



Planning Inspectorate

National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer 0303 444 5000
Services:
e-mail: deanmoorsolar@planninginspectorate.gov.uk

All interested parties, statutory parties
and other persons

Your Ref:

Our Ref: EN010155

Date: 19 September 2025

Dear Sir/Madam

The Infrastructure Planning (Examination Procedure) Rules 2010 – rule 17

Application by FVS Dean Moor Limited for an order granting development consent for the Dean Moor Solar Farm project

Request for further information

Following my recent letter regarding the [cancellation of hearings](#) and the accompanied site inspection (ASI) scheduled for the week commencing 15 September 2025, I would like to take this opportunity to apologise for any inconvenience this may have caused. Please rest assured that the decision was not made lightly and became necessary due to unforeseen circumstances beyond my control.

At this stage, I intend to proceed in accordance with the examination timetable as set out in **annex A** of the [rule 8 letter](#). I will be rearranging the ASI, details of which will be shared in due course. Should any further amendments to the examination timetable become necessary, they will also be communicated.

The main purpose of this letter is to request further information from the **applicant** and, where relevant, **Cumberland Council** and the **Lake District National Park Authority**, under rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

You will recall that the agendas for the [issue specific hearing](#) (ISH) and the [compulsory acquisition hearing](#) (CAH) set out a series of topics and required points of clarification, which I intended to address during the respective hearings. In light of the cancellation of these events, and to ensure you have the opportunity to respond, I now invite your written submissions in response to each of the topics and points of clarification listed in the tables within the respective agendas. Those relating to the ISH are set out in **annex A**, with those relating to the CAH set out in **annex B** of this letter.

Whilst this request is not directed at other Interested Parties (IP) or affected persons (AP), they may also respond if they wish. In any event, all parties will have the opportunity to

comment on any submissions received in response to this request at **deadline 4**, as set out in the [examination timetable](#).

Your submissions in response to the points raised will assist with my examination of the project and will help me determine the extent to which I need to exercise my discretion to pursue further written questions or hold hearings, as per the [examination timetable](#).

I also recognise that there has been a request for a CAH from an affected person. Please take this as an opportunity to engage further with the affected person and to narrow areas of disagreement as far as possible. The applicant should also update progress made on this matter as part of the land and rights negotiation tracker, due at **deadline 3**.

Your written submissions in response to **annex A** and **annex B** should be submitted by **deadline 3 (Tuesday 30 September 2025)**.

I thank you for your understanding and look forward to your continued cooperation.

Yours faithfully

Matthew Woodward

Matthew Woodward
Examining Authority

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Annex A

The draft Development Consent Order (dDCO)

Applicant to:	
1)	a) Provide a brief overview of the dDCO (up to approximately 10 minutes) including:- <ul style="list-style-type: none">- the overall approach- description of the structure of the dDCO, including the Schedules and why each section is required- how the dDCO, including the description of development, relates to the works plans and other control documents (parameters and management plans)
	b) Explain Article 12 and Article 13 of the dDCO to the ExA.
	c) Explain Article 32 of the dDCO to the ExA.
	d) Explain Article 40 of the dDCO to the ExA.
ExA questions on the dDCO based on the following:	
2)	a) Cumberland Council's input into the dDCO drafting, including their view on provisions/requirements and whether they are deliverable and sufficient to control and mitigate the anticipated effects of the proposed development.
	b) The input of other statutory party's in dDCO drafting.
	c) Understanding the implications of Article 10 in respect of statutory nuisance.
	d) Article 3 – definition of 'curtilage'.
	e) The meaning of 'decommissioning'.
	f) The meaning of 'maintain'.
	g) Any other matters relating to the dDCO.

Environmental Impact Assessment (EIA) and general matters

ExA questions based on the following:	
3)	a) The anticipated construction start date and the implications for the Environmental Statement (ES).
	b) Proposed permissive paths – applicant to explain how they are to be secured and what their status would be during operation and following decommissioning.
	c) Potato pot wind farm.

Design

ExA questions based on the following:	
4)	a) The applicant's approach to achieving good design with regard to the design approach document [APP-029] and the applicant's response set out in Q3.0.2 [REP2-10].

Landscape and visual

ExA questions based on the following:

5)	a) The impact of the proposed development on the Lake District National Park (LDNP) having regard to the national park's statutory purposes (see Q6.0.1 of REP2-10) – what is the view of the LDNP authority?
	b) The effects of the proposed development, in visual terms, on residential receptors including Cumberland Council's view.
	c) The landscape and visual impact assessment – the methodology and the extent to which there is agreement/disagreement between the applicant and Cumberland Council on methodology and outputs.
	d) Any other landscape and visual matters.

Cultural heritage/historic environment

ExA questions based on the following:	
6)	a) EIA methodology – sensitivity/value of designated heritage assets.
	b) Matters agreed/disagreed between applicant and Historic England, LDNP and Cumberland Council.
	c) Details including clarification on the visualisations requested at first written questions (ExQ1) by the ExA and provided by the applicant at deadline 2.
	d) Any other matters relating to cultural heritage/historic environment.

Climate change

ExA questions based on the following:	
7)	a) Climate change assessment methodology, including the applicant's responses to the ExQ1 (see table 3.1 of REP2-10).
	b) The figures and assumptions as set out in the ES having regard to the export capacity and the 'Dean Moor Carbon Calculations' [APP-161] document and the extent to which they apply to the proposed development specifically.
	c) The extent and reasonableness of any 'overplanting' proposed.

Biodiversity

ExA questions based on the following:	
8)	a) Update on the latest position from Cumberland Council having regard to the Local Impact Report [REP2-058] .
	b) Peat management and protection measures having regard to the comments received from Natural England at deadline 2, particularly the suitability of the methodology, peat exclusion areas and proposed mitigation.
	c) Habitat Regulation Assessment matters – Cumberland Council latest position.

Noise

ExA questions based on the following:	
9)	a) Clarification on the applicant's responses at deadline 2 (see Q9.0.1 of REP2-010).

Other matters

ExA questions:	
10)	a) Any other matters, including: - <ul style="list-style-type: none"> - applicant to update ExA on hydraulic analysis and other matters outstanding with Environment Agency - applicant to update ExA on anticipated further survey work relating to Lillyhall roundabout expected September 2025.

Annex B

Applicant to:	
a)	<ul style="list-style-type: none"> - Outline where agreement has been reached with land owners/those with land interests and outline any ongoing negotiations. - Where CA and TP are sought, how they meet the tests of the PA2008. - To summarise how the application demonstrates that all reasonable alternatives to CA (including modifications to the scheme) have been explored. - To explain the time period of relevant land for which TP is sought. - To explain how the CA/TP powers sought in the draft Development Consent Order (dDCO) are compatible with human rights tests.
Objectors to CA/TP:	
b)	<ul style="list-style-type: none"> - Affected Persons (APs) to set out any outstanding matters of concern, including any resolution/negotiations sought to resolve concerns.
Applicant to:	
c)	<ul style="list-style-type: none"> - Update on negotiations relating to Protective Provisions.
ExA to:	
d)	<ul style="list-style-type: none"> - Seek clarity on the implications of further negotiations on the dDCO, including timescales.