured by a DCO Requirement (4). Natural England will need to be consulted on the final CEMP.* *Outline pollution prevention measures have been provided in the oCEMP which covers the main mitigation measures Natural England would expect for work in proximity to watercourses, and utilising appropriate Best Practice Guidance. We note that no new water crossings are proposed for the scheme.* *Natural England agrees with the need for an …*[ECoW] *who's role will include ensuring the adherence to the measures outlined in the CEMP to ensure no downstream deterioration to the water quality of the SAC.* *Otter* *The ES states (8.6.11) that prior to works commencing, pre-construction surveys for otter, will be carried out by the ECoW to identify any change in Site use, including the potential for otter holts to have been created. This will need to be secured as a DCO Requirement. Natural England note that species protection plans setting out how species such as otters will be protected from mortality, disturbance, and habitat fragmentation during construction works will be produced by the Principal Contractor and agreed with the ECoW. It is noted that the project does not currently predict the likely requirement of licences for otters based on the current species distribution and scheme design. If this changes and potential impacts to otters are identified, that cannot be avoided, then Natural England should be contacted as soon as possible to discuss any need for protected species licences.* ***Solway Firth SPA*** *Herring gulls were recorded across the site in significant numbers on several of the surveys with a peak count 200 individuals, indicating a potential*	The Applicant notes that Natural England is content with the proposals for working near watercourses provided all practices set out in Sections 5, 10 and 12 of the OCEMP [**APP-108**] are followed. A Preliminary Ecological Appraisal (PEA) will be carried out which will inform whether any species-specific surveys are necessary ahead of final design and CEMP production. The information derived from these surveys will be used to inform RAMS pertaining to ecological receptors and species protection plans as required. Updated surveys for otter are likely to be required, given their status as a protected species. The details of the approach are included in Section 5 of the OCEMP (ES Appendix 5.1 [**APP-108**]. Otters have also been identified as a key species requiring consideration during operation and are referenced in the OLEMP (ES Appendix 7.7 [**APP-145**). The Applicant notes that Natural England agrees with the conclusion of the sHRA [**APP-156**] that there will be no adverse effects on the site integrity of the Solway Firth SPA from the project alone, or in-combination with other developments, including Lostrigg Solar. The OCEMP includes the requirement that final CEMP will be informed by consultation with Natural England and other stakeholders for relevant matters in advance of submission to the Council to discharge the Requirement.

Ref	Matter Raised	Applicant's Response
	functional linkage to the designated site. ….Natural England also note that the majority of birds were loafing, rather than feeding, such that the actual ecological dependence on the fields within the Site is not likely to be significant. Natural England therefore agree with the conclusion in the HRA that there will be no adverse effects on the site integrity of the SPA from the project alone. *Natural England note that survey results from the neighbouring Lostrigg proposed solar farm have been included in an in-combination assessment. Based on the number of herring gull recorded at the Lostrigg site and the wide availability of similar loafing and foraging habitat available Natural England agree with the conclusion that there will be no in-combination adverse effects on the integrity of the SPA.*	
NE2	***Nationally Designated Sites - River Derwent & Tributaries Site of Special Scientific Interest (SSSI)*** *Natural England note that the only SSSI in the Zone of Influence with the potential to be impacted by this scheme is the River Derwent & Tributaries SSSI.* *As this site underpins the River Derwent & Bassenthwaite Lake SAC, Natural England advise that the same potential impacts on the SAC are applicable to the SSSI… Natural England advise that the mitigation measures outlined in the oCEMP for water pollution and otter disturbance will also adequately ensure no adverse impacts on the SSSI.*	The Applicant confirms the implementation of the CEMP, which will be substantially in accordance with the OCEMP [**APP-108**] will ensure there are no impacts to nationally designated sites.
NE3	***Nationally Designated Landscapes*** *Although not within the 2.5km Study Area, Natural England welcome the assessment of the impacts of the proposal on the Lake District National Park (LDNP), as a nationally designated landscape.* *…If by way of its scale, form, prominence, reflectivity, movement, noise or any other characteristic a proposed development would detract from the merits or special qualities of the protected landscape, thereby threatening the added value which the setting affords, Natural England would consider making representations in relation to impacts upon 'setting'.* *However, we note that the site would only be visible from a limited area of the high fells and that the proposed planting scheme (as detailed in the Outline Landscape Environmental Management Plan (oLEMP)) will break up the perceived massing of the Proposed Development….Natural England therefore concur with the conclusion*	The Applicant acknowledges that Natural England agrees with the conclusion of ES Chapter 7 – Landscape and Visual Impact [**APP-039**]. The Chapter also provides a summary of the consultation responses from the LDNPA undertaken during the PEIR stage and set out in Chapter 7: Table 7.2.

Ref	Matter Raised	Applicant's Response
	within ES Chapter 7 that during construction, operation, and decommissioning the proposed development will have a very low magnitude of impact on the character, setting, and Special Qualities of the LDNP	
NE4	***Protected Species*** *Natural England is not expecting submission of any draft protected species licence applications for review at this stage. In the light of further evidence or changes to the scheme, a license may become required* *Natural England welcome that a suitably qualified ecologist (or team of ecologists) will undertake further surveys pre-commencement across the Site to update the surveys carried out to date. The updated surveys will include an assessment of the habitats on Site, to ensure that proposed environmental management measures and risk avoidance measures are fit for purpose. Information derived from these surveys will inform the CEMP and associated RAMS pertaining to ecological receptors, Species Protection Plans ('SPP') and toolbox talks … by the ECoW (oCEMP 5.4.1). These pre commencement surveys should be secured as a DCO Requirement.* The NE RR goes on to confirm acceptance of the Applicant's approach to protected species, including bat and hen harrier. The RR confirms that NE are satisfied with the proposed mitigation for these species, while advising that for some species, a protected species license could be required once full details are known and based on the updated PEA. Furthermore, NE '*welcome the habitat improvements outlined in oLEMP (Appendix 7.7) for enhancing the grassland habitat on site to promote the abundance of small mammals which will provide a food resource for hen harrier and other raptors (Table B.1).'*	The Applicant acknowledges the response of Natural England with regards to protected species. The results of surveys to inform the ES (Chapter 8 – Biodiversity [**APP-038**]) are provided in the relevant accompanying Appendices. Based on current information no licenses are expected to be required. However, if this changes Natural England would be consulted to discuss and agree next steps It is noted that the Applicant would need to apply for a draft license application and a Letter of No Impediment as appropriate. Pre-construction surveys, Species Protection Plans, and RAMS are secured by the OCEMP [**APP- 108**]. An updated PEA will inform the need for updating species specific surveys in advance of construction. The updating assessments will inform the final design. Should protected species be present on Site, and should it not be possible to exclude effects based on the detailed design layout, protected species license procedures will be followed.
NE5	***Soils and Best and Most Versatile Agricultural Land (BMV)*** *A soil survey has now been undertaken for the whole site, including the cable routes, as requested in our Section 42 response. The results indicate that the proposed development will have no adverse impacts on …*[BMV] *agricultural land, as the site has been confirmed to fall entirely outside Grades 1, 2, and 3a.* *Soil surveys and classification data indicate that the land is of subgrade 3b or lower, meaning it does not meet the threshold for BMV designation under the …* [NPPF]. *As such, there is no loss of high-grade agricultural resource, and no additional safeguards or mitigation measures are required in this regard. The Soil Management*	Noted.

Ref	Matter Raised	Applicant's Response
	Plan (SMP) details soil handling and restoration measures based on site specific soil information and sets out the specific mitigation measures with reference to the best practice guidance (Defra Construction Code of Practice) as requested.	
	Deep Peat *We welcome that a survey has been undertaken to assess areas of peat within the Site as requested in our S42 response.* *With regard to the potential impact on deep peat (indicated in ES paras 1.5.1 – 1.5.2 and Appendix 10.3 – Peat Survey Report) the embedded measures and best practice for the protection of peat soils should be set out in detail in a Peatland Management Plan (PMP) in line with the SEPA Guidance on the Assessment of peat volumes, reuse of excavated peat and minimisation of waste: guidance - gov.scot (www.gov.scot). … and development on peat should be avoided as far as practicable. The reuse of the surplus peat resources should be secured in the PMP, separately to the re-use of mineral soil resources which should be secured in the SMP.* *Natural England note that the discreet areas where peat was confirmed, through hand dug trial pits, will be excluded from development within the operational design of the proposal. Natural England advise that the impact on the hydrology of those areas of peat needs to be considered within the PMP and the potential for the restorability of the peat within the Site.* *Page 5 of TIN037 Natural England Technical Information Note has a definition of peat which would meet the criteria for restoration. Where peat is at the surface, even if enriched, with no significant man-made ground or contamination, this has the potential to be feasibly restored. Our deep peat GIS layer (England Peat Status Greenhouse Gas and Carbon Storage) considers 40 cm of peat as deep. A recent Defra consultation on heather and grass burning currently being considered may revise the definition of deep peat to 30cm.* *Natural England advise that siting of renewable energy development should not exacerbate climate change impacts (for example, developing on priority habitats, woodland or peatland), nor diminish our ability to adapt to climate change impacts through nature recovery and Nature-based Solutions such as peatland restoration.* *To ensure the development will result in minimal disruption to the ecology, or release of CO2, and that the carbon balance savings of the scheme are maximised, the*	As described in the OCEMP [**APP-108**].'*All Work Nos identified on the Work Plans…other than Work No. 3 and 6 are excluded from areas where peat has been identified. Work No. 3 and 6 overlap areas where peat has been identified. Areas of identified peat deposits will generally be avoided by construction activities, particularly those which would affect excavation, compaction or drainage*'. The Proposed Development's detailed design will be informed by ground investigation and interpretative assessment and will continue to seek to avoid disturbing peat deposits. There are very limited areas within Area C where peat is present, and these have been excluded from Works Area 1 and 2, which would have the potential to negatively affect peat (through construction of buildings or structures, for example). Although this peat is within Work Areas 3 and 6, the inclusions of peat within these area is purely to enable any habitat enhancements or protection measures (such as fencing) in the vicinity of these areas of peat (habitat enhancement and fencing are components of these Works). However, it is acknowledged that Work Nos. 3 includes elements which have the potential to compress peat (such as access tracks. The Applicant is confident that any works which would have the potential to compress peat can be avoided, and this is reinforced through the OCEMP's commitment to peat protection. In the unlikely event works are proposed in these areas, then a Peatland Management Plan would be prepared, to include the information included in 'Annex 1: Peat

Ref	Matter Raised	Applicant's Response
	examining authority should be satisfied that the solar farm layout and construction methods have been designed to minimise peat soil disturbance and should take into account the policies set out in the England Peat Action Plan 2021 (EN-3 paragraph 2.10.156).	Management Plan' of SEPA's '*Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and the Minimisation of Waste*' guidance. The Applicant is keen to avoid a blanket requirement to prepare such a Plan, if only habitat enhancements or protection measures are being established in these areas (which themselves are for the purpose of protecting peat) as peat management can be appropriately covered by the CEMP and/or LEMP. This matter is covered by a forthcoming dSoCG with Natural England.
NE6	***Ancient Woodland and Ancient / Veteran Trees*** *Natural England welcome the adherence to our joint standing advice…with regards to Ancient Woodland & Ancient/Veteran Trees. This includes adherence to a 15m buffer from the Ancient Re-planted Woodland along the western boundary of the site. … Natural England note that there is currently no expectation that any trees will need to be removed across the Site, and suitable safeguards will be implemented to protect the category A trees (including 1 veteran). We also note that no new severance of hedgerows is required.*	The Applicant proposes to protect the replanted ancient woodland outside of but adjoining the Site, and the on-Site trees and woodlands during construction. Details are provided in Sections 6.4 and 6.5 of the OCEMP [**APP-108**]. The tree protection measures therein are informed by the Arboricultural Impact Assessment (AIA) (ES Appendix 7.8) [**APP-146**]. Section 5.1 of the OCEMP commits to the final CEMP being informed by an updating assessment to ensure the Tree Constraints Plan (TCP) is an accurate baseline for the final design and associated CEMP measures
NE7	***Biodiversity Net Gain and Enhancements*** *Biodiversity Net Gain (BNG) will now not be mandatory for NSIPs until 2026.* *As such the following comments are advisory only. The application documents include a Biodiversity Net Gain Metric (Appendix C of Appendix 8.8), which utilises the Biodiversity Metric version 4 and indicates the development will give rise to a 114.69% gain in habitats units, a 44.84% gain in hedgerow units, and a 12.56% gain in watercourse units. Natural England welcomes the inclusion of these calculations*	The Applicant acknowledges Natural England's comments on the ambition to deliver biodiversity enhancements as set out in the BNG Report [**APP-157**]). The BNG figures are indicative at the submission stage, and are based on the indicative LSP [**APP-088**], for the maximum parameters, and not a detailed layout. The OLEMP (ES Appendix 7.7 [**APP-145**]) sets out the approach to landscape and habitat enhancements, including the establishment of minimum BNG

Ref	Matter Raised	Applicant's Response
	and note that the proposed gains are significantly above the intended 10% mandatory gain. *Natural England are supportive of the enhancements detailed in the oLEMP particularly the proposed enhancements to Dean Moor County Wildlife Site and the proposed enhancement of watercourses.*	commitments, with the expectation that this will be substantially bettered in the detailed design process. A detailed design outcome will include the LEP (to be substantially in accordance with the LSP) This will be the basis of the updated BNG metric which will provide the final BNG figures to be delivered. These figures will be not less than the OLEMP's minimum commitments, and are likely to be much higher. The new figures will be the commitment to be delivered by the final LEMP.

Table 3.5: The Mining Remediation Authority (formerly the Coal Authority) RR-006

Ref	Matter Raised	Applicant's Response
Para 9-10	*We concur with the authors of the report, that where possible high risk features such as mine entries and their zones of influence should be avoided when the layout is being finalised. We also support the proposal to investigate the coal mining features on site, mine entries, shallow workings and surface mining highwalls (if necessary) and to allow the findings of these works to inform any remedial works necessary.* *We have no objections to this project but recommend that the layout of the development, as identified by the report authors, is informed by the high risk mining features present (mine entries) and built development or sensitive infrastructure avoids these areas.* *We also recommend that relevant conditions are imposed on the DCO requiring the investigatory works, as identified in the report, and any remedial works necessary to be undertaken on site prior to development, in those areas identified as being at risk from surface instability, commencing.*	Noted. As recognised by the Mining Remediation Authority (MRA), the design of the Proposed Development (including Works Numbers, Design Parameters, and management plans) have been informed by the desk-based assessment of potential coal mining hazards. The layout will continue to evolve following the completion of the investigation of the on-site coal mining features. In accordance with advice from the MRA, the OCEMP sets out the requirement that the detailed design be informed by further ground investigations, with the final CEMP to reflect the outcomes of these investigations. Section 11.2 of the OCEMP sets this out in further detail, and the approach to coal mining hazards and the Site's mining legacy has been agreed with the MRA, as per the forthcoming dSoCG. Additionally, DCO Requirement 4 of the dDCO [**APP-012**]) provides the mechanisms by which the ground investigation and (where found to be necessary) remediation, will be secured through a CEMP, which must be substantially in accordance with the OCEMP.

Table 3.6: Forestry Commission RR-005

Ref	Matter Raised	Applicant's Response
Para 1-7	The Forestry Commission highlight the importance of ancient woodland and government policy to refused development which will result in the loss or deterioration of ancient woodland and refer to Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.	Noted. The replanted ancient woodland which adjoins the western boundary of Area C is protected by a minimum 15m buffer from generating station development, secured by the Works Plans [APP-007]. The OCEMP, at paragraph 6.4.3 sets out a commitment to access routes and works areas avoiding the 15m buffer zone and fencing to prevent intrusion.. For the operational phase, the ongoing protection and management of Site habitat, including within the buffer, is established through the OLEMP [APP-145] (see paragraphs 3.11.1 and 3.5.2 of the OLEMP).
Para 8	The Forestry Commission confirm no opinion or objection to the application and suggest that the Applicant take regard to any points provided by Natural England on the biodiversity of the woodland.	Noted. The Applicant has benefitted from positive engagement with Natural England throughout the pre-application and pre-examination process and is producing a dSoCG with Natural England on relevant topics.

Table 3.7: UK Health Security Agency RR-012

Ref	Matter Raised	Applicant's Response
Para 2	*On this occasion, we have no additional comments to provide at this stage of the NSIP application. … We note that we have replied to earlier consultations, as listed below, and this response should be read in conjunction with that earlier correspondence*	Noted.

Table 3.8: Health and Safety Executive RR-011

Ref	Matter Raised	Applicant's Response
Para 1	*There are no major accident hazard establishments or pipelines, and associated consultation zones, within the vicinity of this proposed development, HSE has no comment to make. Explosives Inspectorate has no comment to make as there are no HSE licenced explosives sites in the vicinity of the proposed development.*	Noted.

4 The Applicant's Responses to Members of the Public and All Remaining Organisations and Businesses

Table 4.1: Susan Carling RR-004

Ref	Matter Raised	Applicant's Response
Para 1	*We are the nearest residential home to this solar farm, the land joins our boundary fence, and for the last few years we have been asking the planners to move it back away from our fence.*	The Applicant has engaged with the owners/occupant family of the commercial/residential property adjoining the south east corner of the Site. The design of the Proposed Development, including Works Numbers, parameters, and control documents, as well as the Landscape Strategy Plan [APP-088] have had regard for their amenity and aligning with requests made by the owners during an on-site meeting. As discussed below, the Applicant is unsure whether the respondent's concern regarding the set back of solar arrays from the property reflects a superseded layout and not the application's parameters as provided by the Works Plans [APP-007]. Therein Work No.1 includes a large exclusion area north of this property compared to the PEIR and other early concepts. The exclusion follows a topographic contour to the north of the property, which the property owners requested the Applicant use as the Work No 1 boundary in a 1:1 meeting at their property during the Statutory Consultation.
Para 2	*They refer to our home as [*Redacted] *on most of the documents but our home was there long before our business, my partner has lived here for 57 years.* *The planners originally had the solar panels much further away form our property, I have copys of the first proposal and the last one, also the views we have now. Our home and property is the small square on the bottom right of the drawing its a five acre site. Since then they have lost the battery storage which covered a huge area, and they said the solar panels*	ES Chapter 3 [APP-034] refers to the dwelling adjacent to the southeast corner of Area C. This description is accurate and is generally used throughout. The Applicant notes that a layout concept shared informally with the respondent and referred to within the RR (pages 1 and 2 of 11) is an example of what a layout could be like, provided as part of engagement efforts, and is not a plan that was provided at PEIR or within the application. The Applicant has secured setbacks of solar arrays (Work No.1) and other development other than green infrastructure from this property via the Works Plans [APP-007] and has proposed mitigation through planting (see Figure 7.6 Landscape Strategy Plan [APP-088]) within this setback to minimise visual effects, as discussed below. This setback reflects the owner's request to the Applicant during an on-site meeting for the siting of Work No. 1. The setback is further informed by the topographic contours of the Site to limit the potential visual impact. Visual screening in the form of targeted planting is secured by the Landscape Strategy Plan [APP-088], and the inclusion of solar arrays in this location is sensitive to the potential visual impacts on

Ref	Matter Raised	Applicant's Response
	themselves are much more efficient so they would need lots less of them.	this dwelling. The dwelling has no windows facing north, and views from the dwelling are blocked by the large commercial buildings. However, the adjustment and increased exclusion area was made subsequent to the PEIR due to the open aspect from the commercial property, and aligns with the owners' request to use the topography of the field (which has a ridge) in conjunction with planting to provide screening.
Para 3	*The land naturally drops away from our boundry fence and as you will know these solar panels are 3 metres high, so the further away the less impact they would have on our lives. we have no neighbours in 4 directions from our home so this is going to be intrusive.*	Through the Works Plans [**APP-007**], the Applicant has secured setbacks from solar arrays to nearby properties to minimise visual effects. The setback of Work No.1 (solar arrays) from the dwelling and proposals for landscape screening within the south east corner has been informed by the topography of the area, and the layout of the property, whereby the commercial buildings and existing boundary planting on that plot screen views from the residential property and its curtilage to the north/northwest and west respectively. Photography and visualisations from this location are provided by View Locations 6A/6B within ES Appendix 7.5 [**APP-129**] [**APP-130**]. Therefore, the Applicant is confident in the conclusions of the residual effect for this receptor identified within ES Chapter 7 and that the proposed setback reflects that which was requested by the property owners based on the layout provided in the PEIR The Applicant is unsure whether this response is informed by the review of the plans associated with this application such as the Parameter Plan [**APP-049**]Works Plans [**APP-007**], as well as the landscaping in this setback proposed in the Landscape Strategy Plan [**APP-088]**.
Para 4	*The other concerns why we would like them moved away form our boundry fence is the noise from the transmitters and wind blowing through them (the land is very high up) plus the glint and glare which they have said both the noise and glint and glare will affect us.*	The Noise Impact Assessment [**APP-103**] submitted with the application considers possible sources of operational noise and the potential impacts on nearby dwellings. The NIA informed the parameters (location and extent) of works and concludes that there is no potential for significant noise effects that would require additional mitigation. Equally, a Glint and Glare Assessment [**APP-147**] [**APP-148**] is included with the application which reports that no significant effects are likely to nearby dwellings.
Para 5	*We have asked them to move the solar panels a minimum of 500 metres away from our 2 boundry fences, which we dont think is unfair as they have 700 acres to use, which is 2832799.5*	The Applicant has proposed mitigation of the potential visual impacts to the residential property based on consultation with the residents, including a setback and landscape screening, which are is illustrated on ES Figure 7.6.1 – 7.6.5 LSP [**APP-088]**, and within ES Appendix 7.6: Visualisations **[APP-135].** The Site location and size has been informed by multiple factors, including the need for a viable grid connection and consideration of environmental constraints. The setbacks from residential properties has

Ref	Matter Raised	Applicant's Response
	square metres to use ? This Solar Farm is going to change our lives completely if they have it so close to our family home and it is causing me much distress.	been balanced with the need to respond to other constraints within and in-proximity to the Site, and consideration of the generation capacity. These factors have informed the final draft Order Limits and extent of Work No 1. This is set out more fully within ES Chapter 4 – Alternatives and Design Evolution [**APP-035**], Section 6.3 of the Planning Statement (PS) [**AS-010**], and Section 5 of the Design Approach Document (DAD) [**APP-029**].

Table 4.2: Malcolm Fulton RR-003

Ref	Matter Raised	Applicant's Response
N/A	Please see the response from Susan Carling in Table 4.1.	Please see the Applicant's response in Table 4.1.

Table 4.3: Lucy Fulton RR-008

Ref	Matter Raised	Applicant's Response
Para 1	*I am writing this statement with major concern about the personal negative affects the Dean Moor solar farm will have on mine and my families life. My family home is* [Redacted] *and on site is* [Redacted] *which is a working garage, both of which will be negatively impacted on by the proposed Dean Moor solar farm due to the official solar farm site plan showing so close to our property's.*	The Applicant has engaged with the owners/occupant family of the commercial/residential property adjoining the south east corner of the Site. The design of the Proposed Development, including Works No, parameters, and control documents, as well as the LSP [**APP-088]** have had regard for their amenity and aligning with requests made by the owners during an on-site meeting.
Para 2	*Firstly the disruption of the solar panel installation procedure, this causing large amounts of noise pollution throughout.*	The construction of the Proposed Development will be managed in line with the best practice measures set out within the OCEMP [**APP-108**] to limit the potential impacts on nearby sensitive receptors. The procedures and measures included to limit the noise impacts of construction activities are included in section 7 of the OCEMP, and restrictions on working hours are set out in section 4.2. Sections 13.4 and 7.3

Ref	Matter Raised	Applicant's Response
		of the OCEMP outline the procedures for the local community to submit noise complaints, and for the Site Manager to address these and take corrective actions.
Para 2	*Noise and light pollution from the solar panels is a major concern due to my family living so close to the proposed solar farm especially with the noise pollution from the invertors being constant.*	Assessments have been undertaken and the design of the Proposed Development and its plans, parameters, control documents reflect the Applicant's regard for potential environmental health effects on the amenity of sensitive receptors. A summary of the approach to environmental health is included at Section 6.11 of the Planning Statement [**AS-010**] and Section 6.10 of the DAD [**APP-029**]. A NIA[**APP-103**] has been undertaken which assesses the impacts of the Proposed Development once operational on nearby noise sensitive receptors (dwellings), including the property adjoining the southeast corner of the Site. As set out in the DAD [**APP-029**], the outcomes of the NIA have informed the design with respect to the Works Plans [**APP-007**], control documents, and dDCO Requirements. Noise generating equipment includes Work No.2 (grid connection infrastructure) and the PCS units which will be dispersed across Work No. 1. The NIA informed the parameters (location and extent) of Work No. 2 and concludes that there is no potential for significant noise effects that would require additional mitigation. Requirement 12 of the dDCO also mandates that No part of Work No. 1 may be operational until a noise assessment demonstrating that Work No. 1 will not have a significant operational noise effect, has been submitted and approved by the Council.. Despite these strong controls the Applicant recognises the concern of local residents and has included an additional commitment within Table 4.1 of the OOMP [**APP-107**] which would require assessment and further mitigation to be implemented in the event of any substantiated operational noise complaints. With respect to light pollution concerns the Proposed Development will not include lighting which is permanently on and the use of any lighting is strictly controlled by the OLEMP [**APP-145**] and / or OOMP. A Glint and Glare (G&G) Assessment [**APP-147**] is provided which assesses the potential glint and glare effects of solar arrays (Work No.1). This confirms that, while solar reflectivity is geometrically possible for upper floor rear windows, such an effect would coincide with the sun so could only be experienced while also looking at the sun. And, the line of sight from these upper windows is blocked by mature vegetation and commercial buildings on the respondent's property, with additional vegetation to break up views also included as part of the Proposed Development's landscape strategy. A commitment is also included in the OCEMP [**APP-108**] requiring that CEMP measures be informed by an updated G&G model based on the final design (see OCEMP paragraph 4.7.6). It requires that where any G&G mitigation would depend on new landscaping which will not be implemented or matured in advance of

Ref	Matter Raised	Applicant's Response
		construction, temporary screening will be provided before solar arrays are erected that could lead to G&G effects. The OOMP requires that if such barriers are relied on they will be retained and maintained until such time as new landscaping has sufficiently matured to provide screening.
Para 3	*Secondly its saddening that the beautiful views that currently surround this area will soon become unaesthetically pleasing if turned into a solar farm. Living so close to a solar farm can negatively affect property value, this devaluing our plot [Redacted] that we've worked so hard for. The aesthetic concerns of the solar farm would likely put potential buyers off if we were to ever want to sell our plot. With the proposed solar farm boundary being so close to our property it will either stop us or limit us from getting future planning permission, therefore dictating to what we can do with our own site.*	Consideration of the potential landscape and visual effects of the Proposed Development has shaped the layout and proposals for mitigation from the early stages of pre-application. A setback is proposed for solar arrays from the property to the south east and mitigation is included which will minimise landscape and visual effects and prevent unacceptable noise effects, as reported in the NIA [**APP-103**] and ES Chapter 7 [**APP-039**]. This setback is secured by the Works Plans [**APP-007**]. Landscape screening is also proposed in this location, as shown on the LSP [**APP-088**], and would be managed through the LEMP which will be substantially in accordance with the OLEMP [**APP-145**]. As described in the DAD [**APP-029]**, the setback and landscaping at this location is sensitive to the topography of this location of the Site, and the extent of visual impact from the property. The Applicant notes the concern about property value. It is understood from previous engagement that the owners intend to seek planning permission for a housing development on their property. However, this is not a matter for the planning process of the Proposed Development.
Para 4	*Living next to a solar farm can be harmful towards health, with this concern in mind I think this should be considered with pushing back the boundary of the proposed solar farm making it safer for mine and my family's health and well being.*	The Applicant has considered the potential health impacts of all phases of the Proposed Development and proposes to secure mitigation of potential effects through the outline management plans for each phase. There is no evidence that supports a view that solar generation technology is harmful to human health. The solar panels used will be no different to solar panels used on household rooftops across the country, as well as on schools, hospitals, and other sensitive sites. Solar farms are regularly consented with layouts that are as close, or closer, to commercial and residential properties. Solar farms also regularly accommodate livestock and are known to become havens for wildlife. Where buffers are required to properties, these are for reasons to do with specific effects such as noise, glint and glare, or landscape and visual, but not because solar technology has any inherent potential for effects on human health.

Table 4.4: Keystone Law on behalf of 12 Property FE Limited RR-014

Ref	Matter Raised	Applicant's Response
Paras 1-4	*I represent 12 Property FE Limited (the "Company") the owner of the freehold mines and mineral rights (the "Rights") across the entirety of the relevant land under title number CU278521.* *This objection is submitted to the DCO on behalf of the Company pending the outcome of its own analysis on the potential impacts of the Proposed Development on its ability to exploit the Rights. Given the nature of the Rights and the considerable area covered by the Proposed Development including trenches at a depth of up to 2m (taken from inquiry document reference App-063) it is highly likely that our ability to exploit the Rights will be materially detrimentally impacted, if not prevented entirely.* *We note that the Applicant proposes to incorporate the mineral code (Parts 2 and 3 of Schedule 2 (minerals) to the acquisition of Land Act 1981) in the DCO, but do not see this as a valid reason not to engage in negotiations, and they are invited to do so at the earliest opportunity. In the absence of an outcome acceptable to the Company, furthermore detailed submissions will be made, and this objection will be vigorously pursued.* *I represent 12 Property FE Limited (the "Company") and write further to my comments as previously submitted. Following further enquiries into the nature of the Company's Rights it has been established that the relevant*	The Applicant notes the reference to HM Land Registry title number CU278521. This title is outside the Applicant's Order limits. There is no interface between this land and the Order limits and the landowner's ability to extract minerals in this land is unaffected. The relevant title number is CU307418 which is a freehold (qualified) title for mines and minerals other than coal, beneath the surface of part of plots 1-26, 1-33, 1-35, and 1-38. The Applicant is not aware of any further rights belonging to the interested party, e.g. rights at a surface level. The Applicant notes the interested party's concerns on being able to exploit its subsoil rights. Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 (the Minerals Code) effectively preserve the interested party's subsoil rights, subject to the works required for the Proposed Development. Should the interested party desire to extract minerals, it would need to follow the process set out in the Minerals Code. This includes a notice provision and an opportunity for the Applicant to assess potential impacts of the mining directly below the Proposed Development. The Minerals Code restricts the ability to extract minerals where damage is likely and where the Applicant is willing to compensate the owner. Compensation matters are outside the scope of this examination but would be dealt with by the Upper Tribunal if not agreed between the parties. The Applicant notes the reference to ES Figure 3.19 Indicative Cable Trench Examples [APP-063]. This document contains indicative trenching depths not final depths. The Applicant only seeks compulsory acquisition powers where necessary to deliver the Proposed Development. The above-mentioned plots are required for Work Nos. 1, 3 and 6 and the impact on the interested party would predominantly be cabling being placed within the subsoil. The ExA will note the above reference to title number CU307418 having a qualified class of title. Interests/rights pre-March 2018 (before the interested party acquired the land) may still

Ref	Matter Raised	Applicant's Response
	title (CU278521) was severed from the surface title and contains no express limitation on depth. In the absence of any such limitation, the courts will consider that the mineral estate begins immediately below the surface. *We invite the applicant to engage with the Company in discussions to ascertain the nature of the proposed works as they effect the Rights. At this point no information has been provided.*	bind the land. This means that even if the Applicant entered into an agreement for the subsoil interests, other interests may continue to exist. Compulsory acquisition powers are therefore the only way to acquire the interests required for the Proposed Development to proceed. The Applicant has already secured a voluntary agreement with the owner of the surface of this land. The Applicant wrote to this party prior to submission of the application for development consent. The Applicant will contact the interested party to reiterate its position and invite them to further discussions.

Table 4.5: Claire Welford RR-001

Ref	Matter Raised	Applicant's Response
Para 1	*I fully support the development of sustainable forms of energy generation and want to know more about the proposed project.*	Noted. The Design Approach Document [**APP-029**] sets out the framework of vision and design principles for the Proposed Development, as well as a general overview of how different environmental topics have informed the design. The Planning Statement [**AS-10**] summarises the principle of the development as critical infrastructure that will help to deliver the objectives of a secure, reliable, affordable, and net zero energy supply.

Table 4.6: James Christopher Howell RR-002

Ref	Matter Raised	Applicant's Response
Para 1, a-c	*I have made full informed report in the early enquiries about this project as a) putting out false and misleading statements as to out out And impact b) why the site and the technology*	The Applicant notes the concerns in terms of the potential environmental effects of the Proposed Development. A full assessment of the potential environmental impact has been reported within the Environmental Statement (ES) in line with IEMA guidance, the conclusions of which are summarised in ES Chapter 11 **[APP-042].**

Ref	Matter Raised	Applicant's Response
	is inappropriate c) the environmental consequences which are very damaging . . .'	The Applicant's process of selecting the Site and technology / design of the Proposed Development is set out within section 6.3 of the Planning Statement [**AS-10**] from a policy perspective, ES Chapter 4 [**APP-035**] with consideration of the potential environmental effects, and the Design Approach Document [**APP-029**] in terms of determining the parameters and design options. Overall, the Applicant considers that the limited residual effects of the Proposed Development are outweighed by the substantial benefits and contribution to meeting the national need for renewable energy.
Para 1, d	*d) the hydrological impact which has significant flood risks given that it equates to 127 miles of a normal A road compacted into 700 acres.*	A Flood Risk Assessment (FRA) and Outline Drainage Strategy [**APP-099**] has been provided at ES Appendix 2.5. The Site is located within Flood Zone 1 with 'Low Probability' of fluvial flooding and has mostly a 'Very Low' risk of surface water flooding. Solar farms are designated by the National Planning Policy Framework and Planning Practice Guidance as 'Essential Infrastructure' which are capable of being accommodated in flood risk zones. Development is focused in areas of low surface water flood risk, and the FRA confirms that there is no flood risk, or risk of contributing to flood risk elsewhere.
Para 1, e	*e) the reality that it has absolutely no local benefit - employment or otherwise*	The Applicant has had ongoing engagement with the Parish Council's regarding the Community Benefit package. As set out in EN-1 paragraph 5.13.3, the Applicant has engaged with the Council, relevant parish councils, and other stakeholders to understand local issues and opportunities, and has positively engaged with local community groups, as set out within the Consultation Report [**APP-0018**] The PEIR Socio-Economic chapter [**APP-104**] considered potential effects on economic development, including the creation of jobs. Socio-Economic as a topic was scoped out of the ES, as the effects were not considered to be significant. However, the chapter indicates that there will be benefits to employment during construction and operation, but '*until a contractor is appointed the exact number of local jobs that will be supported cannot be guaranteed*.'
Para 1, f	*f) that this technology is only fit for purpose if placed on individual households where it*	The Applicant supports both ground-mounted and rooftop solar. Both have been identified in combination by the British Energy Security Strategy [BESS 2022] and National Policy Statement EN-3 in requiring a five-fold increase by 2035 (up to 70GW).

Ref	Matter Raised	Applicant's Response
	provides a direct benefit and doesn't require huge infrastructure costs	Paragraph 3.3.58 of NPS EN-1 recognises that 'there is an urgent need for new (and particularly low carbon) electricity NSIPs (Nationally Significant Infrastructure Projects) to be brought forward as soon as possible' Paragraph 2.10.9 of EN-3 states that 'The government has committed to sustained growth in solar capacity to ensure that we are on a pathway that allows us to meet net zero emissions by 2050. As such, solar is a key part of the government's strategy for low-cost decarbonisation of the energy sector'.
Para 1, f	*f) that the visual impact is overwhelming in a location only a few miles from Lake District National Park and the Solway Area of Outstanding Beauty.*	The visual impact of the Proposed Development is reported in ES Chapter 7 [**APP-039**], which assesses the potential effects to the Lake District National Park World Heritage Site, given its sensitivity, although it is located 3.2km to the east. Chapter 7 concludes that once proposed landscaping has matured, for the majority of the Proposed Development's lifetime the LDNP/WHS would not experience significant landscape effects. Given the distance from the Solway Coast National Landscape, it is considered unlikely there will be any visual impacts.
Para 2	*Further to this I have been since personally informed by a local fire chief that so called battery technology presents a considerable fire risk. This technology has no long term national energy security benefit whatsoever in consideration despite what a misguided, misinformed and apparent delusional present Secretary of State may believe. Furthermore, planning restraints do not hold up economic growth, they only prevent "bad plans" in application in the first place (which don't actually benefit anybody). This is bad plan. It had no merits and has absolutely no contribution to make toward future climate change or energy security. It has no merits for any planning authority to grant would be an*	The Applicant removed the Battery Energy Storage System (BESS) element from the Proposed Development between the publication of the Preliminary Environmental Information Report (PEIR) and the submission of the application. For the avoidance of doubt, the Examining Authority should note that the DCO does not authorise any BESS. The Proposed Development would make a contribution to national energy security, which is an objective of National Policy Statement (NPS) EN-1 and the Powering Up Britain: Energy Security Plan, which supports a low-carbon energy system which includes solar technology. Paragraph 2.5.6 of NPS EN-1 further states that *'solar also has an important role in delivering the government's goals for greater energy independence. The British Energy Security Strategy [BESS 2022] states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)'*. The principle of the Proposed Development and the planning balance is set out within the Planning Statement [**AS-10**]. The Proposed Development is considered to align with national policy on energy security.

Ref	Matter Raised	Applicant's Response
	abuse of public interest. It might also open the planning authority and the government to legal action if the fraudulent statement contained within the proposal are adopted.	