

Date: 26 August 2025
Our ref: 524103
Your ref: F9C21EFCB



Planning Inspectorate

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BY EMAIL ONLY

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Dear Mr Woodward

**Natural England's Written Representations in respect of Dean Moor Solar Farm
- EN010155**

Examining Authority's submission deadline **26 August 2025**

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

Natural England's Written Representation response includes:

Annex 1 – summary of our advice

Annex 2 – updated comments for the key areas of our remit, including our response to the Examining Authority's written questions and requests for information (ExQ1).

Annex 3 – detailed comments on areas still under discussion with the applicant.

For any further advice on this consultation please contact the case officer Kate Berry and copy to consultations@naturalengland.org.uk.

Yours sincerely

A black rectangular box redacting the signature of the Sustainable Development Higher Officer.

Sustainable Development Higher Officer

Annex 1 - Natural England's Written Representations summary

Natural England has been engaged by the applicant following the submission of our Relevant Representations on 19th June 2025. The applicant has begun work on a draft Statement of Common Ground (SoCG) with Natural England which is yet to be finalised. Natural England do not consider that any of the concerns under discussion within the SoCG are fundamental.

However, Natural England is currently in discussion with the applicant regarding the outstanding matter relating to potential impacts on peat from the project. This area therefore remains an amber concern.

Natural England's advice in these written representations is based on information submitted by FVS Dean Moor Limited in support of its application for a Development Consent Order ('DCO') in relation to Dean Moor Solar Farm (*the project*).

The below representations summarise Natural England's current advice and what the main considerations are in relation to the DCO application since our Relevant Representations submission. Natural England may have further or additional points to make, particularly if further information about the project becomes available.

Natural England has been working closely with FVS Dean Moor Limited to provide advice and guidance since 25 September 2023. In our previous Relevant Representations response Natural England advised that there are currently no fundamental concerns Natural England has regarding this project. Natural England did raise one medium risk (amber) concern relating to potential impacts on peat and the requirement for a Peat Management Plan. Natural England are still in discussion with the applicant about this issue. Further detail is provided in Annex 3.

Annex 2 – Natural England Written Representations and response to the Examining Authority’s written questions and requests for information (ExQ1).

1. Internationally designated sites – GREEN

Natural England is satisfied that there are no issues from this project that will result in adverse effects on the integrity of the following internationally designated sites, subject always to the appropriate mitigation outlined in the application documents being secured adequately:

- River Derwent & Bassenthwaite Lake Special Area of Conservation (SAC)
- Solway Firth Special Protection Area (SPA)

Following question Q1.0.15 in the Examining Authorities first written questions, Natural England advise that the 10km zone of influence adequately addresses the potential impacts of the development on European sites and their qualifying interest features, including areas of functionally linked land used by mobile species.

Natural England advise that, as Herring Gull are a highly mobile species with a large foraging range up to 50km from their roosting colonies, inclusion of SPA’s within a larger radius to assess impacts on this species is not reasonable and that a 10km radius is suitably precautionary. Impacts on the Morecambe Bay & Duddon Estuary SPA do not therefore need including in the shadow Habitats Regulations Assessment for the proposed scheme.

2. Nationally designated sites – GREEN

Natural England’s position regarding nationally designated sites has not changed since the submission of our Relevant Representations (RR-009).

Natural England is satisfied that there will be no adverse impact on the River Derwent & Tributaries Site of Special Scientific Interest (SSSI) as a result of this project.

3. Protected species – GREEN

Natural England’s position regarding protected species has not changed since the submission of our Relevant Representations (RR-009).

The applicant has confirmed that pre-commencement surveys will be secured via the Construction Environmental Management Plan (CMEP), which is itself secured as a DCO Requirement.

4. Biodiversity net gain (BNG) – (as BNG is not yet a mandatory requirement for NSIPs we have not assigned a Risk status)

Natural England’s position regarding Biodiversity Net Gain has not changed since the submission of our Relevant Representations (RR-009).

Natural England welcomes the inclusion of the BNG Metric calculations and note that the proposed gains are significantly above the intended 10% mandatory gain.

5. Nationally designated landscapes – GREEN

Natural England's position regarding nationally designated landscapes has not changed since the submission of our Relevant Representations (RR-009).

Natural England agree that the project will have a very low magnitude of impact on the character, setting, and Special Qualities of the Lake District National Park.

6. Soils and best and most versatile (BMV) agricultural land – AMBER - See Annex 3

We note that a Peat Survey has been undertaken, and areas of deep peat have been found on Site. As per both our S42 and Relevant Representations responses Natural England advise that the submission of a Peat Management Plan is required.

Natural England are currently in discussion with the applicant regarding our concerns relating to potential peat impacts from the project. Further detailed comments are provided in Annex 3 below.

7. Ancient woodland and ancient/veteran trees – GREEN

Natural England's position regarding ancient woodland and ancient/veteran trees has not changed since the submission of our Relevant Representations (RR-009).

The inclusion of a 15m buffer between the replanted ancient woodland and any development proposed in the Work Plans is in accordance with Natural England (in partnership with the Forestry Commission) standing advice with regards to Ancient Woodland & Ancient/Veteran Trees.

8. Connecting people with nature – GREEN

Natural England's position regarding connecting people with nature has not changed since the submission of our Relevant Representations (RR-009).

Natural England have agreed with FVS Dean Moor Ltd a draft Statement of Common Ground (SoCG) which reflects the comments above. Issues regarding potential impacts on peat from the project are still under discussion. Natural England's current advice on potential peat impacts is provided in Annex 3 below.

Annex 3 - Natural England's Written Representations for potential impacts on peat soils.

The applicant has undertaken a peat survey (Appendix 10.3) across part of the site, with an increased survey density in areas with proposed for permanent infrastructure. Whilst this survey density is appropriate, Natural England have some concerns regarding the robustness of the data presented and the conclusions drawn. A separate Soil Resource Survey (SRS) has also been undertaken across the Site, including topsoil analysis, which shows that none of the samples were peat. It is not clear why the Peat Survey Report did not cross reference to the SRS, and why there is inconsistency between the findings of the two surveys.

The peat survey has identified a number of points in which the peat depth was up to 1m in depth. It is not clear as to why the 1m depth was used as a threshold for the area of peat stated in Section 1.4.3 of the report. The applicant uses the definition of deep peat being greater than 50 cm (para 1.3.1), with a Soil Organic Matter (SOM) exceeding 60%. Using this proposed definition a depth of 50cm should have been used to identify the amount of deep peat from the survey (i.e. 59% of the surveyed area, not the 7.3% stated in para 1.4.3).

However, as stated previously Natural England advise that the definition of 'deep peat' is when the depth is greater than 40cm as per our NE257 publication (<https://publications.naturalengland.org.uk/publication/30021>) rather than 50cm.

The Applicant also does not differentiate between 'peat' and 'soft soil' from the probing. The 9 trial pit logs identified only 2 occurrences of peat, suggesting the peat depths indicated on Figure 1.4 are not an accurate representation of the peat extent across the site. In the absence of this differentiation, the survey does not provide sufficient detail to delineate peat extent, nor inform soil management across the site (i.e. delineating different soil types to facilitate separate soil handling as per the Defra Construction Code of Practice for the Sustainable use of Soils on Construction Sites).

The trial pit logs indicate that the samples were characterised in line with engineering methodology site investigation logs as opposed to soil survey requirements. The information provided in Appendix A therefore provides insufficient detail to inform a soil (and peat) management plan. A statement of competence of the soil surveyors should be provided to demonstrate appropriate skills and experience in undertaking peat and soil surveys to inform soil management.

Natural England advise that once the above points have been considered that a plan is provided to indicate the areas of the site where peat depth of 40cm and above is located. This will then determine suitable exclusion areas. Currently Figure 3.5 of the Environmental Statement includes very minimal exclusion areas for peat.

The proposed Work Plans (Drawing ref EN010155/2.3) indicate that Work 3 works may be needed on the areas the applicant has outlined as deep peat. Work 3 works includes the laying of electric cables and access tracks both of which could cause degradation of the wider body of peat beyond the parameters of the infrastructure itself. If larger areas of deep peat are present than currently indicated, then impacts on this from other proposed Work areas may also need to be considered. Design should ensure works both on and off peat do not compromise the wider peat mass in terms of hydrological connectivity.

As stated in our Relevant Representation response, to ensure the development will result in minimal disruption to deep peat, and that the carbon balance savings of the scheme are maximised, the 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).

The applicant has advised that the restoration of the peat across the site is not possible as the project is only temporary (40 years) and will need to return to agricultural use after decommissioning. If further assessment based on our comments above indicates a wider presence of deep peat across the site then Natural England advise that peat restoration is likely to be the most beneficial biodiversity enhancement for the site by ensuring the restoration of a irreplaceable habitat.

The siting of renewable and low carbon energy development should not exacerbate climate change impacts or diminish the ability to adapt to climate change impacts through nature recovery and Nature-based Solutions such as peatland restoration. The government's Environmental Improvement Plan has identified peatland restoration as a key mechanism for achieving our legally binding target of net zero carbon emissions by 2050, and aims to restore approximately 280,000 hectares of peatland in England by this Time.

Conclusion

Natural England's only concern with the project is the potential impacts on peat., which we are in dialogue with the applicant to resolve.

Natural England will continue to work with the applicant, including engaging our soil specialists, to ensure the any new information provided is considered appropriately, and any changes in our advice will be captured within the Statement of Common Ground.