



Dean Moor Solar Farm

Applicant Responses to ExA's Written Questions 1 (1 of 2 docs)

on behalf of **FVS Dean Moor Limited**

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DEAN MOOR SOLAR FARM
APPLICANT'S RESPONSES TO EXA'S WRITTEN QUESTIONS (1)
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PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED

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1 Introduction

1.1 Overview

- 1.1.1 This Applicant Response to Examination Questions (1) (AREQ1) Document [D2.7] has been produced for FVS Dean Moor Limited (the ‘Applicant’) to support the application for a Development Consent Order (the ‘DCO application’) for Dean Moor Solar Farm (‘the Proposed Development’) located between the villages of Gilgarran and Branthwaite in West Cumbria (the ‘Site’), which is situated within the administrative area of Cumberland Council (‘the Council’).
- 1.1.2 AREQ1 sets out the responses from the Applicant to the Examining Authority’s (ExA) first written questions [[PD-007](#)] and requests for information in relation to the Applicant’s DCO application for the Proposed Development.

1.2 Overview and Structure of Applicant Response to Examination Questions 1

- 1.2.1 This document is divided into the following sections:
- Section 2 Biodiversity, ecology, and natural environment (including Habitats Regulations Assessment (HRA));
 - Section 3 Climate Change;
 - Section 4 Design;
 - Section 5 Environmental Statement;
 - Section 6 Historic environment;
 - Section 7 Landscape and visual effects;
 - Section 8 Other / general;
 - Section 9 Soils;
 - Section 10 Noise;
 - Section 11 Transportation / Highways;
 - Section 12 The Draft Development Consent Order – Articles and Schedules;
 - Section 13 Compulsory Acquisition and Related Matters;
 - Section 14 Waste; and
 - Section 15 Air Quality.
- 1.2.2 This document is supported by the following appendices, included within the ‘Applicant Response to Examination Questions (1) – Appendices’ document [D2.7]:
- Appendix A – Q1.0.2 Summary of Surveys Undertaken;

- Appendix B – Q1.0.7 Parameter Plan and Exclusion Area Plan;
- Appendix C – Q1.0.9 Parameter Plan and Habitats and Species;
- Appendix D – Q1.0.9 Parameter Plan and Dean Moor County Wildlife Site;
- Appendix E – Q1.0.11 Biodiversity Mitigation Schedule;
- Appendix F – Q4.0.8 Potato Pot Wind Farm Site Location Plan and Decision Notice;
- Appendix G – Q5.0.6 Summary of assessment of impacts to the setting of heritage receptors;
- Appendix H – Q5.0.7 Lake District National Park Partnership's Management Plan 2020-2026;
- Appendix I – Q6.0.5 Distance of solar panels from dwellings, suitability factors, and additional mitigation proposed;
- Appendix J – Q9.0.1 Noise Response

2 Biodiversity, ecology and natural environment (including Habitats Regulations Assessment (HRA))

Table 2.1: Biodiversity, ecology and natural environment (including HRA)

No.	Question / Applicant's Response
Q1.0.1	<p>Question: <i>Para 8.5.3 of chapter 8 of the Environmental Statement (ES) refers to proposed construction works involving limited clearance of woodland, trees and hedges. Whilst reference is also made to these matters in several other ES chapters and documents, the extent of potential woodland, tree, hedgerow or other habitat removal is unclear. This needs clearly setting out and assessing as appropriate. In addition, please provide a separate vegetation removal plan showing maximum areas of potential vegetation loss.</i></p> <p>Response:</p> <p>The presence of existing woodland within the Site and relevant woodland adjoining the Site is identified on the Combined Constraints Plan [APP-072], and the location of trees within the Site is identified in the ES Appendix 7.8 - Arboricultural Impact Assessment [APP-146].</p> <p>Work Plans [APP-007] for areas involving generating station development (Work Nos. 1-5) are designed to avoid existing woodland. Woodland within the Site is included in Work No. 6 - Green Infrastructure, which also secures the minimum 15m buffer to the replanted ancient woodland outside the Site.</p> <p>There is no specific area of woodland, trees, or hedges which the Applicant knows would need to be removed. OCEMP Section 6 - Arboricultural Management Strategy (CEMP:AMS) deals with woody vegetation in construction. This requires the final CEMP be based on an updated survey of trees and hedges to determine the root protection areas (RPA) of these features and that the final design exclude impacts by either excluding development or including development in accordance with BS5837 standard mitigation, with the details to be provided in the final CEMP.</p> <p>Along with mitigation the final CEMP will detail vegetation removal required and applicable RAMS/SPP to be employed. Any removal will need to reflect the principles of the CEMP:AMS. If it is not possible to avoid loss, appropriate compensation will be provided within the LEP. However, where possible permanent impacts will be avoided (e.g. trimming vegetation back to allow regrowth as opposed to removal).</p> <p>It is not possible to provide a plan showing areas of vegetation loss as there is no known requirement for tree, hedge, or other habitat removal that could be identified in the application as it depends on the detailed design. Given the allocation of majority of these features to Work No. 6, and the protection commitments of the OCEMP, the only known likely areas for potential removal are in association with access into and around the Site, which will mean widening of existing gaps and not creating new severances, with trimming or removal to follow the hierarchy in the CEMP:AMS.</p>

No.	Question / Applicant's Response
	<p>Any other requirements for removal will also reflect the updated tree survey in the event of any future dead trees not captured by the current AIA and which could present a risk to health and safety. No trees are currently identified for removal. If such a need is identified in pre-construction, no removals would be proposed without corresponding compensation in the LEP.</p> <p>Beyond vegetation clearance for visibility splays, to widen gaps for access into the Site and between fields, and to provide temporary slim trimming for fence installation, (none of which can be accurately identified at this stage) no removals are proposed. However, for the purpose of assessing the worst case within the EIA, the ES chapters and documents allow for the possibility of such clearance in limited situations.</p> <p>Within Area C there are several areas of woodland established for commercial forestry purposes. These are densely planted Sitka spruce for biomass. These areas of Sitka are identified within Work No. 6 and would generally be retained while allowing for the possibility of their harvest and replacement with diverse broadleaf woodland. If this is proposed it would be reflected in a future iteration of the LEMP (which is to be updated at least every 5 years) and approved by the Council, who would determine whether the benefits of the new diverse native species planting will outweigh the felling of the non-native monocrop.</p>
Q1.0.2	<p>Question: <i>Please provide a table which sets out which ecological surveys have been carried out/which are proposed in future, including the type of survey (i.e. desk-based or field), the species surveyed, date of surveys, which stage of the process and the responsible person/organisation for sign off/approval and the mechanism to secure approval.</i></p> <p>Response:.</p> <p>Details of the surveys carried out to inform the assessment, including dates, are provided in the ES Chapter 8 – Biodiversity [APP-038] and its Appendices. In response to this question the details of the surveys are collated into a Table which is included as Appendix A to this AREQ1 [D2.7]. The sign-off / approval for each report is not included in the Table but each survey has been carried out on behalf of the Applicant by appropriately qualified ecologists in accordance with the applicable professional standards and this is reflected in the survey reports.</p> <p>The surveys listed in AREQ1 Appendix A in response to the first part of this question, along with desk-based work, engagement with relevant consultees, and the author's professional expertise have informed the content of ES Chapter 8 – Biodiversity [APP-038] and the parts of the OCEMP [APP-108] influenced by that chapter.</p> <p>As per the OCEMP, the final CEMP will be informed by a minimum of two updating environmental surveys. These will include an updated tree survey in accordance with the OCEMP (section 6) to determine the final Tree Constraints Plan (TCP) that will be the basis of the CEMP:AMS content in the final CEMP. The other will be an updated Preliminary Ecological Assessment (PEA) which will include a UKHab survey and condition assessment to provide up to date details of habitats and species potentially present on the Site.</p>

No.	Question / Applicant's Response
	<p>The updated PEA will inform early iterations of the final design along with other inputs from new/updating surveys (e.g. geotechnical, archaeology fieldwork, etc). It may make recommendations for further assessment, and the need for this will be considered depending on whether the layout is able to design-out the potential for impact or whether updating species specific surveys will be needed.</p> <p>As the PEA will be undertaken in advance of any design work, it is not the case that every recommended survey will need to be carried out if a design response can sufficiently remove the risk. (For example, if a badger sett is identified in the PEA, a further survey would not be needed if the design is able to accommodate a standard 30m buffer, with further surveying only needed if the design cannot accommodate the buffer and a Protected Species Licence application to Natural England is required for works within the buffer).</p> <p>This is a standard approach for solar farms which are regularly implemented several years following pre-application ecological surveys as the repeat of a full survey suite would take at least one year and it is unlikely to be viable or essential for adequate protections to be secured.</p> <p>OCEMP section 5 – Ecological Management confirms the commitment to updating the PEA to inform the final design and RAMS. Section 5.4 – Ecological Requirements discusses the approach to updating ecological surveys in more detail, including surveys that will inform the OCEMP and updating walkovers that may be required depending on the passage of time between CEMP production / approval and the commencement of works on Site, particularly for highly mobile species such as badger.</p> <p>Requirement 4 of the dDCO [APP-012] includes a requirement for the Applicant to consult with Natural England and the Environment Agency in advance of the final CEMP being submitted to the Council for approval to discharge the Requirement.</p> <p>The Applicant also expects to consult with other stakeholders including the Council's ecologist and Cumbria Wildlife Trust (CWT). In the process of developing a CEMP for the final design, pre-application engagement with relevant stakeholders will inform what post-PEA species specific surveys, if any, need to be taken forward to ensure appropriate Species Protection Plans (SPP) / method statements for the final CEMP.</p>
Q1.0.3	<p>Question: <i>Chapter 7 of the ES – Table 7.2 - Dean and Distington Parish Councils suggest that part of the site would be an ideal candidate for heather moorland restoration. Can you set out the extent to which this has been considered and the reasons why, alternatively, the proposed development includes restoration to rough acidic grasses comprising the species set out in the outline Landscape Ecological Management Plan (oLEMP) [APP-145]?</i></p> <p>Response:</p> <p>The proposals for landscaping and ecological enhancement have considered several factors when identifying the most suitable habitats to include. These include feasibility, long term-management, suitability to form part of the green infrastructure network, benefit to overall biodiversity, landscape character, and the qualifying features of the CWS.</p> <p>A further consideration, in line with the principles of sustainable development, is mindfulness of the temporary nature of the Proposed Development and the need to decommission the generating station and return the land to its owners and its original use. The Applicant has therefore aimed to be</p>

No.	Question / Applicant's Response
	<p>ambitious for the Site during the period of the temporary consent but with the intention that the green infrastructure benefits can leave an enduring legacy through avoiding conflict with the anticipated resumption of pastoral farming.</p> <p>Heather moorland and heathland is common in the wider area and likely long-established on soil where nutrient input has been limited due to less intensive grazing and where drainage may not have been as rigorously undertaken to improve land quality for agriculture. Trying to establish heather moorland on land used for intensive grazing for several decades would likely be difficult, notwithstanding management practices to maintain its structure may not be feasible given the presence of solar arrays which would limit access to grazing animals and manual cutting. Without a suitable grazing/cutting regime there is the risk that heather becomes over-grown and rank.</p> <p>Whilst heather moorland has benefits for a range of species, it is considered that benefits for a greater number of species could be achieved by enhancing sward diversity and heterogeneity across the wider Site to promote use by invertebrates and other pollinators; ground nesting birds typical of upland habitats; and foraging habitat for species such as small rodents, badgers and water voles, noting that the grassland habitats would abut existing hedgerows, woodland, and watercourses.</p> <p>A review of habitats within the CWS and consultation with CWT confirmed the historical presence of acid grassland and Purple Moor Grass and Rush Pasture (PMRP) communities as opposed to heather moorland. By diversifying the grasslands across much of the Site it would make for a more natural ecotone on the boundary with CWS rather than what would be achieved by the creation of heather moorland. Heather moorland would lead to an appearance of hard boundaries between existing landscape features and be less complementary to the green infrastructure.</p> <p>Furthermore, as part of the long term management of the Site it is intended to use a suitable grazing regime as set out in the Outline Grazing Management Plan (OGMP) which forms Appendix A of the OLEMP [APP-145]. The creation of grassland habitats as proposed lends itself better to long term management involving conservation grazing and can be controlled, monitored, enhanced and repaired more easily.</p> <p>Finally, taking account of the need to return the habitat back to its original use at the end of the 40 year operational lifetime , it was considered that enhancing grassland which could link with the wider green infrastructure would be more appropriate and would be more likely to endure after the removal of the generating station equipment, such that heather moorland was not taken forward as a viable alternative.</p> <p>The Applicant's lease of the land is temporary, long-term changes to the land use are not within the Applicant's control. Heather moorland is not realistically compatible with a return to the existing use and would undermine the objective of a legacy for green infrastructure and biodiversity.</p>

No.	Question / Applicant's Response
Q1.0.4	<p>Question: See Q4.0.8 for context. Please set out how the oLEMP [APP-145] considers the status and operational life and impacts associated with Potato Pot wind farm (including, but not limited to, consideration of proposed bat and bird habitat and compatibility with the operational wind farm). If these have not been considered, please ensure they are addressed as part of the oLEMP.</p> <p>Response:</p> <p>The Applicant reviewed the environmental statement submitted for Potato Pot Wind Farm (the Wind Farm) (Ref: 2/2012/0594) with reference to bat and bird surveys to inform the Site's ecological baseline.</p> <p>The habitat within the red line boundary (RLB) of the Wind Farm consent currently exists as woodland and mixed scrub as well as sections of pastoral agricultural fields (grassland) and hedgerow boundaries, with a pond in proximity, all of which provide suitable nesting and foraging habitat for both groups identified. Details of the habitats surveyed where the Wind Farm RLB overlaps with the Order Limits is found in the application's PEA at ES Chapter 8 - Appendix 8.1 [APP-150].</p> <p>The OLEMP [APP-145] describes the Applicant's intention to retain and enhance the habitats in the immediate area of the Wind Farm, rather than increase their extent, notwithstanding that the Wind Farm is already located in an area of surrounding broadleaved woodland which is used by bats and birds and the agricultural fields in proximity are already characterised by small parcels divided by established hedgerows. It is unlikely that the Applicant's habitat proposals will have a detrimental impact on bats and birds through an increase in collision risk from the operational Wind Farm.</p> <p>Existing linear corridors and hedgerows in Areas A and B shown in ES Chapter 3, Figure 3.1 [APP-046] will be enhanced to improve species diversity as part of green infrastructure proposals. However, within 500m of the Wind Turbines vegetation will be managed to a reduced height (5m) (described in section 7 of the DPD [APP-028]), limiting any likelihood of a change in the suitability for new flightlines for bats. In these areas, the Applicant will focus enhancement to the ecological quality of the existing lower-level features, which already provide compatible habitats, rather than introducing new structural elements that could increase the potential for conflict. Boundary planting for the Site perimeter would not be restricted in this way, and may be used as additional flightlines, and would be more distant from turbines.</p> <p>The removal of the Wind Farm will not undermine the landscaping to be delivered by the LEMP, which will be substantially in accordance with that Landscape Strategy Plan (LSP) (ES Figures 7.6.1-7.6.5) [APP-088]. Conditions 2-4 of the Wind Farm consent limit the operational lifetime of the Wind Farm and establish an expectation for a decommissioning scheme to be approved by the Council. This is to include '<i>an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats</i>'¹. While the Wind</p>

¹ Condition 3 states:

No.	Question / Applicant's Response
	<p>Farm consent included the removal of some recently planted woodland around the vicinity of the turbines, it did not require wider-vicinity removal and they were constructed without impacting the existing hedgerow network around the field parcels in Areas A and B. It is therefore assumed that they can be decommissioned without damaging these same landscape features, allowing for some minimal impacts to grassland track verges and the grassland immediately under/around the turbines.</p> <p>The Applicant is not proposing any significant new habitat creation or new structural landscape elements in the vicinity of the Wind Farm where their RLB overlaps with the Order Limits. This will avoid any need for removal to facilitate the decommissioning of the Wind Farm.</p> <p>Additionally, although the Applicant can expect the Wind Farm decommissioning documents to protect the habitats on the Site, it is also the case that the final LEMP and Operational Management Plan (OMP) for the Proposed Development will not be static documents but will be updated every 5 years (LEMP) and 10 years (OLEMP) such that they can accommodate any environmental change (including the potential for new positive opportunities such as allowing vegetation to taller heights) arising from the removal of the Wind Farm.</p>
Q1.0.5	<p>Question: <i>Please outline the current recreational access arrangements within the site (including different user groups such as pedestrians/horse riders), both formal and informal, and the extent to which the site is used recreationally.</i></p> <p><i>Please identify how the recreational impacts due to the proposed permissive paths across the site would be managed to achieve the overarching aims of the oLEMP [APP-145] and protected species within the site would not be unduly harmed.</i></p> <p>Response:</p> <p><u>Existing access arrangements</u></p> <p>There are no established Public Rights of Way (PRoW) or Permissive Paths (PP) within the Site.</p> <p>Anecdotal reports provided during the public consultation events, and in correspondence received, suggest that there are informal (pedestrian) paths within the Site [APP-046]. It is the Applicant's understanding that the routes are along the external (northern) boundary of Area B and cut between Areas A and B south of the pond in Area D. It has not been suggested that any of the informal routes cut through existing hedge-bounded field parcels in Areas A or B. There are no reports of any current or historic recreational access to any parts of Area C. There are no reports of non-</p>

' No later than 9 months before the end of this permission [25 years following the 2016 commissioning], a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbines and associated above ground works approved under this permission and for the removal of each turbine's foundation to a depth of at least 1 metre below ground level.

The scheme shall also include the management and timing of any works and a traffic management plan to address likely traffic impact issues during the decommissioning period, location of material laydown areas, an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats, and details of site restoration measures. The scheme, as approved, shall be implemented within 18 months of the expiry of this permission.'

No.	Question / Applicant's Response
	<p>pedestrian (horse rider) user groups. The Applicant's is not aware of any recreational use of the land from various Site visits and surveys that have been undertaken.</p> <p><u>Proposed access enhancements</u></p> <p>Noting the lack of off-road recreational routes (such as lack of PRow and PPs) in the Site and surrounding vicinity, and taking on board local feedback during consultation, which expressed a desire for more formal recreational access rights, the Applicant has taken the opportunity to improve recreational green infrastructure and connectivity to PRow and open access land around the Site.</p> <p>The Proposed Development therefore includes a limited recreational loop likely to be of interest to locals, taking them to the ponded feature and skirting the northern boundary of Area B, which is also part of the anecdotal recreational path. The route is limited in that it doesn't go around the entire pond to allow that feature to also be protected for biodiversity interests. As per the OLEMP [APP-145], the pond will be improved to promote its value to protected species, as well as aquatic plants and invertebrates such that having circular access to all sides was avoided. As the pond is improved, primarily by the removal of dense marginal vegetation which is causing the pond to succeed to drier habitats, ongoing public access will be kept under review with future iterations of the LEMP updated accordingly.</p> <p>A second PP is proposed along the most western boundary in Area C, although deviating slightly at the south to account for land contours and accessibility/safety for users. Again, the Applicant has accounted for existing agricultural routes around the Site and making use of these to support the proposed alignment. This path has the most potential for wider use as this is open access land and a PRow not far from where it terminates on Dean Cross Road to the south and it provides a new north-south off-road linkage as an alternative to the Branthwaite Edge Road to the east. The route also passes near the Stone Circle and Cairn, enabling access to a culture heritage experience which is currently inaccessible.</p> <p>Path locations have been considered with reference to nature and meander along the edges of existing woodland (e.g. in Area C) or where new habitats will be created either for landscape screening or as part of the Site wide green infrastructure (GI) proposals. Extensive GI will allow species to use and move across the Site without being disturbed by human presence, particularly in Area A and east of Area C, with the PP being omitted from the edges of sensitive riparian corridors, new areas of woodland and scrub planting, and in the south of Area C which will form the main area set aside for biodiversity enhancements.</p> <p>Where necessary, PP will comprise grasscrete or a geogrid to make them suitable for walkers and provide stability. They will be maintained as required to keep the path safe and to prevent it becoming overgrown. This is detailed in the OOMP [APP-107] although the management of vegetation in proximity will be in accordance with the LEMP. It is considered that good management of the path will prevent the formation of off-path desire lines that stray into grassland verges, damaging the sward which will be managed for ecological interest.</p>

No.	Question / Applicant's Response
Q1.0.6	<p>Question: <i>In relation to the works proposed in Area C, the western boundary includes a buffer zone/exclusion area to ancient woodland [APP-050]. Please provide additional justification for the buffer zone distance/exclusion area sought having regard to relevant policy and guidance, including the Planning Practice Guidance.</i></p> <p><i>In particular, details of the existing woodland characteristics and the extent to which the buffer area would protect the woodland and reinforce it through suitable mitigatory planting, whether the permissive paths proposed would be suitable within the buffer zone, and whether a 15m 'minimum' buffer would be adequate in this case.</i></p> <p><i>Please also set out precisely how this buffer would be secured and whether the plans and documents provided and to be secured through the Development Consent Order (DCO) would be sufficiently detailed to ensure the buffer zone can be readily identified and measured from the plans and implemented on the ground.</i></p> <p>Response:</p> <p>There is an area of replanted ancient woodland (Lime Kiln Wood) immediately to the northwest of Area C, this is shown on the Combined Constraints Plan [APP-072], and described in section 1.7 of ES Appendix 7.8 - Arboricultural Impact Assessment (AIA) [APP-146]. As described in the AIA, replanted ancient woodland is historic ancient woodland which has been removed, and replanted, to attempt to restore woodland back to its natural state. The AIA indicates there are no trees in Lime Kiln Wood designated as Ancient or Veteran.</p> <p>The Applicant has identified the need for a minimum 15m buffer zone as a stand off from ancient woodland in line with UK Government Guidance². Considering the nature of the Proposed Development and the works proposed the 15m buffer zone is appropriate in this instance.</p> <p>There are no ancient or veteran trees on the Site other than T70. This is identified in the AIA's tree survey as a veteran tree along the southwest boundary of Area C (south of the ancient woodland and north of the Stone Circle and Cairn) which is dedicated to green infrastructure.</p> <p>Beyond this the AIA reports on small woodland blocks and occasional isolated deciduous trees which occur along watercourses or field boundaries. Native species woodland creation, the enhancement of existing woodland, and introduction of hedgerow trees are proposed establishment of both screening and improved green infrastructure, to provide linkages to existing areas of woodland and encourage the dispersal of species and promote the uptake of habitats, is in accordance with Planning Practice Guidance (PPG).³</p> <p>The Applicant has sought to complement the replanted ancient woodland adjacent to Area C by utilising the 15m buffer for grassland from which grazing will be excluded, as well as new broadleaved woodland planting as shown on the Landscape Strategy Plan (LSP) [APP-088].</p>

² H.M Government, Natural England, Forestry Commission (2022). Ancient woodland, ancient trees, and veteran trees: advice for making planning decisions. <https://www.gov.uk/guidance/ancient-woodland-ancient-trees-and-veteran-trees-advice-for-making-planning-decisions#:~:text=Buffer%20zone%20recommendations&text=For%20ancient%20or%20veteran%20trees,15%20times%20the%20tree's%20diameter>.

³ HM Government (2025) Planning Practice Guidance UKGov <https://www.gov.uk/guidance/natural-environment#biodiversity-geodiversity-and-ecosystems>

No.	Question / Applicant's Response
	<p>The 15m buffer is shown on the Exclusion Area figure [APP-050], and is secured through the Work Plans [APP-007] which is a to-scale drawing, and which provides that only works to create enhance and maintain green infrastructure (which can include paths) are permitted to the land at the western edge of Area C, adjacent to the area of replanted ancient woodland.</p> <p>A Permissive Path is proposed within the 15m buffer. Formal (paved or aggregate) surfacing or any type of path that would involve excavation or sealed surfaces will be avoided to eliminate any potential effects on roots. The path will either be a suitably sown grass seed mix that is maintained differently (kept short to make it distinct from the taller sward allowed for the non-path grassland) or something like ground reinforced grid at the surface level to optimise the path for users in wet conditions. Providing a well maintained distinctive path will encourage users to stay to the path and deflect trampling pressure away from sensitive locations. The final details will be subject to engagement with relevant stakeholders like Natural England in advance of the submission of the final LEP and LEMP.</p> <p>In addition to the buffer zone, other tree protection measures have been considered which are detailed in the Arboricultural Management Strategy (AMS) in section 6 of the OCEMP [APP-108]. This provides details of the commitment to protect trees during construction, including the establishment of Root Protection Area (RPAs) protections, the appointment of an Arboricultural Clerk of Works (ACoW) and the undertaking of works in accordance with BS3998:2010 Recommendations for Tree Work and current arboricultural industry guidelines and best practice. The CEMP will be based on an updating tree survey, which will inform a Tree Protection Plan for the AMS.</p> <p>The long-term maintenance of trees and woodland within the Site and PPs will be secured by the LEMP and OMP.</p>
Q1.0.7	<p>Question: <i>Please provide a plan which overlays the proposed works plans with the exclusion areas [APP-050].</i></p> <p>Response:</p> <p>The Applicant has provided a combined Works Plan and Exclusion Area Plan which overlays the Work Areas from the Works Plans, and the Exclusion Areas shown on ES Figure 3.5 Exclusion Areas. This is provided at Appendix B [D2.7].</p>
Q1.0.8	<p>Question: <i>Appendix A of the oLEMP [APP-145] states that sheep grazing is to be provided unless 'not practical or feasible'. Under what circumstances would it not be practical or feasible and how will the feasibility of sheep grazing be determined? What is the mechanism/who is responsible for determining suitability?</i></p> <p>Response:</p> <p>Grazing may not be practical in and around sensitive infrastructure which could be damaged by animals, or where grazing, as a management tool, to control vegetation growth is unlikely to provide an appropriate grazing pressure needed to suppress or encourage vegetation growth and so create the desired sward assemblage.</p>

No.	Question / Applicant's Response
	<p>In some instances, grazing may be practical, but not feasible. For example: where there are maintenance works being undertaken, areas with temporarily unsuitable ground conditions (e.g. wet and boggy areas which may be at risk of poaching), where ecological requirements are prioritised (e.g. avoiding grazing in areas where flowers are close to setting seed), to allow habitat enhancements/adaptive management to establish (e.g. where recent under sowing has occurred to create diverse grass swards), areas where sensitive species occur (e.g. ground nesting birds have laid eggs or have very small chicks which would be at risk of being eaten or trampled).</p> <p>The Grazing Management Plan (GMP) which will form part of the LEMP will be substantially in accordance with the OGMP in the OLEMP [APP-145]. The GMP is intended to be adaptive and enable some degree of flexibility to accommodate various scenarios (like those identified above) which may occur during the lifetime of the Proposed Development. It is most likely that more controlled grazing management will be needed during the establishment of some habitats (i.e. grasslands, hedgerows), although it is noted that habitat establishment and seed contact with soil can be improved by 'hoof and tooth' methods of establishment rather than rolling with a mechanical roller.</p> <p>Grazing pressure can be relaxed as habitats form and a programme of grazing developed to create the desired habitats. Habitat creation and enhancement will be informed by ongoing monitoring of species composition which in turn will influence grazing.</p> <p>The Applicant will be responsible for determining the feasibility of suitability of grazing at locations and periods of time, based on an assessment of the conditions at the time using professional judgement. As per the OGMP, the use of grazing will be based on the monitoring regime established by the LEMP which will account for BNG objectives and provide professional ecological input into Site management activities.</p>
Q1.0.9	<p>Question: <i>The ExA requests a plan(s) which shows the proposed maximum parameters along with the features of biodiversity interest having regard to:</i></p> <ul style="list-style-type: none"> <i>the surveys and findings as set out in Appendix 8.1 – 8.6 of the ES</i> <i>Dean Moor County Wildlife Site boundary along with the areas of biodiversity interest within it.</i> <p>Response:</p> <p>Plans which show extents development parameters (Work Areas) and the results from habitats and species surveys recorded as part of field surveys, are provided in Appendix C [D2.7]. These draw on information provided in the surveys listed in Appendix A (see Q1.0.2).</p> <p>No bat survey maps are provided, as the Bat Survey Report [APP-152] shows the positions of bat detectors used to record the bat assemblage and does not show bat species, their distribution, or flight lines across the Site. The detectors were placed in habitats considered most desirable to bats, for example close to woodland and along linear features. The Appendix C figures also exclude plans reflecting the Wintering Birds and Hen Harrier Survey Report [APP-155] due to the number of surveys undertaken and large number of records of each species recorded.</p> <p>It should be noted that species recorded, especially, birds are highly mobile, as such the locations indicated should be treated with caution when considering their proximity within or close to various Works Areas.</p>

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	<p>The figure at Appendix D [D2.7], which shows the CWS with the Works Areas. Features of interest, including the CWS, and other features relevant to biodiversity are included on the Combined Constraints Plan [APP-072]. This includes identified peat, watercourses, and woodland which have informed exclusion areas, as identified on the ES Figure 3.5 - Exclusion Areas [APP-050].</p>
Q1.0.10	<p>Question: <i>Paragraph 1.1.5 of Preliminary Ecological Appraisal and Great Crested Newt Report [APP-150] recommends further botanical survey work in relation to Dean Moor County Wildlife Site. The scope of this further survey work is unclear. The outline Construction Ecological Management Plan (oCEMP) [APP-108] confirms that the National Vegetation Classification Survey [APP-151] may be updated, but this is to focus on three areas of the site and it is not clear whether this in part relates to the further botanical survey work as recommended above in relation to the Dean Moor County Wildlife Site. The ExA request clarity on these points, including the extent to which existing surveys are relevant and the extent to which potential future surveys will be provided in relation to Dean Moor County Wildlife Site, and how such survey work could affect the proposal, and how it is to be secured.</i></p> <p>Response:</p> <p>The ES Appendix 8.1 PEA and GCN Report [APP-150] recommended further botanical survey due to more botanically diverse areas near Thief Gill. This was recommended to determine suitable species assemblages for restoration, including PMRP communities which occupy habitats further south in the CWS.</p> <p>Further botanical survey was subsequently undertaken and is reported in the Appendix 8.2 (NVC) Survey [APP-151]. This survey is mentioned in the OCEMP is part of a list of surveys which have been relied on to support the content of the OCEMP [APP-108] and for which regard should be had in the development of the final CEMP and other final plans (e.g. LEP) and control documents (e.g. LEMP). The OCEMP commits to an updating PEA to inform what other updating surveys may be beneficial/necessary as per the response to Question 1.0.2.</p> <p>To meet the desired habitats set out in the LEMP, which in turn will be used to calculate BNG units and understand the delivery of BNG targets, the updated PEA carried out across the Site will include a UKHab survey and condition assessments as per standard methodology. To inform condition assessments, species composition will be needed such that plant species and abundance (likely using the DAFOR scale) will be recorded. The species lists obtained from the condition assessments will be compared against planting schedules provided in the LEMP to identify thriving species, those which are doing less well, such that alterations can be made to grazing management, watering, slot seeding or altered seed mixes.</p> <p>All existing surveys have been used to assess impacts of the Proposed Development, including achieving an understanding of plant species assemblages which may have evaded more intensive grazing pressure owing to their location on the steeper sides of Thief Gill or where habitats are slightly boggy and less favoured by sheep. The Applicant has committed to pre-construction surveys in Section 5.4 of the OCEMP to update the baseline and provide SPP where protected and notable species are likely to exist prior to works commencing. These surveys will cover the Site, including the area of Dean Moor CWS which falls within Area C.</p>

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	<p>Given the extent of surveys to date, the acquisition of desk study data from Cumbria Data Centre, stakeholder engagement, and consultation with Natural England and CWT, the Applicant has gained a thorough understanding of the ecological baseline of the Site. Whilst it is acknowledged that some species are mobile and may occupy parts of the Site in advance of construction, this will be determined by employing appropriately qualified ecologists to undertake pre-commencement surveys. This will be used to develop necessary mitigation plans and acquire licences if required (e.g. otters and badgers). While updating surveys will be used to ensure an up-to-date baseline and inform the granularities available at final design, the suite of surveys undertaken in advance of the DCO application has informed the Works Plans [APP-007] and minimum commitments of the control documents. This has ensured that most of the important habitats on Site, and those which may be preferred by protected species are retained and enhanced (e.g. buffers to watercourses used by otters and avoidance of hedgerow removal used by nesting birds.)</p>
Q1.0.11	<p>Question: <i>The ExA appreciate that the Table of Significance 8.7 of ES chapter 8 sets out the potential and residual biodiversity effects in Environmental Impact Assessment (EIA) terms. However, the ExA request a separate table which aligns with the mitigation hierarchy principles and each of the 'potential effects' highlighted in Table 8.7:</i></p> <ul style="list-style-type: none"> • Avoidance – can significant harm be avoided through design/layout? • If significant harm cannot be wholly or partially avoided, can it be minimised/mitigated? Please detail. • If there would be significant residual harm despite mitigation can this be appropriately compensated. Please detail. <p>Response:</p> <p>Appendix E [D2.7] provides a separate table showing how the mitigation hierarchy will be implemented for each of the potential effects indicated in Table 8.7 of ES Biodiversity Chapter 8 [APP-038].</p>
Q1.0.12	<p>Question: <i>The application acknowledges that creating Lowland Acid Grassland within Area C will be difficult. How can the ExA be confident that this habitat type is deliverable? If it is not possible to establish this habitat type, how will this affect the overall findings of the ES and Biodiversity Net Gain calculations set out in paragraph 6.1.1 and table 5.1 of the BNG Report [APP-157].</i></p> <p>Response:</p> <p>The creation of lowland acid grassland in particular is not a requirement to deliver BNG objectives, rather the habitats set out in Appendix 8.8 Biodiversity Net Gain Report [APP-157] are what could be achieved as a best case scenario and to reinstate habitats which historically occupied parts of the Site. Whilst it is the aim of the Applicant to create lowland acid grassland, the creation of lowland acid grassland should not be considered as the fixed and only target.</p> <p>The Applicant acknowledges within the OLEMP Appendix 7.7 [APP-145] that there will be difficulties establishing such a habitat. This reflects uncertainties associated with seed germination and establishment; impacts caused by soil chemistry which has been affected by decades of intensive sheep grazing and agricultural grassland management, likely involving the application of fertilisers; and changes in land drainage.</p>

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	<p>However, as this habitat has been present historically, and forms part of the qualifying feature of Dean Moor CWS, it has been adopted by the Applicant as a suitable aim to aspire to. It is notable too that the NVC survey [APP-151] identified some remnants of this habitat on the steep slopes of Thief Gill in the centre of Area C and on which it is hoped to expand.</p> <p>The Applicant will seek to deliver this habitat by implementing a sowing regime of appropriate species during and/or on completion of construction. This is likely to be supported by suitable conservation grazing (not intensive grazing as the landscape is currently subject to) and adaptive management which will be informed by ongoing monitoring by an ecological specialist. There is some confidence that this can be achieved, but the Applicant acknowledges that this is not guaranteed.</p> <p>Should it become apparent that the habitat is not succeeding, and perhaps that some grass species are surviving better than others, then future iterations of the LEMP will account for this and a suitable transition made to an alternative grassland type. As the purpose of habitat creation and enhancement is to maximise outcomes for biodiversity overall, and not solely focussed on BNG units indicated in Appendix 8.8 Biodiversity Net gain report [APP-157], then other factors may indicate the attainment of a valuable habitat which would be considered as a success henceforth incorporated into the LEMP and managed accordingly (e.g. the presence of breeding waders; raptors such as hen harriers and short-eared owls).</p> <p>Should it be found to be unfeasible then this will be discussed with CWT to establish a suitable alternative habitat(s), with the consideration that it must be appropriate to the landscape. Whilst it is desirable to create this habitat, or something similar, a particular type of grassland is not relevant to BNG outcomes. While committed to the aim restoring former habitats, the Applicant is flexible and can support the wider aims for species conservation in the region and in consultation with CWT by appropriate habitat creation and enhancement.</p> <p>There will be no change in the ES, albeit calculations of the BNG metric will be revised to account for an alternative habitat if lowland acid grassland cannot be delivered. However, this approach would be applicable to all habitats given condition assessments will be updated as part of the PEA and UK Hab surveys carried out as part of the ongoing monitoring outline in the Ecological Measures in section 3.11 of the OLEMP [APP-145]. BNG is not mandatory for this Proposed Development and the values presented in Table 5.1 of the BNG Report only indicate what the Site has the potential to deliver.</p> <p>The Applicant's position is based on ongoing engagement with the CWT. The situation is described within the dSOCG provided at D2 [D2.9]. Should the creation of lowland acid grassland be unattainable in whole, or part, then a suitable alternative which will be geared to promote biodiversity and support local species will be identified. This may not include PMRP communities for which Dean Moor CWS, part of which falls in Area C, was originally designated.</p>

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Q1.0.13	<p>Question: <i>Please set out how the scheme addresses the mitigation hierarchy in relation to the Dean Moor County Wildlife site, noting that part of this site would include solar development (this may be answered as part of Q1.0.11).</i></p> <p>Response:</p> <p>Work No 1, which includes solar arrays and PCS units, overlaps part of Dean Moor CWS. The extent of this overlap is detailed within the Figure provided in Appendix D [D2.7] However, the arrangement of the solar arrays and other landscaping and ecological enhancements is not yet fixed. The extent to which Work No. 1 would be established within the in the CWS, and the nature of mitigation or enhancement to be carried out within those parts of the CWS, will be detailed post consent.</p> <p>Dean Moor CWS is included within non-statutory designated Sites within the table requested as part of Question 1.0.11 (included at Appendix E [D2.7]), which addresses how the mitigation hierarchy principles have been applied within the assessment for the CWS.</p> <p>A summary of the mitigation hierarchy approach to the CWS is as follows:</p> <p>The majority of the CWS that is within the Site is within Work No. 6 and entirely avoided for generating station equipment. The decision to allow an overlap of part of the CWS is based on surveying which has determined that this part of the CWS has been intensively grazed and lacks any of the features for which the CWS was designated. It is indistinguishable from adjoining farmland which is not part of the CWS and there are no characteristics which would support its inclusion in such a designation were it being made now. It is therefore considered that the inclusion in Work No. 1 will not harm or undermine qualifying features of the CWS designation.</p> <p>From there the approach focuses on mitigation for what is included if an overlap is part of the final design. The OCEMP [APP-108] requires demarcation of the overlap area to distinguish it from adjoining Work No. 1 outside the CWS. This would designate it as an area of ecological sensitivity which would mean avoiding structures like PCS units and new access tracks in this part of Work No. 1, so impacts are only from the lower-impact solar arrays. The CEMP will also require differentiated working practices and likely include additional ECoW supervision, with the full details to be provided in the final CEMP.</p> <p>Similarly, if there is an overlap this area will be noted in the final LEMP for different planting and management practices, particularly in relation to grazing, than other parts of Work No. 1 which are not part of the CWS so that what is done in this part of the Site is complementary to the part of the CWS which is in Work No. 6.</p> <p>Exclusion of the more sensitive areas and inclusion of only the part of the CWS that would not be undermined by overlap with Work No. 1 aligns with the core avoid>mitigate>compensate principles of the mitigation hierarchy.</p> <p>The majority of the CWS within the Site is avoided. The only part that is not avoided is a part that can be included without harm to the qualifying features of the CWS. In the event Work No. 1 is included in this area as part of the detailed design it will avoid the more impactful/disturbing</p>

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	<p>infrastructure elements and the control documents for each phase will detail specific additional mitigation and management measures compared to areas of Work No. 1 that are not in the CWS.</p> <p>It is not expected that compensation will be required because there will be no loss/harm to the designation and the ecological condition of this part of the Site with solar arrays will still represent betterment compared to the existing condition.</p>
Q1.0.14	<p>Question: <i>Clarify whether buffer zones are to be provided/necessary, for the purposes of maintenance of the proposed permanent fencing, in relation to hedgerows or other habitat features. Please set out how any such buffer zones would be secured.</i></p> <p>Response:</p> <p>While the Work Plans protect existing hedgerows as Green Infrastructure (Work No. 6) there are no other fixed buffers other than those that will be provided, where necessary, in accordance with the OCEMP [APP-108] and OLEMP [APP-145]. The extent and location of trees/hedges or other habitat features are subject to change over time, and the extent of buffer zones for these features (including in respect of consideration of siting and maintenance of permanent fencing) would be informed by pre-commencement surveys.</p> <p>For context, the terms 'buffer' and 'Exclusion Area' are both used within the application. The reasons for establishing the proposed Exclusion Areas are described within ES Chapter 3, section 3 [APP-034]. Where Exclusion Areas are proposed, the features to be protected are in a location which is not subject to change, and therefore the geographical extent has been fixed during the pre-application stage. On this basis Exclusion Areas have been excluded from certain Work Areas, as shown on the Work Plans [APP-007], as explained in the response to written question Q1.0.6 above.</p> <p>While no set buffers for hedgerows or woody vegetation (other than the Ancient Woodland) are committed to via the Work Plans, the OCEMP requires a design to be implemented which will allow woody vegetation (trees/hedges) root protection areas to be protected from harmful development/activities. And the final design with respect to the layout of the fencing will also need to account for the introduction of new features as per the LEP and the requirements of their management in accordance with the LEMP.</p> <p>The requirement for the Applicant to seek approval for the final design and layout of the proposed perimeter fencing is described within the OCEMP, OOMP and OLEMP, which would be secured by DCO requirement. The requirements which relate to the '<i>proposed permanent fencing</i>' and are described within these control documents are as follows:</p> <ul style="list-style-type: none"> • Section 5.5 of the OCEMP describes the need for a degree of flexibility will be applied to the distance between fencing and existing hedgerows, or other habitat features • Section 3.11 the OLEMP describes the buffers between existing boundary features, hedgerows, woodland and watercourses and between proposed permanent fencing. • Section 3.11 of the OLEMP also describes the need for maintenance and monitoring of fences, and the reasons for that:

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	<ul style="list-style-type: none"> Section 3.2 of the OMP acknowledges the need for any maintenance activities, including to fencing to be undertaken in accordance with the LEMP: <p>As per the Design Parameters Document (DPD) the proposed permanent perimeter fencing is deer fencing which is common in the rural environment and has a more open wire structure than more commercial/industrial fencing types like weld mesh and palisade fencing, the inclusion of which would be limited to the Security Fencing around Work No. 2 infrastructure. Deer fencing is easy to maintain and will be regularly checked for integrity, with any damaged or weakened areas repaired/replaced as necessary. Via the LEMP and OMP the O&M activities will also remain subject to the same protections applied to habitats in construction whereby works that have potential to impact on habitats and species will be subject to RAMS/SPP and ecological supervision where necessary.</p> <p>For example, the LEMP will set out when hedges should be trimmed or when grass margins can be cut/grazed which will avoid sensitive periods like nesting season. In the event that a fence post is damaged and needs replacing during nesting season and this would cause disturbance of an area that has potential for nesting birds, the works would not be done until an ecologist has attended and signed-off allowing the work. In the event nesting birds are present temporary heras fencing would be provided around the area to maintain perimeter security until such time as the birds have gone and the permanent fence repairs could proceed.</p> <p>In summary, existing habitats are protected for retention by Work Plans, and thereafter habitats and species are protected by the requirements of the control documents for each phase.</p>
Q1.0.15	<p>Question: <i>Habitats Regulations Assessment - The shadow Habitats Regulations Assessment report (sHRA) [APP-156] applies a 10km for European Sites. Confirm whether this search area fully captures:</i></p> <ul style="list-style-type: none"> <i>European sites and/or qualifying interest features which are located within the potential Zone Of Influence (ZOI) of impacts associated with the proposed development</i> <i>European or Ramsar sites with qualifying mobile features/species whose range (e.g. foraging, migratory, overwintering, breeding or natural habitat range) overlaps with the order limits of the proposed development? For example, at several points in the sHRA (including paragraph 4.3.14 and Appendix C Screening Matrix for Solway Firth Special Protection Area (SPA)) the applicant makes reference to consultation advice from NE which seems to indicate that the site of the proposed development may be functionally linked to the Morecambe Bay and Duddon Estuary SPA. Give this apparent linkage, clarify why this site is not assessed in the sHRA.</i> <p>Response:</p> <p>The sHRA [APP-156] captures European Sites and/or qualifying interest features which are located within the potential Zone of Influence (ZOI). Natural England (NE) has been consulted throughout this process and has not identified the need to assess additional sites to those included within the sHRA. Furthermore, consultation with NE as part of the establishing a SoCG confirms they agree with the methodology (approach) and conclusions set out in the sHRA and the application of a 10km ZOI.</p>

No.	Question / Applicant's Response
	<p>Consultation advice from NE indicated that herring gull which nested on a rooftop colony in Lillyhall was functionally linked to the Morecambe Bay and Duddon Estuary SPA. However, this SPA was not assessed as part of the sHRA given NE stated that birds fed at Lillyhall but roosted further south at Sellafield which was associated with the Morecambe Bay and Duddon Estuary SPA. There was no suggestion by NE that the birds recorded at the Site were linked to the Morecambe Bay SPA.</p> <p>NE also confirmed that the possibility of there being a functional linkage, the sHRA should reference the behaviour of the species and the Site conditions. The sHRA took account of the ecology of herring gulls and made reference to the flock sizes recorded during wintering bird surveys presented in Appendix 8.6 Wintering Bird Survey and Hen Harrier Report [APP-156].</p> <p>The data recorded as part of winter bird surveys suggested that the flock of 200 birds recorded in January 2024 at the Site was a concentration of the smaller flocks recorded in the preceding months as flocks built up over winter. Given the gregarious nature of herring gulls and that they are wide ranging, it was considered that these flocks most likely to comprise local birds and those travelling from the local landscape to make use of temporal food resources associated with farming practices.</p> <p>The conclusion that there was no functional linkage between the Site and Solway Firth SPA was satisfactory to NE. NE has not indicated that that Morecambe Bay and Duddon Estuary SPA is within the potential ZOI or that it should be included in the sHRA. The dSoCG submitted at D2 [D2.14] confirms this position.</p>
Q1.0.16	<p>Question: <i>Habitats Regulations Assessment - The sHRA [APP-156] screening matrix for River Derwent and Bassenthwaite Lake Special Area of Conservation (SAC) (Appendix C, footnotes a and b) describe mitigation measures in the context of both screening out changes in species distribution during the construction phase, and screening out Likely Significant Effects (LSE) caused by pollution, siltation or changes in species distributions in the operational phase. Clarify whether the mitigation measures proposed are relied upon to reach the conclusion of no LSE, and if so, explain how this accords with CJEU People Over Wind and Sweetman v Coillte Teoranta (C-323/17)?</i></p> <p>Response:</p> <p>In case C-323/17 People Over Wind and Peter Sweetman v Coillte Teoranta ⁴, (Sweetman) the court ruled that mitigation measures could not be taken into account at the screening stage of an HRA appropriate assessment under the Habitats Directive 92/43/EEC when judging whether Likely Significant Effects (LSE) on a European Site could occur.</p> <p>The mitigation measures for the Proposed Development include a combination of embedded mitigation (for example avoidance of working near water courses; inclusion of riparian buffer planting; retention of sensitive habitats) and best practice which are standard measures, and would be in place irrespective of the presence of a European Site such as the River Derwent and Bassenthwaite Lake SAC, (for example, construction phase silt</p>

⁴ People over Wind and Peter Sweetman v Coillte Teoranta 12 April 2018 [EUR-Lex - 62017CJ0323 - EN - EUR-Lex](#)

No.	Question / Applicant's Response
	<p>fences, pollution control, and surface water management measures) as set out in the OCEMP [APP-108]). These mitigation measures are not an addition to the Proposed Development in-isolation but are inherent to it or any other solar PV generating station in any location with features like watercourses and obligations to comply with health and safety and environmental legislation. The Screening stage of the sHRA notes the potential for LSE during construction caused by pollution and siltation despite the inherent environmental protections included within the Proposed Development. As such additional mitigation has been included within the OCEMP [APP-108], for example the inclusion of drainage and swales; methods of soil excavation and storage, and the use of wheel wash facilities. This approach accords with the conclusion of the Sweetman ruling, whereby this mitigation has only been considered at the Appropriate Assessment Stage.</p> <p>LSE on species distributions have been ruled out at construction due to the absence of some species on Site, the inherent design of the Proposed Development which avoids impacts to watercourses and thereby avoids direct impacts to species such as lamprey and Atlantic salmon, and that surveys undertaken as part of the assessment have confirmed the absence of species on Site. For example, otter surveys [APP-153] did not identify otter holts such that construction will not impact the breeding population and therefore have no impact on the integrity of the otter population associated with the SAC.</p> <p>The sHRA and its conclusions, which has relied on case law presented within the report, have been agreed with by Natural England. The dSoCG with NE submitted at D2 [D2.14] confirms this position.</p>
Q1.0.17	<p>Question: <i>Habitats Regulations Assessment - What are the conservation statuses of the River Derwent and Bassenthwaite Lake SAC and Solway Firth SPA [APP-156]?</i></p> <p>Response:</p> <p>Details of the underpinning SSSIs which are considered within the sHRA [APP-156] are as follows:</p> <p>River Derwent and Bassenthwaite Lake SAC legally underpinned by Bassenthwaite Lake SSSI; Bassenthwaite Moss SSSI; Buttermere SSSI and River Derwent and Tributaries SSSI</p> <p><u>Bassenthwaite Lake SSSI</u> has 13 features of which 2 are favourable (assemblages of breeding birds; populations of Schedule 8 plants (floating water plantain); 1 is unfavourable-recovering (floodplain fen); 3 are unfavourable-no change (breeding population of nationally rare fish species (Vendace); lowland wetland including basin fen, valley fen, floodplain fen, waterfringe fen, spring/flush fen and raised bog lagg; mire grasslands and rush pastures; and 7 are not recorded (Atlantic salmon; brook lamprey; mesotrophic lakes; otter; river lamprey; sea lamprey and wet woodland)</p> <p><u>Bassenthwaite Moss SSSI</u> has three features of which 2 are unfavourable-no change (population of nationally scarce butterfly species (Marsh fritillary); neutral grassland (upland) and 1 which is unfavourable-recovering (again this neutral grassland).</p> <p><u>Buttermere SSSI</u> has 6 features, of which 1 is favourable (Ecotypic or genetically distinctive fish populations (Arctic charr); 1 is unfavourable- declining (Oligotrophic Lakes) and 4 are not recorded (Atlantic salmon; otter; brook lamprey; and river lamprey).</p>

No.	Question / Applicant's Response
	<p><u>Derwent Water (River Derwent and Tributaries SSSI)</u> 14 features of which 1 is favourable (breeding population of nationally rare fish species (Vendace); 5 unfavourable – No change (Atlantic salmon; brook lamprey; river lamprey; sea lamprey; rivers and streams); 1 unfavourable – Declining (wet woodland); 7 not recorded (Ecotypic or genetically distinctive fish populations (Arctic charr); invertebrate assemblage W211 open water on disturbed sediments;); invertebrate assemblage W221 undisturbed fluctuating marsh; lowland wetland including basin fen, valley fen, floodplain fen, waterfringe fen, spring/flush fen and raised bog lagg; otter; population of Schedule 8 plant (floating water plantain); river supporting habitat).</p> <p>Solway Firth SPA legally underpinned by Upper Solway Flats and Marshes SSSI.</p> <p><u>Upper Solway Flats and Marshes SSSI</u> It has 24 features of which 4 are favourable (coastal vegetated shingle; fixed dune grassland; saltmarsh morphology; and sand dune, strandline, embryo and mobile dunes); all other features relate to aggregations of non-breeding birds: 1 is unfavourable-recovering (bar-tailed godwit) and 19 not recorded (barnacle goose; curlew, dunlin, golden plover, knot, oystercatcher, pink-footed goose, redshank, sanderling, shelduck, turnstone, Whooper swan, wigeon; sand-dunes and saltmarshes, natterjack toad; river lamprey; sea lamprey; SM4-28 saltmarsh; and vascular plant assemblage.)</p>

3 Climate change

Table 3.1: Climate change

No.	Question / Applicant's Response
Q2.0.1	<p>Question: <i>Chapter 9 - Paragraph 9.3.20 - Why is the 'maximum export capacity' used to calculate carbon saving? Being a 'maximum', this implies that the scheme will not, on average, have an export capacity of 150MW. Please clarify.</i></p> <p>Response:</p> <p>The Proposed Development has a maximum export capacity of 150MW based on the grid connection agreement from Electricity North West Limited (ENW) as the District Network Operator (DNO).</p> <p>The Proposed Development is designed to enable 150MW of export and this is considered a reasonable basis for assessment. The approach of using the maximum export capacity is also consistent with other solar DCO projects, some of which are cited below in the response to Q2.0.2.</p>
Q2.0.2	<p>Question: <i>Limited details associated with the scheme's likely generating capacity have been provided including, for example, the approximate number of solar panels to be provided and the likely generating capacity of each. Please provide additional detail. Linked to this, the ratio of the site's capacity relative to export maximum capacity. It would assist if details above could be provided along with a comparator relative to the indicative land take set out at paragraph 3.10.8 of National Policy Statement (NPS) EN-3.</i></p> <p>Response:</p> <p>The number of solar panels and the generating capacity of each is not information that was available at the time the assessment took place (nor is it readily available currently). An overall assessment of GHG savings, based on the export maximum capacity (discussed in Q2.0.1), was chosen as the best method to assess carbon savings from the Proposed Development. This approach is consistent with other solar DCO projects such as East Yorkshire Solar Farm, and Oaklands Farm Solar Park.</p> <p>The chapter cites in the 'Assumptions and Limitations' section of the Assessment Methodology that the assessment of climate change and GHG emissions is based on available best information (note that an allowance is made for this in Schedule 4, Paragraph 6, of the 2017 EIA Regulations).</p> <p>The ratio of the Site's capacity relative to export capacity is less relevant to the assessment of GHG emissions in EIA, the purpose of which is to assess the potentially significant environmental effects arising from the Proposed Development. No assessment, based on any 'snapshot in time' illustrative layout or modelling regarding the installed capacity vs. net capacity been relied on for the EIA, because it is a parameter-based assessment. As set out in ES Chapter 3 [APP-034], ES Chapter 4 [APP-035], and the Planning Statement [AS-010], the ability of the Proposed Development to generate renewable energy has been maximised based on the Site's constraints and current understanding of available technology.</p>

No.	Question / Applicant's Response
	<p>EN-3 (March 2023) which contained policy 3.10.8 has been superseded by EN-3 (November 2023) and the equivalent policy within the current EN-3 is 2.10.17 which includes same comparator between MW output, number of panels, and acreage. EN-3 indicates the range of MW output per acre is between 2 and 4 acres for each MW.</p> <p>The Proposed Development is 150MW, on 682acres (276.5ha) and would provide an output of 0.22MW per acre. It is acknowledged that this is at the lower end of the range provided in EN-3, in terms of MW output per acre. However, this includes the 32.76% of the Site (approx. 90.59ha) which is set aside as Work No. 6 -Green Infrastructure, as well as land in Area D which includes the public highway and land around the Wind Farm turbines, and other areas where Work No. 1 – Solar PV is excluded. Accounting for only Work No. 1 (approx..167.77ha / 414.57a) this would provide an output of around 0.36 MW output per acre, which is at the higher end of the range provided by EN-3.</p>
Q2.0.3	<p>Question: <i>Limited details have been provided in terms of site-specific considerations, including forecast irradiance levels and other factors which may influence the scheme's load factor, nor have comparative load factors in similar geographical areas been examined. Having regard to this, please justify the use of a national average load factor of 10.2 (paragraph 9.5.14 of ES chapter 9).</i></p> <p>Response:</p> <p>There is limited robust information on localised load factors due to the variability and complexity of solar generation at local scales making consistent measurement difficult; most official data on load factors is aggregated at a national or broad regional scale. Therefore, an average national figure of 10.2 was used, which has been taken from the Government Digest of United Kingdom Energy Statistics⁵ ('DUKES'). This is a common method used in GHG savings calculations that has been used across other solar DCO projects, such as Heckington Fen Solar Park and Oaklands Farm Solar Park which cite using industry standard capacity factors.</p> <p>The purpose of the ES Chapter 9 assessment is to consider likely significant environmental effects in line with existing and forthcoming policy requirements and a pathway to net zero by 2050, in line with IEMA guidance 'Assessing Greenhouse Gas Emissions and Evaluating their Significance' ('IEMA GHG Guidance') (2022)⁶. Information on forecast irradiance levels and other factors that may influence the Site's load factor would not materially change the significant beneficial effect that the Proposed Development has on GHG savings, as reported in ES Chapter 9 - Climate Change [APP-040].</p>

⁵ Department for Energy Security and Net Zero (2024) Available at: <https://www.gov.uk/government/statistics/renewable-sources-of-energy-chapter-6-digest-of-united-kingdom-energy-statistics-dukes>

⁶ IEMA (2022). Assessing Greenhouse Gas Emissions and Evaluating their Significance.

No.	Question / Applicant's Response
Q2.0.4	<p>Question: <i>Limited details have been provided of solar panel degradation over the scheme's operational life and the implications of degradation on performance and the scheme's calculated electricity generation. If necessary, further calculations, including updated likely CO2 emissions changes and generating potential, should be provided taking into account panel degradation.</i></p> <p>Response:</p> <p>Detailed or accurate information on the degradation of panels is currently unknown as model specifications of panels to be used as part of the Proposed Development are not yet known.</p> <p>It is recognised that degrading panels would generally reduce the capacity of the Proposed Development to generate renewable energy (and in turn make GHG savings) over time. Any calculation of degradation would be assumptions based, as there is no detailed technical specification information available. If the calculation was undertaken using a benchmarked degradation value of 0.5% - 1% per year (0.5% used in Heckington Fen Solar Park, 0.55% used in Oaklands Farm Solar Park, and 1% used in Byers Gill Solar) the significant beneficial effect, with respect to GHG savings, reported in the EIA is not anticipated to change based on information regarding solar panel degradation.</p> <p>Conclusions are consistent with the approach set out in the IEMA GHG Guidance (2022) in that the Proposed Development results in a reduction in atmospheric GHG concentration compared to the without-project baseline through the generation of renewable energy.</p> <p>Furthermore, the OOMP (ES Appendix 3.1) [APP-107] confirms there will be regular maintenance of the generating equipment. This includes cleaning which prevents the build-up of deposits that undermine performance and can contribute to degradation of the materials (e.g. bird droppings). Regular visual inspections will ensure any panels which are damaged are replaced. As solar panel efficiency (the amount generated by a panel of the same size) is rapidly increasing, it is reasonable to expect that future replacements could help to offset the standard degradation of the original equipment which is not replaced.</p>
Q2.0.5	<p>Question: <i>The ExA request clarity on the following points, all of which are contained within chapter 9 of the ES:</i></p> <ul style="list-style-type: none"> <i>an explanation as to the potential 'Scope 3' emissions in the context of the proposal and having regard to R (Finch) v Surrey CC [2022] EWCA Civ 187 and any other recent legal judgments</i> <i>it is unclear why there is no detailed assessment of embedded/embodied Carbon and whether the approach adopted is sufficiently robust. Please provide justification for the approach adopted with reference to other schemes and/or appropriate guidance or provide a more detailed assessment</i> <i>the ExA would find a table helpful which clearly sets out the emissions source and anticipated greenhouse gas emissions associated with the scheme during 1) Construction phase, which should include the manufacturing of materials and components 2) Emissions during the operational phase 3) Emissions during decommissioning.</i>

No.	Question / Applicant's Response
	<p>Response:</p> <p>A high-level assessment of Scope 3 emissions during construction was undertaken. It is recognised that the embodied carbon associated with the Proposed Development will be heavily influenced by the type and amount of material required to construct the Proposed Development.</p> <p>Further, it is important to make clear that the nature of the Proposed Development is different to the development in (Finch) v Surrey CC [2022] EWCA Civ 187⁷ (Finch v Surrey). Scope 3 emissions for the Proposed Development are upstream and will mainly sit within the construction phase for the Proposed Development. Likely significant effects for Scope 3 emissions have been assessed and accounted for within the construction assessment and mitigation has been secured to reduce the likely significant effect.</p> <p>There are mitigation measures in place, through the securing of management plans that will reduce Scope 3 emissions where possible (primarily through the OCEMP [APP-108] and the OCTMP [APP-109]), however an accurate quantification of this reduction cannot be undertaken due to a lack of reliable, accurate information. The ruling in Finch v Surrey accepts that a lack of reliable, robust information is a sufficient reason to not quantifiably assess Scope 3 emissions.</p> <p>A limitation of the assessment is that there is currently a lack of knowledge on the sourcing of materials to be used as part of the Proposed Development (such as the sourcing of solar PV panels). A quantitative GHG assessment of the embodied carbon of materials used has therefore not been undertaken and it is also not possible to quantify a worst-case scenario. This approach is pursuant to Schedule 4, Paragraph 6, of the EIA Regulations 2017 which allows for limitations or uncertainties. Therefore, a quantitative, reliable assessment of the emissions associated with the manufacturing of materials and components during construction has not been possible.</p> <p>A robust conclusion of embodied carbon has been reached through identifying carbon hotspots (e.g. transport) and applying appropriate mitigation for these GHG sources. IEMA GHG Guidance accepts a qualitative assessment where mitigation has been agreed at early stages. It is recognised that embodied carbon will make up a large proportion of lifecycle emissions associated with the Proposed Development, and management plans to be secured contain measures that will contribute to a reduction in embodied carbon emissions.</p> <p>Some other solar DCO schemes such as Heckington Fen and Cottam have included a quantitative assessment of embodied carbon. These are highly assumption- based, using estimation and benchmarks for the nature and quantity of materials, their geographical origin, and the emissions involved in their manufacture and transport. There are such wide variables for the inputs to these calculations that their usefulness is unclear. The high-level assessments for these schemes do not change the outcome in terms of mitigation measures proposed.</p> <p>Without detail on the specification, procurement, and transport details, it is considered that such assessments provide data that is of limited use for the decision-making process. For a solar energy generating station such as this, because the intention of the Proposed Development is to generate</p>

⁷ https://supremecourt.uk/uploads/uksc_2022_0064_judgment_c3d44bb244.pdf

No.	Question / Applicant's Response
	<p>renewable energy that will contribute to the path to net zero, attempting a calculation of scope 3 emissions is not required to demonstrate the trajectory to net zero in accordance with IEMA (now ISEP) guidance. Attempting such an assumptions-based estimate of emissions for this project would not change the mitigation measures committed to or the conclusions in respect of the effects on climate change.</p> <p>Emissions during the operational phase (in regard to operational vehicle emissions) were scoped out on the basis that vehicle emissions associated with the anticipated 1-2 operational vehicle trips per week are expected to be negligible. The assessment was undertaken in accordance with the scope set out during formal EIA Scoping and the PEIR.</p> <p>For decommissioning, an assessment of emissions (in particular transport) was scoped out of the EIA on the basis that effects would be no greater than the construction phase. This is because the decommissioning phase does not require the manufacturing of materials that construction requires, and the economy will have decarbonised when the decommissioning phase is reached (as per future baseline relying on trajectory set by UK Government legislation). Furthermore, it is expected that the future DMP document suite that will be secured by the DCO and approved by the Council will require decommissioning to be undertaken in accordance with environmental best practice at the time.</p> <p>It is therefore reasonable to assume that fuel use, waste processing, etc. will be less carbon intensive than current practices, and the Proposed Development will be decommissioned under policy requirements & good practice at the time. As set out above, the ES assessment has been undertaken in accordance with the methodology set out in the EIA Scoping Report and PEIR, which has been consulted on and agreed with relevant stakeholders.</p> <p>In summary, to respond to the ExA's final point, it is not possible to provide further quantitative information on potential carbon emissions for the construction and decommissioning phases in a table. It would neither be accurate nor provide further useful data to inform the decision-making process. The responses above seek to support the approach taken with relevant references to the EIA Regulations, industry best practice guidance, and relevant case law.</p>

4 Design

Table 4.1: Design

No.	Question / Applicant's Response
Q3.0.1	<p>Question: <i>The ExA would find it helpful to receive an indicative layout plan of the proposal based on the maximum parameters proposed, including the Design Parameters Document [APP-028].</i></p> <p>Response:</p> <p>Consistent with many of the recently consented applications (including Little Crow, Mallard Pass, Oaklands, and West Burton solar farms), the EIA is based on the assessment of the identified works areas, and parameters, which reflect a variety of potential design scenarios, and not a fixed layout. A layout represents one combination of effects, not all, and therefore can give a false impression which is why the Applicant has not produced an illustrative layout plan.</p> <p>It is noted that illustrative layouts or equivalent are provided for some of the previously approved applications, but not all. Consented applications where this has not been provided include Oaklands and Little Crow.</p>
Q3.0.2	<p>Question: <i>The ExA note that the project design principles set out in table 7.1 [APP-029] do not explicitly refer to concepts of good aesthetics or how the proposed development would relate to its surroundings or local context (see NPS EN-1 paragraphs 4.7.1 and 4.7.2). Moreover, the design parameters [APP-028] do not appear to have considered opportunities to embed these aspects of achieving good design. For example:</i></p> <ul style="list-style-type: none"> <i>• no reference is made to local materials/context in terms of the options proposed in relation to the materials to be used in the buildings and structures</i> <i>• where bespoke design aesthetics for building and structures are not feasible, the extent to which landscaping/other forms of mitigation could be used to better assimilate or screen features with their surroundings</i> <i>• where paladin/mesh security fencing is necessary, the ways in which this could be assimilated with its surroundings (for example, landscaping), how embedded mitigation could be incorporated to minimise effects (utilising levels or features to screen views).</i> <p><i>The ExA would ask that the project design principles are reviewed, and consideration be given to the above.</i></p> <p>Response:</p> <p>The Design Approach Document (DAD) [APP-029] demonstrates how the principles of good design have been applied within each stage of the design for the Proposed Development. The DAD references the relevant NPS policies (see 1.1.2 and 3.2.1 of the DAD) which promote the need for applicants to ensure development responds to the local context. As described in response to NPS EN-1 4.7.2 within the Policy Compliance Document (PCD) [APP-027], it is considered that the primary means of securing good aesthetics for solar development is through a layout and landscaping strategy that is complementary to the local landscape character and links effectively with existing off-Site green infrastructure.</p>

No.	Question / Applicant's Response
	<p>The design approach to minimising the effects associated within the Proposed Development has been considered within Section 6.4 (Landscape and Visual) and 6.6 (Cultural Heritage) of the DAD. While explicit reference could be made in the document to 'good aesthetics', the Applicant considers that the narrative of the design evolution summarised within Sections 4, 5, and 6 of the DAD appropriately describes how aesthetics has been considered. There is, therefore, no merit or need to update the DAD</p> <p>Regarding the second part of the question in relation to the Design Parameters Document (DPD) [APP-028], the DPD has been prepared to set out the guiding 'design parameters' for the detailed design of the Proposed Development and is secured by the dDCO [APP-012]. Following development consent, when the detailed design for the Proposed Development is submitted for approval by the Council, that design must be in accordance with the DPD parameters.</p> <p>There are limited opportunities to utilise local materials for the Proposed Development given the limited variety of equipment and materials involved, and the extent to which the solar arrays are the dominant source of the visual impacts associated with the Site. In principle, the Applicant would seek to use local materials and suppliers where available. However, given the very limited number of components on the Site for which local options would be available (i.e. fence posts or aggregate for tracks), local sourcing could bring economic benefit but is unlikely to offer any additional aesthetic value.</p> <p>The DPD secures aspects of the design which relate to the appearance of the infrastructure where feasible. However, the functionally oriented design of generating station equipment across manufacturers means that the Applicant's control over elements of the design is highly limited.</p> <p>In addition, the requirements of the DNO for the Work No. 2 Grid Connection infrastructure means the materials and finishes for buildings and structures with Work No 2 within the substation will be determined by their function, and electrical design requirements based on electricity undertaker standards. Buildings on the Site other than those in Work No. 2 include PCS Unit containers and storage containers. Again, these are a standard form and appearance with only minor differences between manufacturers. For these, the Applicant's influence is limited to choice of colour, with options embedded in the DPD.</p> <p>There are no other buildings or structures proposed for which the use of local materials or the ability to suit those to the local context would be relevant or possible. As it is the case that a bespoke approach to the generating station infrastructure is not possible, the Proposed Development will rely on the landscape strategy to enable sensitive integration into its setting, with the detail of the approach to landscaping set out in ES Chapter 7 – Landscape and Visual [APP-039] (paras 7.5.3-7.5.5).</p> <p>As per ES Chapter 3 [APP-034], Site fencing will predominantly be the Perimeter Fencing which is deer fencing (wooden posts with metal mesh panels) which is in-keeping with the rural aesthetic and is the same type already in use. No metal palisade or weld-mesh fencing is proposed for any part of the Site perimeter. However, metal Security Fencing would be provided internally around sensitive infrastructure within Work No 2.</p>

No.	Question / Applicant's Response
	<p>The Landscape Strategy Plan (LSP) [APP-088] illustrates landscaping measures (including hedgerows and trees) around the Site perimeter and internally which screens and/or break up views. This has been designed with consideration of minimising the landscape and visual impact of Work No. 2 infrastructure. As the metal security fencing would sit in front of the more dominant external electrical equipment it is likely to blend in with that equipment and be indistinct from views outside the Site. However, the DPD (Table 3.1) [APP-028] includes an option for this to be coated a dark green colour which could work well with the wider planting and be beneficial for softening glimpsed views into Work No. 2. A firm commitment to only this colour is not made in order to provide the DNO with maximum flexibility in the unlikely event that the green colour would not align with their design requirements due to the effects of powder coating on earthing design options, with the final specifications to be provided to discharge the detailed design DCO Requirement.</p>
Q3.0.3	<p>Question: <i>Please align each of the project design principles as set out in in table 7.1 [APP-029] with the works/work numbers set out in the parameters [APP-028] and explain so that the ExA can fully understand the extent to which the design principles are embedded in all aspects of the proposed development.</i></p> <p>Response:</p> <p>Table 7.1 [APP-029] provides a summary, but the full extent to which these Design Principles (DPs) have informed the design is appropriately addressed on a topic-by-topic basis in Section 6 of the DAD.</p> <p>Some DPs may apply directly to the development of multiple Works Areas, whereas others, for example regarding the Applicant's commitment to undertake 'smart engagement', relate less to any one work more to the Applicant's general approach. To give two examples:</p> <ul style="list-style-type: none"> • In section 6.2, regarding Transport and Access, the DAD explains how Project DP 'PE.1' relates to defining the locations and extent of the Work No. 5 accesses. • In section 6.4, the DPD sets out how the approach to good design for Landscape and Visual effects reflects multiple project DPs, including in paragraph 6.4.7 which states, '<i>The TCP [tree constraints plan] has informed the design by helping to avoid impact through Works Numbers that exclude development from areas with woody vegetation wherever possible</i>'. And, in 6.4.14, '<i>The vision for the Proposed Development as delivered by Project DPs (e.g. C.2 and PL.1) places great importance on maximising opportunities for green infrastructure</i>'. <p>For the reasons described above, a table revised in the way proposed would be misleading, as the DPs described within the DAD [APP-029] do not individually align neatly with the Works Areas.</p>

5 Environmental Statement

Table 5.1: Environmental Statement

No.	Question / Applicant's Response
Q4.0.1	<p>Question: <i>ES chapter 3 - the parameters adopt a 'Rochdale envelope' approach and are based on a 'worst-case'. Please clarify if the ES is based on a worst-case or a 'reasonable' worst-case.</i></p> <p>Response:</p> <p>The ES has been prepared in accordance with the latest regulations and advice on good practice, including the Planning Inspectorate's Advice Note Nine: Rochdale Envelope (July 2018) and is based on a 'worst case', parameter led-assessment in accordance with this guidance's reference (paragraph 2.1) to basing assessments on a '<i>cautious 'worst case' approach</i>'.</p>
Q4.0.2	<p>Question: <i>ES chapter 3 - states that construction could start in 2026 but no timeline to support this start date has been provided. Moreover, this timescale appears unrealistic given the likely timescales for the determination of this application and subsequent DCO requirements which, if granted, may involve the submission of schemes to be agreed with the local planning authority and other bodies/organisations. A more realistic start-date should be provided. A Gantt chart may assist.</i></p> <p>Response:</p> <p>It is acknowledged that commencing construction in 2026 would require a concerted effort from the Applicant and Council to discharge the pre-commencement DCO Requirements. However, for the purpose of defining the potential earliest possible commencement date for construction within the EIA, 2026 is considered to be reasonable. The potential timeline would run as follows:</p> <ul style="list-style-type: none"> • The Examination is expected to close in December 2025, with a decision from the SoS potentially made in late summer or early autumn 2026. • The Applicant could initiate preliminary surveys and prepare details to discharge Requirements ahead of the consent to enable rapid commencement. • This also takes into consideration the statutory 8-week timescale required for the Council to discharge DCO requirements tied to the consent following receipt of the necessary information from the Applicant. <p>Even if a late 2026 start would be challenging, and less likely than early 2027, a matter of months would be irrelevant to assessment of environmental effects.</p> <p>In addition, the Applicant notes that the DCO must be implemented within 5 years. Excluding factors that might prevent it being commenced until a set point within that period, the Applicant has selected a date for assessment purposes, because it would be impossible to provide an assessment for every possible scenario within the 5-year window. Notwithstanding this, a change to the start date of the construction period does not change the duration of the period for which the likely significant environmental effects have been assessed in the ES.</p>

No.	Question / Applicant's Response
	On the basis that this timeline is technically feasible, but is subject to change, a Gantt chart with dates and times could give a false impression.
Q4.0.3	<p>Question: <i>ES chapter 3 - scope of worst-case scenario in relation to construction period needs clarifying. It is stated that the construction period would be 18 months but is this a robust assumption? It may assist to calibrate with other broadly similar projects to support the anticipated timescale.</i></p> <p>Response:</p> <p>An 18-month construction period is considered to be a robust assumption for the Proposed Development based on the reasonably likely conditions (accounting for factors such as waterlogging, as explained in ES Chapter 3 [APP-034] at the Site and given that it is in the Applicant's interest to construct the Proposed Development in as short a duration as possible.</p> <p>The programme of construction works and methodologies used in construction would be informed by weather conditions at the time. Comparison to other solar farm projects does not provide a useful comparison as each development site and scheme has its own construction programme which reflects the size, scale and types of construction works required for each scheme. In addition, site-specific considerations also informs their respective construction programme.</p> <p>Notwithstanding this, the construction period for other, consented solar DCO projects (similar to the Proposed Development) has been reviewed as set out below:</p> <ul style="list-style-type: none"> • Byers Gills Solar: 12-18 months or 18-24 months (180MW and BESS scheme) • Oaklands Farm Solar Park: 16 months (138MW and BESS scheme) <p>This demonstrates that the assumed 18-month construction period for the Proposed Development is realistic and robust, given that it is a 150W scheme with no BESS.</p> <p>The assumption has also been informed by the Applicant's experience with other projects and accounts for the potential constraints on the Site.</p> <p>Factors which can influence construction include the generating capacity, the type of technology used (e.g. tracker vs fixed arrays), the area of land required and how dispersed the parcels are, the number of construction compounds required, if major earthworks or diversions of utility assets are required, the need for (and length) of underground cabling to connect to the grid which can be located significant distances from the main generating station facility, and off-site highways works, amongst other considerations.</p>
Q4.0.4	<p>Question: <i>ES chapter 3 - reference is made to site conditions and weather impacts which could delay construction, but it is not clear what effect this would have on the construction period, nor the extent to which environmental effects would be lessened or increased in those circumstances. The assumption made is that the 'shorter' 18-month time period would truncate effects, thus resulting in the worst-case. However, construction over a longer period may prolong environmental effects and as such, could this be considered a 'worst-case'?</i></p>

No.	Question / Applicant's Response
	<p>Response:</p> <p>Delays to construction at the Site relating to weather conditions such as extreme winds, flood risk conditions or heavy snowfall would result in a reduction or a pause in activities (as would be standard practice on any development site), in accordance with health and safety at work requirements, as well as in compliance with the relevant management plans.</p> <p>Delays could also occur due to Site conditions, such as when the soil is too wet. An example from a management plan to manage this constraint is included at paragraph 3.5.6 of ES Appendix 5.3 - Outline Soil Management Plan [APP-110].</p> <p>For the ES assessment, the construction phase has been assessed as spanning 18 months. This is considered a worst-case (most intensive) scenario, by virtue of environmental considerations such as (but not limited to) traffic, soil management, surface water management, and noise. For example, a shorter duration might constrain the Principal Contractor's (PC) ability to further limit noisier activities within the allowed working hours.</p> <p>From a traffic perspective, the shorter the construction period the greater number of construction vehicles needed per day/week to bring all the equipment and materials needed to the Site and also the greater number of staff movements associated with the larger workforce needed to construct the Proposed Development over a shorter time period.</p> <p>In relation to Biodiversity, the assessment of the 18-month construction period represents a 'worst case' scenario due to impacts associated with habitat loss, fragmentation and disturbance during sensitive stages of a species lifecycle (e.g. breeding birds) over a wide area, although it is noted that it would also facilitate a more rapid transition to habitat creation, establishment of enhancements, and reduced grazing at the Site. A longer construction period may limit the scale of immediate habitat loss, but impacts would be dependent on a number of factors, including the phasing of works, extent, start date, duration and habitat reinstatement.</p> <p>However, paragraph 5.2.2 of ES Chapter 5 – Construction and Decommissioning Methodology and Phasing [APP-036] confirms that the construction phase could last for longer than the 18 months assessed within the ES, in the event Site conditions (e.g., waterlogging over an extended period) restrict construction progress. A longer construction phase will reduce the intensity of construction activities on-Site, therefore reducing the likelihood of negative environmental outcomes on considerations such as soil resources and traffic.</p> <p>Notwithstanding this, the assessment of the construction phase's 'worst case' scenario in ES Chapter 6 – Cultural Heritage [APP-037] is not linked to the duration of the construction period. Instead, the 'worst case' scenario comprises the assessment of effects from the construction of the Proposed Development and associated activities just before the beginning of the operational phase, when these effects are at their highest magnitude of impact. Therefore, an increase in duration of the construction period for the Proposed Development beyond the assumed 18 months would not alter the identified effects in ES Chapter 6 [APP-037].</p> <p>Similarly, the assessment of construction phase effects in ES Chapter 10 – Ground Conditions [APP-041] considers the quantum of disturbance to the ground and the potential to mobilise contamination already in the ground at the Site and is not linked to the duration of the construction period.</p>

No.	Question / Applicant's Response
Q4.0.5	<p>Question: – <i>the implications for any change to the construction phase will need to be in the analysis contained within each of the ES chapters and all relevant documents.</i></p> <p>Response:</p> <p>This is noted, but no change to the construction phase is proposed as the assessed 18-month construction period represents the ‘worst case’ scenario and therefore no analysis of an elongated construction period is required in the ES chapters and other relevant documents.</p>
Q4.0.6	<p>Question: <i>Please provide clarity on the status of Lostrigg scheme and a table outlining anticipated construction, operation and decommissioning timelines for the proposal relative to Lostrigg.</i></p> <p>Response:</p> <p>The Applicant notes that the applicant for Lostrigg Solar, RWE Renewables UK Solar and Storage Limited (RWE), has withdrawn the project from the Planning Inspectorate register as per a letter to the Planning Inspectorate dated 7 May 2025.</p> <p>It is understood that should RWE decide to progress they would do so via the Town and Country Planning Act 1990 (TCPA). It is unknown when an application might be submitted to the Council, but the earliest this could be is 1 January 2026. Based on the timeframes for a major development planning application, a decision could be as early as April 2026, although it is reasonable to expect that a project of this scale may take longer.</p> <p>Currently, there is no certainty as to when RWE might make a submission, but the Applicant will continue to engage positively with RWE.</p> <p>The Applicant's expectation, based on the way in which the grid connection queue operates, is that fully concurrent construction programmes are highly unlikely, with any potential overlap limited to the latter stage of the construction period of the Proposed Development with the start of the construction period for Lostrigg Solar at most, if there is any overlap between the construction periods for the two schemes at all.</p>
Q4.0.7	<p>Question: <i>ES chapter 2 – please confirm that the list of cumulative schemes set out in table 2.6 is complete and should be used by the ExA to inform the cumulative assessment, otherwise please provide an alternative list. This was also requested by the ExA in relation to a Statement of Common Ground (SoCG) in the rule 6 letter.</i></p> <p>Response:</p> <p>The Applicant has made previous requests to the Council for comment on the proposed list of cumulative schemes set out in Table 2.6 and used to inform the cumulative assessment throughout the process of the preparation of the ES, prior to the submission of the DCO application.</p> <p>No comments were previously made by the Council suggesting an incomplete list as part of the PEIR. A response to the query was received on 14 August 2025. Given the number of additional schemes (approximately 30) requested by the Council for consideration in its response, the Applicant will provide a more detailed consideration after Deadline 2.</p>

No.	Question / Applicant's Response
	However, at this stage following an initial review, these schemes are not anticipated to alter the assessment of cumulative effects in the ES.
Q4.0.8	<p>Question: <i>ES Methodology - there is an overlap between a 'live' planning permission and the proposed development, as the land included in the Potato Pot wind farm consent is also within the proposed Order limits. However, limited consideration has been given to the implications of this planning permission, and its likely temporary nature, in relation to the proposed project:</i></p> <p><i>The ExA require the following:</i></p> <ul style="list-style-type: none"> <i>details of the Potato Pot wind farm consent and a plan showing the site including red-line boundary along with the anticipated decommissioning and removal date</i> <i>the implications of its future removal on the EIA methodology and ES chapters in terms of the assumptions made concerning the future baseline and/or environmental effects of the proposal and the assessment scenarios set out in the methodology.</i> <p><i>The above should take into account the following potential issues, whilst also addressing any other implications for the ES:</i></p> <ul style="list-style-type: none"> <i>paragraphs 7.4.1 – 7.4.3 of chapter 7 of the ES confirms that Potato Pot wind farm has been considered as part of the 'baseline'. However, no analysis has been provided in relation to its potential temporary nature and the extent to which the wind farm's future decommissioning and removal would alter the landscape, and the extent to which this would alter the magnitude of change and effects associated with the proposal as assumed as part of the Landscape and Visual Impact Assessment (LVIA)</i> <i>linked to the above, the visualisations include 'Year 15' but it is not clear whether or not the wind farm would be in situ, nor whether the visualisations represent a robust visual representation of the long-term impact of the scheme given the potential removal of the wind farm</i> <i>as above, implications for chapter 6 of the ES (Cultural Heritage)</i> <i>any implications for site access <u>including</u> compulsory acquisition/temporary possession in terms of ensuring that it is possible to decommission and remove the wind farm and restore the site</i> <i>implications of removal of the wind farm and any cabling or other works required by the planning permission and the impact this would have on the proposal and dDCO</i> <i>having regard to the above, whether the dDCO is sufficiently robust in terms of provisions in order to adequately facilitate the wind farm operation and decommissioning etc.</i> <p>Response:</p> <p><i>...details of the Potato Pot wind farm consent...</i></p> <p>Application documentation for the consented Potato Pot Wind Farm scheme (former Allerdale Borough Council Ref: 2/2012/0594 / Appeal Ref: APP/G0908/A/13/2189934/NWF is provided at Deadline 2 by the Applicant for the ExA's reference, as requested, comprising the Decision Notice, and Location Plan (with the RLB) (Appendix F [D2.7]). The other planning application documentation is available on the Council's planning website using the reference number. However, if helpful, the Applicant could provide the other available application documentation to the ExA.</p>

No.	Question / Applicant's Response
	<p>The Wind Farm was commissioned in August 2016 and the consent is limited to 25 years (Condition 2), with decommissioning to be completed within 18 months of the end of the 25 year period in accordance with a decommissioning plan submitted to the council not less than 9 months before the end of the 25 years (Condition 3). This means the 25 years end in August 2041, and decommissioning would need to be completed by around February 2043.</p> <p><i>...the implications of its future removal on the EIA methodology and ES chapters ...</i></p> <p><u>Landscape & Visual and Cultural Heritage</u></p> <p>The assessment undertaken within Chapter 6 [APP-037] and Chapter 7 [APP-039] of the ES has considered the effects of the Proposed Development on the current baseline with the Wind Farm present. This is considered a worst-case scenario as discussed below.</p> <p>This worst-case scenario has been taken given the presence of the existing wind turbines as part of the current baseline environmental conditions. ES Chapter 7 refers to these as comprising elevated features which '<i>impinge on the visual and tangible landscape qualities</i>' (paragraph 7.4.63).</p> <p>Whilst these baseline features do have an influence on the existing characteristics of the Site, given the presence of other infrastructure (electricity pylons and farm buildings), it is not considered that their removal would alter the overall susceptibility or sensitivity of the landscape and visual receptors and heritage receptors considered within ES Chapters 6 and 7.</p> <p>Furthermore, the assessments in Chapters 6 and 7 consider the combination of the effects of the Proposed Development on the landscape and visual receptors and heritage receptors with the baseline presence of the turbines. Their removal would not materially alter the magnitude or likely effects resulting from the Proposed Development or lead to an increase in adverse impacts in respect of any reported assessed landscape or visual effects or heritage effects (such as via a change in setting).</p> <p>However, the decommissioning of the turbines would also remove the height restriction of vegetation within 500m of the turbines (described in section 7 of the DPD [APP-028]) which could lead to reduction in visibility of the Proposed Development in the longer term. This has the potential to reduce the magnitude of identified effects in ES chapters 6 and 7 but as a worst-case scenario, this has not been assumed in the assessment.</p> <p>Regarding archaeological remains, the future baseline post-removal of the wind turbines remains unchanged. This is due to the land which comprises the Wind Farm having been subject to coal mining operations during the 1990s. These operations will have caused extensive disturbance and removed any coherent stratified deposits which may have existed prior.</p> <p><u>Biodiversity</u></p> <p>From a biodiversity perspective, the decommissioning of the Wind Farm will likely lead to a change in habitat structure within Area D of the Site. Although structures will be removed to below ground level and hard standings re-seeded or re-turfed, there are no further approved details.</p>

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	<p>Therefore, it is likely that the footprint of the Wind Farm would revert to scrub and grassland habitats. The decommissioning of the Wind Farm will have a limited impact on habitats as the access tracks and working areas required for construction will remain available.</p> <p>While there may be some disturbance or damage to habitats, this is most likely to be limited to grassland, scrub and potentially some small sections of hedgerow where they abut the access track should it need to be widened. Overall, impacts to habitats from decommissioning of the Wind Farm have been avoided due to the design of the Proposed Development, through the maintenance of a buffer around the wind turbines and their existing landscaping as indicated in the LSP provided as Figures 7.6.1-7.6.5 in ES Chapter 7.</p> <p>Environmental studies will be undertaken by the operator of the Wind Farm and a method statement agreed with the Council in advance of the decommissioning which is expected to detail the relevant protection measures required for biodiversity (Condition 3).</p> <p><u>Ground Conditions</u></p> <p>The assessment undertaken within ES Chapter 10 – Ground Conditions [APP-041] has considered the effects of the Proposed Development on the current baseline with the Wind Farm present. The Wind Farm is not itself considered a potential source of contamination in the baseline scenario. Conditions 23 - 26 of the Wind Farm consent required pre-commencement ground investigations and remediation depending on outcomes, and the decommissioning of the Wind Farm would be subject to a management plan approved by the Council such that it is not anticipated to introduce any new sources of contamination or mobilise any existing contamination in the ground in those areas, i.e., the conditions during the operational phase following decommissioning of the Wind Farm will be the same as those at the existing baseline.</p> <p><u>Climate Change</u></p> <p>The decommissioning of the Wind Farm scheduled for decommissioning by 2043, would have a negligible difference on national, regional, and local net zero targets, which should be close to being achieved by 2043, when compared to the existing baseline conditions.</p> <p><i>...any implications for site access including compulsory acquisition/temporary possession...</i></p> <p>The area of land the Wind Farm which contains the turbines is excluded from the scope of the compulsory acquisition powers in the dDCO [APP-012]. This land is yellow on the Land Plans [AS-007]. Potato Pot retain other interests within the Order Limits, such as rights in respect of cables. These are set out in the Book of Reference [APP-016]. The Applicant has been discussing access with Potato Pot and is close to securing Heads of Terms to resolve any residual issues that may arise as a result of the Proposed Development. The dDCO maintains existing rights of access for the operator of Potato Pot (the Applicant only seeks to acquire rights, not the land itself). The operator will retain its existing access route to the turbines. The ExA will note that the Applicant has secured a voluntary agreement with the landowners of the main site (i.e. the land surrounding the wind turbines) mitigating the need to exercise powers (which would only be used if necessary). The Applicant is confident that heads of terms / an agreement can be reached to avoid hindering either development.</p>

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	<p><i>...implications of removal of the wind farm and any cabling or other works ...on the proposal and dDCO...</i></p> <p>The implications of removal of the wind farm are set out above.</p> <p><i>...whether the dDCO is sufficiently robust...to adequately facilitate the wind farm operation and decommissioning etc.</i></p> <p>The Applicant can confirm that the dDCO is sufficiently robust in terms of adequately facilitating the operation and decommissioning of the wind farm. The revised article 41 of the dDCO safeguards the future of the wind farm and protects it from being in breach of its planning obligations as a result of the Proposed Development. See also the Applicant's response to Q.11.0.20.</p>
Q4.0.9	<p>Question: <i>Please describe the extent to which irradiance has influenced the broad site location (i.e. in Cumbria) with reference to paragraph 3.10.10 of NPS EN-3.</i></p> <p>Response:</p> <p>The Applicant has assumed the intended reference to EN-3 was for paragraphs 2.10.19-20 as this deals specifically with '<i>Irradiance and site topography</i>'. An overview of the Proposed Development in relation to the policies of the NPSs is provided by the Policy Compliance Document (PCD) (p.87) [APP-027] and is also summarised at section 6.3 of the Planning Statement [AS-010]. The extent to which irradiance has influenced Site selection is set out broadly within ES Chapter 4 [APP-035] as a consideration in the initial site selection, and in terms of relevance to NPS EN-3 paragraph 2.10.19 is described in the PCD [APP-027] '<i>The Site area was selected as having the potential to accommodate a solar farm exceeding 50 MW based on the irradiance levels in the Cumbria region.</i>'</p> <p>Irradiance within the Cumbria region has not been a factor in broad Site selection; at a high level the irradiance in this area is not substantially different to general irradiance levels north of the North Midlands.</p>

6 Historic environment

Table 6.1: Historic environment

No.	Question / Applicant's Response
Q5.0.1	<p>Question: <i>ES chapter 5 – during the proposed development's operation, significant residual effects are anticipated in relation to the Stone Circle (ref - 1014588). A separate plan is required detailing:</i></p> <ul style="list-style-type: none"> <i>the general layout of the features of the asset (the stones and cairn)</i> <i>a plan showing how the proposed scheme might be developed, based on worst-case (without mitigation), including measurements showing proximity to the asset and any other details of relevance including, but not limited to, topography and existing features</i> <i>a plan showing how the proposed scheme might be developed (with mitigation) including specific measures proposed, including but not limited to landscaping, and any other measures intended to enhance the appreciation of the asset.</i> <p>Response:</p> <p>The Applicant provided the following plans at Deadline 2 showing:</p> <ul style="list-style-type: none"> A general arrangement of the features of the 'Large irregular stone circle and a round cairn on Dean Moor' (the Stone Circle and Cairn' Scheduled Monument (SM) (updated HEDBA, Figure 17b) based on the previous surveys; A plan of the location of the SM in relation to the proposed Work No 1 and 2 and including details of topographic contours and existing landscaping (updated HEDBA, Appendix 6.1); A further plan which includes the structural elements (hedges and trees) on the LSP and the permissive path (updated HEDBA, Appendix 6.1). <p>Background research (as detailed in Section 4.7 of the HEDBA) was considered to inform the Site visit and determine the nature of the asset and its place with the wider historic landscape (following Historic England guidance detailed in section 2.3 the HEDBA [APP-112].) It is considered that the provision of these plans will provide supplemental information and additional perspectives but does not change the assessment of impact on the significance/value of the asset which remains robust.</p>
Q5.0.2	<p>Question: <i>This question is made in response to the applicant's submission at procedural deadline A [PDA-001], which responded to the ExA request for additional visualisations/photomontages (heritage) set out in annexe E of the rule 6 letter [PD-005]</i></p> <p><i>The ExA acknowledge the reasons set out by the applicant as to why they consider additional visualisations are not needed. The ExA appreciate that agreement will be sought with Historic England concerning the viewpoints. In addition, the ExA have also requested a SoCG between the applicant and Historic England as set out in annex E to the rule 6 letter.</i></p> <p><i>Notwithstanding this, it should be noted that the ExA's request for visualisations/photomontages was made so that appropriate illustrative/visual material could be provided having regard to heritage significance and any guidance specifically in relation to visualisations and heritage assets.</i></p>

No.	Question / Applicant's Response
	<p><i>The ExA notes that the applicant's response places some reliance on submitted viewpoints and photomontage locations to support the heritage conclusions set out in the ES. However, the LVIA methodology [APP-119], which supports ES chapter 7 and the viewpoints and photomontage locations, does not refer to any applicable guidance or standards in relation to the methodology for assessing visual effects and heritage assets.</i></p> <p><i>Therefore, the photographic material or visualisations in ES chapter 7, where they are produced to support the conclusions drawn in ES chapter 6 (cultural heritage), should include the following:</i></p> <ul style="list-style-type: none"> <i>• why the viewpoints above have been chosen having regard to the significance of the heritage assets and whether the LVIA methodology is appropriate in this context</i> <i>• the relevance of the visual effects identified in ES chapter 7 in relation to ES chapter 6</i> <i>• further written analysis of the visual effects having regard to the significance of the heritage assets</i> <i>• where there are visual effects identified, the extent to which mitigation has been considered and the effects thereof.</i> <p><i>On this point, the ExA acknowledge that viewpoints and visualisations have been provided within proximity of Wythemoor Sough. Subject to the above, the existing visual material contained within the ES may be sufficiently robust in this regard.</i></p> <p><i>However, in respect of Stone Circle, the ExA is not convinced that the visual relationship between the proposed development and Stone Circle, including the impact on the contribution made by the asset's setting, is represented by view location 3c of the LVIA [APP-128]. This is due to the location of the viewpoint and that it is not a visualisation/photomontage which illustrates the parameters of the development relative to the asset.</i></p> <p><i>The ExA would again ask the applicant to review the material submitted having regard to the points raised above.</i></p> <p>Response:</p> <p>There are no specific guidelines on assessing views to and from heritage assets.</p> <p>Historic England Good Practice Advice in Planning 3: Setting of Heritage Assets (GPA3)⁸ states “The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, from, across, or including that asset.”</p> <p>In relation to the assessment of views, it goes on to state that the “Assessment and management of both setting and views are related to consideration of the wider landscape, which is outside the scope of this advice note. Additional advice on views is available in Guidelines for Landscape and Visual Impact Assessment, 3rd edition (GLVIA3), published by the Landscape Institute and the Institute of Environmental Management and Assessment (in partnership with Historic England).”</p> <p>As noted in GPA3, views play an important role in the appreciation of setting and significance within the wider landscape setting of receptors and there is often an overlap between heritage and landscape considerations, albeit the assessments are not the same. However, in the absence of</p>

⁸ Historic England (2017) Historic Environment Good Practice in Planning Note 3 – The Setting of Heritage Assets 4

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	<p>specific guidance in relation to the historic environment, the application of the methodology set out in GLVIA3 on the production of visualisations is considered appropriate.</p> <p>Whilst not explicitly included in the methodology in ES Chapter 6 – Cultural Heritage [APP-037], the assessment of impacts includes consideration of visual impacts on the identified heritage receptors in accordance with the methodology provided in ES Appendix 7.1. The assessment of impact to cultural heritage receptors, which includes visual impacts, is provided in Section 4.7 and further discussed in Table 5.1 of the HEDBA [APP-112].</p> <p>To inform the assessment in ES Chapter 6 – Cultural Heritage, liaison between the landscape and heritage consultant was undertaken. This was informed by a Zone of Theoretical Visibility (ZTV) and enable the identification of views which were demonstrative of the landscape setting of the receptors and allowed for an appreciation of their heritage sensitivity.</p> <p>The selected View Locations (VL) included within Appendix 7.1 LVIA [APP-128] are intended to enable the visual effects on visual amenity to be assessed, rather than to enable a consideration of the contribution of setting to the sensitivity / significance of the identified heritage receptors. However, the VLs can be used to inform and support judgments on the effects to setting (and therefore sensitivity) arising from the development. To inform the assessment undertaken in the HEDBA and Chapter 6 –, liaison between the landscape and heritage consultant was undertaken, informed by a ZTV, to identify those views which were demonstrative of the landscape setting of the receptors and allowed for an appreciation of their heritage sensitivity.</p> <p>The following paragraphs take each of the designated heritage receptors in Chapter 6 and link these to the relevant VL in the Appendix 7.1 LVIA.</p> <p><u>The English Lake District WHS - View Location (VL) 13, 13a, 13b and 14.</u></p> <p>This is discussed further in the response to Question 5.0.8 below. In summary:</p> <ul style="list-style-type: none"> • The VL above were chosen to demonstrate a representation of the <i>‘outward views from the fell tops, which represent highly sensitive recreational users of the National Park’</i>. • While the WHS does not have a designated buffer zone, the setting of the receptor is still a consideration within the EIA. The assessment of visual effects from these viewpoint locations is different to the assessment of effects on the sensitivity and setting of the heritage receptor. • It was judged that the chosen VL are demonstrative of the visual changes within views outwards from the WHS towards the Irish Sea, as well as the relationship between the WHS and its wider landscape setting. Whilst not identified specifically within the Outstanding Universal Value (OUV), elements such as local industries and surrounding settlements, and the agrarian landscape are identified as key attributes of the WHS OUV. • The visual effects identified in Chapter 7 are relevant in relation to Chapter 6 as these VL enable the WHS to be understood within the wider landscape context. It is judged that the Proposed Development will result in a change to the wider landscape setting of the WHS which will marginally affect views looking west from high points within the WHS.

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	<ul style="list-style-type: none"> • Within these views, the Proposed Development will be viewed against a backdrop of the existing industrial development of Lilyhall and Workington, and where visual effects have been identified, the proposed landscape mitigation has been considered within the assessment undertaken in the HEDBA as well as the LVIA. <p><u>Wythemoor Sough and Adjoining Barn and Stable, Grade II (1327185) VL 9</u></p> <ul style="list-style-type: none"> • VL 9 was identified, from a heritage perspective as it allowed for an appreciation of views from the receptor towards the Site and therefore demonstrated the change in landscape character that would be experienced within the setting of this receptor. • Professional judgement was used to consider whether this view sufficiently demonstrated the visual changes to views outwards from the receptor and in turn allowed for an appreciation of the potential changes to the wider setting (as noted in the ExA question). Following initial consultation with the landscape consultant, it was considered that this VL, alongside the photographs submitted (see Figure 20 in the HEDBA) were sufficient to allow a robust assessment to be undertaken. This is set out in the HEDBA and ES Chapter 6 – Cultural Heritage. • The visual effects identified in Chapter 7 are relevant in relation to Chapter 6 as this VL enables the change in wider setting of the farmhouse to be understood. Figure 20 in the HEDBA also demonstrates the wider landscape context in which the receptor is situated. • Regarding the visual effects, the Proposed Development will bring about a moderate change to the setting of the receptor, resulting in the erosion of its rural, agricultural character. However, the mitigation measures proposed, in particular the green infrastructure buffer are considered sufficient to reduce the perceived visual impacts and thus reduce the impact on the heritage significance of the receptor. • It is considered that the points above demonstrate that the VL and visualisations provided within proximity of Wythemoor Sough are robust. <p><u>Large irregular stone circle and a round cairn on Dean Moor, SM (1014588)- View location 3c</u></p> <ul style="list-style-type: none"> • This VL was chosen as it is demonstrative of the wider landscape setting of the receptor. The location of view 3c identified in the question was chosen for the purposes of the LVIA, not the heritage assessment. • VL 3c enables the visual effects on visual amenity, not specifically the contribution of setting to the significance of the Stone Circle and Cairn. However, the view does allow for an appreciation of the spatial relationship between the receptor and the Site. • Whilst this view can be used to inform and support judgments on the effects to setting (and therefore sensitivity), it should be noted that the Cultural Heritage assessment and the Landscape assessment are not wholly the same and a further review has been undertaken in relation to whether or not VL 3c (along with the other submitted materials) is sufficient to inform the heritage assessment. • The submitted materials within the HEDBA includes plans of the receptor's location [APP-076] and photographs of the receptor in its setting looking towards the Site. <p>The Applicant has undertaken further engagement with Historic England (HE) and a SoCG has been prepared and is submitted for Deadline 2 [D2.11]. It was agreed with HE (in the 14th August meeting) that further photographs of the Stone Circle and Cairn would demonstrate its relationship</p>

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	<p>with its landscape setting and the Site, and it was agreed that the inclusion of the additional photographs within the updated HEDBA would be an appropriate way in which to respond to the request for further visualisations.</p> <p>The HEDBA has been updated with Figures 17a, 17b and 17c, and along with Figures 18a and 18b [D2.22]. These images show the visual relationship between the Site and the receptor, as well as the wider landscape context in which the receptor is located.</p>
Q5.0.3	<p>Question: <i>The Historic Environment Desk Based Assessment (HEDBA) [APP-112] and ES chapter 6 refer to values set out in Historic England's Conservation Principles 2008 (i.e. historic, evidential, aesthetic and communal) whilst also referring to the values set out in Annex 2 of the National Planning Policy Framework 2024 (i.e. archaeological, architectural, artistic or historic), also referred to in NPS EN-1 footnote 230. The ExA would expect the application to refer to the more recent heritage values as per NPS EN-1 and the National Planning Policy Framework. Please clarify.</i></p> <p>Response:</p> <p>The Applicant can confirm that they have considered the heritage values in the NPPF. The 'interest' led approach as set out in Annex 2 of the NPPF (archaeological, architectural, artistic, or historic) takes precedence and has been used as the basis for the methodology detailed in the HEDBA [APP-112] and ES Chapter 6 – Cultural Heritage [APP-037]. The interests noted in NPS EN-1 are consistent with those in Annex 2. However, there are several other guidance documents that still provide relevant guidance to inform the assessment of sensitivity / significance, such as Conservation Principles, 2008 and the British Standard 7913:2013.</p> <p>Section 4.7 of the HEDBA assesses the sensitivity / significance of the identified heritage receptors, including any contribution made by their setting. This is in accordance with the guidance set out in Historic England GPA2. Historic England's Conservation Principles 2008 provides a useful framework in understanding the evolution of the overall assessment methodology for the historic environment, which has now been consolidated into the 'interest' criteria set out in the NPPF. As such it was included in the suite of guidance documents listed in the HEDBA and ES Chapter but has been removed from the updated HEDBA and ES Chapter 6 [APP-037] for clarity.</p>
Q5.0.4	<p>Question: <i>Please set out the status of the HEDBA [APP-112] and the extent to which it forms a Heritage Impact Assessment and if it does not, please set out the key difference between a HEDBA and Heritage Impact Assessment. Please also set out the relationship between the HEDBA and the EIA and how they both complement each other and the extent to which they differ.</i></p> <p>Response:</p> <p>The terms 'Historic Environment Desk-Based Assessment' (HEDBA) and 'Heritage Impact Assessment' (HIA) are often interchangeable. However, in general terms, an HIA usually involves an analysis of only built heritage assets / receptors, and on some occasions may specifically exclude any assessment of the archaeological resource, whereas an HEDBA presents a holistic approach covering both built heritage and archaeological</p>

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	<p>considerations. The HEDBA [APP-112] provides information on the entire historic environment (built heritage, archaeological remains, and historic landscapes) and therefore that term has been used for the title of the technical appendix.</p> <p>The HEDBA and ES Chapter 6 [APP-037] are closely interlinked and complementary components of the overall EIA process. The HEDBA provides the baseline evidence and contextual analysis that underpins the final assessment of the Significance of Effects presented in the Chapter. As a Technical Appendix to ES Chapter 6, offering a detailed historic and archaeological baseline for both the Site and the wider study area, the HEDBA contains an assessment of significance for all identified heritage receptors, both above and below ground, supported by relevant photographs, drawings, and figures. This comprehensive background provides a robust understanding of the historic environment.</p> <p>Only those receptors identified in the HEDBA as having the potential to experience a significant effect are taken forward for assessment in the ES Chapter. This approach ensures that the ES remains focused and concise, avoiding the inclusion of extensive background material within the main chapter. In this way, the HEDBA supports brevity and clarity within the overall EIA structure.</p> <p>While the HEDBA and the EIA differ in scope, the former being primarily a baseline and significance assessment tool, and the latter a predictive and evaluative framework, they are designed to work in tandem. The HEDBA informs and strengthens the EIA by ensuring that the assessment of effects is grounded in a thorough understanding of the historic environment.</p>
Q5.0.5	<p>Question: <i>The ExA wish to understand whether the Stone Circle is currently accessible to the public either on a formal or informal basis.</i></p> <p>Response:</p> <p>The Applicant can confirm that there is no formal or informal public access to the Stone Circle and Cairn, or its curtilage. The Stone Circle is protected from grazing by a fence.</p> <p>The Scheduled Monument comprises ground level remnants rather than any features which might be visible beyond its immediate proximity. The nearest potential route to access the Site (subject to landowner permission) is from Dean Cross Road which forms the southernmost boundary of the Site. This is approximately 210m south of the Scheduled Monument at its closest point.</p>
Q5.0.6	<p>Question: <i>The ExA require a succinct document or table which articulates the findings of ES chapter 6, HEDBA [APP-112] and Planning Statement [APP-026]. In particular, the ExA wish to see:</i></p> <ol style="list-style-type: none"> <i>1) Which heritage assets and their settings would be affected by the proposal.</i> <i>2) The degree to which the settings of each asset make a contribution to significance and allow significance to be appreciated.</i> <i>3) The effects of the proposed development, beneficial or harmful, on significance of each asset.</i> <i>4) Exploration of ways to maximise enhancement and avoid or minimise harm, including specific details as to the measures proposed in each case.</i>

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	<p>5) <i>The extent of harm both without mitigation and the residual harm. This should be framed in relation to NPS EN-1, identifying the broad level of harm in these terms (substantial/less than substantial) and calibrating by setting out the harm within the broad level (for example, low, moderate, high level of less than substantial harm).</i></p> <p>6) <i>The specific public benefits in relation to each asset, where harm is identified.</i></p> <p><i>The ExA recognise that many aspects of this assessment have already been documented in chapter 6 of the ES. However, the ExA note that limited detail has been included in terms of potential enhancement (for example, [APP-027] recognises that appreciation of the designated Stone Circle will be enhanced through cultural heritage management strategies, but it is not clear what this management strategy is and how enhancement would be sought). It would assist the ExA if good practice guidance, such as that issued by Historic England (the Setting of Heritage Assets, 2017), was referred to in this respect. The above will ensure identified heritage impacts can be more readily interpreted by the ExA in the context of national legislation, policies and objectives.</i></p> <p>Response:</p> <p>In response to the list of items provided by the ExA, the following points of clarification are provided and summarised in the table which can be found at Appendix G [D2.7].</p> <ol style="list-style-type: none"> 1. The HEDBA [APP-112] identifies which heritage assets, and their settings would be affected by the Proposed Development. A Gazetteer of all heritage assets identified within the study area is provided at Appendix 1 of the HEDBA. 2. Where heritage assets within the study area have been identified as having potential to be impacted by the Proposed Development, they have been scoped into the assessment undertaken in the HEDBA. A detailed significance assessment is provided for each of these assets at 4.2 of the HEDBA. This includes consideration of the degree to which the setting of each asset makes to its heritage significance, if any. 3. Where heritage assets have been identified as having potential to experience an impact arising from the Proposed Development, the HEDBA provides an assessment of the anticipated impacts at Table 5.1. Where significant effects are identified and taken forward into ES Chapter 6, a detailed assessment of the effects of the Proposed Development has been undertaken. Table 6.3 within Chapter 6 clearly states whether the effects would be beneficial or harmful. 4. ES Chapter 6 demonstrates the embedded design mitigation to maximise enhancement and to avoid or minimise harm, including details as to the measures proposed in each case (for example the Archaeological Mitigation Strategy, ES Appendix 6.3 and the landscape buffers and green infrastructure shown on the LSP [APP-088]) 5. Table 6.8 'Table of Significance – Residual Effects' in Chapter 6 details the Significance of Effect of each receptor and the corresponding level of harm in accordance with the NPPF tests, substantial harm / less than substantial harm. Where less than substantial harm is identified, this is quantified as negligible, low, medium, high levels of less than substantial harm. 6. The specific public benefits have been detailed within the Planning Statement were applicable [AS-011].

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	<p>ES Figure 6.5 of the ES [D2.32] shows the proposed landscaping and permissive path access for (which would better reveal the significance of the Stone Circle by enabling public access and engagement with the asset). The details of interpretive materials (e.g. information boards) in regard to the Stone Circle will be provided as part of the LEP and LEMP.</p>
Q5.0.7	<p>Question: <i>English Lake District World Heritage Site (WHS) – chapter 6 of the ES. The ExA require the following clarification/information:</i></p> <ul style="list-style-type: none"> • <i>a copy of the relevant Management Plan for the WHS</i> • <i>an understanding of the relevance of the Lake District National Park Partnership's Management Plan 2020-2026 for the purposes of the WHS and for the purposes of identifying the significance of the WHS.</i> <p>Response:</p> <p>The Applicant has provided a copy of the LDNP Partnership's Management Plan (PMP) 2020-2026 at Appendix H of this document. [D2.7].</p> <p>Along with the sources listed in the HEDBA [APP-112] (such as the UNESCO WHS nomination documents), the PMP was used to establish the significance (or value) the of WHS for the purpose of the EIA. The PMP sets out the Partnership's vision and aspirations for the WHS and seeks to "ensure that the public benefits the natural and historic (and/or cultural) environment of the Lake District provides continue to deliver for future generations." It also identifies key challenges and objectives in order to manage change within the WHS to preserve its OUV.</p>
Q5.0.8	<p>Question: <i>ES chapter 7 (page 21) confirms that the visual effects from the WHS have been considered within the ES assessment and this considers the visualisations at VLs 13, 13a, 13b and 14. ES chapter 6, which concerns assessment of cultural heritage, does not refer to these viewpoints directly. The LVIA methodology [APP-119] which supports ES chapter 7, does not refer to any applicable guidance or standards in relation to the methodology for assessing the effects on landscapes in a world heritage context. Therefore, the ExA request the following:</i></p> <ul style="list-style-type: none"> • <i>why the viewpoints above have been chosen having regard to the Outstanding Universal Value/significance of the WHS and whether the LVIA methodology is appropriate in this context</i> • <i>the relevance of the visual effects identified in ES chapter 7 in relation to ES chapter 6</i> • <i>further written analysis of the visual effects having regard to the significance of the WHS</i> • <i>where there are visual effects identified, the extent to which mitigation has been considered and the effects thereof.</i> <p>Response:</p> <p>As set out in the PCD [APP-027] and the response to ExAQ 5.10.7, the Proposed Development is approximately 3.2km away from the LDNP and The English Lake District WHS which lies to the east/southeast of the Site. The design of the Proposed Development has sought to minimise effects on the LDNP and WHS. This has been achieved through careful siting of the panels, introduction of landscape mitigation, and the exclusion of generating station equipment (e.g. Work No. 1 and 2) from the elevated plateaus within the southern part of Area C.</p>

No.	Question / Applicant's Response
	<p>While there is overlap between the landscape and heritage topics, the VL themselves (identified as 13, 13a, 13b and 14) were chosen for the specific purposes of the LVIA [APP-039]. VLs were selected following consultation with the LDNPA who requested VL which would provide a representation of the <i>“outward views from the fell tops which represent highly sensitive recreational users of the National Park”</i>. As noted at 5.10.7, the choosing and preparation of the views/visuals to inform the LVIA, was undertaken in accordance with the guidance set out in GLVIA3.</p> <p>The VL assessed within the LVIA were carefully considered, based on professional judgement, informed by the ZTV and site walkovers. They were agreed with the LPA, as well as being reviewed by the LDNPA and Historic England. No concerns were raised in relation to the viewpoints taken forward within the ES Chapter from either a landscape or heritage perspective.</p> <p>While the assessment of visual effects undertaken in Chapter 7 [APP-039] from these VLs is different to the assessment of effects on the setting of heritage assets, they were chosen in collaboration between the landscape and heritage disciplines as being demonstrative of the visual changes within views outwards from the WHS towards the Irish Sea, as well as the relationship between the WHS and its wider landscape setting. Whilst not identified specifically in the OUV, elements such as local industries and surrounding settlements, and the agrarian landscape are identified as key attributes of the WHS's OUV.</p> <p>The VL are considered appropriate for the assessment of visual effects identified in both ES Chapters 6 [APP-037] and 7 and allow for an appreciation of the visual changes in a heritage context that will arise as a result of the Proposed Development.</p> <p>The English Lake District WHS was inscribed in recognition of its OUV that is derived from the interactions between its living agrarian and pastoral land uses and its spectacular natural landscape character. Criterion (ii), (v) and (vi) sets out the OUV (significance) of the English Lake District into three elements; 1) the beauty of the landscape, 2) the land use and 3) ideas associated with the WHS. The archaeological, historic, and artistic interest defines the significance of these elements.</p> <p>While the integral significance of the WHS predominantly is ‘contained’ within the boundaries of the WHS (and arises from the various natural and cultural elements within the boundaries) its setting has also been considered.</p> <p>The Site is located approximately 3.2km to the west of the WHS and would appear in the backdrop of long-distance views towards the Irish Sea from the WHS. These views have been identified as enabling the WHS to be understood within the wider landscape context, with the industrial elements and settlements creating somewhat of a juxtaposition with the natural beauty of the WHS itself.</p> <p><u>Viewpoints 13, 13a, 13b, and 14</u></p> <p>It was judged that the chosen VL are demonstrative of the visual changes within views outwards from the WHS towards the Irish Sea, as well as the relationship between the WHS and its wider landscape setting. Whilst not identified specifically within the OUV, elements such as local industries and surrounding settlements, and the agrarian landscape are identified as key attributes of the OUV of the WHS.</p>

No.	Question / Applicant's Response
	<p>The visual effects identified in Chapter 7 are relevant in relation to Chapter 6 as these viewpoints enable the WHS to be understood within the wider landscape context. It is judged that the Proposed Development will result in a change to the wider landscape setting of the WHS which will marginally affect views looking west from high points within the WHS.</p> <p>Within these views, the panels will be viewed against a backdrop of the existing industrial development of Workington and where visual effects have been identified, the proposed landscape mitigation [APP-088] has been considered within the assessment undertaken in the HEDBA as well as the LVIA.</p>
Q5.0.9	<p>Question: <i>ES chapter 6 paragraph 6.5.11 states that there is 'no potential for indirect impacts' yet minor adverse impacts are identified in the remainder of the paragraph. Clarify.</i></p> <p>Response:</p> <p>The inclusion of the word 'no' within paragraph 6.5.11 of the ES Chapter 6 Historic Environment [APP-037] is an error and does not reflect any erroneous assessment or conclusions.</p> <p>Paragraph 6.5.11 has been corrected to read: <i>"There is potential for indirect impacts on the setting of this heritage receptor during the construction phase due to distance and nature of the expected construction impacts is therefore assessed as likely having a short-term, minor adverse and non-significant effect on this receptor."</i></p>
Q5.0.10	<p>Question: <i>The figure showing Heritage Assets within 3km [APP-076] illustrates that the boundary of Conservation Areas is identical to the boundary of the WHS. Please amend the plan if it is incorrect.</i></p> <p>Response:</p> <p>This is an error in the legend including on Figure 6.1 within ES Chapter 6 [APP-037].</p> <p>The Applicant can confirm that the WHS designation does not benefit from an additional designation as a Conservation Area. An updated version of ES Figure 6,1, 'Heritage Assets within 3km' [APP-076] is provided with the Deadline 2 submissions.</p>

7 Landscape and Visual Effects

Table 7.1: Landscape and Visual Effects

No.	Question / Applicant's Response
Q6.0.1	<p>Question: <i>The ExA recognises that Section 11A National Parks and Access to the Countryside Act 1949, as a result of amendments facilitated by the Levelling-Up and Regeneration Act 2023, seeks to 'further' the statutory purposes for which the National Park has been designated. This differs from the previous duty, which required any relevant authority 'have regard' to the statutory purposes.</i></p> <p><i>In addition, paragraph 5.10.8 of NPS EN-1 states: The duty to seek to further the purposes of nationally designated landscapes also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. In these locations, projects should be sensitively given the various siting, operational, and other relevant constraints. The Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development.</i></p> <p><i>The ExA request a statement setting out the effect of the proposed development on the Lake District National Park LDNP having regard to the assessment undertaken as part of ES chapter 7 and the legislative duty and NPS EN-1, as set out above.</i></p> <p>Response:</p> <p>As set out in the Policy Compliance Document (PCD) [APP-027] at paragraphs 5.10.7-8, the Proposed Development is approximately 3.2km away from the LDNP which lies to the east/southeast of the Site, and the Proposed Development has sought to minimise effects on the LDNP through careful siting, with the exclusions of generating station equipment from the elevated plateaus within the southern part of Area C.</p> <p>The Applicant has also collaborated with the LDNPA on the development of a landscape strategy (see the LSP [APP-088] intended to help break up long distance views through the introduction of new and enhanced existing landscape features throughout the Site which are appropriate and proportionate to the Proposed Development. As set out in Section 5 – (Design Evolution) of the Design Approach Document (DAD) [APP-029], the LDNP was a key consideration from the inception of the project, influencing Site selection and the siting of infrastructure within the Site.</p> <p>The ExA will note that the Applicant's proposals have been designed to have limited / no significant impact on the designated landscape, mitigating the 'duty to seek to further' introduced by the Levelling-Up and Regeneration Act 2023 (and in compliance with EN-1) . As set out in the PCD [APP-027], and response to paragraph 5.10.8 of NPS EN-1, the Applicant would reiterate the point that, 'in summary, no significant adverse residual landscape impacts to the LDNP are reported across the construction, operational and decommissioning phases of the Proposed Development.'</p> <p>The dSoCG with the LDNPA [D2.12] submitted at Deadline 2, sets out that the Authority is in agreement that the Applicant has considered the LDNPA's advice, regarding seeking to break up long distance views by implementing screening, and that this mitigation is appropriately secured via the LSP and OLEMP [APP-145] alongside the parameters for the extents of development within the Works Plans [APP-007].</p>

No.	Question / Applicant's Response
	The LDNP agrees that the design of the Proposed Development has been carefully considered with respect to minimising the impact on the LDNP based on the landscape strategy and the exclusion of generating station equipment from the elevated plateaus within the southern part of Area C.
Q6.0.2	<p>Question: <i>The Landscape Strategy plan [APP-088] includes a number of colour coded features which are similar and difficult to discern (for example, existing and proposed hedgerows). Please amend.</i></p> <p>Response: The Landscape Strategy Plan (LSP) [APP-088] has been revised to provide a clearer distinction between the coded features to better identify the various features. The revised LSP [D2.28] is submitted at Deadline 2</p>
Q6.0.3	<p>Question: <i>ES chapter 7 paragraph 7.3.41 refers to Landscape Institute guidance but there is limited analysis of the proposed development in the context of this guidance.</i></p> <p><i>It is requested that detailed justification is provided to support the conclusion that 'the threshold for RVAA is not met'. Notwithstanding this, the ExA also notes that relevant representations have been received concerning residential visual amenity. Therefore, it may be prudent to carry out a Residential Visual Amenity Assessment (RVAA) or produce an equivalent appraisal so that the ExA have a better understanding of the potential impact on residential visual amenity, particularly given the location of these properties relative to the site.</i></p> <p>Response: Throughout the EIA process the Applicant has consulted with the Council and no request for a Residential Visual Amenity Assessment (RVAA) was made. As set out in ES Chapter 7 – Landscape and Visual Impact [APP-039] the Applicant considers that none of the residential properties within proximity to the Proposed Development would be affected to such an extent that it becomes a matter of 'residential amenity' (RVAA, 2019)⁹.</p> <p>The Applicant has identified a number of residential properties within close proximity to the Site and has sought to provide information on visual effects through the selection of representative VLs from publicly accessible locations including those adjacent to some of these properties as agreed with the Council. As presented in ES Appendix 7.5 - View Location Photosheets [APP-126 to 133] this includes Jackie Hill and Rigg House Farmhouse (VL7), Dean Cross Cottage (VL6a and 6b), Colingate (VL2b), and Wythemoor Sough and Wythemoor House (VL9).</p> <p>Branthwaite Row and Brookfield were discounted due to the intervening vegetation present along Branthwaite Edge Road which restricts visibility of the Proposed Development and the results of the ZTV analysis as shown on ES Figures 7.5a - Zone of Theoretical Visibility of Work No.1 Solar PV Infrastructure with View Locations [APP-085], and 7.5b - Zone of Theoretical Visibility of Work No.2 Grid Connection Infrastructure with View Locations [APP-086].</p>

⁹ Landscape Institute (2019) Residential Visual Amenity Assessment (RVAA) Technical Guidance Note 2/19. Available at [tgn-02-2019-rvaa.pdf](https://www.landscapeinstitute.org/wp-content/uploads/2019/02/tgn-02-2019-rvaa.pdf)

No.	Question / Applicant's Response
	<p>With regard to the thresholds for RVAA in all instances it is considered that the Proposed Development's visibility within views from the residential properties would not lead to an encroaching, overwhelming, or unavoidable presence in views from the properties and therefore it was concluded a RVAA is not required.</p> <p>However acknowledging this question, a short desk-top visual appraisal has been compiled in response providing <i>'justification to support the conclusion that 'the threshold for RVAA is not met'</i> for the residential properties identified. Two properties (Wythemoor House and Rigg House Farmhouse) have not been considered in detail as these are represented by neighbouring properties (Wythemoor Sough for Wythemoor House, and Jackie Hill for Rigg House Farmhouse). This is considered to represent a worst case scenario due to the Wythemoor Sough and Jackie Hill being closer to the Proposed Development and / or the orientation of the properties to the Proposed Development and presence of intervening features (landform and / or vegetation).</p> <p>The following appraisal provides details on four properties (Jackie Hill, Dean Cross Cottage, Colingate, and Wythemoor Sough) and their potential visual relationship with the Proposed Development and provides a brief conclusion on whether the Proposed Development would result in an encroaching, overwhelming, or unavoidable presence within views.</p> <p>The residential properties are identified on the updated LSP (ES Figure 7.6.1) submitted at Deadline 2.</p> <p>The appraisals follow the guidance provided by the Landscape Institute Technical Guidance Note 2/19 (2019) on Residential Visual Amenity (RVA) assessment, which states that RVAA means <i>'the overall quality, experience and nature of views and outlook available to occupants of residential properties, including views from gardens and domestic curtilage.'</i></p> <p>It should be noted that where distances from the properties themselves and their curtilages are indicated as being <i>'to the nearest element'</i>, the elements relate to the presence of Work No 1 (Solar PV infrastructure), Work No 2 (Grid Connection infrastructure), and Work No 2A (POC masts) as these are considered to be the elements that would result in potentially adverse visual effects as a result of their presence within the view.</p> <p>The appraisal presented here considers only the visual aspects of residential amenity. Where necessary, other aspects of residential amenity are considered in the relevant chapters of the ES. Further information on Glint and Glare is set in 6.3 ES Appendix 7.9 - Glint and Glare Assessment [APP – 147 and 148].</p> <p><u>Property 1: Jackie Hill</u></p> <ul style="list-style-type: none"> Distance to nearest element: Dwelling: 100m (approximate), Curtilage: 80m (approximate) Orientation of Frontage: Southwest/West Direction to Proposed Development: West

No.	Question / Applicant's Response
	<p><u>Description</u></p> <p>This dwelling is a single storey bungalow situated along Branthwaite Edge Road, with the dwelling set back some 20m from the road itself. The property's boundary comprises mid-height post and slat timber fencing to the rear and sides, while the front is bounded by a short to mid-height mature maintained hedgerow. Gappy maintained hedgerows line the northern boundary, while a linear belt of mature trees partially line the southern boundary.</p> <p>The dwelling features a glass conservatory on its southern façade. The properties main entrance is to the south-westerly facing front, accessed off a gravel driveway to the rear which is utilised for parking.</p> <p><u>Views</u></p> <p>From the front of the dwelling, open views are available to the west towards the Proposed Development from two windows, and from the conservatory. These views would be curtailed to a degree by the existing vegetation and proposed strengthened hedgerows along Branthwaite Edge Road which mark the eastern boundary of Area C as shown on ES Figure 3.1 Solar Farm Area Plan [APP-046]. The northern side of the dwelling also features two windows, and there is some potential for views towards Areas A and B, although these would be limited by a combination of landform, intervening vegetation and the built form of Rigg House farm buildings to the north. No other noteworthy views towards the Proposed Development are predicted.</p> <p>From the front garden, views towards the Proposed Development would be similar to those experienced from the front windows of the dwelling given the similar level and orientation. Oblique views would be possible from the driveway as it passes the front of the property.</p> <p><u>Conclusion</u></p> <p>Views towards the Proposed Development would be available from the front of the dwelling including the conservatory on the southern facade, and the front garden of the property. These views would predominantly, if not entirely, consist of solar panels, these offset from the roadside boundary and orientated so the side elevation is more apparent to the east, with proposed planting, including hedgerows with hedgerow trees screening views towards the panels to the north.</p> <p>This separation, along with the proposals to enhance existing boundary features and add new landscape structure elements leads to the conclusion that the Proposed Development would not lead to an encroaching, overwhelming or unavoidable presence in views from this property. The solar panels, although visible, would not become an inescapable feature due to the continued ability to experience the wider landscape. As a result, the RVAA Threshold is not considered to have been met at this property.</p> <p><u>Property 2: Wythemoor Slough</u></p> <ul style="list-style-type: none"> Distance to nearest element: Dwelling: 190m (approximate), Curtilage: 150m (approximate)

No.	Question / Applicant's Response
	<ul style="list-style-type: none"> • Orientation of Frontage: Southeast • Direction to Proposed Development: Southeast <p><u>Description</u></p> <p>This dwelling, which is a Grade II Listed Building [1327185], comprises two storeys, with the house accessed from the rear via a gravel driveway which leads off Branthwaite Road. The dwelling is set back from the road by some 50m and is orientated in a south-easterly direction. The curtilage of the residential property mainly comprises mid-height-maintained hedgerow, with hedgerow trees featuring to the rear of the property. The front of the curtilage is bounded by mid-height timber post and wire fencing. Within the front garden there are two trees, one of notable size and maturity, and another younger specimen.</p> <p><u>Views</u></p> <p>With the nature of properties orientation and slightly elevated location, views are afforded to the southeast towards the LDNP from the front windows across the adjoining land. Trees within the property result in partially contained views, however the effect of this would be limited. Views towards the Proposed Development are not possible from the remaining parts of the property given its orientation. From the front of the property, views will be possible towards Work No 1 within Area A in particular, and within Area C to a lesser extent. There would be potential views of the POC masts which would be visible in the context of the other existing infrastructure.</p> <p><u>Conclusion</u></p> <p>Views from the front of the property looking southeast would perceptibly change as a result of the Proposed Development, and although it is understood these views are likely to be primary for the household, the change would not be overwhelming, and there would be some existing context as noted previously including views to the LDNP. The mitigation proposals would, by Year 15 provide some level of visual screening, however visibility of much of the development within Area A, and to a lesser extent Area C would remain.</p> <p>Furthermore, the separation of the property from the Proposed Development should be considered, as this ensures that inclusion of the solar panels within the view would not lead to an encroaching, overwhelming or unavoidable presence in views from this property. There would be a number of views from windows at the dwelling where no views of the Proposed Development would be possible.</p> <p>As a result, the RVAA threshold is not considered to have been met at this property.</p> <p><u>Property 3: Dean Cross Cottage</u></p> <ul style="list-style-type: none"> • Distance to nearest element: Dwelling: 140m (approximate), Curtilage: 110m (approximate) • Orientation of Frontage: East • Direction to Proposed Development: Northwest/west

No.	Question / Applicant's Response
	<p><u>Description</u></p> <p>It should be noted that the description of the property below relates to the main dwelling and its associated domestic curtilage, <u>not</u> the wider extents which includes buildings and land in relation to the adjacent garage/commercial enterprise</p> <p>This dwelling comprises two storeys and lies at the corner of the junction with Branthwaite Edge Road and Dean Cross Road, with the front façade of the dwelling facing northeast onto Branthwaite Edge Road. The house features a small extension to the southern façade, a larger extension to the northern façade which feature north and west facing doors and one north facing window, and another small extension on the western façade which features double patio doors and a small window. There are four westerly facing windows on the western façade of the main building over two storeys. The western extension leads onto the rear garden of the property which features a small garage, grass lawn and border planting. The rear garden is predominantly bounded by a mid-height dry-stone wall, while the front of the property is open to the road, separated by pavement.</p> <p><u>Views</u></p> <p>Views from the front of the property look broadly east/southeast across the Braithwaite Edge Road to agricultural fields and rising ground around Jackie Plantation. Views north are largely curtailed by the buildings associated with the Fulton's Land Rover business, however there may be glimpsed views from the rear garden within the dwelling through gaps in the commercial buildings, with limited views along the eastern extents of Area C possible. Views south look across Dean Cross Road towards extensive agricultural land and the distant fells of the LDNP.</p> <p>Views west are curtailed by the coniferous tree belt which marks the western boundary of the adjacent commercial property, and the associated commercial buildings. Wider glimpsed views may potentially be available from first floor windows at the rear of the dwelling; however, this is considered a worst-case scenario as the desk-based appraisal did not include a visit to the dwelling to confirm this and the Applicant considers views of the Proposed Development from these windows would be very restricted due to the western orientation and the intervening Land Rover business located to the north of the property.</p> <p><u>Conclusion</u></p> <p>It was not possible to conclude which views are 'primary views' from this dwelling, but it is considered these are likely to be either east or west facing due to presence of windows. As mentioned previously, views east do not look towards the Site, and views west are generally curtailed by vegetation and built form associated with the commercial enterprise. Secondary views which are likely to be experienced from the north and south facing facades are similar in nature, with no views of the Proposed Development to the south, and very limited views to the north.</p> <p>During the iterative design process, the solar panels associated with the Proposed Development were moved further north of the property, and mitigation planting, including hedgerows with hedgerow trees and scrub planting, was proposed to reduce the potential for visual effects from this property as-a-whole, despite the already constrained views of the residential property therein.</p>

No.	Question / Applicant's Response
	<p>This separation, along with the proposed mitigation planting leads to the conclusion that the Proposed Development would not lead to an encroaching, overwhelming or unavoidable presence in views from this property. The solar panels, or any associated infrastructure, would not become an inescapable feature.</p> <p>As a result, the RVAA threshold is not considered to have been met at this property.</p> <p>Property 4: Colingate</p> <ul style="list-style-type: none"> Distance to nearest element: Dwelling: 170m (approximate to Area C), Curtilage: 140m (approximate to Area C) Orientation of Frontage: Northeast/Northwest Direction to Proposed Development: East <p><u>Description</u></p> <p>This property comprises two adjoined two storey buildings forming an 'L' shape with a gravel courtyard to the front which in turn faces onto Gilgarran road. The 'main' building, orientated northwest, also adjoins a building which appears to be former stables, extending approximately 17m northeast. Another extension abuts the main building to the south, and a small outhouse and greenhouse lie to the rear of the dwelling. Aside from the courtyard which extends around the east of the property, there is a grass lawn to the southern and western periphery. The dwelling is bounded by a combination of mid-height stone walls and timber gates to the front, and post and wire fencing with scrub and hedgerow across the remainder.</p> <p><u>Views</u></p> <p>Primary views from this property and dwelling appear to be north-westerly and north-easterly in orientation. This results in the potential for filtered north-easterly views towards solar panels within Area B (approx. 260m at its closest), however north-westerly views would not contain the Proposed Development. Views from the south of the property, partially in the direction of the Site towards Area C (approx. 140m), are curtailed by Saw Mill Quarry Wood, while views southwest are curtailed by vegetation along the property's curtilage boundary.</p> <p><u>Conclusion</u></p> <p>Views from this property are generally curtailed by intervening vegetation and/or landform in all directions. Solar panels within Area B would be visible from Colingate looking northeast, however these would make up a small overall portion of the view and would be viewed in context with the Wind Farm turbines.</p> <p>The separation of the property from the Proposed Development, along with the limited views available from the property leads to the conclusion that the Proposed Development would not lead to an encroaching, overwhelming or unavoidable presence in views. The solar panels would not become an inescapable feature.</p>

No.	Question / Applicant's Response
	As a result, the RVA threshold is not considered to have been met at this property.
Q6.0.4	<p>Question: <i>ES chapter 7 Schedule of Visual Effect [APP-121] identifies significant effects in relation to viewpoints VL6a/6b. The ExA require the following:</i></p> <ul style="list-style-type: none"> <i>the extent to which alternative design iterations have been considered to avoid these effects (embedded mitigation)</i> <i>the extent to which additional mitigation has been considered to reduce effects.</i> <p>Response:</p> <p>The Appendix 7.3 - Schedule of Visual Effect [APP-121] identifies Major to Substantial level of significance occurring during construction phase, reducing to a Major level of significance during operation (year 1), further reducing to a Moderate level of significance following establishment of landscape measures. This level of significance occurs as a result of the High sensitivity of the receptor (residential) and the varying magnitude of effects which vary from Major during construction reducing to Slight during operation, year 15, once landscape measures have established. Due to the topographical variation of the landscape, it would not be possible fully screen views of the Proposed Development from this receptor without exclusion of large parts of the energy generation equipment and / or restriction of views to the wider landscape and as such the design has sought to balance these constraints.</p> <p>At PEIR, the extent of Work No.1 was located closer to the receptor and an offset of approximately 150m was proposed. Through design evolution and consideration of the specifics of the receptor and potential visibility it was concluded that the distance to Work No.1 could be reduced to approximately 140m in a westerly direction (due to the presence of intervening vegetation features along the boundary of the Order Limits / commercial premises which screen the Proposed Development), and it should be extended to approximately 250m in the northerly direction when considering the natural topography (which as a result of the natural topography falling to the north, aids screening the Proposed Development from the view) supported the approach to balance maintaining distant views and screening foreground views of the Proposed Development. The movement of the Work No. 1 also responded to requests from the residents at this location.</p> <p>Furthermore, additional landscape measures were proposed to aid screening of Work No. 1 in westerly and northerly views from the receptor, through a combination of proposed native hedgerow planting to the perimeter of Work No.1 with hedgerow trees, with scrubland planting to the foreground of this proposed feature. In combination it is considered these features will offer filtering off views to the Proposed Development and Work No1. The combination of sitting Work No.1 and landscape measures provides filtering off views to Work No.1 but maintains more distant views to the north towards the surrounding landscape features.</p> <p>It is also worth noting that the views experienced at VL6a and 6b represent a worst-case scenario visual experience as the views from the roadside are generally unrestricted towards the Proposed Development. The visual effects that would be experienced from Dean Cross Cottage as set out in the response to Q6.03, would be reduced as a result of the intervening commercial units which restrict visibility towards the Proposed Development.</p>

No.	Question / Applicant's Response
Q6.0.5	<p>Question: <i>A table is required detailing the distance of the solar panels and/other associated infrastructure from a) the boundary of the nearest dwellings/properties (a plan could be provided instead) b) the distance to dwellings/properties c) the factors that have been considered in determining the suitability of the distance d) any additional mitigation/enhancement proposed in relation to the dwellings/properties.</i></p> <p>Response:</p> <p>A table setting out the requested information for each residential dwelling / property has been prepared and can be found at Appendix I [D2.7].</p> <p>Further detail is set out in the response to Q6.0.3. In addition, in response to Q6.0.5c the Applicant would highlight that there is no industry standard offset for this type of development from residential properties. 50m is often a useful starting point (as defined as a minimum offset on other recently consented solar developments including Cottam Solar Project and the West Burton Solar Project) but a case-by-case distance is taken regarding the individual characteristics of the receptor and the appropriate distance. This considers the orientation of receptor to the Proposed Development, topographical variation between the receptor and Proposed Development, and the presence of existing vegetation or built form which may impact visibility of the Proposed Development.</p>
Q6.0.6	<p>Question: <i>Please provide the ExA with a Zone of Theoretical Visibility (ZTV) which includes screening/mitigation associated with the proposed development or clarify which existing ZTV(s) show this.</i></p> <p>Response:</p> <p>The ZTV analysis as identified in 6.3 ES Appendix 7.1 Landscape and Visual Methodology [APP-119], is a tool in the LVIA process. A range of ZTV analysis has been undertaken which shows the theoretical visibility because of the natural topography and of the existing landscape features (woodland including Ancient Woodland and built form but not including hedgerows or individual trees which could also provide additional screening). However, a ZTV analysis considering the effects of the proposed landscape measures has not been prepared. This is because the Applicant does not consider this would provide any additional useful information, a result of the nature of the Proposed Development and the landscape measures and landscape strategy proposed.</p> <p>The Landscape Strategy Plan (LSP) [APP-088] shows a range of measures including structural landscape measures (broadleaved woodland, and scrubland) and hedgerows (including reinforcement), trees and other measures. The landscape strategy includes measures around the perimeter and throughout the Site which respond to the existing land pattern and surrounding green infrastructure with the overall aim to improve ecological connectivity through the Site and provide visual screening.</p> <p>Typically, ZTV's prepared to identify the effects of proposed landscape measures would only consider larger forms of structural landscape (broadleaved woodland, and scrubland), and would exclude smaller forms of vegetation such as hedgerows or individual trees. Given the generally limited introduction of structural landscape measures and wider focus on new hedgerows (including reinforcement), and trees as shown on the LSP,</p>

No.	Question / Applicant's Response
	<p>the Applicant considers that this additional analysis would be misleading as it would not consider all proposed measures which would influence visual screening.</p> <p>Given the above the Applicant does not consider it necessary to include a ZTV which considers proposed landscape measures.</p>
Q6.0.7	<p>Question: <i>The CLVIA page 12 [AS-005] includes a table which alludes to 'locally' in terms of magnitude of impact and degree of significance. Please explain:</i></p> <ul style="list-style-type: none"> <i>whether the table, including the terminology used, is in accordance with Guidelines for Landscape and Visual Impact Assessment 3rd edition (GLVIA 3) guidance or other guidance</i> <i>where the stated 'local' impacts as above are derived from (for example, whether they are taken from the description of landscape changes as set out in the ES, or whether they are landscape and visual judgments made by the author(s) of the CLVIA).</i> <p>Response:</p> <p>The Applicant notes that this question is directed to the Council.</p>
Q6.0.8	<p>Question: <i>A response to the CLVIA should be provided, with a particular focus on:</i></p> <ol style="list-style-type: none"> <i>whether VL2b and VL3c are suitable locations having regard to potential for higher level of effects further east along the road</i> <i>clarification in relation to VL14 as well as grid references and dates of photographs</i> <i>as per para 2.36 of the CLVIA – provide a summary table of significant effects</i> <i>comments on the 'Proposed additional viewpoints' set out on page 20 of the CLVIA</i> <i>the points raised on pages 22 and 23 of the CLVIA.</i> <p>Response:</p> <p>The Applicant has provided a response on the CLVIA in the Applicant Response to Relevant Representations (ARRR) [REP1-002] submitted at Deadline 1. In summary the following responses are set out to the points raised in Q6.0.8:</p> <ul style="list-style-type: none"> All VL were agreed with the Council and the LDNPA as part of the consultation prior to undertaking the assessment. 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. The Applicant acknowledges the statement in relation to VL 3c and that there could be a worsening of effects for users of the road as they travel further east. However, it is considered 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').

No.	Question / Applicant's Response
	<ul style="list-style-type: none"> 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 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 to the Site. Furthermore, the Council's Additional Submission concludes in Para 2.17 that '<i>Overall, the scope of the assessment is proportionate to the scale of the proposed development</i>'. The Applicant acknowledges the error regarding VL14 description and has updated ES Chapter 7 and associated appendices to make it clear that this view is taken from Darling Fell. This has also been discussed with the LDNPA and is agreed with the LDNPA as being a representation of views from the Fellbarrow range. 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 The Applicant acknowledges the comment regarding grid references and these administrative corrections will be made to Appendix 7.5 – View Location Photosheets [APP-126 to APP-133] and Appendix 7.6 – Visualisations [APP-134] for Deadline 2. ES Chapter 7 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 Chapter 7, Table 7.7: Table of Significance – Landscape and Visual. This approach complies with ES the EIA Regulations 2017, and the additional tables would increase the overall size of the Chapter and would be a presentational change only. The Applicant therefore considers further tables unnecessary. Regarding additional view locations, all VL were agreed with the Council and LDNPA as part of the consultation prior to undertaking the assessment, and overall, it is considered the representative VLs within Chapter 7 provide a reasonable overview of visibility from nearby routes and roads with similar proximity to the Site. Furthermore, the Council's Additional Submission concludes in Para 2.17 that '<i>Overall, the scope of the assessment is proportionate to the scale of the proposed development</i>'. The Applicant has provided a response on the points listed on pages 22 and p3 of the CLVIA within the ARRR submitted at Deadline 1.

8 Other / General

Table 8.1: Other / General

No.	Question / Applicant's Response
Q7.0.1	<p>Question: <i>There does not appear to be any provision made for a scheme/plan which promotes local employment and skills. With reference to local policies and NPS EN-1, please set out how the proposal meets requirements in this regard and, if it does not, please set out how policy compliance could be achieved.</i></p> <p>Response:</p> <p>The PCD [APP-027] references the PEIR Socio-Economic chapter with regards to compliance with NPS EN-1 paragraph 4.1.2, which in turn refers to the need for development to facilitate economic development and the creation of jobs. Socio-Economic as a topic was not included in submitted version of the ES, as the PEIR assessment concluded the effects were not considered to be significant. The only significant effects identified related to landscape and visual amenity and climate change, and these were covered in their respective ES chapters (7 and 9).</p> <p>The Socio-Economic Chapter is provided as ES Appendix 2.7 [APP-104] for context. This includes the following information:</p> <ul style="list-style-type: none"> • Paragraph 10.3.12 'A realistic, yet 'worst-case' scenario for assessing employment effects is to therefore assume that the labour will not be sourced from within the Wider Study Area.' • Paragraph 10.5.8 'Whilst endeavours will be made to ensure that a proportion of these jobs will be available to residents of the Wider Study Area, until a contractor is appointed the exact number of local jobs that will be supported cannot be guaranteed.' <p>Employment creation and economic benefit would be realised through employment opportunities within the supply chain to the Site, workers involved in the construction of the Site, and the income for nearby hotels and accommodation.</p> <p>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. However, a scheme/plan which promotes local employment and skills is not proposed. This is because the Applicant cannot commit to providing a particular proportion of workers who would be local to the Site, as the number of workers who may be employed locally will depend on the availability of people with a particular set of skills, and for those to be available for a short term period (likely 18 months). The Applicant will, however, continue to engage with the Council to explore opportunities to promote local employment wherever possible.</p>
Q7.0.2	<p>Question: <i>Please provide a contour plan of the site with spot levels both as existing and as proposed on works plans. The purpose is so that the ExA can better understand the land levels across the site relative to the proposal.</i></p> <p>Response:</p>

No.	Question / Applicant's Response
	<p>A Topographical Map [APP-082] which demonstrates the existing land levels was provided as Figure 7.3 of ES Chapter 7 [APP-039].</p> <p>The range of levels is provided within the key, and the Applicant's view is that this is an appropriate level of detail, given the nature of the development, uncertainty around if or where changes to levels would take place, and the extent to which any changes to levels will be perceptible.</p> <p>The Work No. 1 Solar PV Infrastructure would be established at the existing ground level, as described in paragraph 3.4.7 of ES Chapter 3 - Site and Proposed Development [APP-034]. This is typical for solar development in the UK in general. The ES has assessed impacts of Work No 1 based on arrays following the existing topographic contours and no part of the application includes proposals to change the landform to accommodate solar arrays.</p> <p>The possible need to make changes to the levels is likely limited to the establishment of a level base for the Work No. 2 Grid Connection Infrastructure which would take place within a limited area (up to 1.2ha as per the DPD [APP-028] within Works Area 2. As described within ES Chapter 3, section 3.4, the final position of the substation, and foundation design (including changes to levels) can only be established post consent, as part of the detailed design with ENW.</p> <p>It is reasonable to expect negligible changes to the levels themselves as the only moderately probable earthworks would be for the provision of foundations for the Work No 2 infrastructure, with the final details to be provided to the Council as part of the information to discharge the Detailed Design DCO Requirement.</p>
Q7.0.3	<p>Question: <i>In relation to the Lake District National Park Partnership's Management Plan 2020 – 2026:</i></p> <ul style="list-style-type: none"> <i>• please set out the status of this document for the purposes of decision making</i> <i>• the extent to which it is relevant and has been considered in relation to the oLEMP [APP-145]</i> <i>• the extent to it has been considered in relation to the scheme's overall design approach, along with the relevance of this document in a design context.</i> <p>Response:</p> <p>The Applicant has considered the relevant policies from the LDNP Partnership's Management Plan 2020-2026 (PMP) within the Planning Statement [AS-010] and within ES Chapter 7 – Landscape and Views [APP-039] to highlight that the Proposed Development's design has been informed by consideration of the Lake District's ambitions, and in order to be sensitive from the potential visual relationship with the Lake District, while recognising that the Site does not lie within the LDNPA's administrative boundary.</p> <p>The relevance of the PMP has been discussed with the LDNPA who have confirmed that the appropriate status of its management plan for the Proposed Development is for consideration but not compliance. Please refer to the dSoCG with the LDNPA [D2.12] submitted at Deadline 2</p>

No.	Question / Applicant's Response
	<p>The PMP's relevance to the Proposed Development aligns with the comments made in ES Chapter 7 and in section 6.4 of the DAD [APP-029] which highlight how engagement with the LDNPA and consideration of the potential visual effects on the LDNP have informed the maximum extents of the siting of infrastructure within the Works Plans [APP-007]. In addition, the DAD explains how the mitigation planting which would be secured by the LSP [APP-088] and OLEMP [APP-145] respond to the need to minimise impacts on LDNP.</p>
Q7.0.4	<p>Question: <i>Section 4.2 of the Glint and Glare Assessment [APP-147] relates to Gilgarran airfield. Notwithstanding the conclusions of this assessment, the ExA would like more information concerning the status of the airfield and its operations, including:</i></p> <ul style="list-style-type: none"> <i>the operator of the airfield and whether they have been consulted on the proposal</i> <i>the relevance of the airfield being a certified and/or licensed aerodrome in relation to its operations</i> <i>any other information which may assist the ExA in determining the nature and scale of the airfield and its operations.</i> <p>Response:</p> <p>There is a well-established precedent for solar farms located in proximity to intensively used airfields, including major international airports and MOD/RAF facilities.</p> <p>The Applicant became aware of the field's use as an unlicensed aerodrome through discussion with a local resident at non-statutory consultation. As a resident of Gilgarran, the owner of the field (which is located outside of the Order Limits) has been consulted and has not raised any concerns in non-statutory or statutory consultation.</p> <p>The Glint and Glare Assessment [APP-147 & APP-148] discusses Gilgarran Airfield. The airfield is unlicensed which means it can be used for a maximum of 28 days, which is the worst-case scenario assessed in the Assessment. A desk-based review of satellite imagery of the Site suggests that it is not in frequent use due to the lack of an obvious landing strip in the agricultural field and its unregistered status.</p> <p>As set out within the Assessment, no significant effects are anticipated to pilots using the airfield. Glint and glare effects which could be experienced by pilots will typically coincide with the glint and glare of the sun, although the informality of this airfield and lack of runway means it is not possible to model possible flight paths. Nevertheless, there is no way to mitigate the effect itself other than a do-nothing scenario which is clearly not necessary given the proximity of solar farms to major international airports, established aerodromes, and informal temporary aerodromes like the Gilgarran Airfield.</p> <p>The recommended mitigation for glint and glare is therefore only to advise the airfield owner/operator of the final design and glint and glare model so that they can advise any pilots who may make use of the field. At para 4.7.6 the OCEMP [APP-108] makes a commitment that the final CEMP (DCO Requirement 4) will be informed by an updated glint and glare model based on the final layout of Work No. 1 across the Site.</p>

No.	Question / Applicant's Response
	<p>This will be used to inform whether any temporary barriers need to be erected during construction for ground-based receptors to provide screening ahead of the implementation and sufficient maturation of new landscaping. This part of the OCEMP is being updated to include the commitment that the final layout and associated glint and glare modelling will also be provided to the owner of the Gilgarran Airfield.</p>

9 Soils

Table 9.1: Soils

No.	Question / Applicant's Response
Q8.0.1	<p>Question: <i>What is the approximate volume of soils to be stripped? Are there potential visual effects associated with soil bunds of up to 3m in height and to what extent has this been considered in landscape and visual terms? Can you clarify to what extent soil bunds are intended to meet the objectives set out in para 1.1.4 of the oLEMP [APP-145].</i></p> <p>Response:</p> <p>The Applicant is not intending to strip any significant volume of soil. Further, the Applicant is not proposing to store soil for landscape mitigation purposes and there are no soil bunds up to 3m high (or less) proposed as part of the LSP [APP-088].</p> <p>As described in 3.1.4 of the OSMP [APP-110] soil removal is likely to be limited to the area associated within the development of Work No. 2 Grid Connection infrastructure, establishment of temporary compounds, and implementation of PCS units dispersed across the Site as well as short term storage during cable trenching.</p> <p>Where stockpiles/bunds of soil are created, this would be purely for the purposes of temporarily storing the materials appropriately for the duration of the construction period in accordance with best practices measures set out in the OSMP and the OCEMP [APP-108].</p> <p>Should there be any stockpiles which cannot be reinstated, and they could not be retained on Site (e.g. spreading in areas where topsoil is thin) they would be disposed of off-Site in accordance with best practice requirements, with details to be provided in the final SMP.</p> <p>The LVIA in ES Chapter 7 [APP-039] has considered the worst case effects of construction activities, including the reversible storing of materials during the short term construction period.</p>

10 Noise

Table 10.1: Noise

No.	Question / Applicant's Response
Q9.0.1	<p>Question: <i>The Noise and Vibration Impact Assessment [APP-103] relies on the siting of plant associated with 'Works No 1' to ensure that impacts are below 'Significant Observed Adverse Effect Level' (SOAEL) and thus are not significant for the purposes of EIA (secured by requirement 12 of the dDCO). Therefore, the mitigation proposed in relation to micro-siting of Works No 1 appears to be predicated on ensuring any noise does not exceed the 'Lowest Observed Adverse Effect Level' (LOAEL). Can you confirm whether the mitigation is intended to ensure no significant effects as opposed to no adverse quality of life or amenity effects?</i></p> <p><i>Can you clarify which receptors may experience LOAEL?</i></p> <p><i>In respect of LOAEL, the ExA require the scheme to be assessed against the Noise Policy Statement for England (also reflected in Planning Practice Guidance) and the accompanying Noise Exposure Hierarchy Table (Policy EN-1 para 5.12.2 highlights its relevance).</i></p> <p><i>The ExA will need to understand the nature and extent of any adverse impacts. If adherence to LOAEL is sought, the ExA need to understand the extent to which additional mitigation has been considered in accordance with the Noise Policy Statement, or if it has not been considered, why?</i></p> <p>Response:</p> <p>The ES Appendix 2.6, Noise and Vibration Impact Assessment (NIA) [APP-103] considers the potential for operational noise effects.</p> <p>Noise emitting equipment associated with the Proposed Development includes:</p> <ul style="list-style-type: none"> • Work No. 1 areas - with noise generating equipment comprising PCS units (inverters/transformers); • Work No. 2 area - grid connection infrastructure; <p>For both the Work No. 1 and Work No. 2 areas, the NIA has assumed the inclusion of 5 dB attenuation. This is considered to represent a 'standard' level of mitigation which can be readily applied. This means the inclusion of enclosures to the PCS units to dampen noise emissions.</p> <p>For PCS units it is possible to provide significantly more mitigation than 5 dB if required as additional attenuation can be designed-in to the units themselves to meet higher sound reduction performances. The further mitigation could be achieved by incorporating cowls or louvres to the PCS ventilation system or increasing the extent of enclosures to the PCS units. Noise levels at receptors can also be reduced locating the units at greater distances from receptors.</p> <p>As discussed in section 6.10 of the Design Approach Document [APP-029], noise modelling has influenced the Proposed Development's parameters (extent of Work Areas) where appropriate. The location of Work No. 2 is restricted by needing to be in close proximity to a pylon for connection to the grid and meet other DNO standards for accessibility. Due to this, the noise assessment which supported the Scoping Request and PEIR established</p>

No.	Question / Applicant's Response
	<p>a location where noise effects which do not exceed (fall in to) the Significant Observed Adverse Effect Level (SOAEL) can be readily achieved at all Noise Sensitive Receptors (NSR).</p> <p>To demonstrate which NSR are anticipated to be exposed to the Lowest Observable Adverse Effects Level (LOAEL), further calculations have been carried out with the level of mitigation provided within the NIA. The results are presented in Appendix J of this response [D2.7].</p> <ul style="list-style-type: none"> • The results indicate that with the level of mitigation currently provided to the Grid Connection Infrastructure (Work No 2), the NOAEL is not expected to be exceeded by noise generated by this equipment at any NSR; • To understand the worst-case level of mitigation required for the PCS units in order to achieve effects which avoid the SOAEL and are within or below the LOAEL at all NSRs, further calculations have been undertaken assuming additional mitigation. On the basis of the units achieving a sound power level of 75 dB(A) Lw (including built-in attenuation), this would likely involve either a full enclosure or attenuators applied to the cooling fans. Under these assumptions, the LOAEL is anticipated to be achieved at all receptors in line with the worst-case scenarios set out in the NIA. As the level of attenuation for the PCS units can be varied as necessary, it is considered that the LOAEL would be achievable at all receptors considering the worst-case scenario for mitigation requirements. <p>This approach provides confidence that these levels can be complied with, without assessing a fixed design, as the design is subject to change post consent.</p> <p>Due to the scale of the Site, and the opportunities for mitigation to be provided by placing noise emitting sources further from receptors and applying mitigation to equipment as required, the Applicant has significant flexibility within the Site to ensure that LOAEL is not exceeded and adverse impacts on health and quality of life are mitigated to a minimum in accordance with both the Noise Policy Statement and National Policy Statement for Energy (EN-1).). Furthermore, it is worth noting that when considering the Planning Practice Guide 2019, the majority of noise emitting plant sited beyond the areas discussed to achieve the LOAEL threshold would also comfortably achieve the No Observable Adverse Effects Level (NOAEL) and No Observable Effects Level (NOEL) thresholds. The flexibility for distance attenuation provided within the Site (i.e. avoiding placing noisier equipment close to NSRs) is demonstrated by the figures in Appendix J. The figures have been prepared on a worst case basis and demonstrate the limited geographical areas which would experience effects if PCS units or grid infrastructure were sited in these areas without additional mitigation.</p> <p>The NIA demonstrates that significant effects can be avoided at all NSRs. In addition, through appropriate equipment selection, layout, and attenuation measures previously discussed, adverse effects can be mitigated and reduced. As can be seen in Table 5.3 - LOAELs and SOAELs Used Within Assessment the LOAEL and SOAEL level for each receptor has been established, and these will guide the siting and specification of noise emitting equipment as part of the pre-construction detailed design.</p>

No.	Question / Applicant's Response
	<p>In addition to this and to ensure adverse effects are controlled during operation in accordance with EN-1, the Outline OMP APP-107 outlines the methodology which would be adopted in the event of a substantiated noise complaint. Substantiated noise complaints may occur at a level which is below the LOAEL as noise is subjective, and the assessment methodology and mitigation measures would be agreed with the Council.</p>

11 Transportation / Highways

Table 11.1: Transportation / Highways

No.	Question / Applicant's Response
Q10.0.1	<p>Question: <i>The proposed development assumes 3,750 HGVS and 1,250 Light Goods Vehicles (LGVs) trips during construction based on 'previous experience' [APP-102]. Clarity needed on this and what examples/experience is relevant, including details as to how the figures have been derived in relation to this project. A table assigning Heavy Goods Vehicles (HGV) and LGV trips to the different construction activities proposed may also assist.</i></p> <p>Response:</p> <p>The HGV and LGV numbers are based on the Applicant's previous experience of designing and constructing numerous utility scale solar PV projects, as well as the professional judgement of the topic author having worked on previous solar schemes. A benchmarking review against other DCO solar schemes such as Cottam West Burton, Byers Gill, and Oakham was also undertaken. This indicated a range of average daily HGVS between 7 to 35 depending on the size, generation capacity, complexity and construction programme length of each scheme.</p> <p>Following this, the construction vehicle estimates for the Proposed Development were then refined reflecting the confined nature of the Site and the design parameters such as not including a BESS and the grid connection being on-site and therefore not needing an off-site cable connection with associated works. On this basis, the HGV and LGV estimates (daily average of nine HGVS and three LGVs increasing to 20 HGVS and 8 LGVs during peak periods) are considered to be realistic and robust and will be refined further in the final CTMP following the appointment of a Principal Contractor.</p> <p>Table 4.1 in the OCTMP (ES Appendix 5.2 [APP-109]) provides indicative construction vehicle estimates including a description of works for each construction phase aligned to a duration (in months) and estimated daily and monthly HGV and LGV movements.</p>

12 The Draft Development Consent Order – Articles and Schedules

Table 12.1: The Draft Development Consent Order – Articles and Schedules

No.	Question / Applicant's Response
Q11.0.1	<p>Question: <i>General</i> - <i>The extent of any flexibility provided by the DCO should be fully explained and set out, such as the scope of maintenance works and ancillary works, limits of deviation and any proposed ability (through tailpieces) of discharging authorities to authorise subsequent amendments.</i></p> <p><i>In relation to the flexibility to carry out advance works, any “carve out” from the definition of “commencement” (article 2) should be fully justified and it should be demonstrated that such works are de minimis and would not have environmental impacts which would need to be controlled by requirement. See section 21 of Advice Note 15. Pre-commencement requirements should also be assessed to ensure that the “carve out” from the definition of “commencement” does not allow works which defeat the purpose of the requirement.</i></p> <p>Response:</p> <p>The Applicant has set out the approach to flexibility in section 3 of the EM [APP-013]. The approach to the definitions of ‘commence’ and ‘maintain’ are set out in paragraphs 4.2.4 and 4.2.5.</p> <p>In relation to the scope of maintenance works, as set out in paragraph 4.2.4(c) and 4.2.5 of the EM, the definition of ‘maintain’ included in Article 2 sets out the maintenance activities that the Applicant will be authorised to undertake in respect of the Proposed Development. Further detail on these activities is set out in paragraph 4.2.5. The scope of the activities and flexibility these build in reflect the project’s requirements including the operational length of the Proposed Development and the anticipated but currently unknown advances in technology.</p> <p>The definition of ‘maintain’ also makes clear that maintenance activities must be in accordance with the activities assessed in the environment statement (ES) and not be likely to give rise to any materially new or materially different effects to those assessed in the ES. The Applicant’s approach to maintenance works is consistent with other made solar DCOs including The Oaklands Farm Solar Park Order 2025 (‘Oaklands’), The Heckington Fen Solar Park Order 2025 (‘Heckington Fen’) and The Gate Burton Energy Park Order 2024 (‘Gate Burton’).</p> <p>If the reference to ‘ancillary works’ in the ExA’s question is a reference to ancillary matters (i.e. the powers set out in the dDCO which are ancillary to the authorised development such as compulsory acquisition powers and street works powers), the Applicant’s approach to these works is set out in section 2.3 of the EM. These ancillary matters are necessary to enable the implementation of the Proposed Development. Specific explanation and justification for the matters are set out in the relevant articles.</p> <p>In relation to the limits of deviation, the Applicant has removed Article 7 (Limits of deviation) from version 2 of the dDCO submitted at Deadline 2. Please see the Applicant’s response to Q11.1.5.</p>

No.	Question / Applicant's Response
	<p>In relation to the carrying out of advanced works, the Applicant has defined '<i>commence</i>' to exclude '<i>permitted preliminary works</i>'. As set out in paragraph 4.2.4(a) of the EM, this exclusion is required to enable the undertaker to carry out certain preparatory works prior to the submission of relevant details for approval under the requirements contained in Schedule 2 to the Order. This is so that certain works can be carried out without 'commencing' the authorised development, to build the required flexibility into how the authorised development can be constructed.</p> <p>The works identified in the '<i>permitted preliminary works</i>' definition include pre-commencement activities such as surveys, monitoring and site investigations which are considered appropriate as the nature of these works means they are not expected to give rise to environmental effects requiring mitigation. The "permitted preliminary works" are consistent with those routinely permitted under DCOs prior to "commencement".</p> <p>The Applicant would draw the ExA's attention to the Archaeology Requirement (Requirement 9) where it has expressly restricted the carrying out of specified permitted preliminary works. The Applicant has done this by providing that intrusive archaeological surveys (including trenching) form part of the term "commence" for the purposes of that requirement.</p>
Q11.0.2	<p>Question: <i>Article 2 - Please review the definition of 'order land' in Article 2 and consider whether it could be more precisely defined so it aligns with the approach used in other made solar Development Consent Orders (DCO) (for example, by reference to the different colouring on the land plans). Article 2(11) is unclearly worded and the explanation in the EM simply duplicates the article. Article 2(12) is unusual particularly as regards 2(12)(a) and it does not appear to achieve the desired result. Specific and worked through examples should be provided.</i></p> <p>Response:</p> <p>The Applicant's approach to the definition of '<i>order land</i>' is consistent with other made solar DCOs including The Cleve Hill Solar Park Order 2020 ('Cleve Hill'), The Sunnica Energy Farm Order 2024 ('Sunnica'), Heckington Fen and the recently made The Byers Gill Solar Order 2025 ('Byers Gill').</p> <p>The Applicant considers the definition to be sufficiently precise. The definition, as drafted, already refers to the land plans, the Applicant does not consider that adding further reference to the colouring on the land plans to the definition is necessary or adds anything in terms of providing clarity.</p> <p>Article 2(11) (now article Article 2(12) in version 2 of the dDCO submitted at Deadline 2 [D2.3] is an interpretive provision applying to all references in the Order to '<i>materially new or materially different</i>' environmental effects. The provision is explained and justified within the EM [APP-013] (please see paragraphs 4.2.17 and 4.2.18).</p> <p>To further expand on the explanation given therein, there are a few provisions in the dDCO where activities are constrained to those which do not give rise to materially new or materially different environmental effects, or where variations are permissible provided, they do not give rise to such effects. Article 2(12) is included to confirm that references to '<i>materially new or materially different</i>' are not intended to prevent variations within the</p>

No.	Question / Applicant's Response
	<p>terms of the DCO being progressed where they would entail an environmental betterment. This interpretive provision is intended to ensure certainty and clarity on this issue in a transparent way.</p> <p>The drafting is considered acceptable and necessary because a contrary interpretation would lead to restricting the ability to take opportunities that emerge through the detailed design of the Proposed Development to deliver it in a way that is less harmful to the environment, and/or gives rise to greater beneficial environmental effects.</p> <p>The provision is included in Article 2(10) of the A122 (Lower Thames Crossing) Order 2025 ('LTC'). The provision is also included in the London Luton Airport Expansion Order 2025 ('Luton Airport'), and the Stonestreet Green Solar draft DCO, although the Applicant notes that a decision has not yet been taken on the application and so that DCO is currently unmade.</p> <p>Article 2(12) is now Article 2(13) in version 2 of the dDCO, submitted at Deadline 2. The Applicant has amended Article 2(13) to refer only to statutory undertakers. This sub-paragraph is included to clarify that where rights are to be acquired for the benefit of statutory undertakers, this includes a power to require the party with an interest in that land to grant those rights to the statutory undertaker. The provision merely clarifies the existing provisions in the substantive articles in Part 5 (Powers of acquisition) of the dDCO, which are necessary to ensure that rights for the benefit of a statutory undertaker's apparatus, can be granted through the DCO.</p> <p>Article 2(13) is preceded in the following made Orders; LTC, the A57 Link Roads Development Consent Order 2022 and the M42 Junction 6 Order 2020.</p>
Q11.0.3	<p>Question: <i>Article 3 - The stated objective is that the applicant should not be constrained by the Order limits although any development/activities outside those limits would still be subject to the limits of deviation (see article 7). This is highly unusual and only one possible precedent has been given in the Explanatory Memorandum (EM) [APP-013] in para 4.3.1.</i></p> <p><i>What then is the purpose of the Order limits (as defined) and what works, specifically, might take place outside the Order limits?</i></p> <p><i>If there are specific plots of land that are relevant to these extra activities, why can't they simply be brought within the Order limits?</i></p> <p><i>It is unclear how a "proportionate search of local legislation which applies in reasonably close proximity to land within the Order limits" would not have identified any issues.</i></p> <p>Response:</p> <p>The Applicant's understanding of this question is that the ExA is asking why Article 3(1) does not refer to development consent being granted 'within the Order limits'.</p> <p>The reason for this is because a limited number of articles within the Order enable certain activities to be carried out outside of the Order Limits. Those powers are in Articles 20 (Protective works to buildings), 21 (Authority to survey and investigate land) and 42 (Felling or lopping of trees and removal of hedgerows). These articles are routinely included in DCOs, are necessary to support the delivery of the authorised development and</p>

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	<p>serve to reduce the amount of land required for temporary powers of possession and/or compulsory acquisition, since the land would otherwise need to be included within the Order limits.</p> <p>Taking each of these articles in turn:</p> <ul style="list-style-type: none"> the power under Article 20 (Protective works to buildings) applies to buildings and structures within the Order Limits and those 'affected by the Proposed Development'. This is a standard approach in DCOs, which is for the benefit of the relevant landowner and ensures that, in the unlikely event that any works to buildings are required to rectify the impact of the Proposed Development, these can be carried out under Order powers. It should be noted that the Applicant does not anticipate needing to undertake any protective works to buildings outside the Order Limits however the power is included on a precautionary basis to ensure protective works could be carried out on behalf of the owner, if necessary. Notwithstanding the response given, in response to Q11.0,15 the Applicant has proposed an amendment to the drafting of Article 20. the power under Article 21 (Authority to survey and investigate land) applies to land within the Order Limits or 'which may be affected by the authorised development'. This enables the Applicant to assess the effects of the authorised development on land outside the Order Limits and assess the effects of land outside the Order Limits on the authorised development. There may be circumstances whereby the Applicant needs to survey land near to, but outside of the Order Limits, because certain species are present. This flexibility is required given that species do not respect boundaries drawn on maps and may migrate to land outside the Order Limits. By enabling this power to apply outside the Order Limits it provides the necessary power to be able to carry out a required survey but removes the necessity to impose compulsory acquisition powers over additional land which would otherwise not be required for the Proposed Development The power under Article 42 (Felling or lopping of trees and removal of hedgerows) permits the removal or cutting back of trees or shrubs 'near the Order limits' in the circumstances set out in sub-paragraphs(1)(a)-(c). Whist the Applicant has established Order Limits for the purposes of the Proposed Development, trees and shrubs can overhang the Order Limits and so the Applicant needs to have the ability to exercise this power as necessary, and where appropriate, to be able to implement the Proposed Development. Such a provision is also important from a safety perspective allowing the Applicant to address trees and hedgerows which may constitute a danger to any person using the authorised development. The Applicant is required to pay compensation to any person who suffers loss or damage arising from such an action. <p>The Applicant notes that all the made solar DCOs include the same power as found in Article 21 (Authority to survey and investigate land) which apply outside the Order Limits. Many also contain the same power as found in in Article 42 (Felling or lopping of trees and removal of hedgerows) also applying outside the Order Limits for example, Article 38 of Byers Gill, Article 36 of Oaklands, Article 35 of Heckington Fen, Article 38 of The West Burton Solar Project Order 2025 ('the West Burton Order'), Article 38 of The Cottam Solar Project Order 2024 ('Cottam'), Article 35 of Sunnica and Article 36 of The Longfield Solar Farm Order 2023 ('Longfield').</p> <p>By not including the wording 'within the Order Limits' in the drafting of Article 3 the Applicant is not seeking powers beyond what is precedented in other made solar DCOs but is simply accurately reflecting the powers contained within the dDCO. This approach (i.e. the removal of the phrase</p>

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	<p>'within the Order limits' from this article) has been explicitly endorsed by the Secretary of State in the A303 Amesbury to Berwick Down Correction Order 'in recognition that the Order provides powers to carry out limited activities beyond the Order limits'.</p> <p>Whilst this related to a highways Order, the Applicant considers that the same principle applies in this case.</p> <p>Since the Applicant submitted its application for development consent two further Orders have been granted by the relevant Secretary of State with this same drafting approach; see Article 3 of the LTC Order and Article 3 of the Luton Airport Order.</p> <p>In relation to the final part of the ExA's question, the Applicant understands the ExA is asking why Article 3(2) is necessary given the Applicant has undertaken a search of legal legislation.</p> <p>The reasoning is set out in full at paragraph 4.3.2 of the EM [APP-013] but in summary, although a proportionate search has been carried out, and has identified local legislation for disapplication, no search can be exhaustive and there is always a possibility that additional legislation may have been overlooked, for example, due to a lack of clarity over the exact geographical scope of a piece of legislation.</p> <p>Paragraph (2) has been included to ensure that the implementation of this nationally significant infrastructure project is not jeopardised by any incompatible statutory provisions which might exist. The inclusion of paragraph (2) is a widely precedented approach including, for example, in the LTC Order, the Luton Airport Order, National Grid (Yorkshire Green Energy Enablement Project) Development Consent Order 2024, M5 Junction 10 Development Consent Order 2025 and the Boston Alternative Energy Facility Order 2023.</p>
Q11.0.4	<p>Question: <i>Article 5 - This gives the power to maintain the authorised development "except to the extent that this Order or an agreement made under this Order provides otherwise". Please confirm where the Order (or an agreement to be made under it) provides otherwise?</i></p> <p>Response:</p> <p>Article 5 as drafted in the dDCO is as exactly as included in the model provisions. Whilst the Applicant appreciates the model provisions no longer apply, they still have weight. The wording in this article is also well precedented including made solar DCOs such as Byers Gill, Oaklands, Heckington Fen, Cleve Hill and the Little Crow Solar Park Order 2022 ('Little Crow').</p> <p>The protective provisions for electricity, gas, water and sewage undertakers included at Schedule 14 to the dDCO provide for circumstances in which the undertaker may agree rights for maintenance with the relevant utility undertaker in respect of their apparatus.</p> <p>It may be considered that ENW would be best placed to carry out maintenance in respect of the grid connection infrastructure works. The potential transfer of Work No.2 and 2A to ENW has therefore been provided for in article 8 (Consent to transfer benefit of Order).</p>

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Q11.0.5	<p>Question: <i>Article 7 - The exception in para (1) needs to be justified for this particular project but has not been in the EM. How, exactly, would the undertaker "demonstrate to the SoS's satisfaction" e.g. would there need to be some sort of change to the made DCO?</i></p> <p>Response:</p> <p>Having reflected on the inclusion of Article 7 (limits of deviation) in the submitted dDCO, the Applicant has decided to remove this article from version 2 the dDCO submitted at Deadline 2 [D2.3]. This is because, on further consideration, the article is not considered to be necessary given the approach to the parameters for the Proposed Development as set out in the Design Parameter Document [APP-028] and commitments set out in control documents such as the OCEMP [APP-108].</p>
Q11.0.6	<p>Question: <i>- Article 8 and 9 The applicant should provide full justification as to why powers to transfer the benefit of the Order without the benefit of SoS consent (to those listed in 9(3)) are necessary.</i></p> <p><i>Where the purpose of the provision is to enable such person(s) to undertake specific works authorised by the DCO the transfer of benefit should be restricted to those works. If the provision seeks to permit transfer of compulsory acquisition powers the applicant should provide evidence to satisfy the Secretary of State that such person has sufficient funds to meet the compensation costs of the acquisition.</i></p> <p>Response:</p> <p>Article 8 (Benefit of this Order) is now Article 7 in version 2 of the dDCO submitted at deadline 2 [D2.3]. Article 9 (Consent to transfer benefit of Order) is now article 8.</p> <p>Article 8(3) provides for three circumstances in which the benefit of the Order may be transferred without the consent of the Secretary of State being required; firstly, where the transferee (or lessee) is the holder of a licence under section 6 of the Electricity Act 1989, secondly (Article 8(3)(a)), a transfer to ENW in relation to Work Nos. 2 and 2A (Article 8(3)(b)) and thirdly, where the compensation provisions for the acquisition of rights or interests in land or for effects on land have been discharged or are no longer relevant (Article 8(3)(c)).</p> <p>The Applicant considers that these limited exceptions to the requirement for SoS consent for a transfer of the benefit of the Order are reasonable, proportionate and consistent with DCO precedent.</p> <p>Whilst it is the Applicant's intention to build out the Proposed Development, the power in Article 8(3)(a) is necessary to allow commercial flexibility for the undertaker, if it would be preferable that a different corporate entity takes the benefit of all or part of the Order. The power in Article 8(3)(b) is necessary because ENW may be best placed to carry out the grid connection infrastructures works. The wording in Article 9(3)(b) does restrict the transfer to ENW without the SoS' consent to Work Nos. 2 and 2A.</p> <p>In relation to Article 8(3)(a) and 8(3)(b), the transferee or lessee will be of a similar regulatory standing to the undertaker to protect the provision for compensation for rights or interests in land that are compulsorily acquired pursuant to the Order. Organisations licenced under section 6(2) of the Electricity Act 1989 are subject to a wide range of regulatory and financial obligations. ENW is an electricity distribution licence holder under section</p>

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	<p>6(2) of the Electricity Act 1989. In relation to Article 8(3)(c) there would be no outstanding actual or potential compulsory purchase claims and therefore the concern about sufficient funding for compensation is not applicable.</p> <p>The powers in Article 8(3) are standard for DCOs and are well precedented in many made solar DCO including Longfield, Mallard Pass, Sunnica, Gate Burton, Cottam, West Burton, Heckington Fen, The East Yorkshire Solar Farm Order 2025 ('East Yorkshire'), Oaklands and Byers Gill.</p>
Q11.0.7	<p>Question: <i>Article 9 - The ExA notes that Article 9(6) provides for a notification period of five business days in the event of a transfer of the benefit of the order in circumstances where the consent of the SoS is not required. The ExA notes that other solar DCOs include a minimum period of 14 working days for the undertaker to notify the SoS of a transfer not requiring consent.</i></p> <p><i>Please amend this provision so that it accords with the majority of other made solar DCOs or provide an explanation as to why, in the context of this particular application, a shorter period should be applied.</i></p> <p>Response:</p> <p>The Applicant has amended this provision to refer to 10 working days. The Applicant has considered the period specified in the relevant provision of all the made solar DCOs and the approach is inconsistent. Cleve Hill provides for 5 days. Five of the made Solar DCOs provide for 10 working days: Gate Burton, West Burton, East Yorkshire, Oaklands and Byers Gill (in this case the Applicant notes the Secretary of State amended the period from 5 to 10 working days). Four of the made solar DCOs provide for 14 days: Little Crow, Mallard Pass, Sunnica and Heckington Fen. Only two made solar DCOs provide for 14 working days: Longfield and Cottam.</p> <p>The reference to 14 working days in those two DCOs appears to be an error as 14 working days is an unusual period to specify as it does not equate to a working week. The Applicant considers the period should either be 14 days or 10 working days as these are effectively the same time. The Applicant has amended the period to 10 business days (note this is the term used in the dDCO, it has the same meaning as 'working' days) as this is consistent with the largest number of Solar DCOs including the most recently made Byers Gill in respect of which the Secretary of State made the amendment.</p>
Q11.0.8	<p>Question: <i>Article 10 - The guidance in section 25 of Advice Note 15 should be followed and, if not already provided, additional information sought such as:</i></p> <ul style="list-style-type: none"> <i>the purpose of the legislation/statutory provision</i> <i>the persons/body having the power being disapplied</i> <i>an explanation as to the effect of disapplication and whether any protective provisions or requirements are required to prevent any adverse impact arising as a result of disapplying the legislative controls</i> <i>(by reference to section 120 of and Schedule 5 to the Planning Act 2008) how each disapplied provision constitutes a matter for which provision may be made in the DCO.</i>

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	<p><i>Where the consent falls within a schedule to the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015 evidence will be required that the regulator has consented to removing the need for the consent in accordance with S150 of the Planning Act 2008.</i></p> <p>Schedule 3</p> <p><i>It is necessary to explain how the provisions which are still in force are inconsistent with the dDCO and need to be disapplied.</i></p> <p>Response:</p> <p>Article 10 (Disapplication and modification of legislative provisions) is now Article 9 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>The Applicant has identified specific legislation for disapplication or modification under Article 9(1), (4) and (5), has set out reasoning for the disaplications and modifications sought under Article 9 in paragraphs 4.3.13 and 4.3.14 of the EM [D2.5], and has expanded on this further here:</p> <ul style="list-style-type: none"> • Section 32 of the Land Drainage Act 1991 relates to the variation of land drainage awards made under drainage acts and enables such awards to be revoked, varied or amended by an order. The Applicant seeks to disapply this section on the basis that it would inappropriately allow the provisions of the DCO relating to drainage to be revisited by allowing a third party to apply to amend the powers and duties within the DCO. • Section 66 of the Land Drainage Act 1991 enables internal drainage boards and local authorities to make byelaws regulating activity relating to drainage and watercourses. The Applicant seeks to disapply this section on the basis that such byelaws could apply additional approvals which could delay implementation of the Proposed Development. • The temporary possession provisions contained in the Neighbourhood Planning Act 2017 provide for reforms to the temporary possession regime. However, those provisions are not yet in force and it is not clear when this may happen. A DCO should achieve certainty, and if retained, the Neighbourhood Act 2017 provisions would duplicate or conflict with the DCO powers and controls related to temporary possession (in Part 5 of the dDCO), creating legal ambiguity and potential delays. Therefore, the Applicant seeks disapplication of these provisions to ensure that the temporary possession regime created by the DCO only apply. • Section 9 of the Forestry Act 1967 provides that a Forestry Commission licence is required for felling growing trees, whilst there is an express exemption in relation to development authorised by a planning permission, there is no equivalent exemption in respect of development under a development consent order. The Applicant therefore seeks to disapply the section 9 in relation to any felling required because of the Proposed Development to ensure that works authorised by the DCO are not subject to overlapping or inconsistent consent requirements which would result in unnecessary delay. • Regulation 6 of the Community Infrastructure Levy Regulations 2010 defines 'development' for the purpose of triggering liability for the Community Infrastructure Levy. The Applicant seeks to modify Regulation 6 to clarify that, for the purposes of the Community Infrastructure Levy Regulations 2010, any buildings within the authorised development fall within the exemption under Regulation 6 and will not to be considered as 'development' for the purposes of levying the community infrastructure levy. The rationale for this disapplication is that the Proposed Development is, in its own right, a NSIP, and the undertaker will be obliged to provide mitigation to mitigate its effects. Therefore, it would not be justifiable for the levy to be charged in respect of the development on top of this.

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	<p>Paragraph 4.3.13 of the EM confirms that the disaplications are made pursuant to section 120(5) of the Planning Act 2008 which provides that a DCO may apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the DCO. The above provisions all constitute a matter for which provision may be made in the DCO as set out in Schedule 5 to the Planning Act 2008.</p> <p>None of the above provisions require a consent under section 150 of the Planning 2008 Act and Regulation 5 and Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.</p> <p>The Applicant would also highlight that all the above provisions are routinely disapplied by DCOs including East Yorkshire, West Burton, Cottam, Gate Burton, Sunnica, Mallard Pass and Longfield.</p> <p>Article 9(3) disapplies the local legislation set out in Schedule 3 to the dDCO. This legislation listed in Schedule 3 is historic in nature and has been identified through a process of searches to identify any legislation still in force and applying to the area within the vicinity of the Proposed Development. The Applicant has taken a precautionary approach to the legislation included for disapplication as, due to the historic nature, it was not always possible to identify the precise geographic scope of the Acts and/or conclusively determine whether provisions were relevant to the DCO. However, the legislation is only disapplied in so far as it is inconsistent with the powers set out in the DCO.</p> <table border="1" data-bbox="275 762 2087 1292"> <thead> <tr> <th data-bbox="275 762 734 802">Name of Act</th><th data-bbox="734 762 2087 802">Reasons for disapplication</th></tr> </thead> <tbody> <tr> <td data-bbox="275 802 734 906">Cumbria Act 1982</td><td data-bbox="734 802 2087 906">This Act contains various rights and restrictions including relating to access to lands in the county, restrictions on works and creation of byelaws. The Proposed Development may conflict with those provisions where there is an overlap with the Order limits.</td></tr> <tr> <td data-bbox="275 906 734 1018">Workington and Winscales Inclosures Act 1809</td><td data-bbox="734 906 2087 1018">This Act includes various provisions that protect common land rights and other interests within Workington and Winscales including restrictions relating to digging of and disturbing earth soils. 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Q11.0.9	<p>Question: <i>Article 11 - Reliance is placed on the oCEMP [APP-108], outline operational management plan (oOMP) [APP-107] and the framework decommissioning management plan (fDMP) [APP-111] and future iterations of these control documents. Which of the measures contained within these documents and any other control documents are intended to manage matters relating to statutory nuisance?</i></p> <p><i>If the defence has been extended to other forms of nuisance under section 79(1) Environmental Protection Act 1990, the same will apply to those nuisances.</i></p> <p><i>This article also sometimes refers to legislation that has been repealed and should refer to extant legislation only.</i></p> <p><i>Paragraph 2 (as referred to in paragraph 4.3.22 of the EM) appears to be unusual and needs to be justified.</i></p> <p>Response:</p> <p>Article 11 (Defence to proceedings in respect of statutory nuisance) is now Article 10 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>The Applicant has further considered paragraph (2) of the article and has amended this in the dDCO submitted at Deadline 2 to refer specifically to the CEMP, OMP and DMP to be approved under Schedule 2 of the dDCO. These management plans will include measures related to the control of noise. The measures considered relevant in relation to controlling the potential for nuisance arising from noise are set out in section 7, 'Control of Noise and Vibration' of the OCEMP [APP-108] and section 4 of the OOMP [APP-107]. The FDMP [APP-111] confirms, at section 3.2, that the future DMP suite document (such as a 'DEMP') will cover noise and vibration management and table 3.1 sets out relevant management measures.</p> <p>Paragraph (2) of the article confirms that compliance with the controls and measures described in those plans will be sufficient, but not necessary, to show that an alleged nuisance could not reasonably be avoided. The measures in those plans will have been endorsed by the Council when approving the plans under the relevant Requirements. The Applicant does not consider it reasonable or appropriate for there to exist a potential for claims in respect of statutory nuisance circumstances where the Applicant has complied with management plans which have been approved by the Council, and which provide appropriate controls for noise impacts.</p> <p>Paragraph (2) the article is precededented in Article 44(2) of the Boston Alternative Energy Facility Order 2023, Article 41(2) of the Southampton to London Development Consent Order 2020, Article 58(2) of the LTC Order and Article 47(2) of the Luton Airport Order.</p> <p>The Applicant has checked all the legislation referenced in the article and understands all referenced legislation remains in force. There are some pending amendments to section 79 of the Environmental Protection Act 1990, but these are not yet in force. If the ExA believes that a specific provision has been repealed the Applicant would be grateful if the ExA could confirm which provision, so the matter can be considered further.</p>

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Q11.0.10	<p>Question: <i>Article 13 - This article seeks to modify the application of the New Roads and Street Works Act 1991 rather than simply covering the more usual 'Street Works' provisions common in most made DCOs. Please set out the rationale for the modification in the context of this scheme (noting that the other schemes referred to in the EM are not comparable solar schemes).</i></p> <p>Response:</p> <p>Article 13 (Application of the 1991 Act) is now Article 12 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>Article 12 modifies the application of the New Roads and Street Works Act 1991 ('NRSWA') to works carried out under the powers of the Order. This is required because street works will be carried out under Order powers subject to the provisions and requirements of the Order.</p> <p>The NRSWA provisions proposed for disaplication under Article 12(3) are provisions which are intended primarily to regulate a general power for the carrying out of works by utilities undertakers. The Applicant would be undertaking the works under the specific authority granted by the DCO and subject to the further approvals required under the DCO. It would therefore not be appropriate for these provisions to apply. For example, section 56A of NRSWA would permit the Council to direct the Applicant to carry out the consented works in a location which goes beyond the scope of the consent sought. Such a direction would likely lead to delays and has the potential to lead to works which may not form part of the environmental assessment or in respect of which a separate consent may be required.</p> <p>Sections 58 and 58A of the NRSWA give the power to the Council to impose moratoria on the carrying out of works for a period of several months. Again, this could lead to significant delays and may lead to a protracted construction programme and worse environmental outcomes. It is not considered appropriate that a consented nationally significant infrastructure project should be subject to this level of delay considering the safeguards provided.</p> <p>Given the potential for inconsistencies between the DCO (if made), and the provisions of NRSWA, it is considered proportionate to disapply these provisions.</p>
Q11.0.11	<p>Question: <i>Article 14 - This is a wide power – authorising alteration etc. of any street within the Order limits. It should be clear why this power is necessary, and consideration given to whether or not it should be limited to identified streets.</i></p> <p>Response:</p> <p>Article 14 (Power to alter layout, etc., of streets) is now Article 13 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>The power in article 13(1) is already limited to the streets identified in Schedule 5 of the dDCO and shown on the streets and access plans [AS-008]. Article 13(2) retains a general power for the alteration of any street within the Order limits on the basis that, while the specific areas for street alteration have been identified within Schedule 5, at the point of detailed design minor additional alterations may be identified and required for the appropriate development of the Proposed Development.</p>

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	<p>The wider power in Article 13(2) to alter other streets within the Order Limits cannot be exercised by the Applicant without the consent of the street authority and is therefore, appropriately, subject to greater controls than the powers related to the areas identified in Schedule 5.</p> <p>This more general power must be retained to ensure that the Applicant has sufficient flexibility at detailed design to implement the Proposed Development.</p> <p>This reflects the accepted position that the DCO represents a broad consent which will then be appropriately refined at detailed design and subject to the sign off by the local planning authority. Despite the Applicant's efforts to identify all possible street alterations required at the point of application, it remains possible that additional alterations may be required and it would be disproportionate to require the undertaker to seek a variation to the consent to add additional small alteration areas to Schedule 5, or to have to otherwise seek separate permissions for the works outside of the DCO.</p> <p>The inclusion of a general power within this article is a well preceded approach taken in many DCOs including in all the made solar DCOs (except Little Crow which does not contain any street works powers).</p>
Q11.0.12	<p>Question: <i>Article 16 Notwithstanding other precedents, justification should be provided as to why the power is appropriate and proportionate having regard to the impacts on pedestrians and others of authorising temporary working sites in these streets.</i></p> <p><i>The ExA also question whether there is a conflict between 16(3) (which says that the applicant can use a temporarily closed street as a working site) and 16(4) (which require it to provide reasonable access for pedestrians).</i></p> <p>Response:</p> <p>Article 16 (Temporary closure or restriction of streets) is now Article 15 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>The Applicant's understanding of the question is that it is asking specifically about the power under Article 15(3), to use a street that is temporarily closed as a temporary working site. Whilst the Applicant notes that the question seeks justification beyond precedent, the Applicant would like to highlight that the power under Article 15(3) is well preceded in many DCOs including many of the made solar DCOs such as Cleve Hill, Longfield, Mallard Pass, Sunnica, Gate Burton, Cottam, West Burton and East Yorkshire.</p> <p>The power in Article 15(3) is considered a proportionate and appropriate use of land that has been stopped up temporarily as using a street as a temporary working site is often less disruptive and has less of an environmental impact, than using additional land to lay out a work site. It is beneficial that whilst a street is closed it can be used as a working site for storage of equipment, materials etc associated with the works being carried out to that street.</p>

No.	Question / Applicant's Response
	<p>Notwithstanding the above, the Applicant has amended Article 15(5) to provide for consultation with the street authority in connection with the use of the street referred to in Schedule 6 (Gilgarran Road) as a temporary working site and in relation to any other street to provide that the consent of the street authority will be required to use a street as a temporary working site.</p> <p>The Applicant does not consider there to be a conflict between Articles 15(3) and 15(4). Article 15(4) provides that reasonable access must be provided, this would be the case where access affected because of reliance on power under Article 15(3).</p>
Q11.0.13	<p>Question: <i>Article 18 The private roads in question should be identified, ideally in a schedule, so the landowners understand what is expected.</i></p> <p>Response:</p> <p>Article 18 (Use of private roads) is now Article 17 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>There are a small number of private access tracks within the Order Limits which could be considered private roads. As set out in paragraphs 4.4.31 and 4.4.32 of the EM [D2.5], the purpose of Article 17 is to enable the Applicant to temporarily use the tracks for access in common with other permitted users, if appropriate. By including this article, the Applicant has the opportunity to use the tracks without taking temporary possession and therefore not extinguishing or suspending the private rights of the landowner. The article is therefore included to provide the Applicant with the ability to adopt a better solution if appropriate.</p> <p>There is precedent for Article 17 in East Yorkshire (Article 12), West Burton (Article 12) and Cottam (Article 12). The Applicant would note that none of the relevant articles in those DCOs refer to a schedule identifying relevant roads.</p>
Q11.0.14	<p>Question: <i>Article 20 - Please explain the implications of section 146 of the Planning Act 2008 on this provision.</i></p> <p>Response:</p> <p>Article 20 (now Article 19 in version 2 of the draft DCO submitted at Deadline 2 [D2.3]) would authorise the Applicant to use watercourses or public sewers or drains for the drainage of water in connection with the Proposed Development.</p> <p>The Applicant has had regard to section 146 of the Planning Act 2008. The effect of that provision is to provide that the person to whom an order granting development consent authorising the discharge of water into inland waters or underground strata is granted, does not acquire the right to take water or require discharges to be made from that source of water. Article 19 does not authorise water to be taken or discharges to be made from such watercourses.</p> <p>There is precedent for this article in many made Orders including made solar Orders such as West Burton (Article 16), Gate Burton (Article 15), Mallard Pass (Article 16), Heckington Fen (Article 14), East Yorkshire (Article 16), Oaklands (Article 14) and Byers Gill (Article 18).</p>

No.	Question / Applicant's Response
Q11.0.15	<p>Question: <i>Article 21 - Paragraph 4.5.6 of the EM [APP-013] explains that this article is required in the event that works to buildings are required to rectify the impact of the Proposed Development. The applicant is asked to identify these buildings.</i></p> <p><i>The applicant is also asked to identify whether or not any of the buildings in question are listed buildings and, in such circumstances, the relationship between the provision sought and legislation relating to listed buildings.</i></p> <p><i>Please also explain the relationship between this provision and the limits of deviation/order limits provisions as set out in the dDCO.</i></p> <p>Response:</p> <p>Article 21 (Protective works to buildings) is now Article 20 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>As set out in the response to Q11.0.3, the Applicant does not anticipate any damage to buildings being likely and therefore any protective works being required to be undertaken. However, the article has been included on a precautionary basis to ensure that protective works could be undertaken if necessary. This is a standard approach in DCOs and is included for the benefit of property owners to ensure the Applicant has the powers to take appropriate action to avoid or reduce any potential adverse impacts on land and buildings even where those are located outside the Order Limits.</p> <p>There are a small number of farm buildings adjacent to, but outside of, the eastern boundary of the Order Limits. Whilst the Applicant does not anticipate any damage to these buildings, the inclusion of this power, and the fact it is not limited to buildings within the Order Limits, would ensure that in unforeseen circumstances appropriate protective works could be carried out.</p> <p>These buildings are not listed buildings. The closest listed building to the Order Limits is Wythemoor Sough (see NHLE 1327185 on ES Figure 6.1 - Designated Heritage Receptors within 3km of the Order Limits [APP-076]). There is no risk of damage to Wythemoor Sough given its distance from the proposed works.</p> <p>Notwithstanding the answer given, the Applicant has amended this article so that the powers apply to '<i>any building or structure located within the Order limits or any building which has a curtilage adjoining the Order Limits</i>'.</p> <p>This ensures that no works could be undertaken to Wythemoor Sough whilst retaining protection for the adjoining farm buildings.</p>
Q11.0.16	<p>Question: <i>Article 23, 26 - These provisions (and any relevant plans) should be drafted in accordance with the guidance in Advice Note 15, in particular sections 23 (extinguishment of rights) and 24 (restrictive covenants). Please check.</i></p> <p>Response:</p> <p>Article 23 (Compulsory acquisition of land) is now Article 22 in version 2 of the dDCO submitted at Deadline 2 [D2.3] and Article 26 (Compulsory acquisition of rights and imposition of restrictive covenants) is now Article 25.</p>

No.	Question / Applicant's Response
	<p>The Applicant has reviewed Articles 22 and 25 against sections 23 and 24 of Advice Note 15.</p> <p>Section 23 of Advice Note 15 relates to the extinguishment of private rights over land and states that an applicant may wish to extinguish private rights over land when it is acquiring land by compulsory acquisition. Article 26 of the dDCO (Private rights over land) does just this and is drafted in accordance with good practice points 7 and 8 of Advice Note 15.</p> <p>Paragraphs (1) and (2) of Article 26 make clear that where the Applicant is compulsorily acquiring land under Article 22 (Compulsory acquisition of land) or compulsorily acquiring rights under Article 25 (Compulsory acquisition of rights and imposition of restrictive covenants), all private rights over that land will be extinguished or will be extinguished in so far as the continuance of those private rights would be inconsistent with the exercise of the right being acquired or created. This is a standard approach in DCOs including all the made solar Orders containing acquisition powers.</p> <p>Section 23.3 of Advice Note 15 states; '<i>The Land Plan accompanying the application must identify any land over which it is proposed to exercise powers of Compulsory Acquisition including any land in relation to which it is proposed to extinguish private rights (Regulation 5 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009)</i>'. The Applicant's land plans are compliant with the Regulation 5. The land plans identify land subject to permanent acquisition and permanent acquisition of rights, the effect of the inclusion of Article 26 in the dDCO is that it is proposed to extinguish private rights in respect of all of this land.</p> <p>Section 24 of Advice Note 15 relates to restrictive covenants. In accordance with good practice point 9, the Applicant has identified plots which are to be subject to the acquisition of rights and the imposition of restrictive covenants as set out in Schedule 9 of the draft DCO. Schedule 9 also sets out the purpose for which restrictive covenants may be imposed, being in relation to the installation of an underground electricity cable.</p> <p>The Applicant has set out the justification for the compulsory acquisition powers sought, including the imposition of restrictive covenants in the Statement of Reasons [APP-014] .</p>
Q11.0.17	<p>Question: <i>Article 27, 28 - There is significant overlap between the articles although the first deals with the extinguishment of private rights and the other gives the power to override private rights. Why are both needed?</i></p> <p>Response:</p> <p>Article 27 (Private rights over land) is now Article 26 in version 2 of the dDCO submitted at Deadline 2 [D2.3] and Article 28 (Power to override easements and other rights) is now article 27.</p> <p>Article 26 applies where compulsory acquisition powers have been exercised to acquire land, rights in land or take temporary possession. and provides for the automatic extinguishment of private rights and restrictive covenants. This enables the Applicant to acquire the land unencumbered,</p>

No.	Question / Applicant's Response
	<p>thereby minimising impediments to the delivery of the Proposed Development. Article 26(1) provides for the automatic extinguishment of private rights and restrictive covenants on land which is subject to compulsory acquisition.</p> <p>Article 26(2) manages the interaction of existing rights and restrictive covenants on land where the Applicant has the power only to acquire new or existing rights. In this case, the existing rights and covenants are not extinguished but are effective only insofar as they would not be inconsistent with the rights created compulsorily by the Applicant. Article 26(4) applies where the Applicant takes temporary possession of the land and suspends the right or restrictive covenant for as long as the Applicant remains in possession if their continuance would be inconsistent with the purpose for which possession is taken.</p> <p>Article 27 applies to the whole Order land, not just those where compulsory powers have been exercised. The article provides for the circumstances where an activity undertaken by the Applicant interferes with an existing land right and ensures that the Applicant is able to interfere with rights as is needed for the purpose of construction, operation and maintenance, and decommissioning, with liability being subject to the Compulsory Purchase Act 1965, rather than any other mechanism. Unlike under Article 26, the rights being interfered with are not altered in any way.</p> <p>Article 27 is therefore a process for managing the practical breach of existing land rights and compensation for the same, whilst the right itself remains in force in full.</p>
Q11.0.18	<p>Question: - <i>Article 33 - Irrespective of prior precedent and “notwithstanding the effect of the Housing and Planning Act 2016”, why does this provision remain necessary?</i></p> <p>Response:</p> <p>Article 33 (Rights under or over streets) is now Article 32 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>The purpose of this article is to allow the Applicant to appropriate and use land above or below streets within the Order land, without having to acquire the street or any right or easement in it.</p> <p>The inclusion of this article reduces the amount of land that needs to be compulsorily acquired for the purposes of the Proposed Development. The Proposed Development includes works to land under streets and the crossing of streets. This article would therefore allow those works to be undertaken without interfering with the ownership of land under and above streets.</p>
Q11.0.19	<p>Question: <i>Article 34, 35 - Temporary possession is not itself compulsory acquisition. Please justify why wider powers are sought (i.e. any other Order land, which also allows temporary possession of land not listed in Schedule 11). See article 34(1)a)(ii) explaining why this is necessary and appropriate and explain what steps they have taken to alert all landowners, occupiers, etc. within the Order limits to this possibility.</i></p>

No.	Question / Applicant's Response
	<p><i>Given the parliamentary approval to the temporary possession regime under the Neighbourhood Planning Act 2017 (NPA), which were subject to consultation and debate before being enacted, should any provisions relating to notices/counter notices which do not reflect the NPA proposed regime (not yet in force) be modified to more closely reflect the incoming statutory regime where possible? As examples:</i></p> <ul style="list-style-type: none"> <i>the notice period that will be required under the NPA 2017 Act is 3 months, substantially longer than the 14 days required under article 34. Other than prior precedent, what is the justification for only requiring 14 days' notice in this case?</i> <i>under the NPA 2017, the notice would also have to state the period for which the acquiring authority is to take possession. Should such a requirement be included in this case?</i> <i>powers of temporary possession are sometimes said to be justified because they are in the interests of landowners, whose land would not then need to be acquired permanently. The NPA 2017 Act provisions include the ability to serve a counter-notice objecting to the proposed temporary possession so that the landowner would have the option to choose whether temporary possession or permanent acquisition was desirable. Should this article make some such provision – whether or not in the form in the NPA 2017?</i> <p>Response:</p> <p>Article 34 (Temporary use of land for carrying out the authorised development) is now Article 33 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>The Applicant's approach to temporary possession powers in is set out at paragraphs 4.6.40 and 4.6.41 of the EM [APP-013].</p> <p>Paragraph (1)(a)(i) allows the land set out in Schedule 11 to be occupied temporarily while the works are carried out. The Applicant is seeking only temporary possession powers in respect of this land. This is land which is required during construction of the Proposed Development but for which full title is not required outright and permanently. Paragraph (1)(a)(ii) allows for the temporary occupation of any of the Order land that is subject to the powers of permanent acquisition, but in respect of which no process for acquisition has yet been commenced.</p> <p>The rationale for this is that it reduces the amount of land that is required to be subject to outright acquisition. This article makes it possible for the Applicant to occupy land temporarily and only proceed to acquire permanently that part of the land which is necessary for the Proposed Development as constructed.</p> <p>The benefit of this is a lesser impact on landowners. If temporary possession powers were not available to the Applicant in respect of this land the Applicant would have to exercise powers of compulsory acquisition over a wider area of land to enable temporary works and to ensure sufficient flexibility for detailed design. That is not in the Applicant's, or the landowner's, interest as it results in a greater interference with private rights than may ultimately be necessary following detailed design.</p>

No.	Question / Applicant's Response
	<p>This is a well precedented approach to temporary possession powers in DCOs including in the majority of made solar DCOs (Longfield (Article 27), Mallard Pass (Article 29), West Burton (Article 29), Cottam (Article 29), Gate Burton (Article 27), Heckington Fen (Article 26), East Yorkshire (Article 29), Oaklands (Article 26) and Byers Gill (Article 30))</p> <p>The Applicant notified all affected persons of the proposed application in accordance with the statutory consultation requirements under the Planning Act 2008, including consultation under section 42 and notification of acceptance under section 56, and subordinate regulations. Details of the consultation undertaken by the Applicant is set out in the Consultation Report [APP-018]. The Applicant also gave formal notification to landowners in the section 56 letters sent after acceptance of the application.</p> <p>The Applicant notes that the regime proposed under Neighbourhood Planning Act 2017 (NPA 2017) is not reflective of current practice and has still not come into force. There is therefore no certainty as to the requirements of the regime It is specifically disapplied in DCOs, as set out in Article 9, and justified in paragraph 4.3.14 of the EM. The NPA 2017 is not yet in force, and it would be inappropriate to use the DCO to bring into force legislation which Parliament has not yet implemented. In relation to each of the three examples given:</p> <ul style="list-style-type: none"> • the justification for the period of 14 days (and the Applicant notes that this is for construction only, with the period being 28 days for maintenance as set out in Article 34(3)) is that the Proposed Development is a NSIP and therefore should not be unduly constrained; • the time limit equates to the duration of construction plus 1 year (Article 33(4)), in respect of construction, and again is limited to the “maintenance period” in respect of maintenance. In addition, the Applicant notes that compensation is payable, and Article 33 contains other appropriate protections which are in place; • This would not be appropriate as the Applicant must retain control of the Proposed Development as a NSIP; <p>The Applicant does not consider that there is any reason to restrict this Proposed Development, in comparison with other solar DCOs which have been made or are awaiting determination.</p>
Q11.0.20	<p>Question: <i>Article 42 - The ExA question the necessity of this provision on the basis that it creates potential ambiguity. See recent SoS decision and DCO - Mona Offshore Wind. Consideration should be given to its omission or further justification provided.</i></p> <p>Response:</p> <p>Article 42 (Planning permission) is now Article 41 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>Notwithstanding the SoS decision in the context of the Mona Offshore Wind project, the Applicant considers it necessary to include this article in the dDCO for the Proposed Development.</p> <p>The inclusion of this article would enable the DCO for the Proposed Development, if granted, and other planning consents to co-exist over the same land and not be automatically incompatible in law. This is particularly important in the context of the Proposed Development due to the</p>

No.	Question / Applicant's Response
	<p>existence of the extant planning permission in respect of the Wind Farm which overlaps in part with the Order Limits. The Applicant has made amendments to Article 41 in version 2 of the dDCO, in particular to include new Paragraph (2) to specifically address any potential inconsistencies between the existing Wind Farm permission and the DCO. Paragraph (2) is based on Article 45(2) of the Luton Order. The inclusion of Article 41 would ensure there are no issues around incompatibility of the Wind Farm permission and the Order granted in respect of the Proposed Development, should consent be granted, and that the two can be carried out without there being a risk of 'overlapping planning consents' that would be caught by the Hillside Park v Snowdonia National Park Authority¹⁰ case.</p> <p>In the Mona Offshore Wind Order 2025 decision letter, the SoS removed provisions equivalent to Paragraph (3) and (4) as they did not consider them "necessary".</p> <p>These provisions, however, are necessary in the case of the Proposed Development. Whilst new Paragraph (2) deals with a specific permission, it underlines the need for Paragraph (3) and (4) and also draws attention to the fact that future permissions, prior to commencement, may require the same provisions.</p> <p>The Applicant would further note that the SoS did grant both the LTC and Luton Orders including provisions of the same effect at Articles 56 and 45 respectively.</p>
Q11.0.21	<p>Question: <i>Article 44 - The ExA question the necessity of this provision concerning potential human remains given the SoS recent conclusions on this matter in respect of Mona Offshore Wind, in that there are already suitable legislative measures in place to deal with any findings. Consideration should be given to its omission or further justification provided.</i></p> <p>Response:</p> <p>The Applicant has considered the requirement for this article (Removal of human remains) and has removed it from the dDCO submitted at Deadline 2 [D2.3].</p>
Q11.0.22	<p>Question: <i>- Article 50 - There is a missing word in the first sentence (which paragraphs are referred to?)</i></p> <p>Response:</p> <p>Article 50 (Funding) is now Article 48 in version 2 of the dDCO submitted at Deadline 2 [D2.3].</p> <p>Paragraph (2) of Article 48 of the dDCO should be referred to. This has been corrected in the updated version of the dDCO.</p>

¹⁰ Hillside Parks Ltd v Snowdonia National Park Authority [2022] UKSC 30

No.	Question / Applicant's Response
Q11.1.1	<p>Question: <i>Definitions are provided for various aspects of the work but no definition of substation, control building or communication mast is given. Please check all definitions that are necessary have been provided and either provide an updated dDCO or provide justification for the approach as currently drafted.</i></p> <p>Response:</p> <p>The Applicant does not consider it necessary to define '<i>substation</i>', '<i>control building</i>' or '<i>communication mast</i>' as these are not technical terms which require further definition. The ordinary meaning of the words applies. The risk with attempting to define these terms (where not required) is that this could create ambiguity and conflate the Works as the Applicant is seeking consent for within Schedule 1.</p> <p>The Applicant notes that a few of the made solar DCOs have used a similar definition for substation ("<i>substation</i>" means a substation containing electrical equipment required to switch, transform, convert electricity...). However, the Applicant does not consider this definition to be appropriate to include in the dDCO for the Proposed Development. The term '<i>substation</i>' is only used once in the dDCO in Work No. 2 of Schedule 1. That definition is not technically correct as it could encompass other elements of Work No. 2 such as the POC compound equipment.</p> <p>The Applicant would also note that on the recently examined (but not yet decided) Helios Renewable Energy Project the ExA in for that application asked a written question suggesting that the definition of '<i>substation</i>', amongst others, should be removed (see Q7.1.8).</p>

13 Compulsory Acquisition and Related Matters

Table 13.1: Compulsory Acquisition and Related Matters

No.	Question / Applicant's Response
Q12.0.1	<p>Question: <i>There are a number of plots identified in the Book of Reference [APP-016] which are unregistered/unknown. Please provide an update on efforts to establish these owners/interests and details on what further steps will be undertaken to identify these owners/interests.</i></p> <p>Response:</p> <p>The Applicant's land referencing team have conducted multiple rounds of diligent inquiry conducting both desktop and contact referencing. This included writing to landowners who may know who owns the unregistered land, physical site inspections and erecting site notices. Site notices (with plans) were erected to identify unregistered/unknown land interests at section 42 consultation stage, and at section 56 acceptance stage. The Applicant's land referencing team monitored these notices regularly.</p> <p>The Applicant communicated directly with landowners to identify any information gaps and to ensure a robust approach was taken to capture all relevant land holding details.</p> <p>The Applicant acknowledges that diligent inquiry is an ongoing duty. The Applicant's team will continue to monitor HM Land Registry for registration updates and will also continue to review any new information provided by neighbouring landowners. If any parties are identified, the Applicant will advise them that they can take part in the examination by making a request under s102A of the Planning Act 2008.</p> <p>The Applicant will submit an updated Book of Reference [APP-016] at Deadline 6 with details of any newly identified parties.</p>
Q12.0.2	<p>Question: <i>With reference to the relevant representation [RR-014] the ExA wishes to understand:</i></p> <ul style="list-style-type: none"> • <i>which plot(s) are affected with reference to the Book of Reference [APP-016]</i> • <i>what rights are being sought</i> • <i>how the freehold mines and minerals rights and ability to exploit them as referred to could be affected having regard to nature of the proposed development, notwithstanding the proposed incorporation of the mineral code as per the dDCO</i> • <i>outcome of any further negotiations carried out with the affected person(s).</i> <p>Response:</p> <p>The Applicant has reviewed the Relevant Representation (RR) [RR-014] and provided a response at Deadline 1 (the ARRR [REP1-002]).</p> <p>There is an error in RR-014 as it refers to land outside the Order Limits. The relevant HM Land Registry Title Number within the Order Limits is CU307418. The relevant plots affected are 1-26, 1-33, 1-35, 1-38 and they are subject to permanent acquisition in the DCO. As set out in Appendix</p>

No.	Question / Applicant's Response
	<p>A (Purpose of which land is sought) of the Statement of Reasons [APP-014] these plots are required for Work No. 6. Plot 1-38 is also required for Work No. 1 and 3.</p> <p>Work No. 6 comprises works to create, enhance and maintain green infrastructure, and the relevant plots run around the perimeter in the north west of the Order Limits (Area A). The Applicant does not presently expect these works to materially disrupt the Interested Party's ability to extract mines and minerals beneath.</p> <p>Work No. 1 relates to ground mounted solar pv arrays and PCS units. These are placed on the surface of the land but may still impede any existing mines and minerals beneath the surface due to being affixed to posts which are set in the ground. Work No. 3 relates to electrical cables to be placed within the subsoil. As set out in ES Figure 3.19 Indicative Cable Trench Examples [APP-063] these cables will be placed at an indicative depth of 2m (final depth to be confirmed as part of detailed design). Access tracks within Work No. 3 may also involve soil removal. The interested party would be unable to safely extract minerals around the cables (allowing for their physical depth and any reasonable protection zone) or from soil used for access tracks following the completion of Work No. 3.</p> <p>The Applicant has incorporated Parts 2 and 3 of Schedule 2 (minerals) to the Acquisition of Land Act 1981 (the Mineral Code)¹¹ into the DCO, preserving the Interested Party's ability to extract mines/minerals (presuming it has legal rights to extract) safely and in accordance with a well-established, precedented approach. This approach has been adopted on several DCOs, including the Oaklands Farm Solar Park Order 2025 (see article 31) and East Yorkshire Solar Farm Order 2025 (see article 58).</p> <p>The Interested Party would be compensated for any interests compulsorily acquired (e.g. for subsoil required for cables), with the level of compensation to be set by the Upper Tribunal if an agreement cannot be reached.</p> <p>The Applicant has offered the Interested Party a meeting to discuss matters further but given the qualified nature of interest (see ARRR [REP1-002]), the Interested Party cannot guarantee that there are no other subsoil owners with superior rights which could affect the ability to extract minerals further. As the Interested Party's interest does not bind interests pre-March 2018, compulsory acquisition powers are the only way for the Applicant to acquire the interests it requires, and to successfully implement the Proposed Development.</p>

¹¹ Schedule 2 Acquisition of Land Act 1981

14 Waste

Table 14.1: Waste

No.	Question / Applicant's Response
Q13.0.1	<p>Question: <i>The ES provides a description of how waste would be managed but does not provide types and quantities of waste for all phases as requested by the Planning Inspectorate Scoping Opinion. In line with Schedule 4 of the Environmental Impacts Assessment Regulations and the NPS EN-1, the following information is required: [APP-097]. In line with Schedule 4 of the Environmental Impacts Assessment Regulations and the NPS EN-1, the following information is required:</i></p> <ul style="list-style-type: none"> • <i>the anticipated types and volumes of waste from the proposed development</i> • <i>the proposed on-site waste management strategy</i> • <i>an assessment of the impact of the waste generated on the capacity of waste management facilities, including consideration of other waste arising in the area.</i> <p>Response:</p> <p>It is acknowledged by the Applicant that the ES does not provide information on the types and quantities of waste for all phases of the Proposed Development, as recommended by the Planning Inspectorate's Scoping Opinion [APP-097].</p> <p>This is due to the unavailability of information on the volumes of waste at this stage of the project. The nature and size of the Proposed Development mean it will not generate a meaningfully quantifiable level of waste during construction. Significant earthworks are not required and as confirmed in the response to WQ 8.01, the Applicant is not expecting to strip any significant volume of soil.</p> <p>The Applicant notes that the general approach to the consideration of Waste in the ESs for the consented East Yorkshire Solar Farm, Oaklands Solar Farm Solar Park, and Heckington Fen Solar Park DCO projects comprised qualitative approaches, either based on those applicants' prior experience with similar solar development or by precedent from other solar DCO projects.</p> <p>Waste that will be produced will be managed in accordance with section 9 of ES Appendix 5.1 - OCEMP [APP-108]. It is expected to include:</p> <ul style="list-style-type: none"> • Recyclable materials associated with the packaging for solar array elements and associated infrastructure (carboard and plastic). • Arising associated with the constructions of foundations for the grid connection infrastructure and PCS Units and new internal access tracks would be reprofiled and retained within the Site; Arisings associated with temporary works such as the construction compounds and cable trenches would be retained in accordance with the OSMP [APP-110] and reinstated during construction and/or demobilisation. In the unlikely event of a requirement for off-Site soil disposal were required, it would be removed to a suitable facility, and details will be provided in the OCEMP; • Any temporary structures (cabins, Heras fencing, etc.) or equipment would be reused in the development of other projects;

No.	Question / Applicant's Response
	<ul style="list-style-type: none"> • Arisings associated with vegetation removal; <p>During decommissioning the equipment would be removed for recycling. However, the extent of this will depend on the facilities present in 40 years and cannot be easily quantified.</p> <p>The Applicant has outlined the waste management strategy within the ES Chapter 5 (Construction and Decommissioning Methodology) [APP-036] (see 5.2.38 to 5.2.40) and within the OCEMP (the OCEMP includes at section 9 information relevant to 'Material Handling and Waste Management and the FDMP [APP-111], in particular, see Table 3.1 (g).</p> <p>The principal control document is the OCEMP which includes measures to ensure that hazardous materials on-Site are properly stored, and the Site is kept clear of waste that may accumulate during the construction period.</p> <p>The assessment which has been undertaken is considered proportionate at this stage, given the minimal nature of waste that will be generated by the Proposed Development, and it is appropriate and proportionate that further consideration of this issue is a matter for the CEMP and DMP. Additional discussion is also provided below.</p> <p><u>Volumes & Strategy for Management</u></p> <p>While the types of waste expected across the construction and decommissioning phases can be identified with reasonable confidence, precise volumes cannot be predicted at this stage. This information will be dependent on the specific approach to construction and design.</p> <p>As detail emerges, relevant, detailed, and appropriate plans will be developed based on the frameworks set out in the - OCEMP and FDMP all of which will be secured by a DCO Requirement.</p> <p>These documents will include procedures for handling, storing, and disposing of materials in accordance with environmental regulations and the waste hierarchy. These plans will be refined and implemented prior to the relevant project phases, ensuring that waste is managed responsibly and in line with the current best practice and national policy.</p> <p>For the construction phase, more accurate projections of waste volumes will be established during the preparation of the CEMP, which must be in accordance with the principles established by the OCEMP. There can also be confidence that appropriate waste management measures will be in place and secured at the time that construction commences, as this is a requirement of the CDM Regulations which govern all construction projects. The final CEMP will consider the impacts of construction waste and will provide further detail on the waste management strategy and include mitigation measures to be implemented, which will follow the waste hierarchy.</p>

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	<p>The future detailed DMP document suite will include waste handling procedures on-Site, segregation strategies to enable recycling and storage and transport protocols. It will be submitted to the Council no later than 6 months before decommissioning begins, as secured by a DCO Requirement. New recycling processes and technologies are emerging, and this approach enables the DMP to utilise best practice approaches at the time of decommissioning.</p> <p>Further to this, it should be noted that The Waste (England & Wales) (Amendment) Regulations 2014¹² place a duty on waste producers and all handlers of waste to manage waste in accordance with a hierarchy of options where this achieves the best overall environmental outcome. Therefore, as a producer, the Principal Contractor must endeavour to reduce, sort and separate waste</p> <p><u>Capacity of Waste Management Facilities</u></p> <p>The EA reported non-hazardous and inert landfill capacity to be 15,767,081m³ within the North West of England region at the end of 2023, based on the most recent data available This capacity is spread across five sub-regions and multiple permitted sites. The 2023 dataset shows that while landfill capacity is declining, there is still significant void space available, particularly for non-hazardous construction and demolition waste.</p> <p>The Joint Cumbria Waste Needs Assessment¹³ confirms that Cumbria is close to net self-sufficiency in waste management. Forecasts suggest that waste arisings will remain stable or decline slightly across most streams, with sufficient infrastructure to manage projected volumes. Construction and demolition waste, which includes concrete and metal from solar farms, is well accommodated by existing facilities. Materials recycling facilities in the vicinity of the Site include Lillyhall Waste Management Centre and Distington Materials Recycling Facility, located approximately 2.4km and 2.7km from the Site, respectively. Both locations also contain landfill sites. Other sites within Cumbria include Hespian Woods Materials Recycling Facility, located in Todhills, Carlisle, approximately 48km from the Site.</p> <p>Because of the nature of the wastes during the construction phase, the obligations of contractors/ operators to follow the waste hierarchy, and the increasing cost of landfill tax, a significant proportion of any waste generated through construction is expected to be reused or recycled, with limited sent to landfill.</p> <p>Most of the waste from the Proposed Development will occur during decommissioning, which is expected to commence no later than 40 years after it becomes operational. This long lead time has several implications:</p> <ul style="list-style-type: none"> • No immediate pressure on local waste infrastructure. • Opportunity for strategic planning and investment in recycling and treatment facilities.

¹² SI 2014/No. 656 The Waste (England and Wales) (Amendment) Regulations 2014

¹³ Cumbria County Council & District Authorities (2022). *Joint Waste Needs Assessment*.

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	<ul style="list-style-type: none"> • Technological advancements in solar panel recycling are expected to improve efficiency and reduce landfill reliance • Policy evolution is likely to strengthen end-of-life obligations and circular economy practices. <p>This delay allows local authorities and national agencies to prepare for future waste volumes through infrastructure upgrades, policy development, and market stimulation for recycling service.</p> <p>Solar panels, once decommissioned, contain valuable recoverable materials such as glass, aluminium, and metals like copper and silver. While dedicated solar panel recycling facilities are still emerging, Commercial and Industrial Materials Recovery Facilities (C&I MRFs) offer an immediate and practical solution.</p> <p>In accordance with the Inspectorate's request to consider other waste arising in the area, it is important to note that it is not currently possible to establish the impact of other future projects on landfill or waste management capacity. At this stage, there is insufficient certainty regarding the location, scale, and timing of other developments that may be operational or decommissioned concurrently with the Proposed Development.</p> <p>As such, any attempt to quantify cumulative waste impacts would be speculative and potentially misleading. Future iterations of the waste strategy may revisit this issue as part of the DMP and decommissioning planning, once more information becomes available.</p>

15 Air Quality

Table 15.1: Air Quality

No.	Question / Applicant's Response
Q14.0.1	<p>Question: <i>ES Chapter 2, Table 2.7 [APP-033] notes that a Construction Dust Risk Assessment was not undertaken, citing limited proximity of sensitive receptors and the inclusion of dust mitigation measures within section 8 of the oCEMP [APP-108]. It further indicates that this approach was agreed with the Environmental Health Officer at Cumberland Council, with supporting correspondence provided in ES Appendix 2.9 [APP-106]. However, the correspondence does not clearly confirm whether Cumberland Council agreed to the scoping out of the Construction Dust Risk Assessment. Could both the applicant and Cumberland Council please supply further evidence of this agreement? If such agreement is not confirmed, the applicant is requested to provide a qualitative dust impact assessment, based on relevant guidance, to demonstrate that the proposed mitigation measures are proportionate to the anticipated scale of effects.</i></p> <p>Response:</p> <p>The Applicant has agreed with the Council's Environmental Health Officer that a Construction Dust Risk Assessment is not required in support of the ES.</p> <p>This agreed position is set out in the dSOCG between the Applicant and the Council also submitted at Deadline 2 [D2.8].</p>

