



# Dean Moor Solar Farm

## Natural England Draft Statement of Common Ground ~~with Natural~~ ~~England~~

on behalf of FVS Dean Moor Limited

~~26 August~~30 September 2025

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**DEAN MOOR SOLAR FARM**  
**DRAFT STATEMENT OF COMMON GROUND WITH NATURAL ENGLAND**  
**PLANNING INSPECTORATE REFERENCE EN010155**  
**PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

The Infrastructure Planning (Applications: Prescribed Forms  
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# 1 Introduction

## 1.1 Status of the Statement of Common Ground

1.1.1 This draft Statement of Common Ground ('dSoCG') has been produced for FVS Dean Moor Limited ('the Applicant') to support the application for a prepared in respect of the Development Consent Order (the 'DCO application') to the Secretary of State for Energy Security and Net Zero ('SoS') 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 This dSoCG has been prepared by (1) the Applicant and (2) Natural England (NE). It is agreed that this dSoCG is an accurate description of the matters raised by NE and the current status of each matter. A high-level overview of the engagement undertaken since September 2023 is summarised in section 3.

## 1.2 Purpose of this document

1.2.1 The dSoCG has been produced to confirm to the Examining Authority (ExA) where agreement has been reached between the parties, and where agreement has not (yet) been reached. In the planning process, SoCGs are an established means of allowing all parties to identify and focus on specific matters that may need to be addressed during the Examination. The dSoCG is a 'live' document that will be updated by the parties as matters progress.

## 1.3 Terminology

1.3.1 In the matters table in Section 2 of this SoCG, '*Matter agreed*' indicates where issues are resolved. '*Matter under discussion*' indicates where points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. And, '*Matter not agreed*' indicates agreement on the matter could not be reached following extensive engagement.

## 2 Current Position

### 2.1 Position of NE and the Applicant

- 2.1.1 The Applicant and NE have had positive engagement on a number of issues, set out in Table 2.1 and 2.2 below covering a range of topics.
- 2.1.2 One matter is currently still under discussion relating to the circumstances where a Peat Management Plan would be required and the conclusions of the Peat Survey Report (see Table 2.2). The Applicant and NE are confident of resolving this matter during the Examination.
- 2.1.3 The Applicant has provided a response to the matters raised by NE within their Relevant Representation (RR) [RR-009] within the ‘Applicant Response to Relevant Representations’ (ARRR) [REP1-002]. This response, and the points raised by NE’s RR are reflected within this dSoCG. NE submitted a Written Representation (WR) [REP2-060] at D2 which focused on the matter of peat. The Applicant and NE have had positive engagement to agree actions to resolve this matter, and this is reflected in Table 2.2 of this dSoCG. The Applicant has further provided a separate ‘Applicant Response to Natural England’s Written Representation [REP2-059] [D3.4].
- 2.1.4 The shared position set out below within Table 2.1 ‘Matters agreed’ is the agreed position. However, the wording may be refined following further engagement between the parties and these updates will be presented in the next version of this dSoCG.

## 2.2 Matters agreed

2.2.1 Table 2.1 below details the matters agreed with NE.

**Table 2.1 Matters agreed**

Ref	Topic	Shared position	Application Ref
NE1	Scope of surveys and survey report methodologies,	It is agreed that the assessment of impacts to biodiversity is based on an appropriate scope, as informed by the Applicant's engagement with NE, and range of surveys which have been conducted to recognised methodologies.	ES Ch8 Biodiversity <del>[APP-038]</del> <a href="#">[REP2-053]</a> and associated appendices <del>[APP-150-APP-155]</del> , <a href="#">151</a> , <a href="#">152</a> , <a href="#">153</a> , <a href="#">154</a> , <a href="#">155</a>
NE2	Updating of the relevant surveys	<p>It is agreed that it is appropriate to secure the updating of relevant environmental assessments to ensure an-up-to date ecological baseline in advance of construction and to inform the detailed design and the mitigation proposed within the control documents.</p> <p>It is agreed that a suitably qualified ecologist (or team of ecologists) will undertake further surveys pre-commencement where necessary across the Site to update the surveys carried out to date. An updated PEA will inform the need for updating species-specific surveys in advance of construction. The updated surveys will include an assessment of the habitats on Site and appropriate species surveys to ensure that proposed environmental management measures and risk avoidance measures are fit for purpose. Information derived from these surveys will inform the CEMP and associated (Risk Avoidance Method Statements (RAMS) pertaining to ecological receptors, Species Protection Plans ('SPP') and toolbox talks that will be facilitated by the Ecological Clerk of Works (ECoW) (OCEMP 5.4.1). The final CEMP is secured as a DCO Requirement.</p> <p>The OCEMP includes the requirement that final CEMP will be informed by consultation with Natural England and other stakeholders for relevant matters in advance of submission to the Council to discharge the Requirement. The Applicant can confirm that the DCO Requirement <del>will be</del> <a href="#">has been</a> updated to confirm a consultee role for Natural England.</p> <p>NE note that any CEMP that is produced and subsequently approved will be a 'live' document and will be updated as required and secured by a DCO Requirement (4).</p>	<p>ES Ch8 Biodiversity <del>[APP-038]</del> <a href="#">[REP2-053]</a></p> <p>ES Appx 5.1 <del>Construction Environmental Management Plan OCEMP</del> <a href="#">[APP-108]</a></p> <p>ES Appx 5.3 <del>Soil Management Plan OSMP</del> <a href="#">[APP-110]</a></p> <p><del>dDCO</del> <a href="#">[REP2-005]</a></p>

Ref	Topic	Shared position	Application Ref
NE3	Shadow Habitat Regulation Assessment (sHRA) methodology	There is agreement on the overall scope of the SHRA and the sites taken forward to the Screening Assessment and Appropriate Assessment. NE have agreed on the methodology and scope of the Appropriate Assessment with regards to the Solway Firth SPA and River Derwent and Lake Bassenthwaite SAC.	ES Ch8 Biodiversity <del>[APP-038]</del> <a href="#">[REP2-053]</a> ES Appx 8.7 <del>shadow Habitat Regulations Assessment sHRA</del> <a href="#">[APP-156]</a>
NE4	SHRA conclusions and mitigation of potential impacts on the River Derwent and Bassenthwaite Lake SAC	<p>It is agreed that the conclusions of the SHRA are sound subject to compliance with the final CEMP, SMP, LEMP, and Operational Management Plan (OMP), which are to be substantially in accordance with the outline versions.</p> <p>It is acknowledged that the relevant measures within the final control documents will require additional consideration and review by NE as part of the process to discharge the relevant DCO Requirements. As per NE2, it is agreed that final design and control documents will reflect an appropriate scope of updated surveys and assessment.</p> <p><del>It is agreed that relevant measures in the final control documents will require consideration and review by Natural England as part of the process to discharge their DCO Requirements. As per NE2, it is agreed that the final design and control documents will reflect an appropriate scope of updated assessment.</del></p> <p>Outline pollution prevention measures have been provided in the OCEMP which covers the main mitigation measures NE would expect for work in proximity to watercourses, and utilising appropriate Best Practice Guidance. NE note that no new water crossings are proposed for the scheme.</p> <p>NE agrees with the need for an ECoW who's role will include ensuring the adherence to the measures outlined in the CEMP to ensure no deterioration to the water quality of the SAC downstream.</p> <p>The ES states (8.6.11) that prior to works commencing, pre-construction surveys for otter, will be carried out by the ECoW to identify any change in Site use, including the potential for otter holts to have been created. It is noted that the Applicant has acknowledged that pre-construction surveys, Species Protection Plans, and RAMS are secured by the OCEMP, which is secured by a DCO Requirement.</p>	<p>ES Appx 8.7 <del>Shadow Habitat Regulations Assessment</del> <del>[APP-156]</del> sHRA <a href="#">[APP-156]</a></p> <p>ES Ch8 Biodiversity <del>[APP-038]</del> <a href="#">[REP2-053]</a></p> <p>ES Appx 5.1 <del>Construction Environmental Management Plan</del> OCEMP <a href="#">[APP-108]</a></p> <p>ES Appx 5.3 <del>Soil Management Plan</del> OSMF <a href="#">[APP-110]</a></p> <p>ES Appx 3.1 <del>Outline Operational Management Plan</del> OOMP <a href="#">[APP-107]</a></p> <p>ES Appx 7.7 <del>Outline Landscape Ecological Management Plan</del> OLEMP <a href="#">[APP-145]</a></p>
NE5	SHRA conclusions and mitigation of	It is agreed that given the wider availability of suitable alternative habitat, the ecological dependence on the fields within the Site for loafing is not likely to be significant, and <u>due to</u> the potential for birds from the surrounding areas to use the Morecambe Bay and Duddon Estuary SPA further south, <del>that</del> the Proposed	ES Appx 8.7 <del>Shadow Habitat Regulations Assessment</del> sHRA

Ref	Topic	Shared position	Application Ref
	potential impacts on the Solway Firth SPA	<p>Development will not, in itself, have an adverse effect on the integrity of the SPA. <u>As confirmed by NE, herring gull are a highly mobile species with a large foraging range up to 50km from their roosting colonies, such that inclusion of the SPAs within the 10km radius of the Site as per the sHRA is suitably precautionary.</u></p> <p>It is agreed that the assessment of in-combination effects has been appropriately considered based on the information that is publicly available from other known potential schemes, including the former Lostrigg Solar DCO (which has since been withdrawn as a DCO). Should that or any other scheme come forward under the DCO or TCPA regime they would be considered on their own merits and would have to account for the Proposed Development (if consented) in their assessment and mitigation proposals.</p> <p>Based on the number of herring gull recorded at the Lostrigg site, from raw data counts supplied for some months over winter, and the wide availability of similar loafing and foraging habitat available Natural England agree with the conclusion that there will be no in-combination adverse effects on the integrity of the SPA.</p>	<p><a href="#">[APP-156]</a></p> <p>ES Ch8 Biodiversity <del><a href="#">[APP-038]</a></del> <a href="#">[REP2-053]</a></p>
NE6	Landscape and Ecological Enhancement, Management, and Monitoring	<p>Enhancement will be achieved through new and improved vegetation and Site management, including monitoring to achieve conservative Biodiversity Net Gain (BNG) outcomes.</p> <p>It is agreed that the approach established by the LSP and OLEMP provide an appropriate foundation for habitat and biodiversity improvement for the Site as a whole.</p> <p>It is agreed that the OLEMP (at section 1.6) provides the appropriate detail of roles and responsibilities, oversight, and procedures for third party <u>involvement</u> during the operational period, subject to NE's review of the detail in the final LEMP to be provided as a DCO Requirement.</p> <p>To secure green infrastructure enhancement and BNG, a LEMP should be in effect across the Proposed Development's operational life. To that end it is agreed that it is appropriate for the LEMP to be a 'live' document that will be updated every five years based on annual monitoring, and will need to support third party monitoring requirements. Existing management measures and mitigation outcomes will not be amended without the prior agreement of the Council. These OLEMP commitments will ensure that the management provided by the LEMP can be responsive to the Site's evolving environment and the changing climate while supporting relevant stakeholder oversight of BNG delivery.</p> <p>Natural England are supportive of the enhancements detailed in the <del>e</del>OLEMP particularly the proposed</p>	<p>ES Ch7 Landscape and Visual <del><a href="#">[APP-039]</a></del> <a href="#">[REP2-046]</a></p> <p>ES Appx 7.7 <del>Outline Landscape Ecological Management Plan</del> OLEMP <a href="#">[APP-145]</a></p> <p>ES Fig 7.6 <del>Landscape Strategy Plan</del>-LSP <a href="#">[REP2-046]</a></p> <p>ES Ch8 Biodiversity <del><a href="#">[APP-038]</a></del> <a href="#">[REP2-053]</a></p> <p>ES Appx 8.8 <del>Biodiversity Net Gain Report</del>-BNG Report <a href="#">[APP-157]</a></p>



Ref	Topic	Shared position	Application Ref
		enhancements to Dean Moor County Wildlife Site and the proposed enhancement of watercourses.	
NE7	Biodiversity Net Gain (BNG) Calculation	<p>It is agreed that while mandatory BNG does not apply to NSIPs, the BNG Report, establishes that the Proposed Development could deliver BNG of 114.69% for habitats, 44.84% for hedgerows, and 12.56% for watercourses (although note that these are indicative figures based on the LSP and OLEMP).</p> <p>It is also recognised that BNG metric outcomes could change based on an up-to-date assessment of baseline habitats in pre-construction, and it is therefore appropriate to take a conservative approach in establishing minimum commitments at the application stage so long as this does not unduly constrain more ambitious outcomes being delivered.</p> <p>The LSP and OLEMP provide a strong foundation for securing a significant minimum BNG based on detailed design, which would be at least 60% for habitats, 20% for hedgerows, and 5% for watercourses (see para 1.2.3 of the OLEMP).</p> <p>The Applicant aims to exceed these targets, which is supported by a commitment within the OLEMP to re-calculate the BNG based on the final design and LEP, with the final LEMP to reflect the management requirements to deliver the outcome of this calculation, <del>W</del>which will be no less than the minimum commitments of the OLEMP.</p> <p>The LEMP will be formally updated every five years, will include annual monitoring, and will support third party monitoring, all of which will provide relevant stakeholder oversight of the Proposed Development's progress in relation to the BNG outcomes that will be established via the LEP and LEMP DCO Requirements.</p> <p>Natural England welcomes the inclusion of these calculations and note that the proposed gains are significantly above the intended 10% mandatory gain. However, they acknowledged that mandatory net gain does not apply to NSIP projects.</p>	<p>ES Appx 7.7 <del>Outline Landscape Ecological Management Plan</del> OLEMP [APP-145]</p> <p>ES Appx 8.8 <del>Biodiversity Net Gain Report</del>-BNG Report [APP-157]</p> <p>ES Fig 7.6 <del>Landscape Strategy Plan</del>-LSP [REP2-046]</p>
NE8	Nature-based solutions approach to the Drainage Strategy (DS)	<p>It is agreed that the principles of a landscape-led strategy which incorporates a nature-based solutions approach to drainage that maintains existing greenfield runoff characteristics as set out in the Flood Risk Assessment (FRA) and Outline Drainage Strategy (FRA) (ODS) can be supported subject to the detailed design conforming to the <del>and</del> commitments of the ODS and OLEMP, and the final DS (DCO Requirement 8) being sufficiently comprehensive and including appropriate supporting evidence.</p> <p>Natural England welcome the nature-based approach and solutions in the outline Drainage Strategy.</p>	<p>ES Appx 2.4 <del>Flood Risk Assessment and Outline Drainage Strategy</del>-FRA &amp; ODS [REP2-022]</p> <p>ES Appx 7.7 <del>Outline Landscape Ecological</del></p>

Ref	Topic	Shared position	Application Ref
			Management Plan OLEMP [APP-145]
NE9	Agricultural Land Classification (ALC) Survey results	It is agreed that the full Site has been subject to ALC surveys conducted to the correct methodologies and standards to determine the quality of the agricultural land within the Order Limits. As confirmed by the ALC survey outcomes the land is of subgrade 3b or lower, meaning it does not meet the threshold for BMV designation under the National Planning Policy Framework. As such, there is no loss of high-grade agricultural resource, and no additional safeguards or mitigation measures are required in this regard.	ES Appx 2.8 <del>Agricultural Land Classification Report</del> ALC Report [APP-105]
NE10	Soil resource mitigation and conservation	<p>It is agreed that a Soil Management Plan (SMP) is an appropriate means by which to provide dedicated management of soil resource conservation during the construction phase. The outline Soil Management Plan (OSMP) details soil handling and restoration measures based on site specific soil information and sets out specific mitigation measures with reference to the best practice guidance (Defra Construction Code of Practice) <u>for peat resources across the Site including peaty soils and peat.</u></p> <p>It is agreed in principle that as long as soil resource management best practice is carried forward for maintenance activities in the OMP, alongside good ecological management via the LEMP, the Proposed Development has potential to provide benefits for soil health over the operational phase.</p> <p>It is understood that the OSMP, while primarily targeted to construction effects, represents the foundation of soil resource management for the Proposed Development as a whole, with the final SMP providing the detailed baseline for construction management that will be taken forward as appropriate.</p> <p><del>Subject to ongoing discussions regarding the management of areas of deep peat within the Site boundary, additional measures may be required within the OSMP, or a separate Peat Management Plan produced. Please see Table 2.2 for further detail.</del></p>	<p>ES Ch5 Construction and Decommissioning Methodology and Phasing [APP-036]</p> <p>ES Appx 5.3 Outline Soil Management Plan OSMP [APP-110]</p> <p>ES Appx 5.1 <del>Outline Construction Environmental Management Plan</del> OCEMP [APP-108]</p> <p>ES Appx 3.1 <del>Outline Operational Management Plan</del> OOMP [APP-107]</p> <p>ES Appx 5.4 <del>Framework Decommissioning Plan</del> FDMP [APP-111]</p> <p>ES Appx 7.7 <del>Outline Landscape Ecological Management Plan</del> OLEMP [APP-145]</p>

Ref	Topic	Shared position	Application Ref
NE11	Decommissioning and restoration effects on soils	<p>The Applicant's approach to protecting soil resources -during decommissioning, as established by the framework of measures within the Framework Decommissioning Management Plan (FDMP), is appropriate for this stage.</p> <p>It is agreed that the FDMP ensures that the final DMP document suite will include a management plan equivalent to the SMP for construction based on best practice guidelines at that time to provide measures to manage the handling and placement of soils during decommissioning- along with a Site Restoration Scheme (SRS) to detail the condition to which the land will be restored.</p> <p>NE agree that before decommissioning a Decommissioning Soil Management Plan (<u>DSMP</u>) will be required <u>as part of the final DMP suite which is</u> based on best practice guidelines at that time.</p>	<p>ES Appx 5.3 <u>Outline Soil Management Plan</u> OSMP [<a href="#">APP-110</a>]</p> <p>ES Appx 5.4 <u>Framework Decommissioning Management Plan</u> FDMP [<a href="#">APP-111</a>]</p>
NE12	Approach to tree protections including Ancient Woodland & Ancient/Veteran Trees	<p>It is agreed that while there is no ancient woodland present on the Site, there is a replanted ancient woodland (Lime Kiln Wood) adjoining (west of) the north of Area C. Trees on the Site have been surveyed, and are detailed in the Arboricultural Impact Assessment (AIA) This includes one Veteran Tree on the south west boundary of Area C.</p> <p>The inclusion of a 15m buffer between the replanted ancient woodland and generating station infrastructure <del>to</del> within the Site (as secured by the Work Plans) is in accordance with Natural England (in partnership with the Forestry Commission) standing advice with regards to Ancient Woodland &amp; Ancient/Veteran Trees.</p> <p>It is agreed that the Proposed Development includes no proposals for removal of woodland or hedgerows, although it is acknowledged that works to trees and some minor loss of hedgerow for widening of existing gaps may be required, with full details to be provided in the final CEMP, and with details of any compensation planting in the LEP and LEMP.</p> <p>The application includes appropriate commitments to safeguard trees and hedges during construction, as set out in the Arboricultural Management Plan (<u>CEMP</u>:AMP) at section 6 of the OCEMP. It is agreed that the CEMP shall be informed by an updating arboricultural assessment to ensure the detailed design and final CEMP reflect the up-to-date condition of trees and hedgerows (and their Root Protection Areas (RPA).</p>	<p><u>ES Ch8 Biodiversity</u> [<a href="#">REP2-053</a>]</p> <p>ES Appx 7.8 <u>Arboricultural Impact Assessment AIA</u> [<a href="#">APP-146</a>] [<a href="#">REP2-020</a>]</p> <p><u>ES Ch8 Biodiversity</u> [<a href="#">APP-038</a>]</p> <p><u>ES Appx 5.1 OCEMP</u> [<a href="#">APP-108</a>]</p> <p><u>Work Plans</u> [<a href="#">APP-007</a>]</p>

Ref	Topic	Shared position	Application Ref
NE13	Nationally Designated Landscapes	During construction, operation, and decommissioning the proposed development will have a very low magnitude of impact on the character, setting, and Special Qualities of the Lake District National Park.	ES Ch7 – Landscape and Visual Impact <del>[APP-039]</del> <a href="#">[REP2-046]</a>

## 2.3 Matters under discussion

2.3.1 Table 2.2 below details the matters under discussion with NE. The italicized text has been quoted from NE's comments on a previous draft of the dSoCG.

**Table 2.2 Matters under discussion**

Ref	Topic	Applicant's Position	NE's Position	Application Ref
NE14	<p><del>Protection of peat resources within the Site</del></p> <p><u>Identification of peat deposits within the Site</u></p>	<p>The Applicant recognises the importance of protecting peat resources, and NE's interest in the protection of peat within the Site. No infrastructure is proposed to be located within 10m of peat, and no peat excavation is proposed.</p> <p>The application is informed by a Peat Survey Report (PSR) which sets out the results of the peat survey. Figure 1.4 of the PSR maps the confirmed locations of peat within the Site. This has informed the approach to design and controls on activities which the Applicant considers to be appropriate to protect the peat resources across the Site. This includes commitments to avoid (exclude) identified peat resource areas from the final design, and to include in final control documents, such as the CEMP and SMP for construction and the LEMP and OMP for operations, mitigation, and management measures for activities on the Site that could otherwise have effects on the areas of peat.</p> <p>A full response to NE's RR on this matter is set out within 'Applicant Response to Relevant Representations', which confirms that, although peat is within Work Areas 3 and 6, the inclusions of peat within these areas is purely to enable any habitat enhancements or protection measures (such as fencing) in the vicinity of these areas of peat. However, it is acknowledged that Work No. 3 includes elements which have the potential to compress peat (such as</p>	<p>The embedded measures and best practice for the protection of peat soils should be set out in detail in a Peatland Management Plan (PMP) in line with the SEPA Guidance. Although aimed at windfarms in Scotland, the principles of this guidance apply to all developments on peat.</p> <p><i>The reuse of the surplus peat resources should be secured in the PMP, separately to the reuse of mineral soil resources which should be secured in the SMP. The impact on the hydrology of identified areas of peat needs to be considered within the PMP and the potential for the restorability of the peat within the Site.</i></p> <p>NE submitted further comments to the Applicant on the</p>	<p>ES Appx 10.3 Peat Survey Report <b>[APP-173]</b></p> <p>ES Appx 5.3 Outline Soil Management Plan <b>[APP-110]</b></p> <p>ES Appx 5.1 Outline Construction Environmental Management Plan <b>[APP-108]</b></p> <p>ES Appx 3.1 Outline Operational Management Plan <b>[APP-107]</b></p> <p>ES Appx 5.4 Framework Decommissioning Plan <b>[APP-111]</b></p> <p>ES Appx 7.7 Outline Landscape Ecological</p>

Ref	Topic	Applicant's Position	NE's Position	Application Ref
		<p><del>access tracks as opposed to vegetation planting). The Applicant is confident that any works which would have the potential to compress peat in the vicinity of these known areas of peat could be avoided. In the unlikely event such works were proposed in these areas, then a Peatland Management Plan would be prepared, to include the information included in "Annex 1: Peat Management Plan" of SEPA's "Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and the Minimisation of Waste" guidance. The Applicant is keen to avoid a requirement to prepare such a Plan, if only habitat enhancements or protection measures are being established in these areas (which themselves are for the purpose of protecting peat).</del></p> <p><del>The Applicant is reviewing the further comments received from NE on the Peat Survey Report, and intends to reflect this discussion in a future iteration of the dSoCG.</del></p> <p><del>The application is informed by a Peat Survey Report (PSR) setting out the results of the peat survey. Figure 1.4 of the PSR maps the locations of confirmed peat deposits within the Site.</del></p> <p><del>The Applicant recognises the importance of protecting peat resources and it is agreed that consideration of peat should inform the approach to design and controls on activities secured through DCO Requirements. The approach to peat protection for the relevant phases of the Proposed Development is set out in rows to follow specific to each phase.</del></p> <p><del>It is agreed that the submitted PSR represents an appropriately conducted ground investigation for peat deposits to inform the baseline conditions at the Site.</del></p> <p><del>It is also agreed that while the PSR can be relied on, the possibility of further peat deposits being found during pre-construction ground</del></p>	<p><del>21.08.2025 which are currently being considered in relation to the conclusions of the Peat Survey Report.</del></p> <p><del>The Applicant improperly discusses the peat information ubiquitously across Geotechnical/geo-env and agricultural soil applications.</del></p> <p><del>The peat probing within the submitted PSR represents an appropriately conducted survey of peat depth.</del></p> <p><del>However, the peat core methodology and subsequent description of properties is inappropriate for a peat baseline survey, as the survey undertaken and presented in the PSR is for a geotechnical ground investigation, which informs the engineering aspects of the proposed works, but does not appropriately reflect the peat properties and condition at the Site.</del></p> <p><del>However, the peat depth survey, when coupled with the ALC survey presented in a separate</del></p>	<p>Management Plan <b>[APP-145]</b></p> <p>ES Fig 7.6 Landscape Strategy Plan <b>[APP-088]</b></p> <p>PSR <b>[APP-173]</b></p>

Ref	Topic	Applicant's Position	NE's Position	Application Ref
		<u>investigations, or later, cannot be discounted. It is agreed that relevant control documents will need to have regard for the PSR baseline and any new information (e.g. geotechnical surveys) which identifies additional peat deposits or advances the identification of peaty soils.</u>	<u>chapter, is considered to provide appropriate soil/peat baseline data.</u> <u>A geotechnical survey approach is not appropriate for a soil / peat survey. Please refer to The Soil Survey Field Handbook (2022).</u>	
NE15	<u>Potential enhancement of peat as a BNG objective</u>	<u>Although acknowledged that peat restoration may be a highly beneficial biodiversity enhancement aspiration which NE would encourage, it is accepted that the Proposed Development excludes this objective from proposals (e.g. the LSP and OLEMP). This is due to the temporary nature of the generating station and the requirement to return the Site to its existing use which would not be compatible with the pursuit of this habitat.</u>	<u>Noted</u>	<u>LSP [REP2-046]</u> <u>OLEMP [APP-145]</u>
NE16	<u>Types of peat resources for relevant consideration</u>	<u>It is agreed that there is a distinction in terms between peat deposits, and peat resources which include deposits as well as peaty soils, which exist across a spectrum of peatiness. This is reflected in the Joint Nature Conservation Committee (JNCC) report 455 'Towards an Assessment of the State of UK Peatlands' definition for classification of peat deposits:</u> <ul style="list-style-type: none"> <li><u>• Peaty (or organo-mineral) soil: soil with a surface organic layer &lt; 0.5 m deep;</u></li> <li><u>• Peat: a soil with a surface organic layer &gt; 0.5 m deep which has an organic matter content of more than 60 %; and</u></li> <li><u>• Deep Peat: a peat soil with a surface organic layer &gt; than 1.0 m deep.</u></li> </ul> <u>With respect to peaty soils the Applicant will rely on the definitions of peat, peaty, and organic mineral soil given in the MAFF 'Agricultural Land Classification of England and Wales: Revised criteria for</u>	<u>Natural England agree in principle with the approach being proposed.</u> <u>NE agree that the appropriate definitions for peat, peaty and organo-mineral soils should be those set out in the MAFF (1988) Agricultural Land Classification of England and Wales: Revised criteria for grading the quality of agricultural land. Reference could also usefully be made to the Soil Survey Field Handbook (2022).</u>	<u>ES Ch10 - Ground Conditions [APP-041]</u> <u>PSR [APP-173]</u> <u>ALC Report [APP-105]</u>



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		<p><u>grading the quality of agricultural land (ALC011)' (the 'ALC Guidelines').</u></p> <p><u>Accordingly:</u></p> <ul style="list-style-type: none"> <li><u>• Peat is a soil texture class given in Figure 3 of the ALC Guidelines (i.e., more than 50% organic matter).</u></li> <li><u>• Peaty refers to a soil texture group comprising peat, loamy peat, sandy peat, peaty loam, and sandy peat textures, as shown in Figure 3 of the ALC Guidelines.</u></li> <li><u>• Peat soil is a soil which meets both of the following criteria:</u> <ul style="list-style-type: none"> <li><u>(i) More than 40cm of peaty textured material within the upper 80cm of the soil profile;</u></li> <li><u>(ii) organic mineral or peaty textures present within the 30cm depth.</u></li> </ul> </li> <li><u>• Organic mineral soil has more than 10% organic matter, where the clay content is more than 50%, or between 6% to 10% organic matter for soil with less than 50% clay, as shown in Figure 3 of the ALC Guidelines.</u></li> </ul> <p><u>It is acknowledged that the ground investigation of the PSR is only relevant to deep peat deposits, while the ALC Report is the source for identification of the presence of peaty soils (or soils otherwise high in Soil Organic Matter (SOM)) as determined through soil sampling undertaken for ALC classification. While these data sources can be complementary, they are independent types of survey with no direct crossover.</u></p> <p><u>For the Proposed Development it is appropriate that the PSR targeted only areas of potential peat deposits within Work No.1-5 in Area C. This is because Work No. 6 is set aside for green infrastructure because the coal mining history of Areas A, B, and D preclude the possibility of peat deposits.</u></p> <p><u>Recent (2024) soil resource sampling (SRS) was undertaken across</u></p>	<p><u>The peat probing presented in the Peat Survey Report (PSR) has been undertaken at an appropriate density to provide an indication of peat depth. This information should be integrated with the soil survey outputs gathered as part of the Agricultural Land Classification (ALC) survey, which include soil textures.</u></p> <p><u>The geotechnical ground investigation of the PSR is not an appropriate peat survey methodology to inform a peat management plan, but is rather a survey to inform the engineering appropriateness of the ground conditions, and as the Applicant states, are 'independent types of survey with no direct crossover'.</u></p> <p><u>Agree the justification for the targeting of the peat surveys in Area C only.</u></p> <p><u>Natural England welcome the integration of additional soil data derived from the verification SRS in a future updated submission.</u></p> <p><u>Natural England confirm that no</u></p>	



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		<p><u>Areas A and B for ALC, while Area C was able to rely on a former (1990) ALC study/sampling (see ref NE9 re: ALC outcomes). In addition, the Applicant can confirm that during the 2024 survey of Areas A &amp; B, a selection of SRS were taken at points across Area C to verify the 1990 survey, but the outcomes were not clearly reported within the ALC Report or ES Chapter 10 – Ground Conditions, and only feature indirectly in the figures of the OSMP without result details. This will be rectified in a future updating submission.</u></p> <p><u>It is agreed that the Applicant does not need to undertake any additional pre-determination assessments relating to peat deposits or peaty soils, and that the application provides a suitable baseline to inform design parameters and outline control documents. This is subject to the Applicant providing additional information for Natural England's review that brings together existing-but-disparate sources of information into a coherent package that identifies the peat deposits, areas of peaty soils, and other soil types.</u></p>	<p><u>further surveys (soil, ALC or peat) are required, however continue to emphasise the ground investigation logs currently presented in the PSR are not appropriate to inform the environmental information to inform peat extent, peat condition, peat handling and peat restoration. Although fully agree their suitability to inform ground conditions for engineering purposes.</u></p> <p><u>Natural England welcome the amalgamation of all appropriate soil and peat information to inform soil/peat across the site, soil/peat handling and subsequent restoration.</u></p>	
NE17	<u>General approach to peat resource management</u>	<p><u>The protection of peat resources (deposits and peaty soils) apply across all phases of the Proposed Development.</u></p> <p><u>This includes commitments to avoid (exclude) identified peat deposit areas from the final design where development works would have the potential to harm peat deposits, and to include management methods in relevant control documents for mitigation of effects on peat deposits and soil resources, including peaty soils.</u></p> <p><u>Subject to Natural England being satisfied that peat management mechanisms are appropriately secured by the existing document suite, which reflect relevant principles of "Annex 1: Peat</u></p>	<p><u>In the absence of England-specific peat guidance, Natural England welcome the use of the SEPA 2012 Guidance.</u></p> <p><u>The excavation and movement of any peat should be avoided.</u></p> <p><u>Natural England are satisfied, that given the limited extent of peat across the Site, a single Soil Management Plan (SMP) can be</u></p>	<p><u>Work Plans [APP-007]</u></p> <p><u>OCEMP [APP-108]</u></p> <p><u>OLEMP [APP-145]</u></p>

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		<u>Management Plan” of SEPA’s “Guidance on the Assessment of Peat Volumes, Reuse of Excavated Peat and the Minimisation of Waste” guidance where appropriate, it is agreed that a standalone Peat Management Plan (PMP) or DCO Requirement is not required.</u>	<u>prepared and submitted, which includes the appropriate site-specific peat management mechanisms.</u>	
NE18	<u>Construction phase peat protection</u>	<p><u>The Applicant’s general approach to the establishment of peat resource protection mechanisms is weighed heavily in the relevant construction phase control documents. This is agreed as appropriate because the pre-construction ground investigations can add to the existing PSR/SRS baseline to inform the final measures for the CEMP and OSMP, because the construction phase poses the most risk to these interests due to the nature and intensity of activities on Site, and because all subsequent phases will base their measures on the mitigation required for construction and/or any additional data that arise from construction works.</u></p> <p><u>The relevant construction phase control documents include the OCEMP and the OSMP. Management measures are based on the mitigation hierarchy of avoid &gt; mitigate &gt; compensate, although it is not proposed that the latter will be engaged as management mechanisms are directed to prevent peat resource loss. The Applicant proposes that the OCEMP deal with identified peat deposits while the complementary OSMP is the control document for soil resource management, including peaty soils.</u></p> <p><u>Consideration of peat deposits is across the OCEMP, but particularly within section 11 (and specifically at section 11.3). The OCEMP also commits that the final CEMP (DCO Requirement 4) will be informed by ground investigation (e.g. geotechnical and other survey) outcomes. It is agreed that the OCEMP provides a suitable foundation for peat deposit protection in construction in the final CEMP which will be subject to consultation with Natural England in</u></p>	<p><u>It would be expected that the outline Soil Management Plan (oSMP) is revised into a detailed SMP, prior to construction by the contractor, which includes specific plant; and detailed site plans. This would then inform soil handling during the construction phase.</u></p> <p><u>The SMP should include soil resource management including for peaty soils and peat. Although acknowledge that the Applicants subsequent comment in paragraph 4 of NE18 position suggests this will be the case.</u></p> <p><u>As previously mentioned, the geotechnical ground investigation of the PSR is not an appropriate peat survey methodology to inform a peat management plan (or in this case, the Soil Management Plan), but is rather a survey to inform the engineering</u></p>	<p><u>OCEMP [APP-108]</u></p> <p><u>OSMP [APP-110]</u></p>

Ref	Topic	Applicant's Position	NE's Position	Application Ref
		<p><u>advance of submission to discharge DCO Requirement 4.</u></p> <p><u>The OSMP provides governance for soil resource conservation during construction. Following discussion with Natural England the OSMP is being updated to include an informational section reflecting existing baseline conditions which draw on the existing data sources across the application suite. This will more coherently identify areas of peat deposits in conjunction with soil characterisations arising from the 2024 and 1990 SRS. This will enable additional targeted measures to be added to the SMP if necessary, and help clarify the relationship between soil types on various parts of the Site with corresponding protection methodologies.</u></p>	<p><u>appropriateness of the ground conditions.</u></p> <p><u>Natural England welcome the use of the mitigation hierarchy</u></p>	
NE19	<u>Operational phase peat protections</u>	<p><u>The likelihood of effects during operations akin to the risks of the construction phase is highly limited due to the static low maintenance nature of solar energy generating technology.</u></p> <p><u>The application's approach to peat protection/management during the operational phase will be based on what is secured in the final CEMP and SMP for the construction phase and will reflect any updating information arising from construction that may be relevant to peat protection/management moving forward (e.g. should a peat deposit be revealed in construction that was not identified in pre-construction, the construction phase measures would apply to that following discovery, and the baseline would be updated for the operational phase control documents.</u></p> <p><u>The Applicant proposes to bring forward any measures from the construction phase that could be relevant to mitigate potential effects during operations via the OLEMP and OOMP. The final LEP and LEMP will also base landscape enhancement and management measures on updated assessments, including any new data on soils arising from pre-commencement surveys, and will appropriately</u></p>	<p><u>Noted and agreed. No pre-application consultation is required.</u></p>	<p><u>OCEMP [APP-108]</u></p> <p><u>OSMP [APP-110]</u></p> <p><u>OLEMP [APP-145]</u></p> <p><u>OOMP [APP-107]</u></p> <p><u>LSP [REP2-046]</u></p>

Ref	Topic	Applicant's Position	NE's Position	Application Ref
		<p><u>account for different soil types and the presence of any peat deposits in the management measures.</u></p> <p><u>The Applicant considers that NE should be satisfied that there will be further opportunity improve the control documents as the DCO Requirements for the CEMP and LEMP require consultation with NE before they are submitted to the Council to discharge the Requirements. NE are not currently named in the DCO Requirement for the SMP, but this would not prevent such engagement which the Applicant considers the only sensible way to approach the application process. However, the Applicant would support the addition of NE in the wording of the requirement itself on request.</u></p>		
NE20	<u>Decommission phase peat protections</u>	<p><u>It is the Applicant's position that the provision of peat protection measures for the decommissioning phase are appropriately secured via the FDMP. This requires that a future DMP document suite provide for decommissioning a substantially similar array of management plan documentation as was provided for the construction phase, only based on up-to-date baseline conditions and up to date environmental best practice standards. The baseline will be informed by things including the monitoring required by the LEMP in relation to BNG, which are likely to also include habitat, species, and soil surveys as required. As the soils on the Site will have benefitted from the cessation of intensive agriculture and associated fertiliser/pesticide use. This is expected to improve soil structure and increase Soil Organic Matter (SOM) and Soil Organic Carbon (SOC) over time. The Applicant considers that the decommissioning soil management plan will need to factor in the evolved conditions on Site and provision in made for this within the FDMP (see also NE.11).</u></p>	<p><u>The peat protection measures should be captured in the detailed SMP, which will remain live for the duration of the development.</u></p> <p><u>It would be expected that the soil and peat is restored to the baseline conditions as identified during the planning stages of this proposal, i.e. the inherent soil properties such as ensuring the soil profile reflects the original baseline profile, such as horizon depths and textures.</u></p> <p><u>Agree that decommissioning should not damage or degrade the soil or peat resource.</u></p> <p><u>It should be noted that whilst</u></p>	<u>FDMP [APP-111]</u>

Ref	Topic	Applicant's Position	NE's Position	Application Ref
			<u>SOC and structural condition of the soil may improve during the operation of the solar farm, this should not be assumed. The trafficking of the site to install and decommission the infrastructure may introduce structural damage (i.e. compaction), which would need to be identified and remediated following construction and following decommissioning, where identified.</u>	

## 2.4 Matters not agreed

- 2.4.1 There are currently no matters which have not been agreed, or which are not anticipated to be agreed during Examination, between ~~Natural England~~NE and the Applicant.

## 3 Record of Engagement

### 3.1 Summary of consultation and engagement

3.1.1 The table below summarises communication in relation to progressing this SoCG.

**Table 3.1 Summary of consultation and engagement with NE**

Ref	Date	Engagement Type & Record	Key topics and outcomes
NE.A	05.09.23	NE input into EIA Scoping Opinion (ES Appx 2.2 EIA Scoping Opinion [APP-097])	<ul style="list-style-type: none"> <li>Confirmed that the Proposed Development had not triggered an Impact Risk Zone and is unlikely to adversely impact international or national designated sites.</li> <li>Advised that a Habitats Regulations Assessment is necessary.</li> <li>Agreed that Best and Most Versatile (BMV) agricultural land can be scoped out but that soil impacts should be assessed, with provisions set out in a Soil Management Plan.</li> <li>Advised on the assessment of the River Derwent and Bassenthwaite Lake SAC and the River Derwent and Tributaries Site of Special Scientific Interest (SSSI)</li> <li>Advised that ancient woodland should be scoped in for construction and decommissioning</li> <li>Advised that the ES should include the measures taken to avoid or minimise lighting impacts on biodiversity</li> <li>Advised that the ES should include an assessment of habitat loss, disturbance and fragmentation of modified sheep grazed grassland.</li> <li>Recommended that the ecological baseline is robust and justifies extent and scale of surveys, including hen harrier, and advised on assessment of species.</li> <li>Advised on how Dean Moor CWS has been considered as part of assessment and enhancements considered necessary.</li> </ul>

Ref	Date	Engagement Type & Record	Key topics and outcomes
NE.B	13.09.23-09.11.23	Emails (ES Appx 8.9 Stakeholder Engagement [ <a href="#">APP-158</a> ])	<ul style="list-style-type: none"> <li>The Applicant shared the scoping methodology for passage and wintering bird surveys for Natural England to confirm it was agreeable.</li> <li>Natural England's ornithologist confirmed the methodology is suitable, although a specific survey to assess hen harrier usage will be required.</li> <li>The Applicant requested feedback on the proposed hen harrier survey methodology.</li> <li>Natural England confirmed the scope of the hen harrier survey methodology was acceptable</li> </ul>
NE.C	16.05.24	Statutory Consultation Response summarised in Table 8.3 of ES Ch8 [ <a href="#">APP-038</a> ]	<p>NE advised that an SHRA would be needed to assess potential impacts on the River Derwent and Bassenthwaite Lake SAC</p> <p>NE advised on the scope of the SHRA, including assessment of potential disturbance of otters and Solway Firth SPA birds</p> <p>NE advised that pollution to designated sites should be scoped into the SHRA</p> <p>NE recommended nature-based solutions to manage and improve drainage on-site</p> <p>NE provided advice on the ALC report and requested an ALC survey of un-surveyed land in Areas A and B.</p> <p>NE provided advice on soil handling methodologies and reinstatement of soils to their baseline ALC grade post-decommissioning</p> <p>NE advised on the scope of the Outline Soil Management Plan and the handling of peat</p>
NE.D	22.11.24	Emails (ES Appx 8.9 Stakeholder Engagement [ <a href="#">APP-158</a> ])	The Applicant confirmed that wintering bird and hen harrier surveys are complete and that no hen harriers were observed.
NE.E	02.12.24	Meeting (ES Appx 8.9 Stakeholder Engagement [ <a href="#">APP-158</a> ])	<p>Applicant provided an update on the changes to the Proposed Development since the statutory consultation, and an overview of the engagement being undertaken.</p> <p>Discussion of each of the points raised by Natural England in their statutory consultation response, including: SHRA drainage; LEMP; dormice and great crested newt; and ALC and soil management.</p> <p>Applicant provided an overview of survey results for Phase 2 surveys, wintering birds, and hen harrier.</p> <p>Discussion of the proposals for mitigation and enhancement for biodiversity on-site.</p> <p>Discussion of Lostrigg Solar DCO and the assessment of cumulative impacts on the qualifying features of the SPA within the SHRA.</p>

Ref	Date	Engagement Type & Record	Key topics and outcomes
			Discussion of the BNG calculation. Discussion of information boards proposed around the permissive paths.
NE.F	03.12.24	Emails (ES Appx 8.9 Stakeholder Engagement [APP-158])	The Applicant shared the wintering bird survey data in order confirm whether there is any link to the Solway Firth SPA with Natural England. Natural England's ornithologist reviewed the bird survey results.
	21.01.25	Emails (ES Appx 8.9 Stakeholder Engagement [APP-158])	Natural England confirmed they do not have data for dormice and GCN and to contact the Cumbria Biodiversity Data Centre. Natural England confirmed no amendments to make to the meeting minute.
NE.G	30.01.25	Emails (ES Appx 8.9 Stakeholder Engagement [APP-158])	The Applicant enquired whether there was any comment on Appendix 8.6 Wintering Bird and Hen Harrier Survey Report. NE confirmed they had no further comment.
NE.H	05.02.25	Emails (ES Appx 8.9 Stakeholder Engagement [APP-158])	The Applicant sought to confirm if comments on Wintering Bird and Hen Harrier Report would be provided or that report was satisfactory.
NE.I	10.07.25	Email	Natural England shared the draft SoCG with the Applicant and added additional rows to address the points raised in the NE RR on peat and Nationally Designated Landscapes. NE confirmed that all matters have been agreed, with the exception of the ongoing discussion on peat.
NE.J	10.07.25	Meeting and Email	NE returned the draft SoCG with comments, indicating that all matters are agreed with the exception of peat which is under discussion, and added points from the RR. NE and the Applicant met to discuss the SoCG and agreed that the Applicant would set out the approach to NE's Peat Specialist to progress resolution of this topic..
NE.K	18.07.25	Email	The Applicant wrote to NE to set out the approach within the application to peat management for the consideration of the NE peat specialist.
NE.L	20.08.25	Email	NE wrote to the Applicant with comments from the Soil Specialist on the Peat Survey Report. These are currently being considered by the Applicant.



Ref	Date	Engagement Type & Record	Key topics and outcomes
<u>NE.M</u>	<u>08.09.25</u>	<u>Online meeting</u>	<u>The Applicant and NE met to discuss the Applicant's draft response to the NE Written Representation on the matter of the peat survey. The two parties agreed an approach for addressing NE's comments within the OSMP, in pulling together the conclusions of the PSR and SRS, which is reflected within this dSoCG in Table 2.2.</u>

## 4 Signatures

4.1.1 This Statement of Common Ground is agreed upon:

On behalf of Natural England

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

