



Dean Moor Solar Farm

Applicant Response to REP2-062
(JCH) Written Representation
Submitted at Deadline 2
on behalf of **FVS Dean Moor Limited**

30 September 2025
Prepared by: Broadfield
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**DEAN MOOR SOLAR FARM
APPLICANT RESPONSE TO REP2-062 (JCH) WRITTEN
REPRESENTATION SUBMITTED AT DEADLINE 2
PLANNING INSPECTORATE REFERENCE EN010155
PREPARED ON BEHALF OF FVS DEAN MOOR LIMITED**

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Contents

1	Introduction.....	1
1.1	Overview.....	1
1.2	Background	1
2	Applicant Response to REP2-062 (JCH) Written Representations	2

1 Introduction

1.1 Overview

- 1.1.1 A Written Representation ('WR') was received from James Christopher Howell ('JCH') [REP2-062] at Deadline 2 (D2). This Applicant Response to the JCH Written Representation ('ARWR-D2') [D3.6] 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 JCH WR. 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 REP2-060 [D3.4] and the response to REP2-061 [D3.5].
- 1.1.3 The Applicant has sought to respond to all material points raised by IP's by copying them directly or summarising them in the table below. However, the Applicant may not reproduce the WR in full, nor responded to every individual item to reduce the length of this document.
- 1.1.4 A lack of response should not be treated as the Applicant accepting or agreeing with the point raised. If the Examining Authority ('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 A Relevant Representation ('RR') was received from JCH as an IP [RR-002]. The Applicant provided a response to this within the 'Applicant Response to Relevant Representations ('ARRR') [REP1-002].

2 Applicant Response to REP2-062 (JCH) Written Representations

Table 2.1: REP2-062 (JCH)

Ref	Matter Raised	Applicant Response
JCH.1	<i>I have already submitted one complaint about this project in the initial stages and should take that and its legal implications particularly the objection made with regard to fraudulent statements throughout the application into consideration yet again. Failure to do will put the planning authorities in breach of law the application is up held in any form or part, and the Secretary of State if they take this into their own hands.</i>	<p>The Applicant followed and complied with the appropriate process in preparing and submitting its DCO application. This was submitted to the Planning Inspectorate ('the Inspectorate'), the government agency charged with the responsibility of examining NSIPs.</p> <p>A DCO application must include all documents required by legislation and provide details of the consultation undertaken before being submitted. The Inspectorate will only accept an application if all required documents have been submitted which are to a required standard to allow an examination of the application.</p> <p>The Applicant's submission was accepted and is now being examined by an ExA, appointed by the Inspectorate. The ExA will, in due course, submit a recommendation to the Secretary of State (SoS) about whether consent should be given. The relevant SoS will make the final decision in accordance with the Planning Act 2008.</p>
JCH.2	<p><i>I shall send the detail back you once again but to summarise:</i></p> <p><i>1) The application makes fraudulent statements as to potential output, benefits, community benefits and by making false assumptions of the environmental impact ... if planning consent is granted these fraudulent statements will become an object of legal restraint and the planners will be considered complacent as well as complicit. The planners are duty bound to make independent assessment of those frauds and draw the appropriate conclusions which is that they are misleading and inaccurate statements.</i></p>	<p>The Applicant has responded to these points, which were raised by JCH during the statutory consultation, in the Consultation Report (Appendix 6) Pages A157 – A167 [APP-022].</p> <p>The respondent also raised similar matters to their response to the statutory consultation in their RR [RR-002]. The Applicant has responded to these points within the Consultation Report (Appendix 6). See responses included at pages A141-142, A150-151, and A157-167, and in the ARRR [REP1-002] in Table 4.6 (see pages 69-70).</p>
JCH.3	<i>2) This particular land is not appropriate for this technology. This fact is also particularly relevant as there is already inappropriate technology</i>	The Applicant has previously responded to this matter during the statutory consultation. See the Consultation Report (Appendix 6) [APP-022] pages

Ref	Matter Raised	Applicant Response
	<p><i>on the site. There are alternative sites even in the locality - next to the Iggesund site in Seaton for example with far better solar qualities and in semi-urbanised area. Solar farms are a form of urbanisation and the planners must take that into consideration in a location that is both rural and close by to areas of outstanding natural beauty and a national park.</i></p>	<p>A148, and A156 – A167 and in the ARRR [REP1-002] at Table 4.6 (see pages 70-71).</p> <p>See also the following for further information on the topic of Site selection.</p> <ul style="list-style-type: none"> • ES Chapter 4 – Alternatives and Design Evolution [APP-035] • Design Approach Document (DAD) [APP-029] • Planning Statement (PS) section 6.3 [AS-10]
JCH.4	<p>3) <i>The site is largely reclaimed former open cast mining. It has known issues with infill and methane gas trapped below. Indeed there was an incident in which workmen preparing the site for the wind turbines nearly became fatalities when gas was released.</i></p> <p><i>If a fire occurred in the battery complex or in the ground from the effect of the solar panels overheating it is likely that this might ignite the hidden gas. The batteries, primarily because of use of lithium which is an unsafe fire risk at every level as any fire chief will tell you - a fire hazard difficult to put out and burns at excessive temperatures. I propose you reassess the fire hazard forthwith.</i></p>	<p>The Applicant previously responded to matters raised by JCH related to a potential Battery Energy Storage System (BESS) facility during the statutory consultation, within the Consultation Report (Appendix 6) [APP-022] (see pages A145, A155, and A168) and in the ARRR [REP1-002]. These responses all confirm that the BESS facility has been removed from the Proposed Development ahead of the submission and is not included in this DCO application.</p> <p>With respect to the Site's history of coal mining and associated hazards as they may relate to the Proposed Development, the Applicant's approach to this topic is provided by ES Chapter 10 – Ground Conditions [APP-041] and associated appendices including the Coal Mining Hazard Assessment (CMHA) [APP-171].</p> <p>The risk management and mitigation strategy is set out in section 11 of the Outline Construction Environmental Management Plan (OCEMP) [APP-108].</p> <p>The strategy has been developed through engagement with the Mining Remediation Authority (MRA) (formerly the Coal Authority) as the relevant authority for this topic and has been agreed by the MRA as appropriate as per the draft Statement of Common Ground (dSOCG) with the MRA [REP2-017].</p>
JCH.5	<p>4.) <i>The planned sight will create flood risks particularly flash floods into the River Marron threatening local inhabitants and beyond that flooding in the Derwent too. This is because the amount of solar panels is</i></p>	<p>The Applicant previously responded to matters relating to flood risk and drainage which were raised by JCH during the statutory consultation. Please</p>

Ref	Matter Raised	Applicant Response
	<p><i>equivalent to a non-absorbent glass surface of nearly 180 miles of a normal trunk road. The effect of any rainfall will be to create surface run-off and at least 75% possibly 80% will end up in the River Marron catchment and the remainder creating a wider lake or bog also undermining the wind turbines almost directly, particularly if the ground is hard or saturated. This area has been subject to regularly rainfall exceed 2 inches in a 24 hour period. Indeed there have been two incidences of this level of rainfall since this planning process first started. This is my expert opinion and I qualify that expertise other than a degree in Geography from Lancaster, but also relative to my father (who wrote the bible on the Nile watercourse) in my first written submission. I propose that no-one other than a qualified hydrologist confirm the data of the effect of say 2 inches of rain in 24 hours given the possible effect high rainfall on the amount of panels in a 700 acre site as projected.</i></p>	<p>see the Consultation Report (Appendix 6) [APP-022] (pages A167-A172) and within the ARRR [REP1-002] at Table 4.6 (pages 70-71).</p> <p>The application addresses this topic in the ES Appendix 2 – Flood Risk Assessment (FRA) and Outline Drainage Strategy (ODS) [REP2-022]. The FRA and ODS was prepared based on the Cook and McCuen (2013)¹ paper (amongst other resources as referenced in the FRA), which the respondent may find useful reading.</p> <p>The approach to flood risk assessment and the drainage strategy has been affirmed by the Council as the Lead Local Flood Authority (LLFA) (see the dSOCG [REP2-012]) and is also supported by Natural England (see the dSOCG [REP2-018] at NE8).</p>
JCH.6	<p>5.) <i>There 22 red listed birds observed on the site, according to the applicant's specialist diversity report. If that is the case then the dangers of solar panels has not been properly assessed. One being that when it is hot, solar panel temperatures are sufficient to damage birds, and bird scarers would not have the desired effect.</i></p>	<p>The Applicant has responded to similar matters relating to concern for biodiversity impacts, which were raised by JCH during the statutory consultation, within the Consultation Report (Appendix 6) Pages A152 – A154 [APP-022].</p> <p>The approach to ecology and biodiversity is covered by ES Chapter 8 – Biodiversity [REP2-053]. The Applicant is satisfied that any risks posed by the Proposed Development to bird life has been properly assessed within ES Chapter 8 – Biodiversity [REP2-053] and its associated appendices. Further, there is significant research that finds that solar farms are not inhospitable to birds and can benefit bird populations^{2, 3}.</p>

¹ Cook, L. and McCuen, R. (2013). "Hydrological response of solar farms." Journal of Hydrologic Engineering, volume 18, issue 5

² Copping, J. P., Waite, C. E., Balmford, A., Bradbury, R. B., Field, R. H., Morris, I., & Finch, T. (2025). Solar farm management influences breeding bird responses in an arable-dominated landscape. *Bird Study*, 1–6.

³ University of Cambridge, RSPB, Centre for Landscape Regeneration (2025). "Birdlife soars on nature-friendly solar farms". *University of Cambridge*. [Birdlife soars on nature-friendly solar farms](#)

Ref	Matter Raised	Applicant Response
		This position has been confirmed with Natural England (see the dSOCG with Natural England [REP2-018]).
JCH.7	<i>6) The site is situated between two major areas requiring specific visual impact protection. The Lake District National Park to the East. Even if the topography is not always clear or the weather conditions, and to an Area of Outstanding Beauty to the North, and North by North West in the Solway Forth. This makes for unsightly disposition along with all turbines, and the recent precedent in Northumbria sets an example for all rural sites.</i>	<p>The Applicant has previously responded to similar matters when raised by JCH during the statutory consultation. Please see the Consultation Report (Appendix 6) [APP-022] pages A172-176) and within the ARRR at Table 4.6 (page 71).</p> <p>The application documents on this topic are primarily found in ES Chapter 7 – Landscape and Visual [REP2-032] and associated appendices.</p> <p>Neither the Lake District National Park Authority (LDNPA) [REP2-016] or Natural England [REP2-018] (NE13) have raised concerns in relation to this matter.</p>
JCH.8	<i>7) The unintelligible process which fails British standards is a further warning. along with all the other points in the refusal of the application first made. Starting at the top of the Department.</i>	Please see the response to JCH 1.