



Dean Moor Solar Farm

Applicant Response to Natural England Written Representation (REP2-060)

on behalf of **FVS Dean Moor Limited**

30 September 2025
Prepared by: Broadfield
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**DEAN MOOR SOLAR FARM
APPLICANT RESPONSE TO REP2-060 (NE) WRITTEN
REPRESENTATION SUBMITTED AT DEADLINE 2
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

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1 Introduction

1.1 Overview

- 1.1.1 A Written Representation ('WR') was received from Natural England [REP2-060] at Deadline 2 (D2). This 'Applicant Response to the Natural England Written Representation' ('ARWR-NE') [D3.4] 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 This document sets out the Applicant's response to the Natural England (NE) WR [REP2-060]. The Applicant's responses to the other WRs from Interested Parties (IP) at D2 (the 'Deadline 2 submissions') are set out within the response to Potato Pot Wind Farm [D3.6] and the response to James Howell [D3.5].
- 1.1.3 The Applicant has responded where the Applicant believes that an update for the ExA on each matter would be beneficial to reflect the status of discussions between NE and the Applicant since the NE WR was submitted. Where an issue raised within a response has been dealt with previously by the Applicant, for instance within one of the documents submitted to the Examination, a cross reference to that response or document is provided to avoid unnecessary duplication. The information provided in this document should, therefore, be read in conjunction with the material to which cross references are provided.
- 1.1.4 The Applicant has sought to respond to all material points by copying them directly or summarising them in Table 2.1.
- 1.1.5 A lack of response should not be treated as the Applicant accepting or agreeing with the point raised. If the ExA or any party considers that a material point has not been addressed, they may raise this in their

response to this document and the Applicant will consider the merits in making a direct response.

1.2 Background

- 1.2.1 The Applicant has had positive engagement across a range of topics, covering the scope of surveys / methodology undertaken to support the assessment of biodiversity within ES Chapter 8 [REP2-053] and the shadow Habitats Regulations Assessment (sHRA) [APP-156], the assessment conclusions, and the mitigation proposed for any potential effects.
- 1.2.2 As set out within Annex 1 of the NE WR, NE currently have no fundamental concerns regarding the Proposed Development. Agreement on relevant matters is set out within the dSoCG [D3.14]
- 1.2.3 The only matter under discussion is the concern NE has raised in relation to the potential impacts on peat and the requirement for a Peat Management Plan, which is the focus of the WR. The Applicant considers that the response in Table 2.1 reflect the agreement reached through discussions with NE on the actions required to suitably address NE's concerns. The dSoCG submitted at D3 [D3.16] establishes that these matters remain '*under discussion*', but that they are agreed in-principle subject to NE's review of the agreed updates to the relevant control documents, the scope/content of which have also been agreed.

2 Applicant Response to REP2-060 (NE) Written Representation

Table 2.1: Applicant Response to REP2-060 (NE)

Ref	Matter Raised	Applicant Response
NE.1	<i>Natural England has been engaged by the applicant following the submission of our Relevant Representations on 19th June 2025. The applicant has begun work on a draft Statement of Common Ground (SoCG) with Natural England which is yet to be finalised. Natural England do not consider that any of the concerns under discussion within the SoCG are fundamental. However, Natural England is currently in discussion with the applicant regarding the outstanding matter relating to potential impacts on peat from the project. This area therefore remains an amber concern.</i>	<p>The Applicant agrees that, apart from the outstanding matter relating to peat, no fundamental issues remain outstanding.</p> <p>The Applicant's detailed response is provided here. However, the Applicant has provided a summary of NE and the Applicant's positions on the following matters within the dSoCG [D3.16]:</p> <ul style="list-style-type: none"> the appropriateness of pre-application peat surveys to inform the definition of the Work Areas for the Proposed Development; and the approach to further consideration of peat pre-commencement, including additional surveys and the requirement for further mitigation and method statements to be agreed.
NE.2	<i>The applicant has undertaken a peat survey (Appendix 10.3) across part of the site, with an increased survey density in areas with proposed for permanent infrastructure. Whilst this survey density is appropriate, Natural England have some concerns regarding the robustness of the data presented and the conclusions drawn.</i>	Noted. The Applicant continues to engage with NE to address these concerns. Responses to these concerns are provided below as required.
NE.3	<i>A separate Soil Resource Survey (SRS) has also been undertaken across the Site, including topsoil analysis, which shows that none of the samples were peat. It is not clear why the Peat Survey Report did not cross reference to the SRS, and why there is inconsistency between the findings of the two surveys.</i>	<p>The Soil Resources Survey (SRS) is provided within the Appendix D to the Agricultural Land Classification (ALC) Report [APP-105].</p> <p>While the southern part of the Site (Area C) benefitted from a pre-existing Post-1988 MAFF ALC (ALC Report Appendix B) confirming lack of Best and Most Versatile (BMV) agricultural land, Areas A and B which are restored open cast mining did not benefit from a detailed survey.</p> <p>The SRS was prepared to verify the ALC grade to be assigned to the soils in Area A and B, rather than to assess for peat. As per the SLS for Area A and B, none of the soils were</p>

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		<p>identified as peat or peaty. This confirmed the Applicant's expectations, as the potential locations of peat identified in the British Geological Survey (BGS) records were confined to Area C (Figure 4 of the Phase 1 Ground Conditions Assessment [APP-169]). The Peat Survey Report (PSR) [APP-173], describes the peat survey undertaken in general accordance with Guidance on Developments on Peatland (SEPA, 2017) across Area C. The survey comprised a series of 808 probes and 9No. hand pits. In peat probing, the probe is pushed into the ground by hand until stopped by resistance at the tip on bedrock, gravel, sand, or firm clay. No samples are taken by the probe and so it is not possible to determine, by probing alone, the difference between peat and soft soil in the probe interval. The approach aligns with normal practice, where confirmation of the presence of peat is provided by pitting. In areas where confirmation by pitting is not undertaken, the peat survey can only provide information regarding areas of potential peat. In the nine hand pits excavated, only two recorded the presence of peat with thickness of 0.46 and >1.45m. As the SRS data relates to the soils only in Areas A and B for the purpose of ALC grade verification, and the PSR sets out the details of the peat survey across only Area C, there is no inconsistency in the findings of these two surveys which, although complementary, are independent surveys with distinctive methodologies. NE agreement on this and related matters is reflected in the updated NE dSoCG [D3.16].</p>
NE.4	<p><i>The peat survey has identified a number of points in which the peat depth was up to 1m in depth. It is not clear as to why the 1m depth was used as a threshold for the area of peat stated in Section 1.4.3 of the report. The applicant uses the definition of deep peat being greater than 50 cm (para 1.3.1), with a Soil Organic Matter (SOM) exceeding 60%. Using this proposed definition a depth of 50cm should have been used to identify the amount of deep peat from the survey (i.e. 59% of the surveyed area, not the 7.3% stated in para 1.4.3).</i></p>	<p>It is acknowledged that the peat probing survey identified potential peat to depths from <0.5m to >2.4m. The confirmatory hand pit locations targeted areas where deeper peat was potentially identified by the probing in order to confirm the presence/absence of peat.</p> <p>The purpose of this survey was to inform the extent of Work Areas for the Proposed Development, such that structures could be sited outside of areas where peat was likely to be present and not based on a fixed design.</p> <p>Further ground investigations are to be undertaken post-consent to confirm the geotechnical properties of the ground for engineering purposes and will include the identification of peat deposits beyond those identified in the PSR if these are discovered on the Site. As per the dSoCG [D3.16], it is agreed that the final SMP will reflect both the current baseline and any</p>

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		new information about soil and peat resources on the Site from pre-construction engineering surveys to ensure as comprehensive a baseline as possible for the final SMP (see NE.18)
NE.5	<i>However, as stated previously Natural England advise that the definition of 'deep peat' is when the depth is greater than 40cm as per our NE257 publication (https://publications.naturalengland.org.uk/publication/30021) rather than 50cm.</i>	Noted.
NE.6	<i>The Applicant also does not differentiate between 'peat' and 'soft soil' from the probing.</i>	As referred to in the response to NE.3, the differentiation between peat and soft soil cannot be achieved by probing and can only be confirmed by pitting. Where pitting has been undertaken the absence of peat or confirmed peat thicknesses are stated (see Table 1.2 of the PSR [APP-173]).
NE.7	<i>The 9 trial pit logs identified only 2 occurrences of peat, suggesting the peat depths indicated on Figure 1.4 are not an accurate representation of the peat extent across the site.</i>	This is correct; Figure 1.4 of the PSR [APP-173] does not purport to show peat extent across the Site and shows "soft soil/peat depth", noting the confirmed thicknesses of peat in callouts where pits were undertaken.
NE.8	<i>In the absence of this differentiation, the survey does not provide sufficient detail to delineate peat extent, nor inform soil management across the site (i.e. delineating different soil types to facilitate separate soil handling as per the Defra Construction Code of Practice for the Sustainable use of Soils on Construction Sites).</i>	<p>The purpose of the PSR [APP-173] was not to inform soil management during construction. Please refer to the Outline Soil Management Plan (OSMP) [APP-110] for these details.</p> <p>The purpose of the peat survey set out in the PSR was to assess the potential for peat deposits to be present as an engineering/design constraint due to the expectation and agreement with NE that the final design follow the mitigation hierarchy and avoid works which would entail the excavation (loss) of identified peat deposits. The more detailed engineering ground investigations will therefore provide an opportunity to supplement current available data and NE have agreed in the dSoCG (NE16) [D3.14] that no further pre-determination peat surveys are required.</p> <p>While the possibility of co-locating some types of development in areas with peaty soils will not be ruled out, it is likely that peat deposits (as opposed to merely soils with high SOM) would be avoided as they have been for the areas identified in the PRS. The outcome of further pre-construction surveys will allow the final design of the Proposed Development to be</p>

Ref	Matter Raised	Applicant Response
		<p>tailored to avoid (as far as was practicable) siting structures in areas of peat deposits and/or to inform any mitigation that could be implemented to enable works that could otherwise adversely affect peat deposits, with such details to be set out in the final Construction Environmental Management Plan (CEMP).</p> <p>As per the dDCO [REP2-004] the provision of a final CEMP is subject to consultation with NE in advance of a submission to discharge the DCO Requirement.</p>
NE.9	<i>The trial pit logs indicate that the samples were characterised in line with engineering methodology site investigation logs as opposed to soil survey requirements.</i>	<p>This is correct, please see the response to NE.7 above.</p> <p>The peat survey is not a soil survey and therefore does not aim to meet the requirements of a soil survey. As per the response to NE.3, the soil sampling of the SRS was for the purpose of ALC grading across only Areas A and B, and the peat survey was undertaken only in Area C where no soil sampling was required for ALC grading as per NE's response to the PEIR which recommended a detailed survey for Areas A and B to validate the ALC classification .</p>
NE.10	<i>The information provided in Appendix A therefore provides insufficient detail to inform a soil (and peat) management plan. A statement of competence of the soil surveyors should be provided to demonstrate appropriate skills and experience in undertaking peat and soil surveys to inform soil management.</i>	<p>The purpose of the peat survey is not to inform soil management during construction.</p> <p>These are addressed within Section 1.2 of the OSMP [APP-110]. The peat survey was undertaken to assess the potential for peat soils to be present, with a more detailed survey undertaken in areas where potential structures were proposed, such that the design of the proposed development could be tailored to avoid and/or appropriately mitigate potential effects on peat deposits.</p>
NE.11	<i>Natural England advise that once the above points have been considered that a plan is provided to indicate the areas of the site where peat depth of 40cm and above is located. This will then determine suitable exclusion areas. Currently Figure 3.5 of the Environmental Statement includes very minimal exclusion areas for peat.</i>	<p>As described in paragraph 5.5.6 - 7 of the Outline CEMP (OCEMP) [APP-108].</p> <p><i>'The final design will reflect habitat protection exclusion areas for RPAs, hedgerows, peat deposits, watercourses, and any other habitats that may be present prior to works. These buffers would help establish green networks across the Site at construction outset and serve to preserve valuable habitats, for example hedgerow protection will benefit foraging and commuting bats and nesting birds.</i></p> <p><i>The demarcation of these buffers and other exclusion areas identified as part of the habitat and species protection would be overseen by the PC with assistance from the ECoW to confirm compliance with the appropriate RAMS. Locations and the types of barriers to be used will be set</i></p>

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		<p><i>out in the CEMP, with provision for further protection zones to be established as a result of updated surveys in advance of and during construction.'</i></p>
NE.12	<p><i>The proposed Work Plans (Drawing ref EN010155/2.3) indicate that Work 3 works may be needed on the areas the applicant has outlined as deep peat. Work 3 works includes the laying of electric cables and access tracks both of which could cause degradation of the wider body of peat beyond the parameters of the infrastructure itself.</i></p>	<p>This matter has been raised previously and has been addressed within the 'Applicant Response to Relevant Representations' (ARRR) [REP1-002], which indicates, '<i>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.</i>'</p> <p>There are two small areas of peat within Work No. 3, where it is theoretically possible to place cables and access tracks within these areas based on the Work No. as defined by the Design Parameters Document (DPD) [APP-028] and dDCO [REP2-004]</p> <p>However, this could only be undertaken through agreement of appropriate mitigation and a dedicated Method Statement (i.e. peat management plan) with Natural England. These commitments are described in section 11.3 of the OCEMP [APP-108].</p> <p>The Applicant considers that if development can be undertaken with mitigation deemed appropriate by the relevant authorities it does not need to be restricted by the Work No, and any development which could not be appropriately mitigated would not be allowed regardless of the theoretical potential of the Work No.</p> <p><i>11.3.18 Where activity needs to take place within identified areas of peat for these specific landscape and ecological enhancements, the following measures could be followed to ensure that any compaction or drying out of the peat resource is avoided:</i></p> <ul style="list-style-type: none"> <i>• Traffic is excluded from the areas of peat by way of physical temporary fencing. For any temporary traffic that is absolutely unavoidable methods shall follow those set out in the SMP and/or the CEMP.</i> <i>• Where areas of peat or soft ground are to be temporarily accessed during the works then suitable temporary access measures are used comprising either low ground pressure tracked plant or temporary trackway. Wheeled plant is not used in these areas to avoid risk of rutting.</i> <i>• The PC ensures any workers in this area have proven experience of working in a peat environment for all works in those areas.</i>

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		<ul style="list-style-type: none"> <i>The PC ensures that all contractor employees, sub-contractors (irrespective of whether employed by the PC or the Client), suppliers, and other visitors to the Site are made aware of the specific locations of peat on Site and in relation to their works.</i> <i>The identified areas of peat are physically identified on Site and their locations are clearly identified on Site plans.</i> <i>The CEMP will include a series of requirements and a dedicated Method Statement setting out the measures and controls to protect peat on-Site.</i> <i>The FWRA will be prepared to ensure that the proposed foundation method will not have an adverse impact by allowing drying out of peat.</i> <p>These commitments would also apply to areas of peat which have not been discovered and are identified through the ground investigation to be undertake prior to construction, as described in NE.13 below</p>
NE.13	<p><i>If larger areas of deep peat are present than currently indicated, then impacts on this from other proposed Work areas may also need to be considered.</i></p>	<p>Figure 1.4 within the PSR [APP-173] indicates peat is present at two locations within the Site where 'development' could take place. This aligns with the BGS records, which are provided in Figure 4 of the Phase 1 Ground Conditions Assessment [APP-169].</p> <p>It is noted that the areas of peat identified on the BGS records are confined to areas of the Site which are topographically unsuitable for solar, and other development, because they are generally within stream gullies. It is noted that the Applicant has committed to an 8m exclusion from the bank for watercourses (and these have been designed for in the Work Plans) (which covers much of the area shown on the BGS records). On this basis, it does not present a challenge for the Applicant to avoid these areas of peat with the detailed design.</p> <p>The need for further targeted ground investigation prior to commencement, and which would include further surveys for peat is acknowledged in Section 11.4 of the OCEMP [APP-108].</p> <p><i>'As discussed above, the detailed design of the Proposed Development will be informed by ground investigation and interpretative assessment.'</i></p> <p><i>'The CEMP will provide construction phase controls based on the detailed design, including measures (as / if found to be necessary) which may arise following the ground investigation.'</i></p>

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NE.14	<p><i>Design should ensure works both on and off peat do not compromise the wider peat mass in terms of hydrological connectivity.</i></p>	<p>The Proposed Development does not involve changes to the natural drainage regime, or to the extent of natural drainage catchments over the Site which would otherwise potentially affect hydrological connectivity between the gullies/ depressions where the peat is generally located with the Site, the existing watercourses, or sources of surface or groundwater.</p> <p>The Flood Risk Assessment and Outline Drainage Strategy (FRA & ODS) [APP-099] addresses the potential impacts on surface and groundwater during construction and operation.</p> <p>Regarding potential construction effects to surface or groundwater, section 7.2.2 of the FRA & ODS indicates:</p> <p><i>'Best practice construction measures will be undertaken to ensure that no adverse impacts on surface water or groundwater quality occur during the construction phase – i.e. to demonstrate that the water quality – and the rate of runoff – is not adversely affected by the construction operations. Full details will be set out in the CEMP, which will be secured by a DCO Requirement, and a detailed Soil Management Plan ('SMP') which will be part of, or sit alongside, the CEMP. The OCEMP and OSMP (ES Appendix 5.1) and (ES Appendix 5.3) respectively, provides a framework for these measures, specifying protocols for pollution prevention, sediment control, and soil management.'</i></p> <p>Regarding operational surface water effects, paragraph 7.3.4 of the FRA and ODS indicates:</p> <p><i>'As the Proposed Development is located outside the fluvial floodplain, there is no impact on fluvial floodplain capacity or fluvial flow routes. The design of the solar arrays is such that the ground level impact is negligible and will not impact on surface water flow routes (see further details in section 8.5).'</i></p> <p>Any elements of more significant impermeable surfacing – e.g. ancillary buildings or compounds – will include targeted SuDS features to demonstrate runoff will mimic greenfield rates, in accordance with criteria discussed and agreed with the Lead Local Flood Authority (LLFA) (to be provided at the detailed stage).</p> <p>In accordance with the dDCO [REP2-004] the Applicant will be required to provide a final Drainage Strategy which is substantially in accordance with the ODS. The ODS takes a nature-based-solutions approach to drainage which seeks to rely on landscape and minimal targeted SuDS only for the limited structure capable of representing new hardstanding in</p>

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		order to avoid changing existing greenfield runoff characteristic and existing geohydrological conditions. This approach has been affirmed as positive in the dSOCG [D3.14] (see NE.8).
NE.15	<p><i>As stated in our Relevant Representation response, to ensure the development will result in minimal disruption to deep peat, and that the carbon balance savings of the scheme are maximised, the examining authority should be satisfied that the solar farm layout and construction methods have been designed to minimise peat soil disturbance and should take into account the policies set out in the England Peat Action Plan 2021 (EN-3 paragraph 2.10.156).</i></p>	<p>NPS para 2.10.156 advises,</p> <p><i>Where developments are proposed on peat..., the Secretary of State should be satisfied that the solar farm layout and construction methods have been designed to minimise soil disturbance during construction and maintenance of roads, tracks, and other infrastructure and in England should take into account the policies set out in the England Peat Action Plan 2021....</i></p> <p>The Applicant is committed to minimise the impact on peat and has committed to measures via the OCEMP and OSMP (for the construction phase) and the OLEMP and OOMP (during the operational pages) that reflects the Applicant's compliance with EN-3 paragraph 2.10.156 is addressed in the Policy Compliance Document (PCD) page 109 [APP-027].</p>
NE.16	<p><i>The applicant has advised that the restoration of the peat across the site is not possible as the project is only temporary (40 years) and will need to return to agricultural use after decommissioning. If further assessment based on our comments above indicates a wider presence of deep peat across the site then Natural England advise that peat restoration is likely to be the most beneficial biodiversity enhancement for the site by ensuring the restoration of a irreplaceable habitat.</i></p> <p><i>The siting of renewable and low carbon energy development should not exacerbate climate change impacts or diminish the ability to adapt to climate change impacts through nature recovery and Nature-based Solutions such as peatland restoration. The government's Environmental Improvement Plan has identified peatland restoration as a key mechanism for achieving our legally binding target of net zero carbon emissions by 2050, and aims to restore approximately 280,000 hectares of peatland in England by this Time.</i></p>	<p>Even if additional or larger areas of peat are identified by the Applicant in the pre-commencement surveys which are committed to in the OCEMP [APP-108] (as described in the response to NE.13), the Applicant would take the same position.</p> <p>It is acknowledged why NE would recommend peatland restoration as a positive opportunity for biodiversity enhancement, but this is not an option that the Applicant can consider as a reasonable alternative to what is set out in the application's Landscape Strategy Plan (LSP) and OLEMP. The Proposed Development will be limited to a 40-year operational life, after which it will need to be restored to its current use.</p> <p>Most of the Site is in pastoral agricultural use and, the Site will need to be restored to that existing use. This means that the Applicant's ability to progress any further enhancement or restoration of peat are limited.</p> <p>NPS EN-3 confirms that good solar farm design should reflect the temporal limitations (e.g. at 2.10.86 - <i>Given the temporary nature of solar PV farms, sites should be configured or selected to avoid the need to impact on existing drainage systems and watercourses.</i>)</p> <p>Seeking to turn what is well drained farmland into peatland would undermine the return to agriculture and conflict with policies in NPS EN-3 such as para 2.10.86 and 2.10.151.</p>

Ref	Matter Raised	Applicant Response
		This has been discussed with NE and is agreed as per the updated NE dSoCG [D3.14] which reflects NE confirmation (see NE.15).
NE.18	<i>Conclusion ... Natural England's only concern with the project is the potential impacts on peat., which we are in dialogue with the applicant to resolve. Natural England will continue to work with the applicant, including engaging our soil specialists, to ensure the any new information provided is considered appropriately, and any changes in our advice will be captured within the Statement of Common Ground.</i>	<p>The Applicant thanks NE for their feedback, and as described in the response to NE.1 will continue to engage with NE to agree these matters through the process of agreeing the SoCG [D3.14]</p> <p>The dSoCG update provided at D3 reflects the positive engagement between the Applicant and NE since the NE WR [REP2-060] which primarily highlighted what NE considered to be unresolved matters relating to peat resources (including peat deposits and peaty soils) across the Site. Through productive meetings and written correspondence there has been agreement on the steps to be taken by the Applicant to resolve this outstanding topic. This includes agreement on the principle of what will be done (the scope of which is also agreed) with the next version of the dSoCG to close things out subject to NE review of the updates which will via the OCEMP [APP-108] and predominantly the OSMP [APP-110].</p>

Appendix A: xx